

U.S. Army Corps
of Engineers
Baltimore District
PN-16-63

Public Notice

In Reply to Application Number
NAB-2016-01568-M37 (Peige Mitigation Bank)

Comment Period: December 7, 2016 to January 7, 2017



Maryland
Department of
the Environment

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC CONCERNING THE PROPOSED DEVELOPMENT OF A PRIVATE COMMERCIAL MITIGATION BANKING INSTRUMENT, CONSISTING OF THE ENCLOSED MITIGATION BANK PROSPECTUS FOR THE PROPOSED PEIGE MITIGATION BANK, AND THE POTENTIAL OF THE PROPOSED MITIGATION BANK TO PROVIDE APPROPRIATE COMPENSATORY MITIGATION FOR ACTIVITIES AUTHORIZED BY DEPARTMENT OF THE ARMY AND STATE OF MARYLAND PERMITS.

At this time, no decision has been made as to whether or not a permit will be issued, or whether the proposed Mitigation Banking Instrument for the Peige Mitigation Site will be approved. We are requesting comments to determine if approval should be granted for this proposed commercial mitigation banking instrument and associated mitigation bank site for the purpose of providing compensatory mitigation for unavoidable aquatic resource impacts, including wetlands, authorized by Department of the Army and Maryland Department of the Environment permits.

At this time, an application for work in waters of the United States to construct the Peige Mitigation Bank site has not been received. A preliminary review of the proposal indicates that there may be waters of the United States, including wetlands within the project area. These areas may be regulated pursuant to Section 404 of the Clean Water Act, the Maryland Nontidal Wetlands Protection Act, and the Maryland Waterway Construction Act, and the work described below may require Department of the Army and Maryland Department of the Environment authorization. A preliminary review indicates that the proposed work may qualify for U.S. Army Corps of Engineers authorization under Nationwide Permit (NWP) #27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities). NWP #27 has undergone a full public interest review as required by Corps regulations (33 CFR 320.4(a)), and NEPA documentation has been prepared that addresses environmental considerations.

A copy of the proposed Prospectus is available at:

<http://www.nab.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>

as an attachment to the electronic copy of this public notice. Those receiving a hard copy of this public notice who desire a copy of the proposed Prospectus may either access the above website link or, may request a hard copy of the document by contacting Mr. Nick Ozburn, Baltimore District, U.S. Army Corps of Engineers at 410.962.6083 (Nicholas.R.Ozburn@usace.army.mil) or Ms. Kelly Neff, Maryland Department of the Environment, Wetlands and Waterways Program at 410.537.4018 (kelly.neff@maryland.gov). The Prospectus provides a summary of the information regarding the proposed mitigation banking instrument and the Peige Mitigation Bank site in accordance with the Department of Defense/Environmental Protection Agency Final Rule on Compensatory Mitigation for Losses of Aquatic Resources (33 CFR Parts 325 and 332 and 40 CFR Part 230).

Oversight of this mitigation bank will be undertaken by the Maryland Interagency Review Team (IRT), which is comprised of Federal and State regulatory and resource agencies. The Baltimore District, U.S. Army Corps of Engineers serves as chair of the IRT, and the Maryland Department of the Environment (MDE) as co-chair the IRT.

APPLICANT: Mr. Jim Morris
Ecotone, Inc
2120 High Point Road
Forest Hill, Maryland 21050

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed mitigation bank is located in Middle River, Baltimore County, Maryland (39°19'43.41" N, -76°22'44.77" W).

The proposed mitigation bank will involve wetland re-establishment and enhancement activities in existing wetlands and uplands of the Seneca Creek Watershed. The proposed bank comprises approximately 10 acres of a 59.4 acre site

BANK DESCRIPTION: The proposed Peige Mitigation Bank would provide compensatory mitigation for unavoidable wetland impacts for projects authorized by the Corps and MDE. The proposed mitigation bank would involve the re-establishment and enhancement of existing wetlands within an approximate 10 acre bank site. The goal of the proposed mitigation bank involves the restoration of approximately 10 acres of non-tidal forested wetlands and the enhancement of 1,000 square feet of non-tidal forested wetlands. Additionally, the mitigation bank proposes the overall protection and preservation of the approximate 10 acre bank site. All areas comprising the proposed Peige Mitigation Bank would receive long term protection through a legal conservation instrument. The proposed geographic service area for the bank is the Gunpowder-Patapsco River Basin (Federal 8 digit Hydrologic Unit Code (HUC) 02060003).

WORK REQUIRING DEPARTMENT OF THE ARMY AND MARYLAND DEPARTMENT OF THE ENVIRONMENT AUTHORIZATION: A preliminary jurisdictional determination has been performed for the proposed mitigation bank site. The mitigation bank construction may permanently and/or temporarily impact potential jurisdictional waters and wetlands through the discharge of dredged and/or fill material, including grading activities. A site visit conducted by representatives of the U.S. Army Corps of Engineers and the IRT on May 17, 2016, indicates that the proposed work may impact jurisdictional waters of the United States, including wetlands, and may qualify for Corps authorization under NWP #27 and an MDE authorization. The project proposes permanent impacts to 2,109 square feet nontidal emergent wetland, temporary impacts to 1,000 square feet nontidal emergent wetland, temporary impact to 46,893 square feet nontidal wetland buffer, and impacts to 33,341 square feet 100-year floodplain. The proposed work must be approved by the U.S. Army Corps of Engineers and MDE prior to regulated construction activities commencing.

SUBMISSION OF COMMENTS:

Written comments concerning the activity described above must be submitted directly to the District Engineer, U.S. Army Corps of Engineers, Baltimore District, CENAB-OP-RMN Attn: Mr. Nick Ozburn, 10 S. Howard St., Baltimore, Maryland, 21201, and/or Attn: Ms. Kelly Neff, Maryland Department of the Environment, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708, within the comment period as specified above to receive consideration.

The purpose of this proposed mitigation bank is to provide compensatory mitigation for future unavoidable impacts to aquatic resources that result from activities permitted by the Corps under Section 404 of the Clean Water Act and MDE under the Maryland Nontidal Wetlands Protection Act and the Maryland Waterways Construction Act. The mitigation bank would be used to comply with special conditions for compensatory mitigation of permitted projects by providing in-kind compensation for authorized aquatic resource impacts. The mitigation bank may only be used for future projects after all appropriate and practicable steps to avoid and minimize adverse impacts to aquatic resources, including wetlands and streams, have been demonstrated. Remaining unavoidable

aquatic resource impacts must be compensated to the extent appropriate and practicable. The utilization of approved and established mitigation banks with available credits is given preference to other forms of compensatory mitigation in the hierarchy of potential mitigation options as contained in the Final Rule on Compensatory Mitigation for Losses of Aquatic Resources.

The final mitigation banking instrument does not provide ultimate Department of the Army or MDE authorization for specific future projects impacting waters of the United States; exclude such future projects from any applicable statutory or regulatory requirements; or preauthorize the use of credits from the bank for any particular project. The Corps and MDE provide no guarantee that any particular individual or general permit will be granted authorization to use this Mitigation Bank to compensate for unavoidable aquatic resource impacts associated with a proposed permit, even though compensatory mitigation may be available within the defined service area.

The decision whether to approve this mitigation bank and issue a permit for the impacts to waters of the United States will be based on an evaluation of the probable impacts including cumulative impacts of the proposed bank 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.

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 proposal 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 there is a nearby site eligible for inclusion (The Scott-Andrew House, located south of the proposed mitigation property). However, in a letter dated January 20, 2016, the Maryland Department of Planning indicated that after reviewing the Phase I Archaeological Report, the proposed mitigation bank would have no effect on the historic site. The Corps concurs with this determination. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit for the mitigation bank construction. As the evaluation of this proposal continues, additional information may become available which could modify this preliminary determination.

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

If you have any questions concerning this matter, or require a hardcopy of the Prospectus, please contact Mr. Nick Ozburn, Baltimore District, U.S. Army Corps of Engineers at 410.962.6083

(Nicholas.R.Ozburn@usace.army.mil) or Ms. Kelly Neff, Maryland Department of the Environment, Wetlands and Waterways Program at 410.537.4018 (kelly.neff@maryland.gov).

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.

