

# Public Notice

U.S. Army Corps  
of Engineers  
Baltimore District  
PN-58

In Reply to Application Number  
NAB-2019-60105 (Greensboro Elementary/Fill)

Comment Period: September 3, 2019 to September 18, 2019

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**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 404 of the Clean Water Act (33 USC 1344), as described below:

**APPLICANT:** Board of Education of Caroline County  
C/O Kevin Shearon  
DMS & Associates  
P.O. Box 80  
Centreville, Maryland 21617

## **WATERWAY AND LOCATION OF THE PROPOSED WORK:**

The proposed project is located in a non-tidal wetland that falls within the contributory drainage of an unnamed tributary of the Choptank River, in Greensboro, Caroline County, Maryland.

The project site coordinates are 38° 59' 00" E; -75° 48' 04" W

## **OVERALL PROJECT PURPOSE:**

To establish an educational facility servicing the Borough of Greensboro on lands owned by the Board of Education of Caroline County (the Board).

## **PROPOSED WORK: Describe proposed work under each authority (Section 10/404/408)**

Proposed impacts to Section 404 aquatic resources includes the following:

To permanently fill and grade approximately .75 acres of non-tidal wetland.

The work is proposed in accordance with the enclosed plans dated January 16, 2019

**LEAD FEDERAL AGENCY:** The U.S. Army Corps of Engineers, 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. Avoidance and minimization measures were incorporated into the proposed project by minimizing the project's design to meet the project purpose. Multiple wetlands exist on the lands owned by the Board. The wetlands not being disturbed are forested and potentially Delmarva Bays. Complete avoidance would not be possible because there is not sufficient upland space in between wetlands to accommodate the school and supplemental facilities such as parking lots, playing fields, outbuildings and the existing solar panels. Complete avoidance could be achieved by constructing the new school in the footprint of the existing school. This would disrupt the school year and turn an active educational facility into a construction zone.

The applicant took into consideration conducting renovations to the existing structure, new construction at three locations within the parcel owned by the Board, and new construction that would extend partially onto an adjacent parcel to the northeast not owned by the Board. The alternative to partially build on the adjacent parcel would require the Board to purchase the property and annex the property into the Corporate Limits of Greensboro. There are currently no properties listed for sale within the Corporate Limits of the Town of Greensboro that would have enough space to build a new school. Due to cost restrictions, availability of property within the corporate limits, environmental impacts to forested wetlands and safety of students during construction, the applicant chose their proposed location as their preferred alternative.

As compensatory mitigation, the applicant has provided the Corps with a signed a Declaration of Restrictive Covenants (Declaration), restricting activities that could potentially impact remaining non-tidal wetlands, non-tidal wetland buffer, streams or 100-year non-tidal floodplain located on approximately 39.7 acres of property owned by the Board of Education of Caroline County. The Declaration is to be recorded among the land records of Caroline County. Approximately 3 acres of wetlands to be deed restricted have been identified by the applicant. The applicant's delineation was not inclusive of the entire property and indicates that an un-delineated Delmarva Bay may exist within the limits of the forest.

#### **CORPS EVALUATION REQUIREMENTS:**

This project will be evaluated pursuant to 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, U.S.

Environmental Protection Agency.

**ENDANGERED SPECIES:** The lead federal agency is responsible for Endangered Species Act coordination. A preliminary review of this application indicates that the proposed work will have no effect 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 lead federal agency is responsible for Essential Fish Habitat coordination. 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 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 have no effect on 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:** The lead federal agency is responsible for historic resources coordination. Pursuant to Section 106 of the National Historic Preservation Act (NHPA) 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 has no potential to cause effectson 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 NHPA 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. The lead federal agency is responsible for tribal coordination. 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 USACE. 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 408 WQC:  
<https://www.nab.usace.army.mil/section408/>.

