

U.S. Army Corps of Engineers Baltimore District PN-23-51

Public Notice

In Reply to Application Number: NAB-2022-61734-M07 (Greenvest LLC/Middle Branch Patapsco River, Delta East (Site 5A)/Marsh Restoration)

Comment Period: December 21, 2023 to January 20, 2024

THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. 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 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344),as described below:

APPLICANT:

Greenvest LLC Attn: Mr. Andrew Forbes 4201 Northview Drive, Suite 202 Bowie, Maryland 20716

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed project is located in the Patapsco River on the east side of Reed Bird Island, east of the Hanover Street Bridge, 860 feet NNW of the intersection of MD Route 2 and S. Hanover Street, Baltimore City, Maryland. [Latitude: 39.2463, Longitude: -76.6092]

OVERALL PROJECT PURPOSE:

This project is the first phase of the overall Reimagine Middle Branch plan which proposes to create marshlands, habitats, and public access along 11 miles of shoreline of the Middle Branch of the Patapsco River. The Site 5A project proposes aquatic habitat reestablishment with the goals of shoreline erosion control, aquatic habitat creation and enhancement, water quality improvement, and public access within the Patapsco River, Baltimore City, Maryland.

PROJECT DESCRIPTION:

To construct an approximate 8.7-acre marsh that includes 4.5 acres of marsh enhancement and 4.2 acres of marsh creation located on the east side of Reed Bird Island, east of the Hanover Street Bridge at the site identified as Site 5A which is the

first phase of the Reimagine Middle Branch plan. The proposed marsh project at Site 5A consists of the following work: removal of the existing 4.5 acre phragmites marsh; construct approximately 1,600 linear feet of segmented stone sill; fill and grade with approximately 4.9 acres/213,636 square feet of clean sand fill including a carbon layer to contain existing legacy contaminants; create a living shoreline with approximately 2.8 acres/115,954 square feet of low marsh vegetation and approximately 5.9 acres/256,902 square feet of high marsh vegetation with all work extending a maximum of approximately 220 feet channelward of the existing marsh. The proposed marsh includes various woody debris features for both stability and habitat located within the marsh and at the sill vents, unplanted sand and cobble sections to facilitate fish passage, and an approximate 150-foot long by 6-foot wide "L" walkway with a 10-foot by 10-foot mid-walkway platform. All work is proposed in accordance with the attached plans dated June 6, 2023.

EFFECTS ON AQUATIC RESOURCES:

Activity	WoUS Impact (LF)	WoUS Impact (Acres/SF)	Authority
Living shoreline fill	1,600	4.9/213,636	Section 10/404
Stone sill	1,600	1.1/48,000	Section 10/404
Low marsh	-	2.8/115,954	Section 10/404
High marsh	-	5.9/256,902	Section 10/404
Walkway	150	-	Section 10

LEAD FEDERAL AGENCY:

The United States Army Corps of Engineers (Corps), as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:

As part of the planning process for the proposed project, steps were taken to ensure avoidance and minimization of impacts to aquatic resources to the maximum extent practicable based on the existing site conditions. The proposed project purpose is aquatic habitat reestablishment with the goals of shoreline erosion control, aquatic habitat creation and enhancement, water quality improvement, and public access within the Patapsco River, Baltimore City, Maryland. Through several iterations, the applicant has reduced the overall footprint of the proposed project from 12 acres to 9 acres, as well as reduced the channelward encroachment by 220 feet from the mean high water shoreline. The project has been designed to the minimal footprint necessary to achieve the project purpose successfully. No compensatory mitigation is proposed. No wetlands or submerged aquatic vegetation will be impacted as a result of the proposed project.

CORPS EVALUATION REQUIREMENTS:

This project will be evaluated pursuant to the Corps Regulatory Program Regulations (33 CFR Parts 320-332). 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 evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, United States Environmental Protection Agency.

ENDANGERED SPECIES:

A preliminary review of this application indicates that the proposed work is not likely to adversely affect federally 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.

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 affect Essential Fish Habitat (EFH), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The project site lies in or adjacent to EFH as described under MSFCMA for managed species under the MSFCMA. The Baltimore District has made a preliminary determination that the project will not have a substantial adverse effecton EFH. The Baltimore District has made a preliminary determination that mitigative measures are not required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

HISTORIC RESOURCES:

Pursuant to Section 106 of the National Historic Preservation Act of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that no registered properties listed as eligible for inclusion, therein, are located at the site of the proposed work. The Corps has made the preliminary determination that the proposed project would have no adverse effect on historic properties. The Corps final eligibility and effect determination will be based on coordination with the State Historic Preservation Office as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps identified permit area.

TRIBAL RESOURCES:

Section 106 of the National Historic Preservation Act also requires federal agencies to consult with federally recognized American Indian tribes that attach religious and cultural significance to historic properties that may be affected by the agency's undertaking. Corps Tribal Consultation Policy mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages before decisions are made and actions taken. The Corps final eligibility and effect determination will be based on coordination with interested tribes, in accordance with the Corps current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

MODIFICATION OF CIVIL WORKS PROJECTS: 33 USC 408 (SECTION 408):

All Section 408 proposals will be coordinated internally at the United States Army Corps of Engineers. The Section 408 decision will be issued along with the Section 404 and/or Section 10 decision. Please see the following link for more information regarding Section 408: https://www.nab.usace.army.mil/Missions/Regulatory/Section-408-Reguests/.