**FINAL PROSPECTUS
PEIGE MITIGATION BANK
701 Luthardt Road
Middle River, Maryland 21220
(Baltimore County)**



**Prepared for:
Ecotone, Inc.
2120 High Point Road
Forest Hill, Maryland 21050**

Prepared by:



**2120 High Point Road
Forest Hill, Maryland 21050**

OCTOBER 2016

Table of Contents

1. Introduction.....	3
2. Goals and Objectives.....	4
3. Establishment and Operation.....	5
4. Geographic Service Area.....	8
5. General Need and Technical Feasibility.....	8
6. Ownership and Long-Term Management Strategy.....	9
7. Qualifications of the Sponsor.....	11
8. Ecological Suitability.....	11
9. Assurance of Water Rights.....	12

Appendix A: Site Resource Maps (8.5" x 11")

- Vicinity Map
- USGS Map (Middle River Quad)
- Critical Area and Urban - Rural Demarcation Line
- Priority Funding Area
- Soil Survey
- Aerial Photograph
- Infrared Aerial Photograph
- Drainage Area Map
- Geographic Service Area Map

Appendix B: Concept Plan (11" x 17")

Appendix C: Pertinent Documents

- Adjacent Property Owner Information
- IPaC Trust Report
- MHT Correspondence

Peige Mitigation Bank Prospectus

1. Introduction

- A. Ecotone, Inc. (hereinafter, the Sponsor) proposes to establish the Peige Mitigation Bank (hereinafter, the Bank) to provide compensation for future authorized wetland and waterway permit mitigation requirements where impacts to Waters of the U.S. in the Gunpowder-Patapsco River Basin (Federal 8 digit HUC: 02060003) have been determined to be unavoidable and appropriately mitigated on a watershed basis per current federal mitigation guidance. The Sponsor plans to develop a +/- 10 acre mitigation bank on a 59.4 acre property located adjacent to Seneca Creek in the Gunpowder River watershed (MD 8-digit HUC 02130801), a tidal waterway adjacent to the Chesapeake Bay, in Baltimore County, Maryland. The purpose of the Bank is to provide off-site compensation for the unavoidable loss of Waters of the U.S. as a result of impacts from projects authorized under Section 401 and 404 of the Clean Water Act and the Maryland Nontidal Wetlands Protection Act and associated Code of Maryland Regulations, provided that such impacts have met all applicable requirements and are approved by the respective permitting agencies.
- B. This Mitigation Banking Prospectus was developed based on the *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule Parts 332 (Department of Army; Corps of Engineers) & Parts 40 CFR Part 230 (Environmental Protection Agency) (2008 Mitigation Rule)*. This prospectus will provide information at a sufficient level of detail to support informed public and regulatory comment. For public notice mailing, the names and addresses of adjacent property owners are provided under separate cover.
- C. The proposed Bank is situated on a 59.4-acre property located approximately 5 miles southeast of White Marsh and 5.3 miles east of Essex. More specifically, the Bank is bounded by Luthardt Road to the west, Seneca Park Road to the east, Carroll Island Road on the north, and Seneca Creek to the south (See Vicinity Map – Appendix A).
- D. According to information acquired from Maryland Department of Natural Resources (DNR) Merlin and Geospatial Data websites and the Watershed Resources Registry, potential Forest Interior Dwelling Species (FIDS) habitat exists immediately north and east of the site across Carroll Island and Seneca Park Roads within the existing fragmented forest corridors. Areas of Green Infrastructure Hubs and Corridors are also mapped immediately north of the site. In addition, the site is within a Targeted Ecological Area. The northern portion of the site and adjacent areas are within a mapped Sensitive Project Review area, and the site is adjacent to a mapped Biodiversity Network area (Ecologically important lands to conserve Maryland's biodiversity).
- E. A search of the U.S. Fish and Wildlife Service IPaC database returned that the project area is within the range of the threatened Northern Long-eared Bat (*Myotis septentrionalis*) (see Appendix C). A letter received by the Sponsor from the U.S Fish

Peige Mitigation Bank Prospectus

and Wildlife Service (see Appendix C) confirms that there are no rare, threatened, or endangered species on the Bank site, and there is no critical habitat for the Northern Long-eared bat or National Wildlife Refuges within the project area.

- F. According to the Maryland Historical Trust (MHT), an eighteenth-century house that is recorded in the Maryland Inventory of Historic Properties as number BA-1846 is located just south of the proposed wetland mitigation site. It was determined that the proposed activities would not diminish any of the characteristics associated with these areas of significance.

In addition, two previously recorded mapped historic resource sites were determined to be within the vicinity of the project site. MHT recommended a Phase I archeological survey of the property to determine if these historic sites or any unidentified sites are located within the impact areas. A Phase I archeological survey, carried out in October 2015, revealed that the site that surrounds the Scott-Andrew House and its various yard areas do not extend into the project's proposed impact areas. Therefore, the proposed mitigation will have no effect on the site and no further investigation is warranted. See Correspondence from MHT in Appendix C.

- G. According to DNR Merlin website, mapped historic properties are located approximately 2 miles northwest of the site specifically in the Middle River area. The proposed bank is not within the viewshed of this documented site and will not adversely impact this resource.
- H. The property is bisected the Baltimore County Urban-Rural Demarcation line (URDL). The eastern portion of property, including the majority of the proposed wetland mitigation area is designated as Rural, with the remaining western and southern portions of the property designated at Urban. The location of the URDL corresponds with Growth Tiers and Priority Funding area delineations. The eastern portion of the property, including the majority of the proposed wetland mitigation area, is located outside of the Priority Funding area and within Growth Tier IV. Growth Tier IV are areas dedicated to preservation and conservation. While development within Growth Tier IV is allowed, only minor subdivisions with individual on-site sewage disposal are allowed. The remaining western and southern portions of the property are within the Priority Funding area and Growth Tier I, which allow major or minor subdivisions served by public sewers.

2. Goals and Objectives

The goal of the proposed Bank is to establish approximately 10 acres of diverse, self-sustaining, functional wetlands to replace the functional values and acreage adversely

Peige Mitigation Bank Prospectus

affected by authorized projects within the proposed geographic service area through restoration and enhancement. In doing so, the Bank will satisfy a portion of the existing and prospective demand for compensation within the service area. Some of the targeted functions include improvements to wildlife habitat, water quality, nutrient uptake, and flood attenuation.

A. Resource Type and Amount:

Restoration of approximately 10 acres of non-tidal forested wetlands (PFO).

B. Functions and Values

The resource functions of the proposed Bank that will address the functional needs of the Gunpowder River watershed include but are not limited to:

- 1) *Aquatic/Terrestrial Habitat and Biodiversity* - The proposed restoration work will improve and expand upon existing resources through wetland restoration and wetland buffer planting.
- 2) *Water Quality* – The Gunpowder watershed is impaired. The proposed mitigation site will improve the quality of surface water discharging from the site into Seneca Creek through settling, filtration, and biological uptake of nutrients, sediment, and other pollutants. The location of the site will provide water quality benefits to the overall watershed including flood flow attenuation and thermal impact reduction.
- 3) *DNR Important Habitat* – The proposed bank is located adjacent to Forest Interior Dwelling Species Habitat and Green Infrastructure Hub and will potentially provide additional protected area and expand upon mapped habitat and fragmented forest corridors located north and east of the site.
- 4) *Critical Area* – The proposed mitigation site is located within a Resource Conservation Area of the Chesapeake Bay Critical Area and will add to nearby protected areas

3. Establishment and Operation

A Mitigation Banking Instrument (MBI) will be developed by the Sponsor to establish the Bank. The development of the MBI and the operation of the Bank will be in accordance with the “Compensatory Mitigation for Losses of Aquatic Resources: Final Rule, 33 CFR 332” and follow the most current version of the MBI template provided by the Baltimore District, U.S. Army Corps of Engineers (USACE).

After approval of the Prospectus, the Sponsor shall submit a Bank Development Plan (BDP) for consideration by the Interagency Review Team (IRT) that includes all applicable items listed in 33 CFR 332.4(c)(2)-(14). The detailed content of the BDP will be determined in consultation with the IRT and will include the following elements:

Peige Mitigation Bank Prospectus

- 1) Objectives – Description of the resources types, amounts, methods, and anticipated functions provided by the Bank.
- 2) Site Selection – Description of factors considered and practicality of accomplishing ecologically self-sustaining compensation at the Bank.
- 3) Site Protection Instrument – Description of the legal arrangements and instruments to ensure long-term protection of the Bank.
- 4) Baseline Information – A description of the ecological characteristics of the proposed Bank.
- 5) Determination of Credits – A description of the number of credits generated and the rationale for this determination.
- 6) Mitigation Work Plan – Design plans and specifications to include grading, planting, water control, sequencing, soil management, and erosion control.
- 7) Maintenance Plan – A description and schedule for maintenance requirements after construction is completed.
- 8) Performance Standards – Performance standards that will be used to determine if Bank is achieving its objectives
- 9) Monitoring Requirements – A description of the monitoring requirements required to measure the performance standards, include monitoring and reporting schedules.
- 10) Long-term Management Plan – A strategy to manage the Bank after performance standards have been met, including financing mechanisms, and responsible parties.
- 11) Adaptive Management Plan – A strategy to manage the Bank after performance standards have been met to ensure the long term sustainability of the resource, including financing, unforeseen changes in the Bank, and the responsible parties.
- 12) Financial Assurances – A description of the financial assurances that will be provided.

The Sponsor will also obtain all other documentation, permits, and other authorizations required to establish and maintain the Bank, such as County grading permits.