**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 (CZM) 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 U.S. 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-2019-60105 (Greensboro Elementary/Fill)

**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:

Jessica Miller  
Jessica.d.miller@us.army.mil  
U.S. Army Corps of Engineers, Baltimore District  
Regulatory Branch  
218 N. Washington Street, Suite 304  
Easton, MD 21601

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 (Jessica Mille, 410-820-8629, [Jessica.d.miller@us.army.mil](mailto:Jessica.d.miller@us.army.mil)).

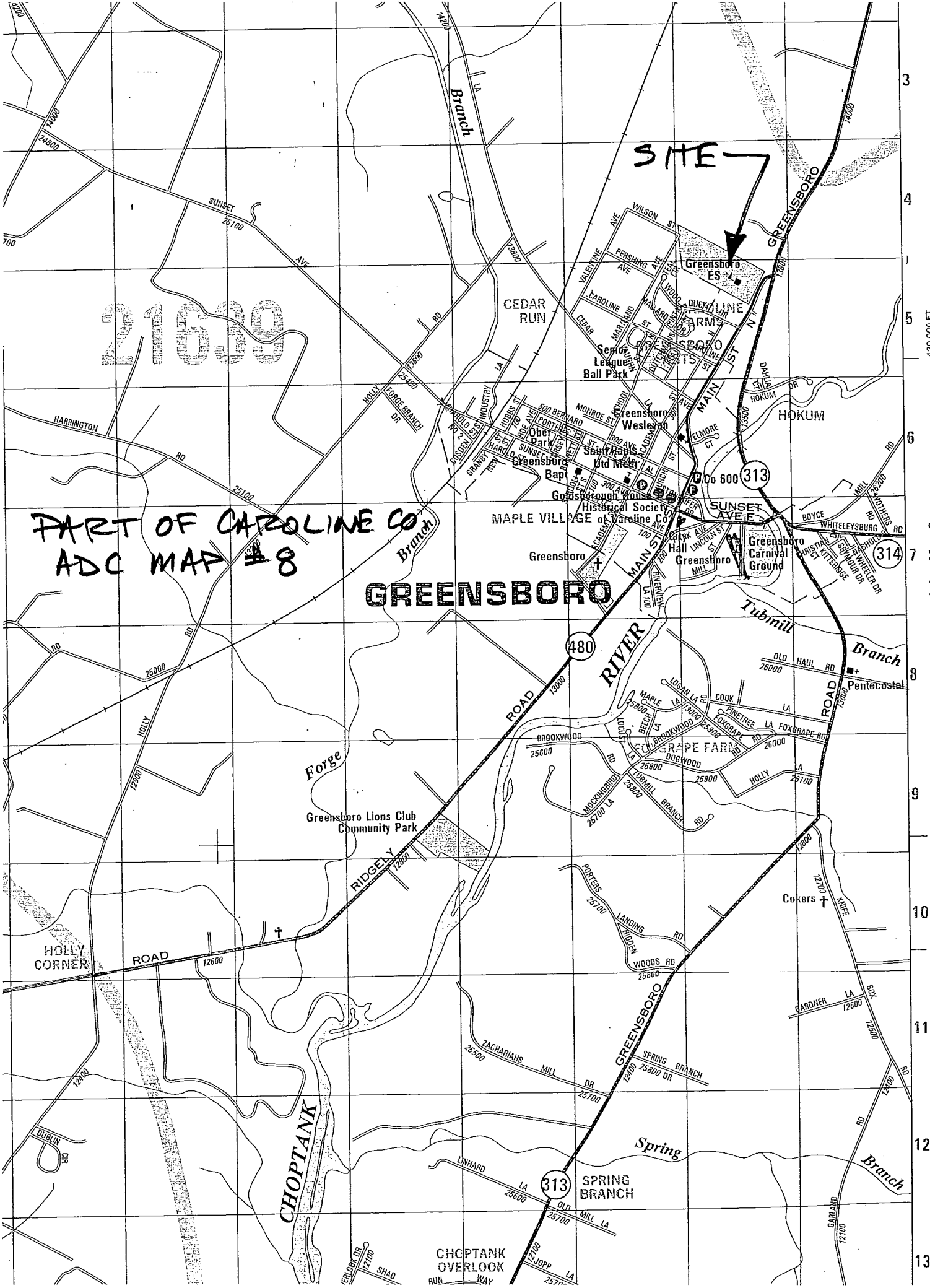
This public notice is issued by the Chief, Regulatory Branch.