WATER QUALITY CERTIFICATION:

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act.

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

SUBMISSION OF COMMENTS:

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 and are subject to release to the public through the Freedom of Information Act. 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 United States Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number NAB-2022-61734.

PUBLIC HEARING REQUESTS:

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 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. The public hearing request may be submitted by electronic mail or mailed to the following address:

Ms. Maria N. Teresi

maria.teresi@usace.army.mil

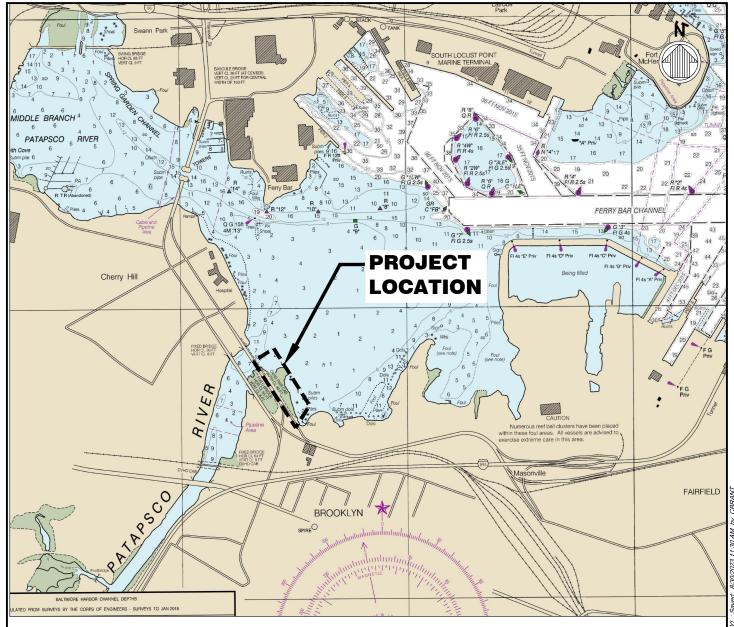
U.S. Army Corps of Engineers, Baltimore District

Regulatory Branch

2 Hopkins Plaza

Baltimore, Maryland 21201

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested, who did not receive a copy of this notice. General information regarding the Corps' permitting process can be found on our website at https://www.nab.usace.army.mil/Missions/Regulatory.aspx. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project or would like to request a paper copy of this public notice, please contact Ms. Maria Teresi, at (410) 962-4501 or maria.teresi@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.



VICINITY MAP

SUMMARY:

- REMOVE INVASIVE PHRAGMITES AND LITTER FROM 1,500 LF OF SHORELINE.
 CONSTRUCT 1,600 LF OF NEW BERM STRUCTURE.
 CONSTRUCT 8.3 AC OF TIDAL WETLANDS BY PLACING 13,200 CY OF CLEAN FILL .

NOTES:

BACKGROUND TAKEN FROM NOAA CHART 12281, 57TH ED., NOV. 27, 2018

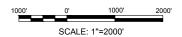
APPLICATION BY:

BRIAN CRAMER GREENVEST, LLC 4201 NORTHVIEW DRIVE, SUITE 202

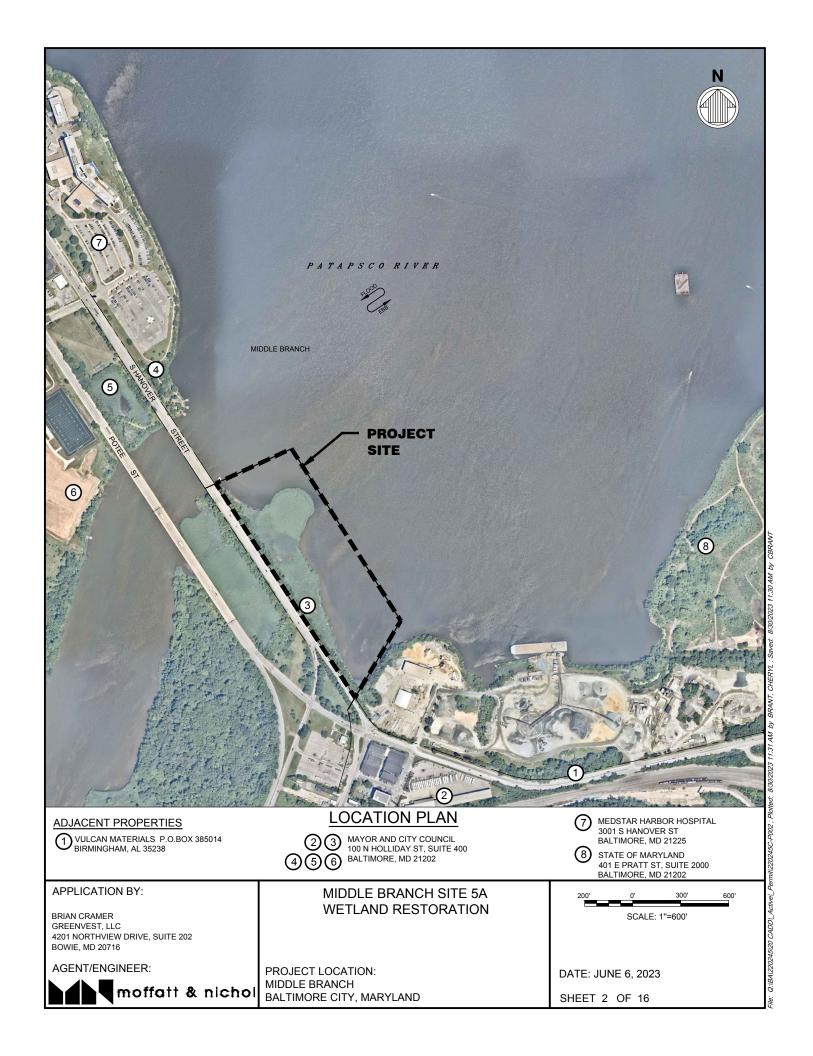
BOWIE, MD 20716

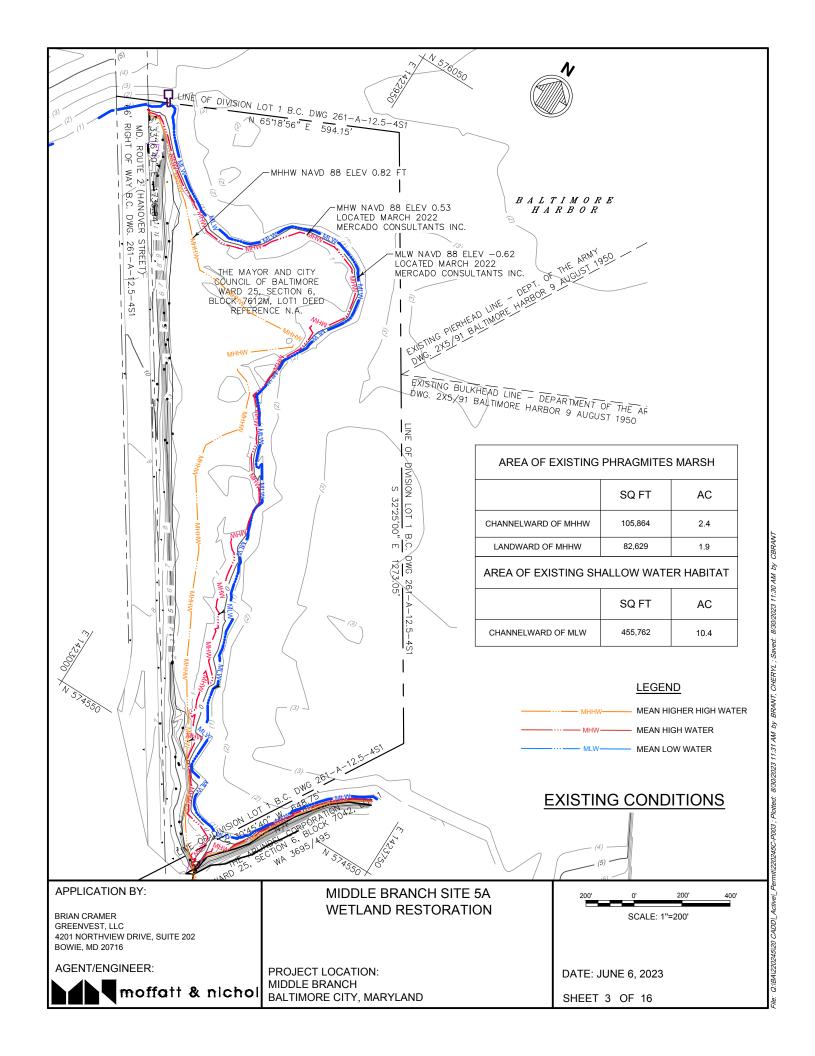
AGENT/ENGINEER: moffatt & nichol MIDDLE BRANCH SITE 5A WETLAND RESTORATION

