

**U.S. Army Corps
of Engineers**
Baltimore District

Public Notice

In Reply to Application Number
CENAB-OP-RMS (CA DPW/APPEAL LANDFILL) 2015-60531

PN 15-76

Comment Period: October 30, 2015 to November 19, 2015

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Calvert County Department of Public Works
Mr. Michael Thomas
150 Main Street, Suite 202
Prince Frederick, Maryland 20678

LOCATION: In nontidal headwater wetlands off an unnamed tributary of Hellen Creek, at the Appeal Landfill, near Lusby, Calvert County, Maryland.

WORK: The proposed project would clear and fill approximately 39,820 square feet (0.91 acre) of forested nontidal headwater wetlands to construct an approximate 30-acre second cell of the existing Appeal Landfill. All work is to be completed in accordance with the proposed plans. If you have any questions concerning this matter, please contact Rod Schwarm of this office at 410-820-8550 or via email at Rodney.D.Schwarm@usace.army.mil.

This work was previously authorized under CENAB-OP-RP(CCDE/Appeal Landfill)91-00879 as the second cell of a two cell landfill. The first cell is near capacity and the second cell would allow the landfill to continue operation.

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to waters of the United States to the maximum extent practicable. The project has been designed to avoid any impacts to defined streams on the County's property. The proposed cell would be lined and storm water runoff would be treated. Compensatory mitigation is being proposed by the applicant for permanent impacts to nontidal wetlands by using 1.64 acres of forested wetlands created at the Gott Property consolidated wetland mitigation site and 0.26 acres of created forested wetlands at the Cage Farm Wetland Mitigation Bank.

The purpose of the project is to meet landfill demands for Calvert County residents.

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect essential fish habitat (EFH). The project site does not lie in or adjacent to EFH as described under the MSFCMA.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its

reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments provided will become part of the public record for this action. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Wetlands and Waterways Program, Maryland Department of the Environment, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230 within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, 1800 Washington Blvd. Suite 430, Baltimore, Maryland 21230, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

The applicant must obtain any State or local government permits, which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest, which may be adversely affected by the issuance of this permit, may request a public hearing. The District Engineer must receive the request, which must be in writing, U.S. Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest that may be adversely affected by this activity in the manner in which the interest may be adversely affected.