SITE

21609

PART OF CAROLINE CO  
ADC MAP # 8

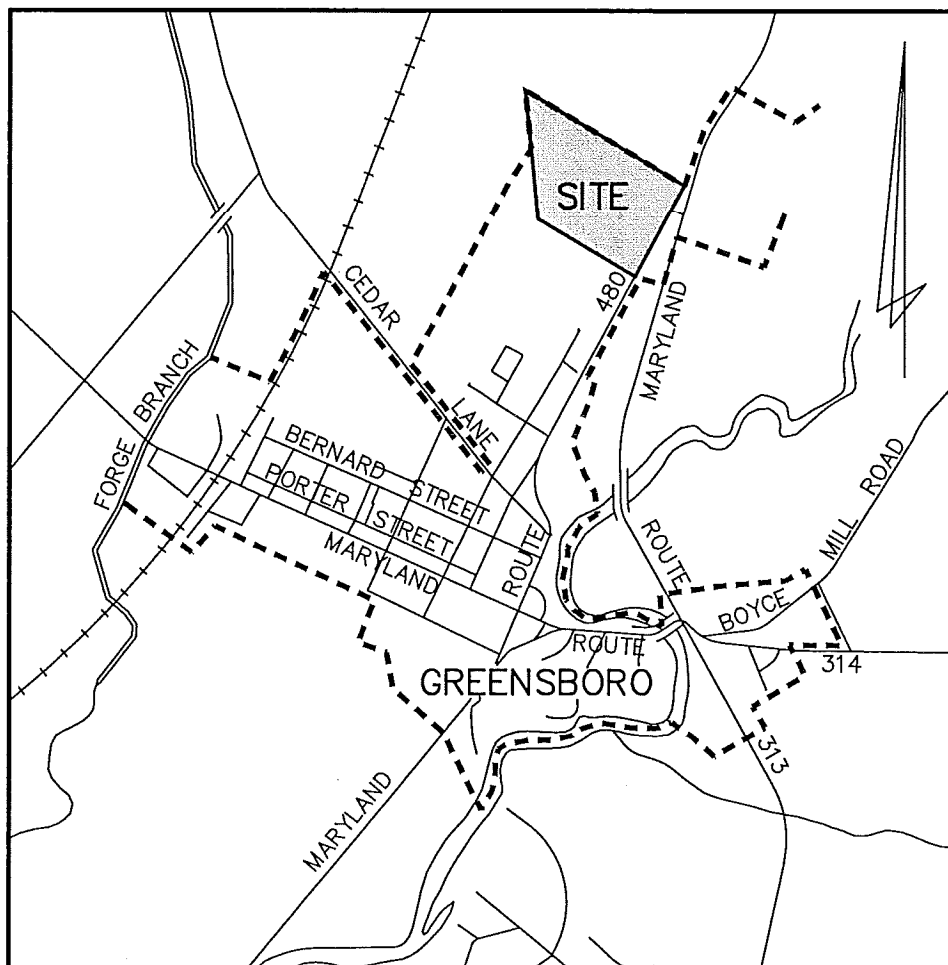
# GREENSBORO



3  
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10  
11  
12  
13

420,000 FT

CHOPTANK  
OVERLOOK  
WAY



**VICINITY MAP**

SCALE 1" = 2000'

PERMIT  
 TO FILL/DISTURB NONTIDAL WETLANDS  
 ON THE LANDS OF  
 BOARD OF EDUCATION OF CAROLINE COUNTY  
 IN THE TOWN OF GREENSBORO  
 SECOND ELECTION DISTRICT, CAROLINE COUNTY, MARYLAND  
 PREPARED FOR : BOARD OF EDUCATION OF CAROLINE COUNTY  
 DATE : JANUARY 16, 2019