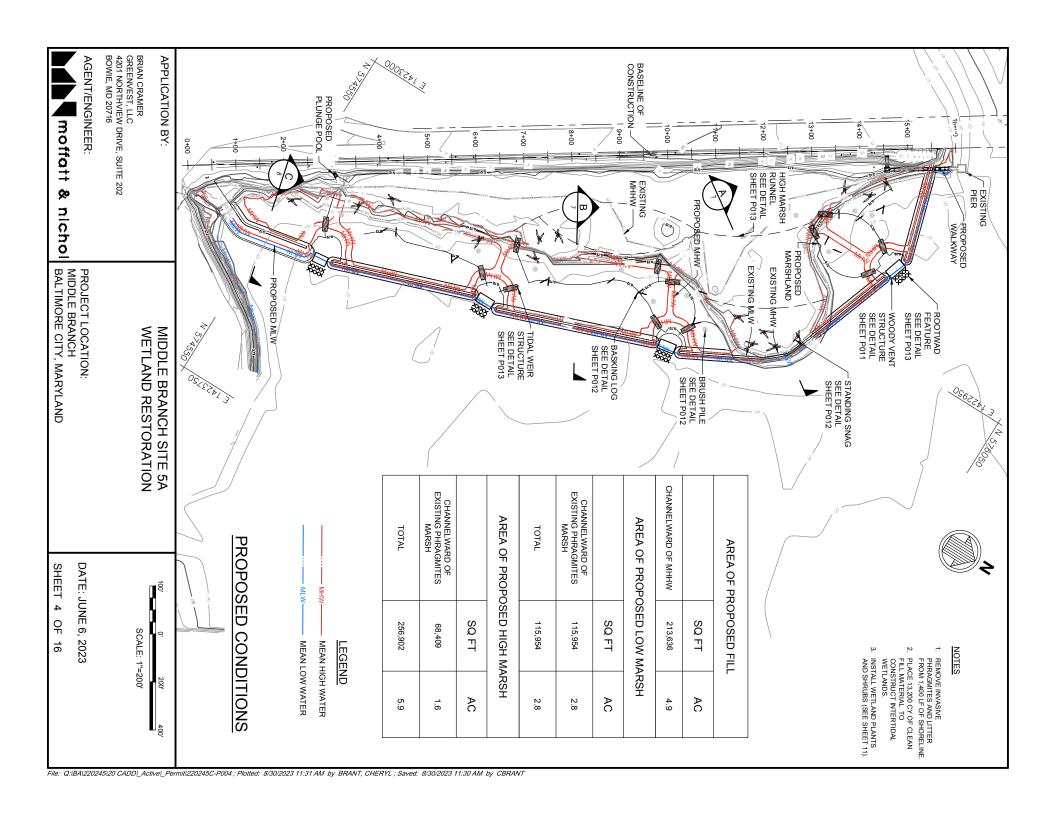
PROJECT LOCATION: MIDDLE BRANCH BALTIMORE CITY, MARYLAND

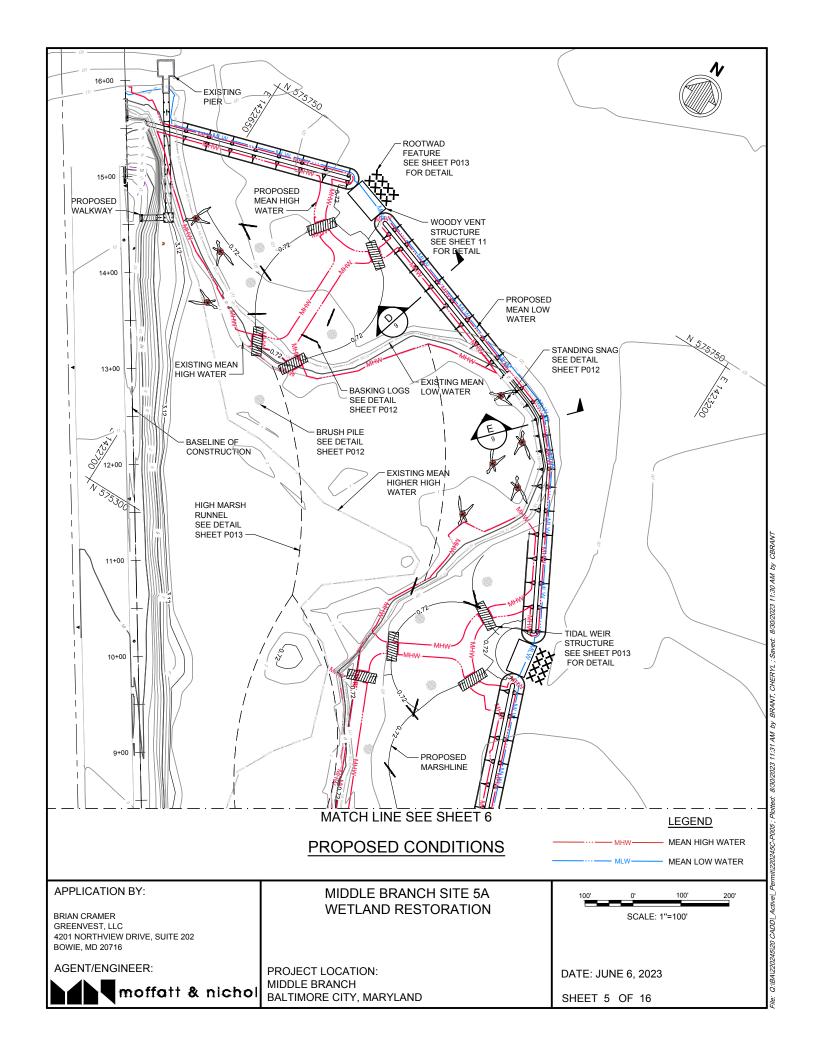