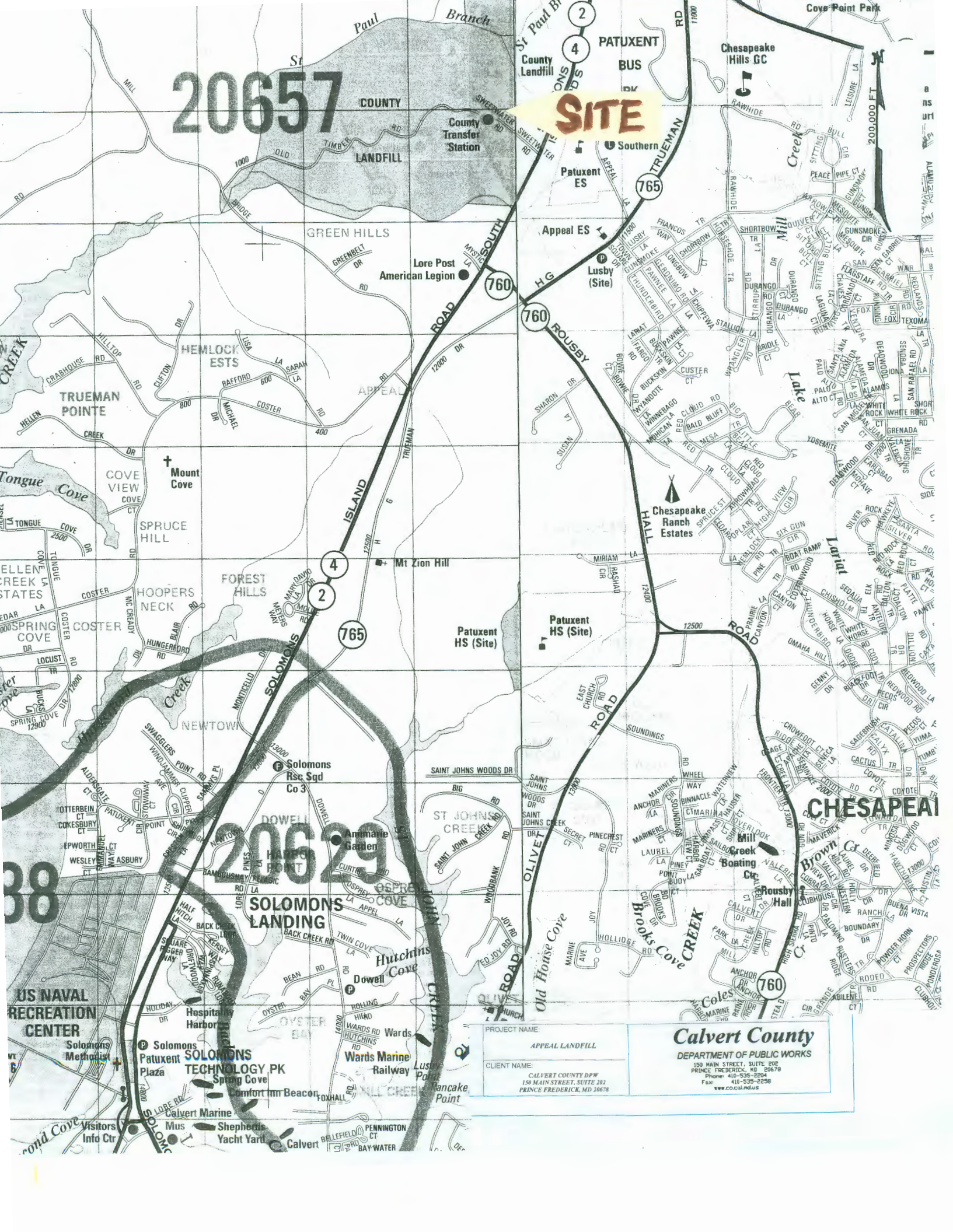
It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:

Kathy B. Anderson
Chief, Maryland Section Southern

20657

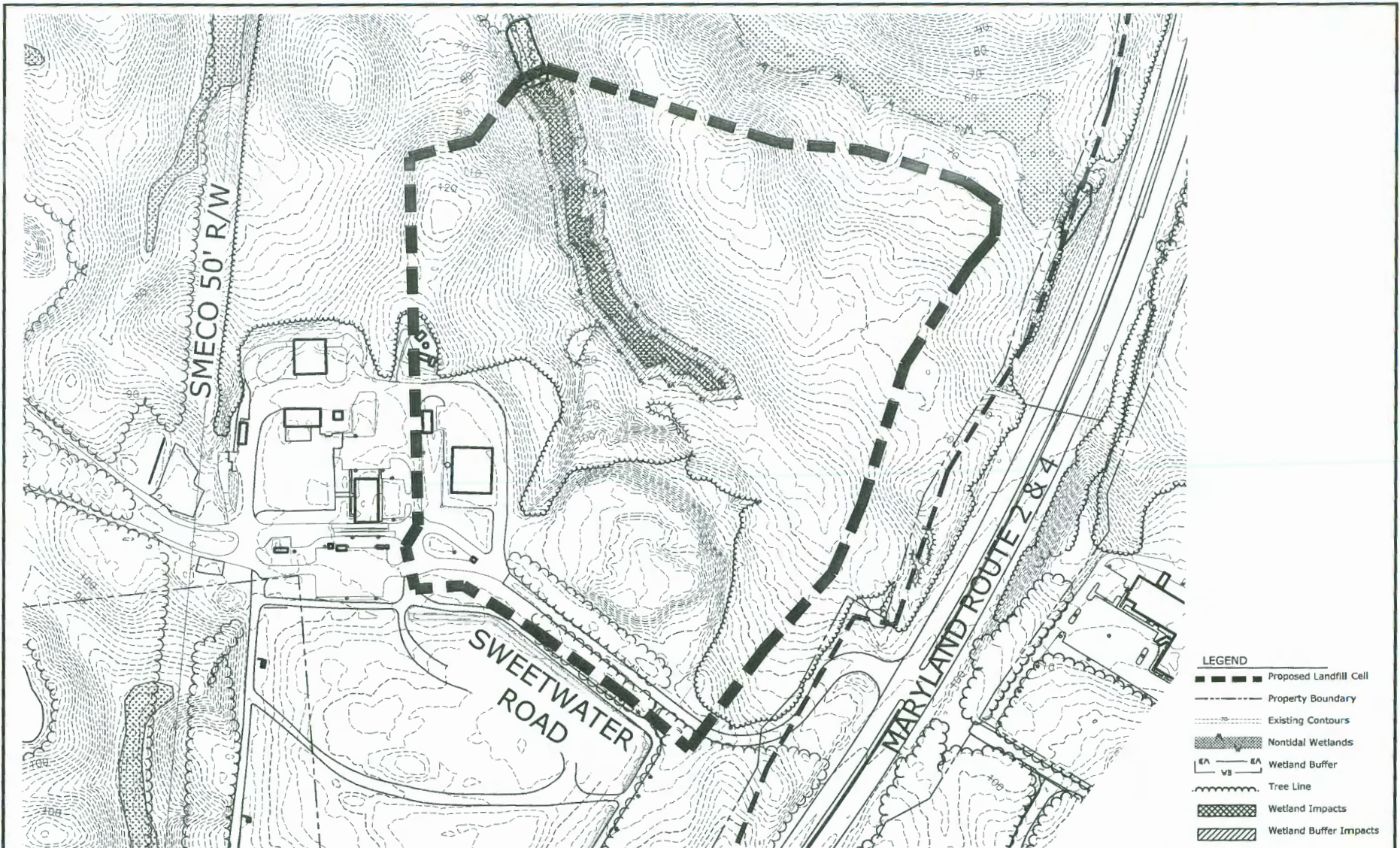
SITE











PROJECT NAME: APPEAL LANDFILL

CLIENT NAME: CALVERT COUNTY DPW
150 MAIN STREET, SUITE 202
PRINCE FREDERICK, MD 20678

Calvert County
DEPARTMENT OF PUBLIC WORKS
150 MAIN STREET, SUITE 202
PRINCE FREDERICK, MD 20678
Phone: 410-535-2204
Fax: 410-535-2258
www.co.calvert.md.us



LEGEND

-  Proposed Landfill Cell
-  Property Boundary
-  Existing Contours
-  Nontidal Wetlands
-  Wetland Buffer
-  Tree Line
-  Wetland Impacts
-  Wetland Buffer Impacts

ENVIRONMENTAL IMPACTS

PERMANENT PFO WETLAND IMPACT: 39,820 SF (0.91 AC)
 PERMANENT WETLAND BUFFER IMPACT: 48,549 SF (1.11 AC)

Engineer:

Danielle Conrow
 Calvert County Department of
 Public Works
 150 Main Street, Suite 202
 Prince Frederick, MD
 20678

Prepared for:

Michael Thomas
 Calvert County Department of
 Public Works
 150 Main Street, Suite 202
 Prince Frederick, MD
 20678

Prepared by:



**Environmental
 Systems
 Analysis, Inc.**
 Natural Resources Management
 Ecological Restoration
 162 West Street
 Annapolis, MD 21401

esa

WETLAND IMPACT PLATE

Appeal Landfill

Calvert County, Maryland

SCALE: 1"=300'

DATE: SEPTEMBER 2015

ESA PROJECT NAME: 2013-10 Appeal
 Landfill\CAD\ENVIRONMENTALIMPACTS



NORTH

SHEET: 1 OF 1

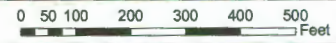


NOTES
 1. GRADING FOR STORMWATER ISOLATION BERMS IS NOT SHOWN.
 2. SEE SHEET 1 FOR EROSION CONTROL AND WEAPAGE PLAN.
 3. BASE GRADE REPRESENTS THE COORDINATION OF THE PROPOSED PLACEMENT OF THE SUBGRADE MATERIAL.



Appeal Landfill

Legend
 ● Groundwater Monitoring
 □ Property Boundaries



Map Printed: Oct.25, 2012 by the Dept. Of Technology Services- GIS
 Aerial Photography: 2011