SHEET 1 OF 4

**DAVIS, MOORE, SHEARON  
 & ASSOCIATES, LLC**  
 ENGINEERING, DRAFTING/DESIGN,  
 ENVIRONMENTAL SERVICES & SURVEYING  
 P.O. BOX 80  
 CENTREVILLE, MARYLAND 21617  
 PHONE 443-282-9130  
 FAX 443-282-9130/443-282-9130/ALE

LANDS N/F OF  
**JAMES F. &  
LESLIE A. SIEBOLD**  
513/646

LANDS N/F OF  
**MILTON J. MYERS**  
211/126

LANDS N/F OF  
**CAROLINE FARMS  
JOINT VENTURE**  
526/791

LANDS N/F OF  
**WILLIAM C. &  
BARBARA J. BARRON**  
213/106

LANDS N/F OF  
**J. RICHARD &  
PHYLLIS S. HARRIS**  
175/21

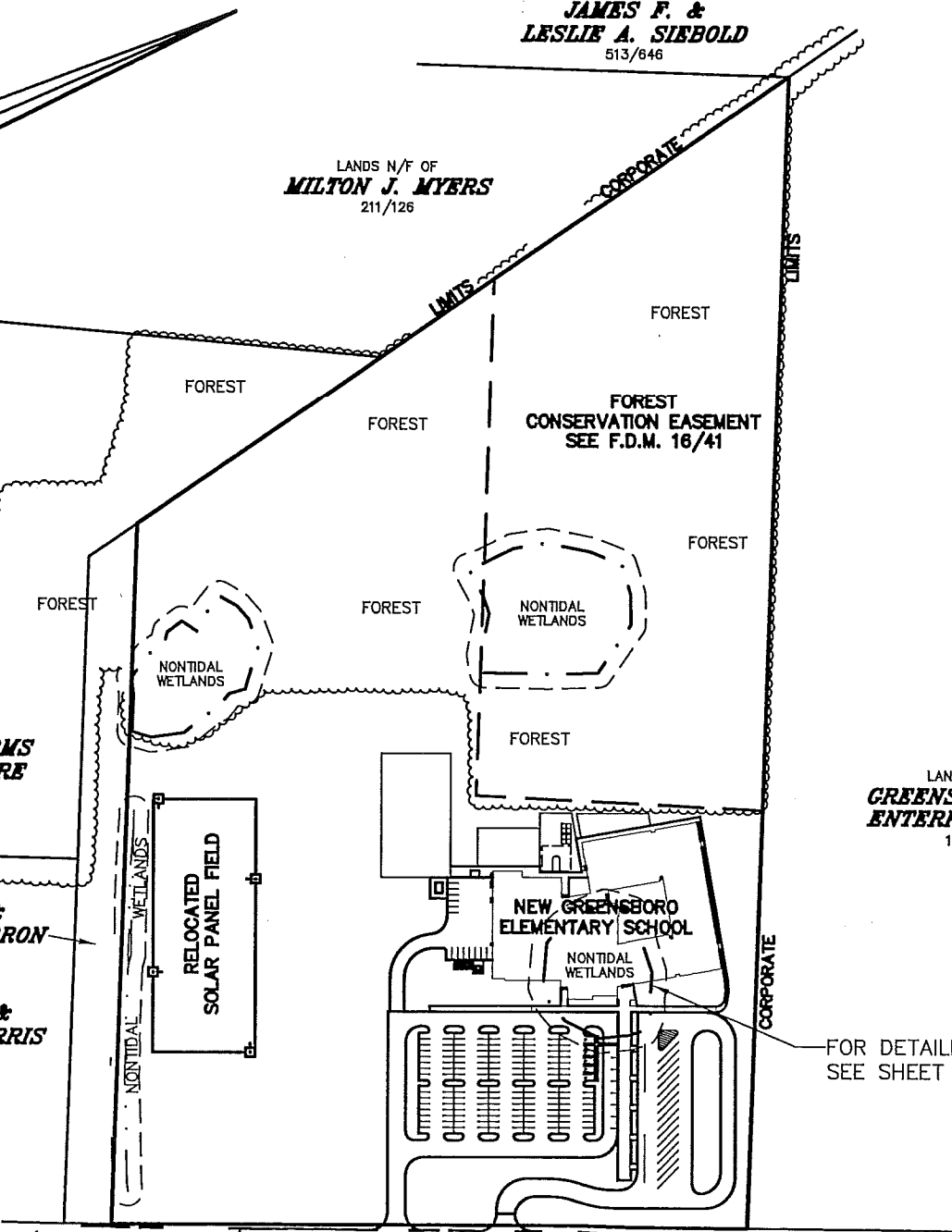
LANDS N/F OF  
**GREENSBORO LAND  
ENTERPRISES, LLC**  
1292/193

LANDS N/F OF  
**ALVIN E. &  
ELOISE A. SIMPSON**  
132/526

LANDS N/F OF  
**WILLIAM L. &  
GLADYS E. KINNAMON**  
861/542

LANDS N/F OF  
**CHRISTOPHER L.  
THOMAS, et al**  
371/230

LANDS N/F OF  
**SHREE RAM  
REALTY, LLC**  
961/466



FOR DETAILED INFORMATION,  
SEE SHEET 3 OF 4

(MAIN STREET) MARYLAND ROUTE 480

MARYLAND ROUTE 313

PERMIT  
TO FILL/DISTURB NONTIDAL WETLANDS  
ON THE LANDS OF  
BOARD OF EDUCATION OF CAROLINE COUNTY  
IN THE TOWN OF GREENSBORO  
SECOND ELECTION DISTRICT, CAROLINE COUNTY, MARYLAND  
PREPARED FOR : BOARD OF EDUCATION OF CAROLINE COUNTY  
DATE : JANUARY 16, 2019

SHEET 2 OF 4

**DAVIS, MOORE, SHEARON  
& ASSOCIATES, LLC**  
ENGINEERING, DRAFTING/DESIGN,  
ENVIRONMENTAL SERVICES & SURVEYING  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE : 1-443-282-9130  
FAX NO 443-262-5484

SCALE 1" = 300'