- A. The proposed bank property is located at 701 Luthardt Road, Middle River, Maryland 21220. Site coordinates (Latitude/Longitude) are: W 76° 22' 44.77" N 39° 19' 43.41".
- B. The Bank type will be commercial.
- C. A conceptual mitigation plan that provides a brief description of the scope of work, proposed location, type, and acreage of resources is provided in Appendix B.
- D. Anticipated Schedule and Completion – The Sponsor believes that this prospectus is complete and sufficient for public notice. The Sponsor anticipates completion of the MBI and accompanying BDP in 2016 with construction commencing in 2017.
- E. An evaluation of the credit analysis, methodology, and compensation ratios will be performed by the IRT to determine exact amount of credits to be generated. A

Peige Mitigation Bank Prospectus

conceptual BDP will be prepared and submitted to the IRT for review as part of the MBI. The final calculation of the anticipated credits generated will be determined by the IRT based upon final approval of the BDP and MBI. The mitigation credits will be made available in accordance with the most current guidance published by the USACE and Maryland Department of the Environment (MDE). Please refer to Appendix B for the approximate number and type of credits and compensation ratios.

- F. Credits generated at this site for the use of compensatory mitigation credits cannot also be used to provide credits for another federal program (e.g., TMDL credits). No credit may be resold or used in any way in relation to another permit requirement, as compensation for another resource or to satisfy the requirements of any other program. Out-of-kind mitigation (e.g., emergent wetland credit for forested wetland impacts, or wetland credits for stream impacts) will only be allowed when approved by the USACE and MDE and may require a higher mitigation to impact ratio.
- G. The Sponsor will establish and maintain a banking ledger which will document credits and debits to the proposed Bank account. Each time an approved debit/credit transaction occurs, the Sponsor will submit a statement to the permitting agencies. The Sponsor will also generate semi-annual credit ledger reports for the previous six months to be submitted to all members of the IRT. The ledger will be available for inspection upon written request by any of the participating agencies. The Sponsor will also submit, at a minimum, annual financial reporting on assurances (bonding, letters of credit, etc.), and long term site management accounts.
- H. The credit release schedule will be tied to the achievement of specific performance based milestones defined in the MBI.
- I. The Sponsor will ensure all monitoring and maintenance (pre- and post-construction) will be undertaken during the success criteria time period. The Sponsor will provide maintenance and monitoring in accordance with the terms and conditions outlined in the MBI and BDP. The sponsor will use the IRT's Performance Standards and Monitoring Protocol template once it is finalized. Monitoring will include data collection for the indicators of success specified for the site. Remedial actions to the Bank site may be necessary during operational life of the bank.

The Sponsor shall submit an annual report, which describes conditions of the Bank and relates those conditions to the success criteria, to the USACE and MDE for distribution to the other members of the IRT. Reports will be submitted by December 31 of each calendar year and contain the following:

- a. A U.S. Geological Survey map showing location of the Bank.
- b. A detailed narrative summarizing the condition of the Bank.
- c. Appropriate topographic maps showing location of sampling plots, permanent photo points, location of transects, etc.

**Peige Mitigation Bank
Prospectus**

- d. Results of hydrology survey.
 - e. Results of vegetation survey including the following visual estimates of percentage of overall cover and percentage of cover by each vegetation layer, species diversity, percentage of exotic vegetation in each vegetation layer, total percentage of facultative and upland species in each vegetation layer, and an estimate of plant vigor.
 - f. Photographic documentation.
- J. The Sponsor will provide appropriate financial assurance acceptable to the IRT in accordance with the terms of the MBI and the final BDP. The financial requirements will be reduced over time as the BDP is implemented.

4. Geographic Service Area

- A. A map showing the bank site location and its position within the limits of the proposed service area is provided in Appendix A.
- B. The proposed geographic service area will be the Federal 8-digit HUC 02060003 (Gunpowder-Patapsco River Basin) but may be expanded to include adjacent basins at the discretion of the IRT. The proposed service area has been chosen based on the site's location within the Gunpowder-Patapsco watershed and because the entire watershed is affected by development and urbanization of the Baltimore metropolitan region. Within the watershed, the majority of undisturbed nontidal wetlands that could potentially be affected by development and mitigated on the site are Palustrine Forested (PFO), with similar functions and values to those proposed for the site. Impacts to wetlands of special concern or those deemed unique by regulatory agencies may require mitigation at higher ratios or other means as determined on a case by case basis by the IRT.

5. General Need and Technical Feasibility

- A. General Need: The proposed Bank will provide in-kind wetland mitigation to third parties in need of compensation for whom this would be the most practicable alternative for impacts to regulated resources within the proposed geographic service area. The Bank would also provide ecological uplift in the form of water quality and wildlife improvements for the Gunpowder River watershed.
- B. Existing Conditions: The +/- 10 acre bank site is situated on a 59.4 acre farm located in the southern portion of the Gunpowder River watershed. The property drains from north to south toward Seneca Creek at the parcel's southern border. The northeastern edge of the property is a low-lying area which receives runoff from Carroll Island and Seneca Park Roads. A house and other structures are situated in the middle and southern portions of the property.

Peige Mitigation Bank Prospectus

Seasonal high water table exists within the project area. Soils range from well-drained to poorly-drained within the restoration areas. The proposed restoration areas lack all three parameters required to be a non-tidal wetland, however it is believed that minimal disturbance will be needed to achieve wetland hydrology, soils, and vegetation given the prior converted nature of this area. Approximately 54 acres drain to the project area as shown in Appendix A, with a drainage divide situated along Carroll Island Road immediately to the north.

According to Correspondence with the landowner, the property has remained a farm with fragmented vegetated buffers since at least the late 1800s. The following site selection factors were considered and evaluated when choosing this project for mitigation: aquatic/terrestrial habitat diversity and connectivity, water quality, and watershed protection.

- C. Proposed Conditions: Preliminary assessments reveal that minimal disturbance, grading, and alteration to the existing topography, landscape and hydrologic conditions will be required to construct a self-sustaining wetland ecosystem requiring minimal maintenance over time. Feasibility studies support a mitigation design which would include the following elements:
1. Stripping, grading, ripping, and planting the existing cropland to re-establish micro topography to support wetland hydrology, vegetation, and soils (+/- 10 acres of wetland restoration).
 2. Planting upland areas with native trees and shrubs to re-establish habitat connectivity and provide further site protection (approximately 12 acres of critical area reforestation). This area will be under separate approval.

6. Ownership and Long-Term Management Strategy

- A. Contact information for the Bank is provided below:

Landowner

John Peige and Roay McNamara
701 Luthardt Road
Middle River, Maryland 21220
Attn: John Peige (410-335-4504)
jpeige@comcast.net

Bank Sponsor/Consultant/Designer/Contractor

Ecotone, Inc.
2120 High Point Road
Forest Hill, Maryland 21050
Attn: Jim Morris (410-420-2600)
jmorris@ecotoneinc.com

Peige Mitigation Bank Prospectus

A mutually agreeable “holder” of the conservation easement will be agreed upon with the IRT and identified in the Mitigation Banking Instrument.

- B. There are no known encumbrances or liens for the subject property. All mortgages have been paid in full and released. The Sponsor will obtain from adjacent landowners all rights-of-entry, access and easements necessary to perform the required mitigation design, construction, monitoring and maintenance activities. Access to the site is available directly from Luthardt, Carroll Island, and Seneca Park Roads, so no access easement is required for long term maintenance and monitoring. There are no utility or right-of-way easements on site.
- C. The bank site and overall property is currently owned by John Peige and Roay McNamara. The completed bank site will continue to be owned by the landowner. The Sponsor will be responsible for design, construction, operation, monitoring, and maintenance of the bank until all bank credits are sold and the post-construction monitoring period determined by the IRT. Decisions concerning the operational life of the proposed Bank, long-term monitoring and maintenance, remedial actions, and financial assurances will be made in accordance with the 2008 Compensatory Mitigation Rule and as approved by the IRT. The Bank will be provided long-term protection in the form of a perpetual legal instrument that is agreeable to the IRT (declaration of restrictive covenants or conservation easement, if a mutually agreeable easement holder between all interested parties can be agreed upon).
- D. The Long-Term Management and Maintenance Plan will be implemented after the bank is closed, and will contain specific objectives and performance standards. The Long-Term Steward will document that it is achieving each objective or standard by submitting status reports to the IRT on a schedule approved by the IRT. A primary goal of the Bank is to create a self-sustaining natural aquatic system that achieves the intended level of aquatic ecosystem functionality with minimal human intervention, including long-term site maintenance. Natural changes to the vegetative community, other than changes caused by noxious weeds, that occur after all Bank performance standards have been met are not expected to require remediation.

The Long-Term Management Plan will include the following elements:

- i. To periodically patrol the Bank site for signs of trespass and vandalism. Maintenance will include reasonable actions to deter trespass (*e.g. mark property boundaries and post "No trespass"*) and repair vandalized Bank features (*e.g. collect and dispose of debris and trash*).
- ii. To monitor the bank’s overall condition, as well as that of structural elements and facilities of the Bank site such as signage, fencing, roads, and trails. The Long-Term Management and Maintenance Plan will include provisions to

Peige Mitigation Bank Prospectus

maintain and repair any improvements as necessary to achieve the objectives and functional performance goals of the Bank and comply with the provisions of the real estate instrument providing protection to the site. Improvements that are no longer needed to facilitate or protect the ecological function of the Bank site may be removed or abandoned if consistent with the terms and conditions of the recorded real estate instrument.