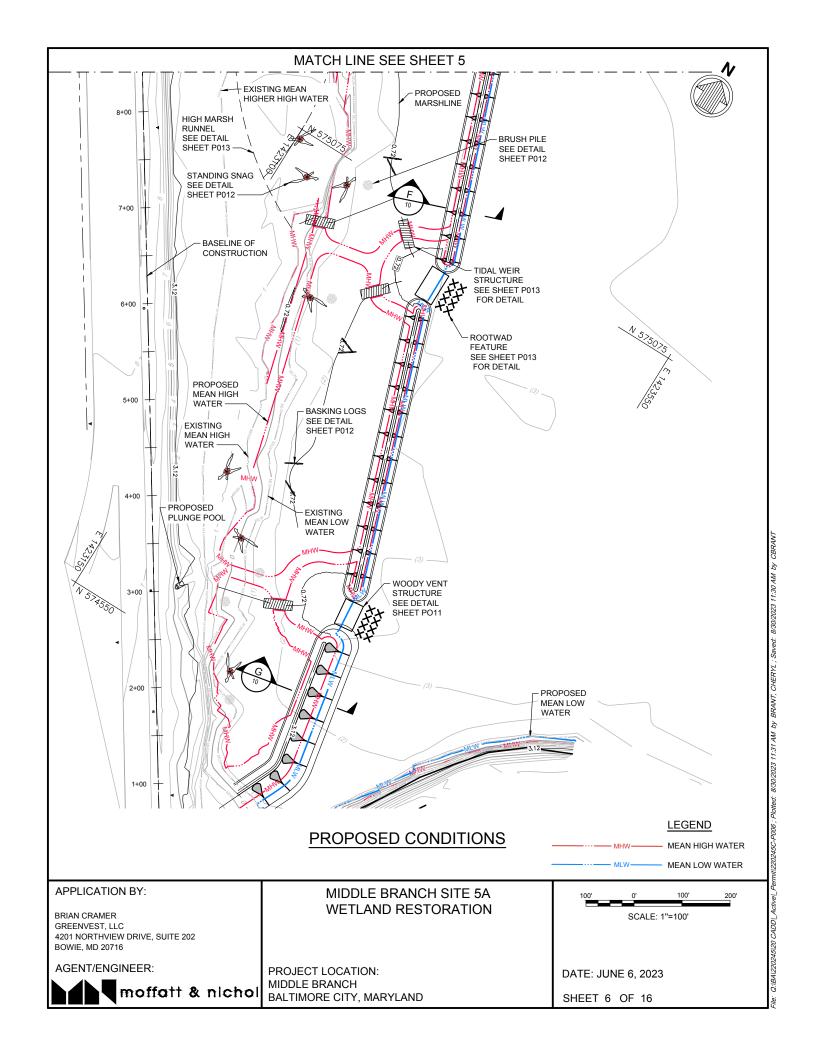
DATE: JUNE 6, 2023 SHEET 1 OF 16

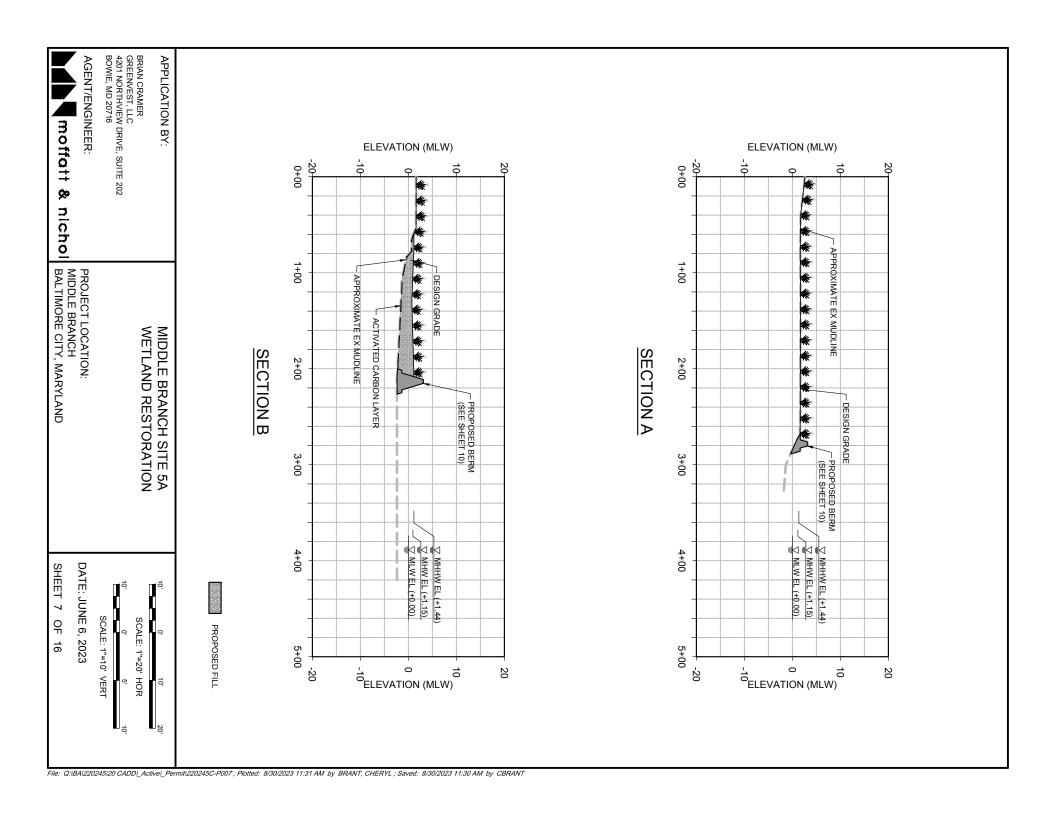


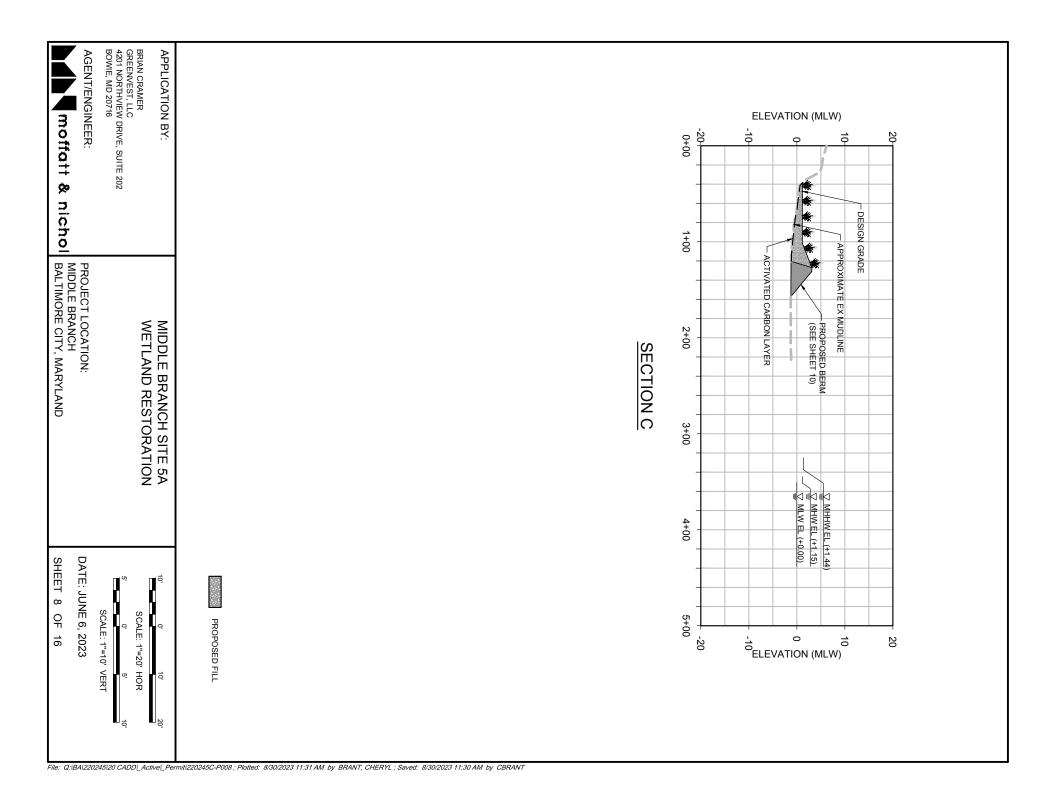


