



# Public Notice

U.S. Army Corps  
of Engineers  
Baltimore District  
PN-18-35

In Reply to Application Number CENAB-2018-60478-P30  
(CL DPW/Eden Farm/Willow Pond)

Comment Period: June 20, 2018 to July 20, 2018

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

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act (33. U.S.C. 1344) as described below:

**APPLICANT:** Gale Engles  
Carroll County Bureau of Resource Management  
225 North Center Street  
Westminster, Maryland 21157

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** The project is located in non-tidal waters, including an unnamed tributary (UNT) to the West Branch North Branch Patapsco River (WBNBPR) and adjacent wetlands, in Westminster, Carroll County, Maryland.

**PROJECT WORK DESCRIPTION:** The applicant proposes, in accordance with the attached plans, to retrofit an existing stormwater management facility to meet state and county standards and to reconnect the UNT to WBNBPR to its floodplain. The facility is located near the Eden Farms subdivision, which is located near the intersection of Sunshine Way and Eden Farms Circle in Westminster, Carroll County, Maryland.

Components of the retrofit project will include the excavation and re-grading of the existing facility and adjacent wetlands; filling three existing stormwater basins; construction of a new embankment, weir system and spillway; and reconstruction of the existing UNT to WBNBPR to provide stream sinuosity and floodplain reconnection.

The proposed project will result in 2,112 linear feet of permanent stream impact; 84,901 square feet of permanent impact to palustrine emergent (PEM) wetland; 40,684 square feet of permanent palustrine scrub-shrub (PSS) wetland; and 1,360 square feet (0.03 acres) of permanent palustrine forested (PFO) wetlands. The applicant is proposing to off-set stream impacts with the relocation and reconstruction of the UNT to WBNBPR. To off-set the permanent wetland impacts, the applicant proposes to pay a fee into an in lieu fee program.

The applicant has stated they have avoided and minimized impacts to aquatic resources to the maximum extent. No other pond location would allow for water quality improvements to this watershed. The pond must be deepened and increased in size to increase the capacity of the facility and treat stormwater to improve water quality.

Excavated material will be disposed of at an off-site fill location.

All work will be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact Mr. Shawn Gill at [shawn.r.gill@usace.army.mil](mailto:shawn.r.gill@usace.army.mil), 570-835-4263 or U.S. Army Corps of Engineers, Baltimore District, Tioga Regulatory Field Office, 710 Ives Run Lane, Tioga, PA 16946.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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 reasonable 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, economic, 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, mineral needs, and consideration of property ownership 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, Tioga Regulatory Field Office, 710 Ives Run Lane, Tioga, Pennsylvania 16946, within the comment period specified above.

**ESSENTIAL FISH HABITAT:** 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 on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat. The Corps has determined this project will not affect any Essential Fish Habitat.

**WATER QUALITY CERTIFICATION:** 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, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. The Section 401 certifying agency has a statutory limit of one year from the date of this public notice to make its decision.

**COASTAL ZONE MANAGEMENT PROGRAMS:** Where applicable, the applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the approved Coastal Zone Management Program. By this public notice, we are requesting the state concurrence or objection to the applicant's consistency statement. It should be noted that the Coastal Zone Management Program has a statutory limit of 6 months 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 could potentially affect federal listed threatened or endangered 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.

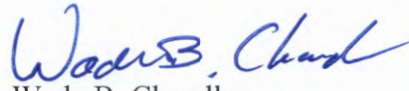
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost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

The evaluation of the impact of this project 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 request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Tioga Regulatory Field Office, 710 Ives Run Lane, Tioga, Pennsylvania 16946, within the comment period as specified above to receive consideration. Also it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected.

It is requested that you communicate this information concerning the proposed work to any persons know 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:



Wade B. Chandler  
Chief, Pennsylvania Section  
Regulatory Branch