- iii. To inspect the Bank site annually to locate invasive species. In the event the IRT determines that the catchment or watershed in which the Bank resides becomes infested with these species in the future, so that their effective control on the Bank site is either no longer practicable or unreasonably expensive, the IRT will consider appropriate changes to the Long-Term Management Plan.
- iv. The Long-Term Management Plan (LMP) will address all potential management issues and will be fully laid out in the MBI.

7. Qualifications of the Sponsor

The Sponsor, Ecotone, is a full service ecological consulting, design, and construction company established in 1998. Over the last 18 years, the company has built a cross-trained staff of ecologists, biologists, environmental scientists, landscape architects, regulatory specialists, restoration designers, construction managers, equipment operators, and technicians who participate in all aspects of natural resource and ecosystem restoration projects including site reconnaissance, conceptual design, permitting/regulatory coordination, construction documents, bid procurement, construction oversight, and pre- and post- construction monitoring and maintenance. Since its inception, Ecotone has designed and constructed over 74 stream restoration projects totaling over 19 miles of stream, and 35 wetland restoration projects that total over 612 acres throughout the Mid-Atlantic Region. Several of these projects have been design-build mitigation projects for either private users or for agencies such as the Maryland Department of the Environment, Maryland Department of Natural Resources, and the State Highway Administration.

8. Ecological Suitability

The proposed bank site is situated in the impaired Gunpowder River watershed in southeastern Baltimore County. The property is currently a crop farm. Non-point source nutrient and sediment inputs from agricultural runoff have and continue to impact the aquatic resources within the watershed. The southern portion of the property, including part of the proposed mitigation area is located within the Critical Area (see Appendix A).

Feasibility studies have been ongoing since 2014 and consist of both office review of resources and visual assessments evaluating soil profiles, drainage patterns, and aerial imagery. Groundwater monitoring wells, soil borings, vegetation ID plots, topographic surveys, geomorphic surveys, and photo documentation stations will be employed to establish baseline

Peige Mitigation Bank Prospectus

monitoring. Seasonal high water table exists within the project area. Soils mapped within the restoration area include Sassafras-sandy loam and the hydric Woodstown-Urban Land complex.

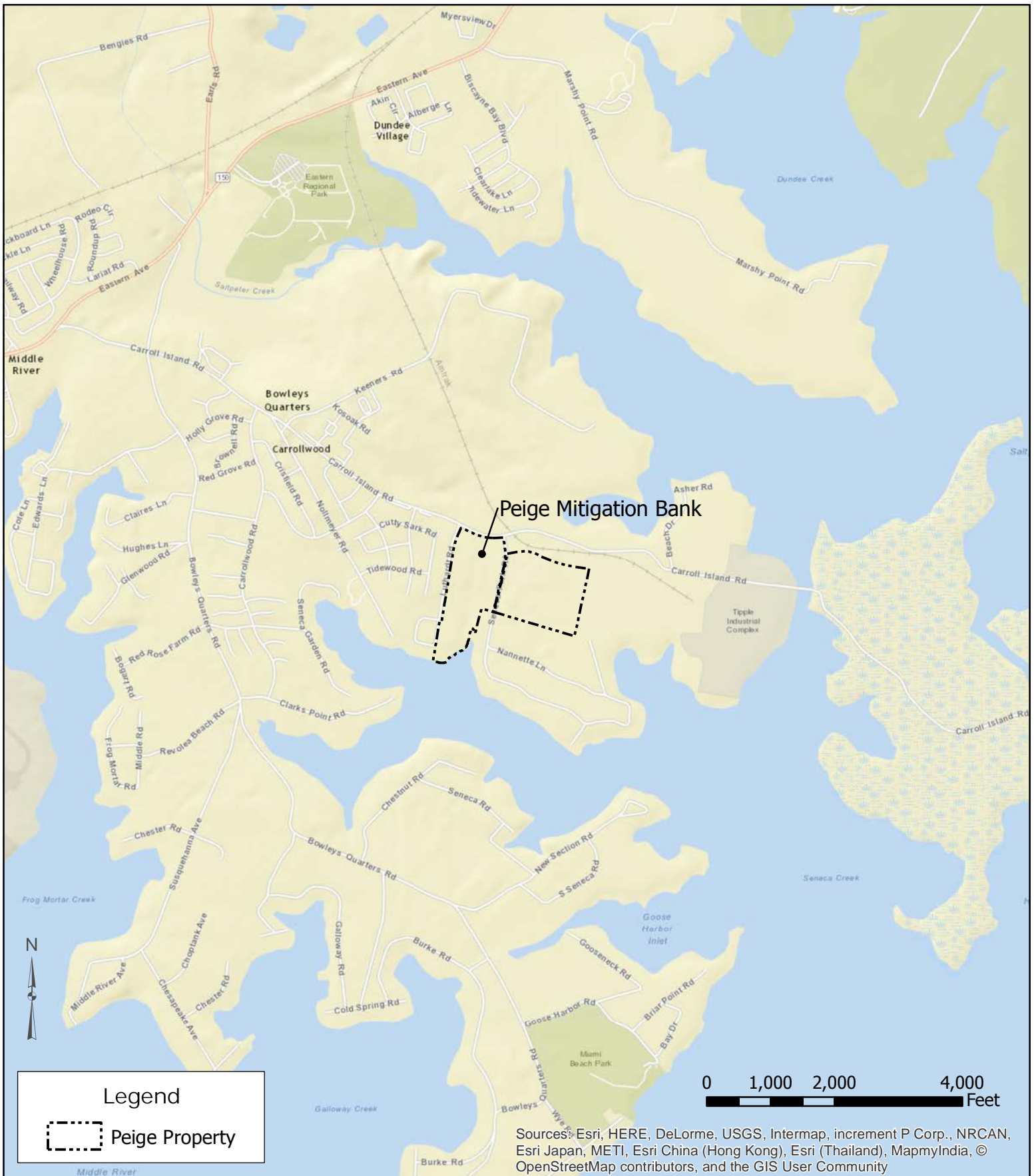
Reference information for the site is provided in Appendix A - Site Resource Maps, which includes the following: vicinity map, USGS, historic aerial photographs, National Wetlands Inventory, NRCS soil survey, project drainage Area, geographic service area, site photographs, and FEMA flood insurance rate map. The Sponsor conducted an agency field review attended by some IRT members February 27, 2014. There are no existing jurisdictional wetlands within the project area aside from wet roadside ditches along the northern boundary.

9. Assurance of Water Rights

The Sponsor and landowner retain and control sufficient water rights to support the long-term sustainability of the Bank. Primary sources of hydrology are from surface and groundwater with a majority of loss occurring through overland runoff. Approximately 54 acres drain to the project from areas west of Luthardt Road and east of Seneca Road, consisting of residential and agricultural land uses (see Appendix A).

No alterations to drainage patterns or existing hydrologic conditions are proposed. The proposed wetland restoration will not interrupt downstream flows and may reduce the potential of flooding. With the current surrounding land uses within the subwatershed, there is a minimal probability of additional development and hydrological disturbance occurring in the future. The Sponsor will coordinate closely with the Baltimore County Department of Planning and Zoning regarding future development in the Bank's watershed and ensuring the proposed restoration design can and will accommodate any such changes.