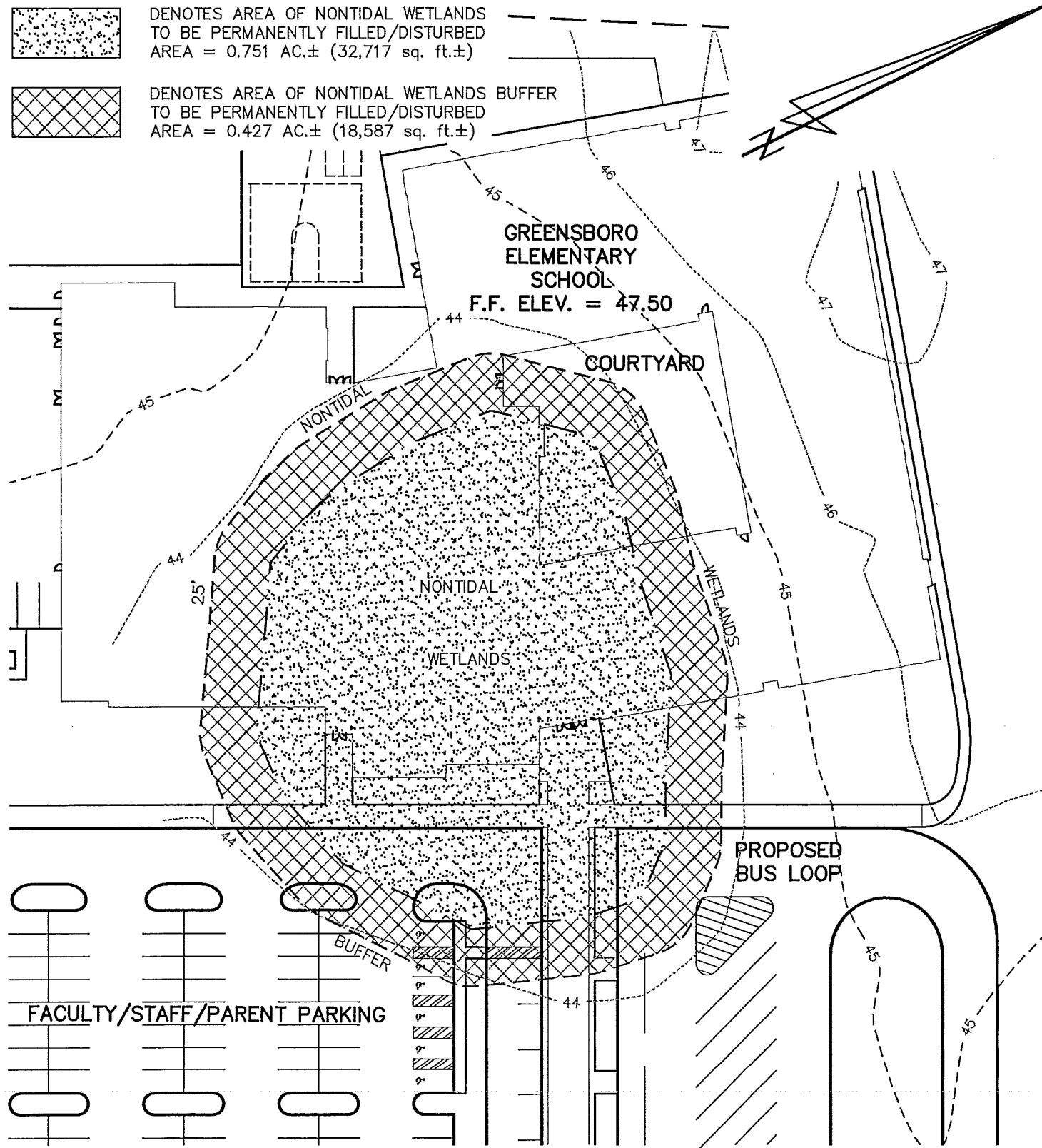




DENOTES AREA OF NONTIDAL WETLANDS  
TO BE PERMANENTLY FILLED/DISTURBED  
AREA = 0.751 AC.± (32,717 sq. ft.±)



DENOTES AREA OF NONTIDAL WETLANDS BUFFER  
TO BE PERMANENTLY FILLED/DISTURBED  
AREA = 0.427 AC.± (18,587 sq. ft.±)



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ON THE LANDS OF

BOARD OF EDUCATION OF CAROLINE COUNTY  
IN THE TOWN OF GREENSBORO

SECOND ELECTION DISTRICT, CAROLINE COUNTY, MARYLAND  
PREPARED FOR : BOARD OF EDUCATION OF CAROLINE COUNTY  
DATE : JANUARY 16, 2019

SHEET 3 OF 4

**DAVIS, MOORE, SHEARON  
& ASSOCIATES, LLC**

ENGINEERING, DRAFTING/DESIGN,  
ENVIRONMENTAL SERVICES & SURVEYING

P.O. BOX 80

CENTREVILLE, MARYLAND 21617

PHONE 410-443-262-9130

FAX NO 410-443-262-5184

SCALE 1" = 60'