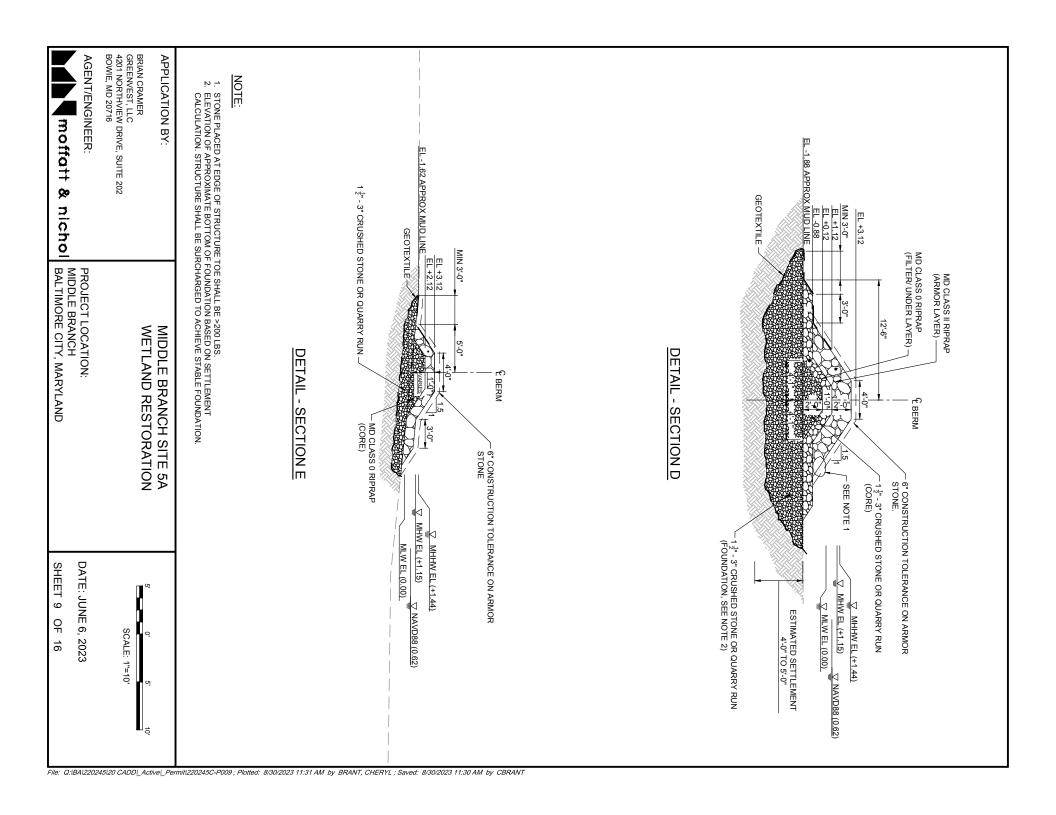


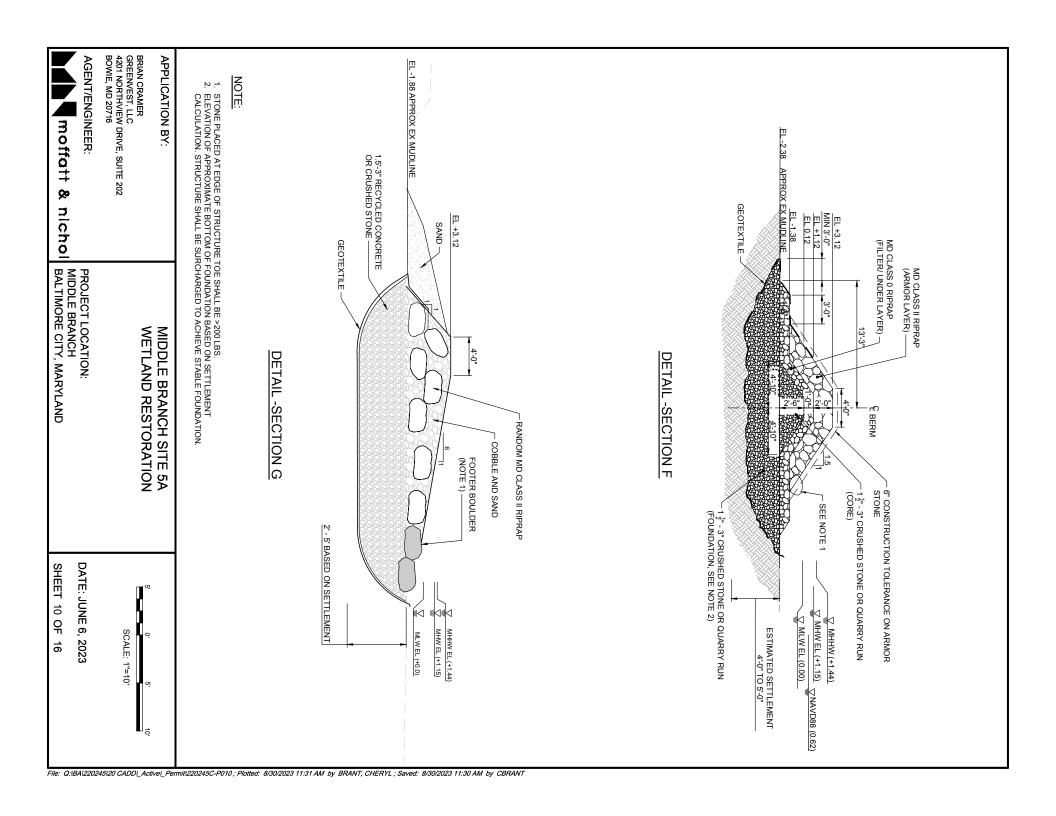


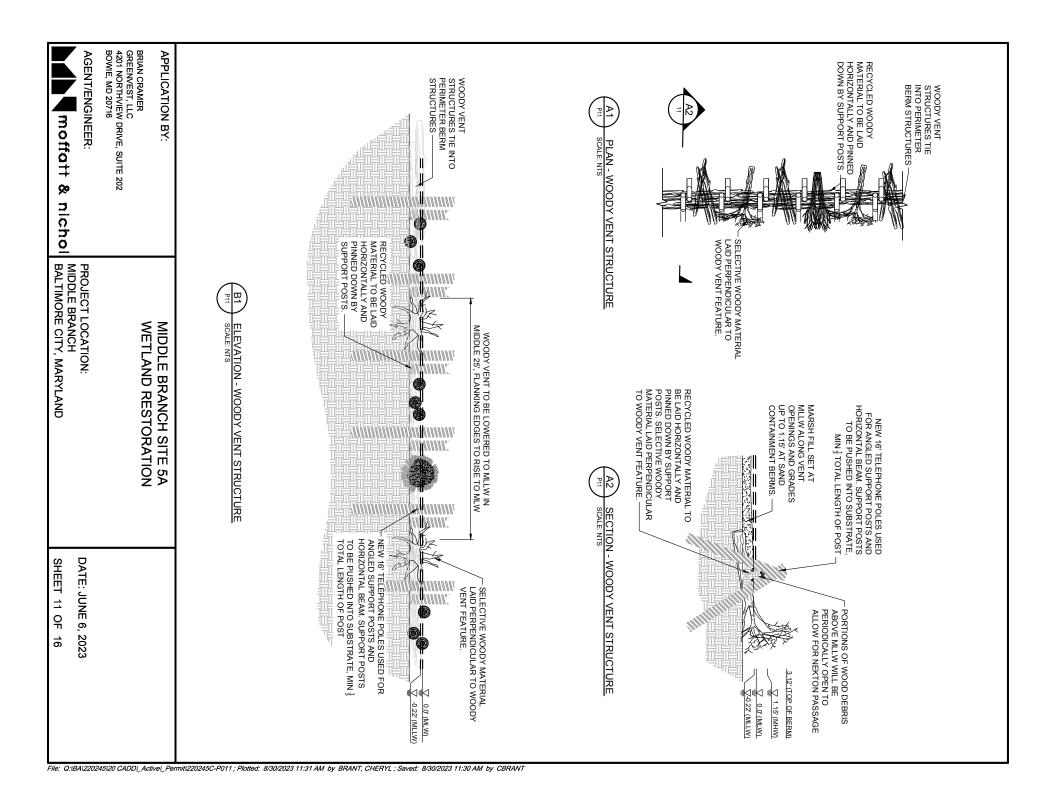