APPENDIX A
SITE RESOURCE MAPS

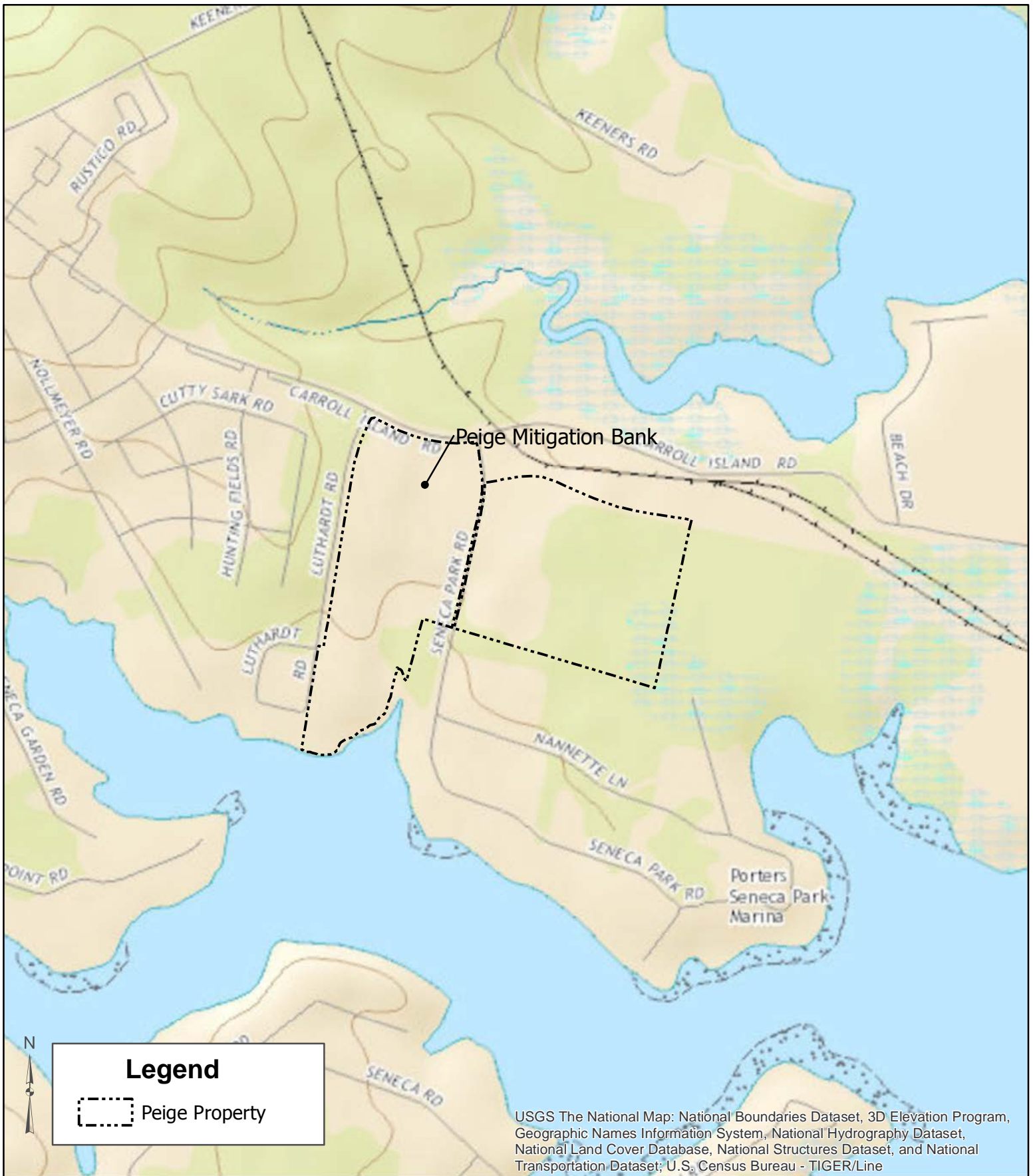


Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

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(410) 420-2600 FAX: (410) 420-6983 www.ecotoneinc.com

VICINITY MAP
 PEIGE
 MITIGATION BANK

SCALE:	1" = 2000'	1 of 9
PROJECT NO:	1367	
DATE:	MARCH 2016	
DRAWN BY:	JES	
PROJECT MANAGER:	JBM	

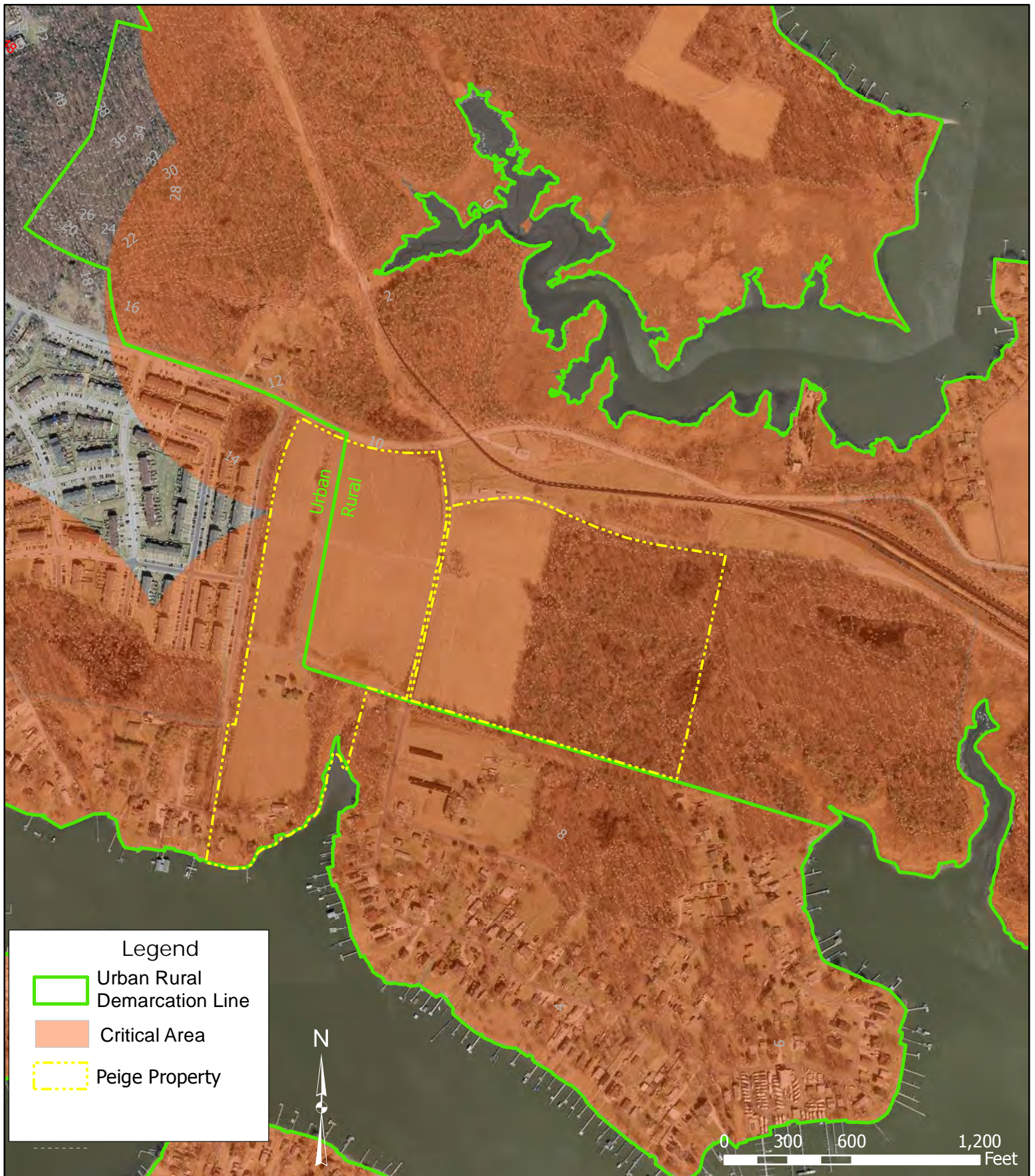


USGS The National Map: National Boundaries Dataset, 3D Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; U.S. Census Bureau - TIGER/Line

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USGS MAP
 PEIGE
 MITIGATION BANK

SCALE:	1" = 8,000'	2 of 9
PROJECT NO:	1367	
DATE:	MARCH 2016	
DRAWN BY:	JES	
PROJECT MANAGER:	JBM	



Legend

- Urban Rural Demarcation Line
- Critical Area
- Peige Property

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CRITICAL AREA AND URBAN RURAL DEMARCATION LINE

PEIGE MITIGATION BANK

SCALE:	1" = 600'	3 of 9
PROJECT NO:	1367	
DATE:	MARCH 2016	
DRAWN BY:	JES	
PROJECT MANAGER:	JBM	



Legend

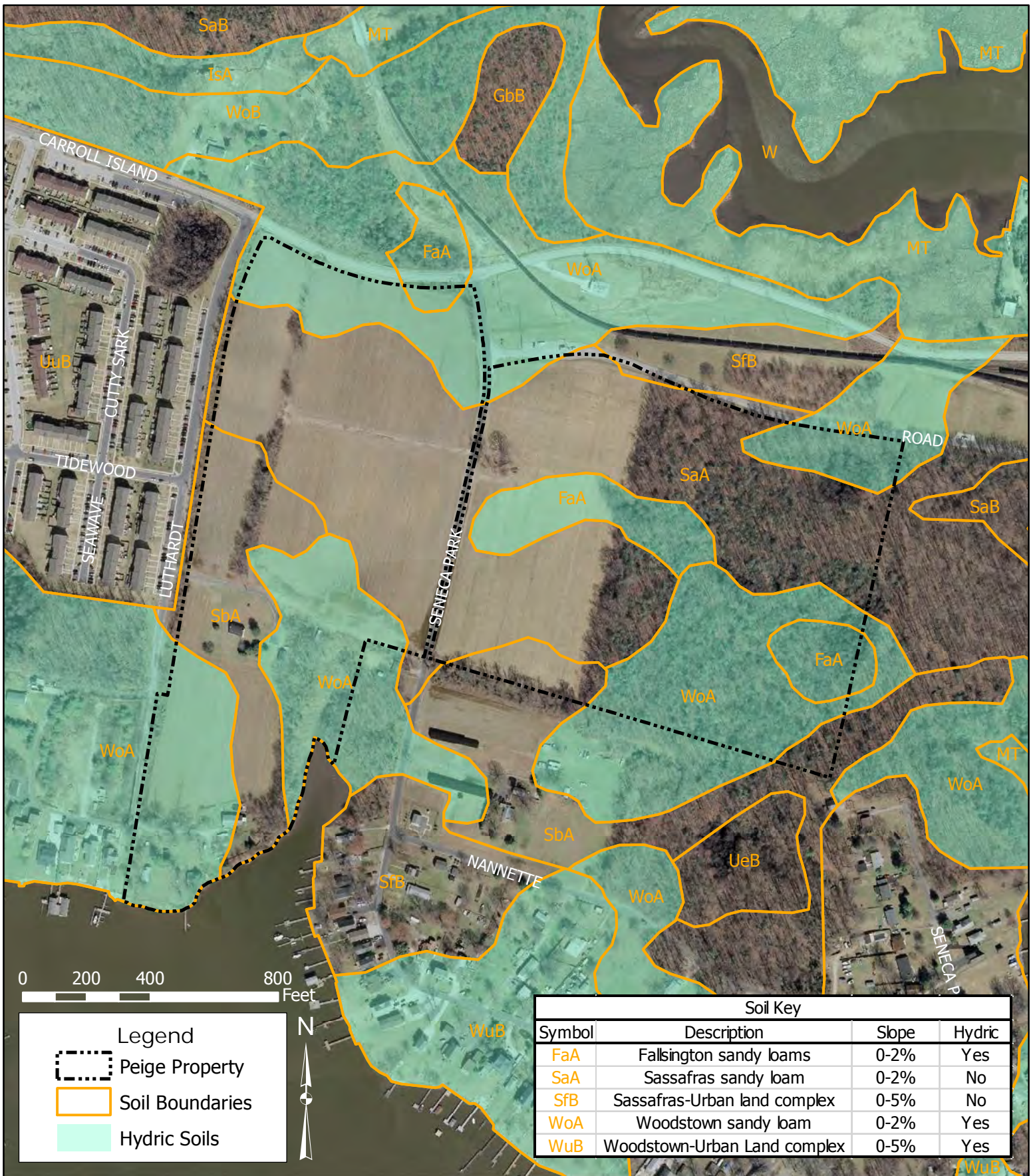
- Priority Funding Area
- Peige Property