CONDITIONS AND MANAGEMENT PRACTICES  
FOR WORKING IN NONTIDAL WETLANDS AND BUFFERS

- a) NO EXCESS FILL, CONSTRUCTION MATERIAL OR DEBRIS ARE TO BE STOCKPILED OR STORED IN THE WETLANDS OR BUFFERS.
- b) PLACE MATERIALS IN A LOCATION AND MANNER WHICH DOES NOT ADVERSELY IMPACT SURFACE OR SUBSURFACE WATER FLOW INTO OR OUT OF THE NONTIDAL WETLAND OR BUFFER.
- c) DO NOT USE THE EXCAVATED MATERIAL AS BACKFILL IF IT CONTAINS WASTEMETAL PRODUCTS, UNSIGHTLY DEBRIS, TOXIC MATERIAL OR ANY OTHER DELETERIOUS SUBSTANCE. IF ADDITIONAL BACKFILL IS REQUIRED, USE CLEAN MATERIAL FREE OF WASTEMETAL PRODUCTS, UNSIGHTLY DEBRIS, TOXIC MATERIAL OR ANY OTHER DELETERIOUS SUBSTANCE.
- d) PLACE HEAVY EQUIPMENT ON MATS OR SUITABLY OPERATE THE EQUIPMENT TO PREVENT DAMAGE TO THE NONTIDAL WETLAND OR BUFFER.
- e) REPAIR AND MAINTAIN ANY SERVICEABLE STRUCTURE OR FILL SO THERE IS NO PERMANENT LOSS OF NONTIDAL WETLAND AND BUFFER IN EXCESS OF NONTIDAL WETLAND AND BUFFER LOST UNDER THE ORIGINAL STRUCTURE OR FILL.
- f) CONDUCT THE ACTIVITY SO AS NOT TO CAUSE OR CONTRIBUTE TO A DEGRADATION OF WATER QUALITY AS DETERMINED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.
- g) TO PROTECT IMPORTANT AQUATIC SPECIES, IN-STREAM WORK IS PROHIBITED AS DETERMINED BY THE CLASSIFICATION OF THE STREAM AS FOLLOWS:
  - a. CLASS I WATERS. IN-STREAM WORK MAY NOT BE CONDUCTED DURING THE PERIOD MARCH 1 THROUGH JUNE 15, INCLUSIVE, DURING ANY YEAR.
- h) ALL STABILIZATION IN THE WETLAND AND BUFFER SHALL BE OF THE FOLLOWING RECOMMENDED SPECIES: ANNUAL RYEGRASS (LOLIUM MULTIFLORUM), MILLET (SETARIA ITALICA), BARLEY (HORDEUM SP.), OATS (UNIOLA SP.) AND/OR RYE (SECALE CEREALE). THESE SPECIES WILL ALLOW FOR THE STABILIZATION OF THE SITE WHILE ALSO ALLOWING FOR THE VOLUNTARY REVEGETATION OF NATURAL WETLAND SPECIES. OTHER NON-PERMANENT VEGETATION MAY BE ACCEPTABLE, BUT MUST BE APPROVED BY THE DIVISION. KENTUCKY 31 FESCUE SHALL NOT BE UTILIZED IN THE WETLAND OR BUFFER AREAS. THE AREA SHOULD BE SEEDED AND MULCHED TO REDUCE EROSION AFTER CONSTRUCTION ACTIVITIES HAVE BEEN COMPLETED.

PERMIT  
TO FILL/DISTURB NONTIDAL WETLANDS  
ON THE LANDS OF  
BOARD OF EDUCATION OF CAROLINE COUNTY  
IN THE TOWN OF GREENSBORO  
SECOND ELECTION DISTRICT, CAROLINE COUNTY, MARYLAND  
PREPARED FOR : BOARD OF EDUCATION OF CAROLINE COUNTY  
DATE : JANUARY 16, 2019

SHEET 4 OF 4

**DAVIS, MOORE, SHEARON  
& ASSOCIATES, LLC**  
ENGINEERING, DRAFTING/DESIGN,  
ENVIRONMENTAL SERVICES & SURVEYING  
P.O. BOX 80  
CENTREVILLE, MARYLAND 21617  
PHONE : 443-282-9130  
FAX NO 443-262-5484