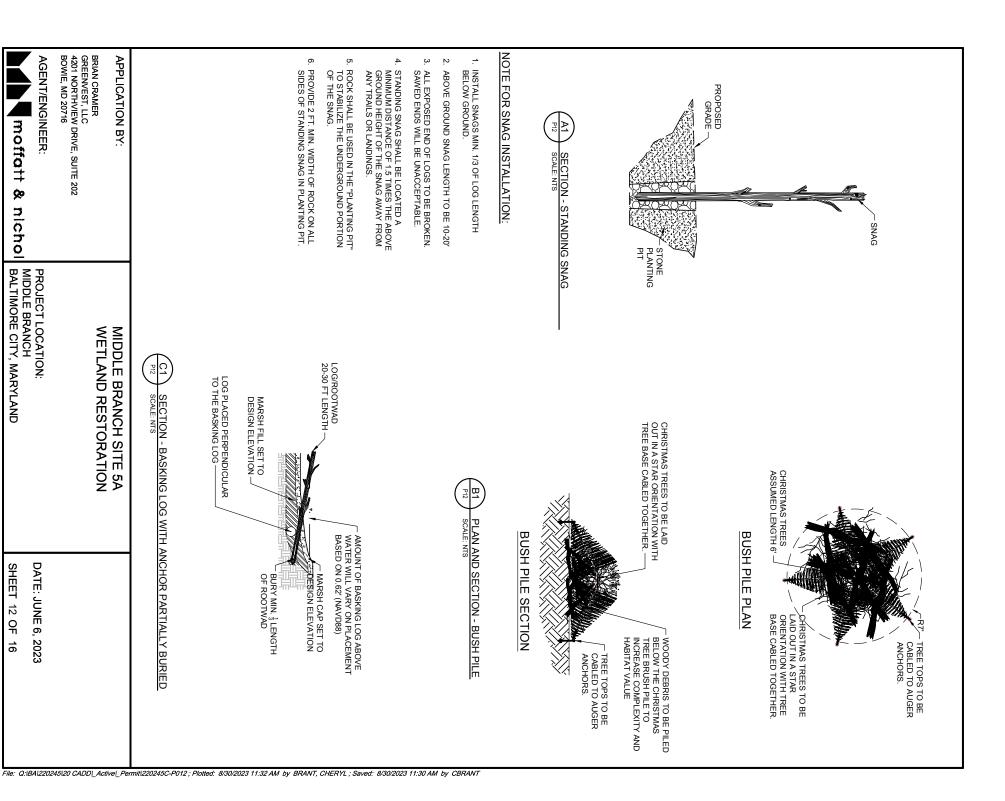












APPLICATION BY:

BRIAN CRAMER GREENVEST, LLC 4201 NORTHVIEW DRIVE, SUITE 202 BOWIE, MD 20716

AGENT/ENGINEER:

moffatt œ nichol

PROJECT LOCATION:
MIDDLE BRANCH
BALTIMORE CITY, MARYLAND

MIDDLE BRANCH SITE 5A WETLAND RESTORATION

DATE: JUNE 6, 2023

SHEET 12 OF <u>Б</u>