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PRIORITY FUNDING AREA PEIGE MITIGATION BANK	SCALE:	1" = 800'	
	PROJECT NO:	1367	
	DATE:	MARCH 2016	
	PROJECT MANAGER:	JBM	
		4 of 9	



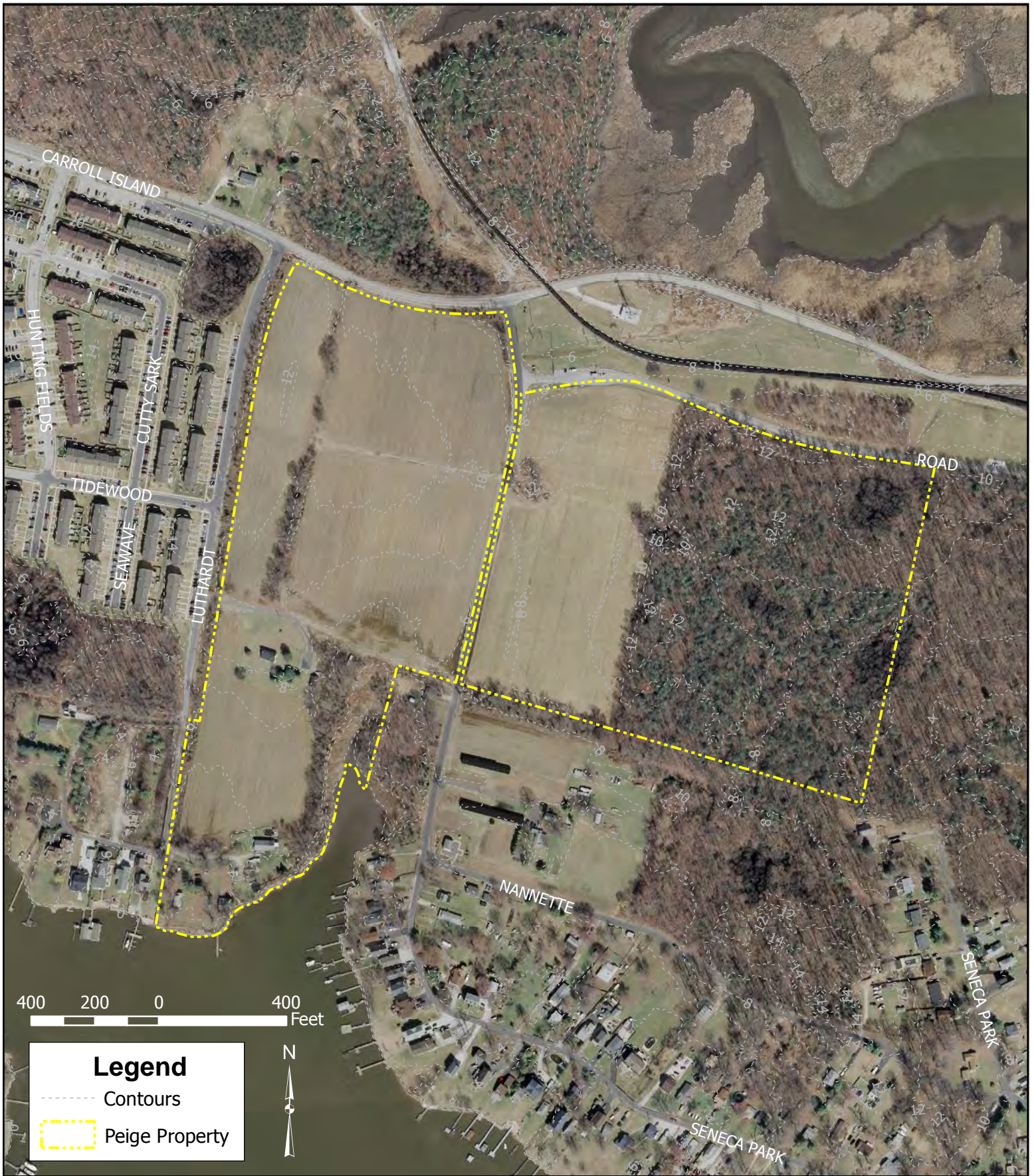
Soil Key			
Symbol	Description	Slope	Hydric
FaA	Falsington sandy loams	0-2%	Yes
SaA	Sassafras sandy loam	0-2%	No
Sfb	Sassafras-Urban land complex	0-5%	No
WoA	Woodstown sandy loam	0-2%	Yes
WuB	Woodstown-Urban Land complex	0-5%	Yes

Legend

- Peige Property
- Soil Boundaries
- Hydric Soils

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SOIL SURVEY PEIGE MITIGATION BANK	SCALE:	1" = 400'	
	PROJECT NO:	1367	
	DATE:	MARCH 2016	
	DRAWN BY:	JES	
	PROJECT MANAGER:	JBM	
		5 of 9	



400 200 0 400 Feet



Legend

- Contours
- Peige Property

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AERIAL PHOTOGRAPH PEIGE MITIGATION BANK	SCALE:	1" = 400'	6 of 9
	PROJECT NO:	1367	
	DATE:	MARCH 2016	
	DRAWN BY:	JES	
	PROJECT MANAGER:	JBM	



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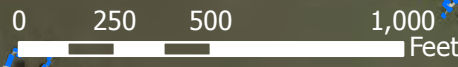
COLOR INFRARED
 AERIAL PHOTOGRAPH
 (2010)
 PEIGE
 MITIGATION BANK

SCALE:	1" = 400'	7 of 9
PROJECT NO:	1367	
DATE:	MARCH 2016	
DRAWN BY:	JES	
PROJECT MANAGER:	JBM	



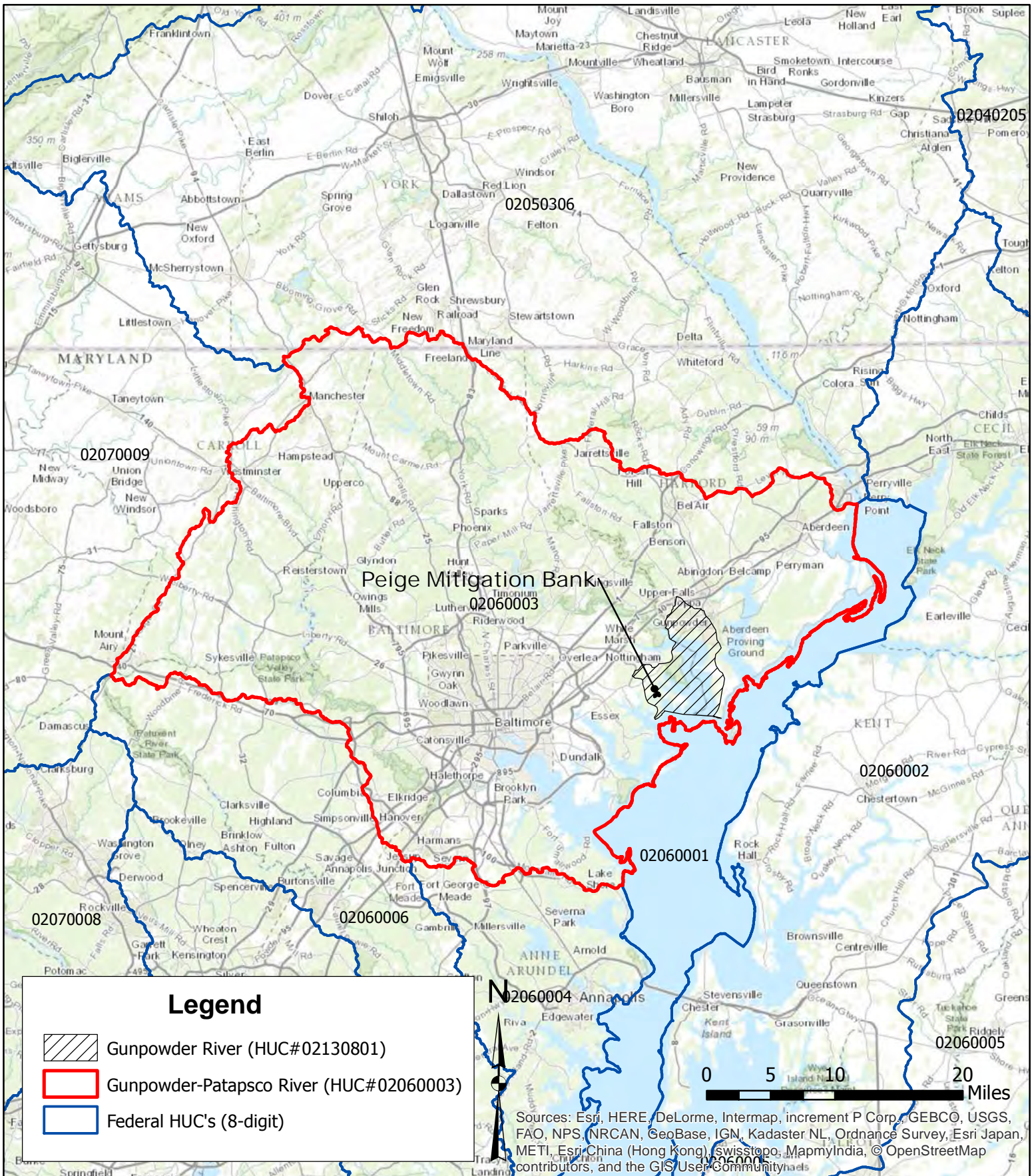
Legend

- Peige Property
- Existing Contours (2ft)
- Hydrology Lines






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DRAINAGE AREA PEIGE MITIGATION BANK	SCALE:	1" = 500'	8 of 9
	PROJECT NO:	1367	
	DATE:	MARCH 2016	
	DRAWN BY:	JES	
	PROJECT MANAGER:	JBM	



Legend

-  Gunpowder River (HUC#02130801)
-  Gunpowder-Patapsco River (HUC#02060003)
-  Federal HUC's (8-digit)

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



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GEOGRAPHIC SERVICE AREA

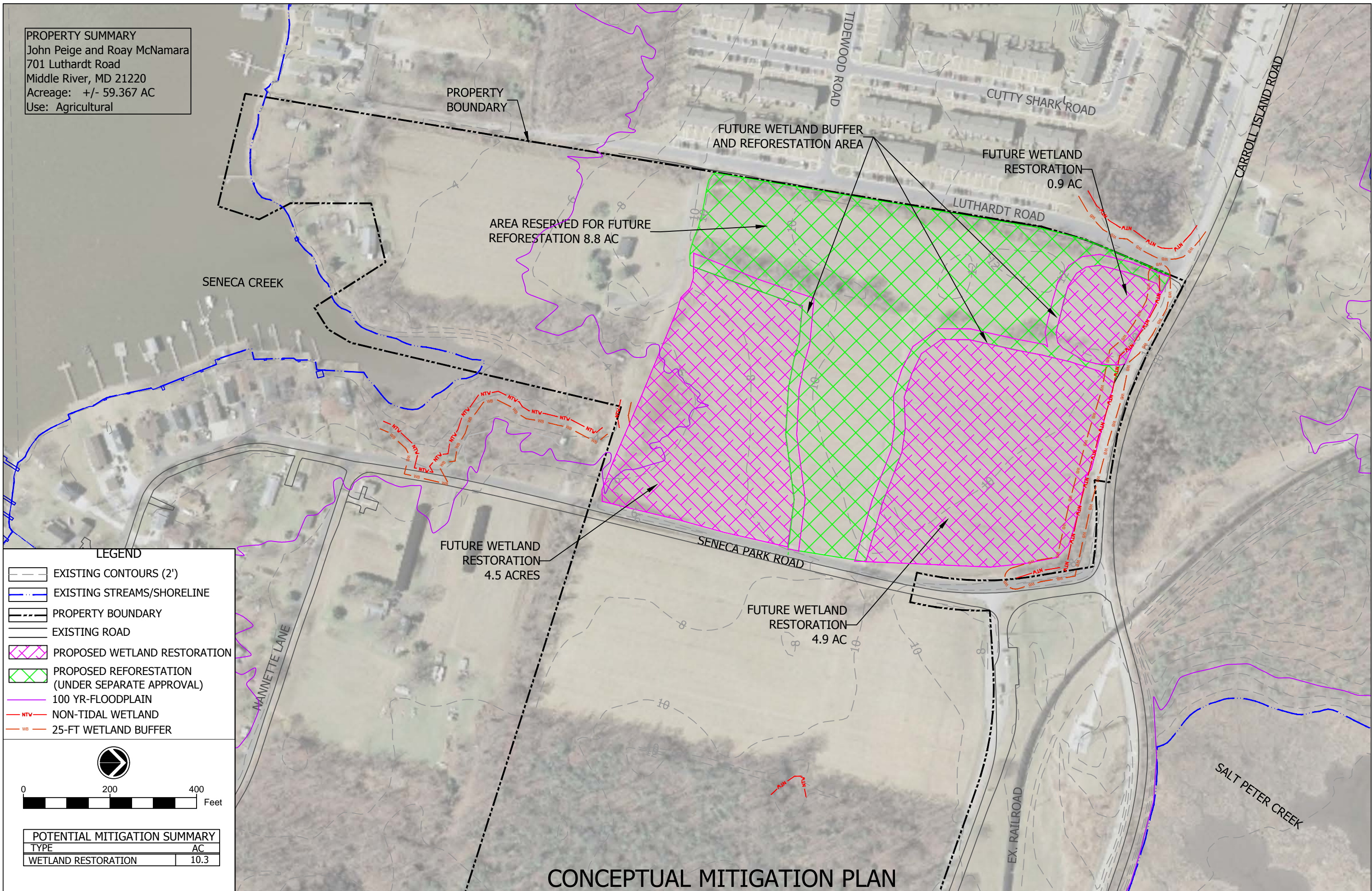
PEIGE MITIGATION BANK

SCALE:	1" = 10 mi	
PROJECT NO:	1367	
DATE:	MARCH 2016	9 of 9
DRAWN BY:	JES	
PROJECT MANAGER:	JBM	

APPENDIX B

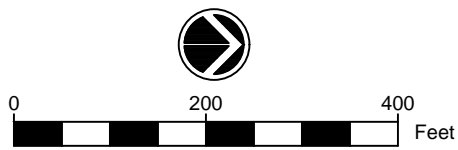
CONCEPT PLAN AND IMPACT PLATES (ESTIMATED)

PROPERTY SUMMARY
 John Peige and Roay McNamara
 701 Luthardt Road
 Middle River, MD 21220
 Acreage: +/- 59.367 AC
 Use: Agricultural



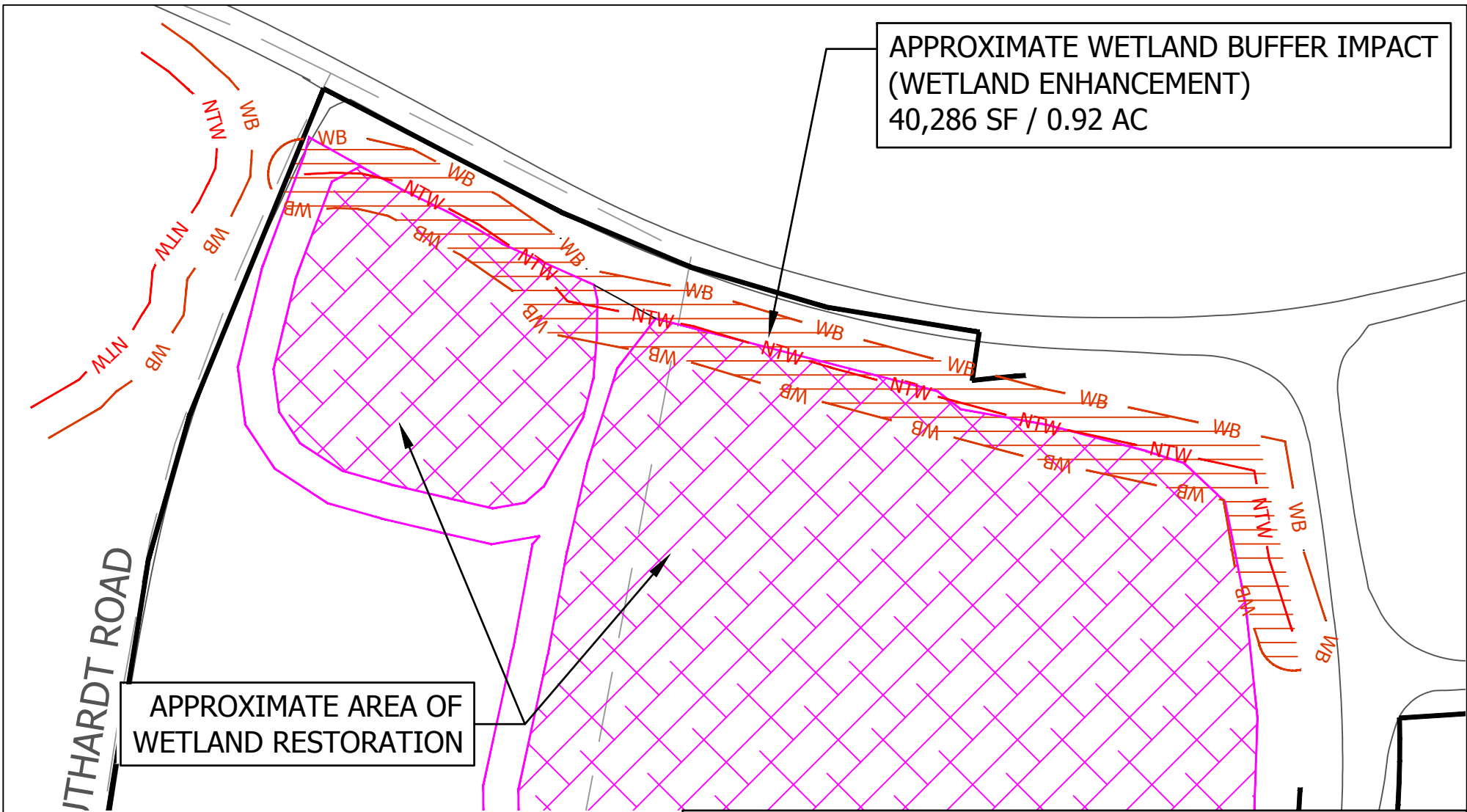
LEGEND

- EXISTING CONTOURS (2')
- EXISTING STREAMS/SHORELINE
- PROPERTY BOUNDARY
- EXISTING ROAD
- PROPOSED WETLAND RESTORATION
- PROPOSED REFORESTATION (UNDER SEPARATE APPROVAL)
- 100 YR-FLOODPLAIN
- NON-TIDAL WETLAND
- 25-FT WETLAND BUFFER



POTENTIAL MITIGATION SUMMARY	
TYPE	AC
WETLAND RESTORATION	10.3

CONCEPTUAL MITIGATION PLAN



APPROXIMATE AREA OF
WETLAND RESTORATION

APPROXIMATE WETLAND BUFFER IMPACT
(WETLAND ENHANCEMENT)
40,286 SF / 0.92 AC

LUTHARDT ROAD



TOTAL IMPACTS (BOTH SHEETS)	
25-STATE WETLAND BUFFER (TEMPORARY)	±42,954 SF. / 0.97 AC.
100-YR FLOODPLAIN (TEMPORARY)	±33,341 SF. / 0.77 AC.

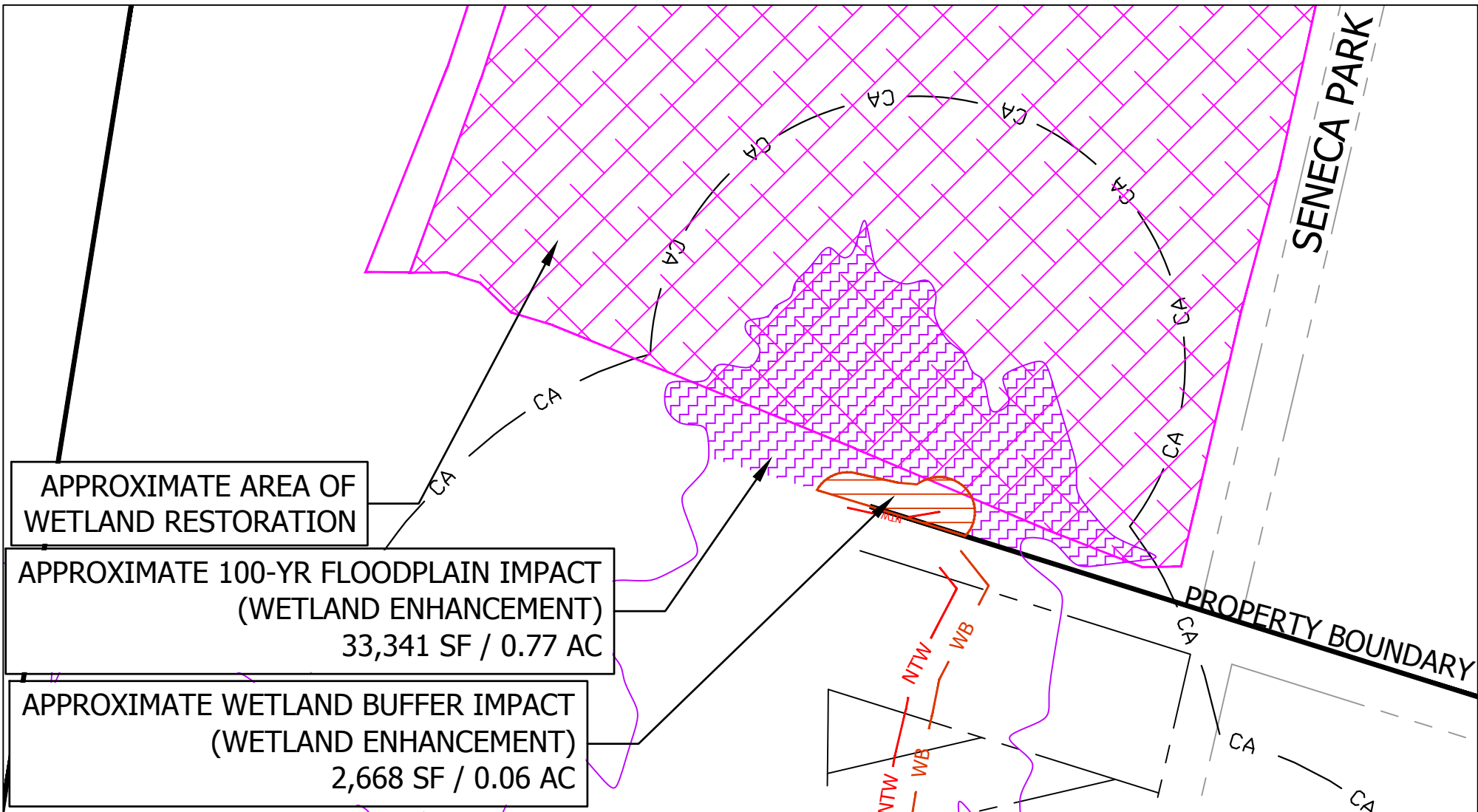


APPROXIMATE IMPACT AREA: EXHIBIT # 1
PEIGE MITIGATION BANK PROSPECTUS
 701 LUTHARDT ROAD, MIDDLE RIVER

SCALE: 1" = 100'

SHEET:

1 of 2



APPROXIMATE AREA OF WETLAND RESTORATION

APPROXIMATE 100-YR FLOODPLAIN IMPACT (WETLAND ENHANCEMENT)
33,341 SF / 0.77 AC

APPROXIMATE WETLAND BUFFER IMPACT (WETLAND ENHANCEMENT)
2,668 SF / 0.06 AC

TOTAL IMPACTS (BOTH SHEETS)	
25-STATE WETLAND BUFFER (TEMPORARY)	±42,954 SF. / 0.97 AC.
100-YR FLOODPLAIN (TEMPORARY)	±33,341 SF. / 0.77 AC.



APPROXIMATE IMPACT AREA: EXHIBIT # 2
PEIGE MITIGATION BANK PROSPECTUS
701 LUTHARDT ROAD, MIDDLE RIVER

SCALE: 1" = 100'

SHEET:

2 of 2

APPENDIX C
PERTINENT DOCUMENTS

CERTIFICATION OF NOTIFICATION

ATTENTION APPLICANT:

Please complete this form and return to Wetlands and Waterways Program, Water Management Administration, 1800 Washington Boulevard, Baltimore, MD 21230. Be sure to include the Division number, a copy of the tax map and your notification letter, and sign the form. Please include complete names and complete addresses, including zip codes. Your application is incomplete until this certification is received.

Tracking No: _____ Division No: _____
Assigned Staff: Kelly Neff


Description of the project:
Peige Wetland Mitigation Bank: ~10 acres of forested wetland

Please list all persons notified below: (continue on reverse side or attach additional sheets if necessary)

NAME	ADDRESS
<u>See Attached List</u>	_____
_____	_____
_____	_____
_____	_____

If delivery was not made to certain persons, please list those persons and the reasons for non-delivery on the reverse side of this form.

I hereby certify that I have notified all persons who own properties which have a common boundary with my property. The appropriate local officials have been notified. I have notified them by certified mail or in person.

 _____ Signature of Applicant	<u>10/17/2016</u> _____ Date
<u>Jim Morris</u> _____ Please Print Name	<u>410-420-2600</u> _____ Telephone Number



Example Landowner Notification Letter

October 17, 2016

Joseph Michael Reichert Jr
11131 Bird River Grove Rd
White Marsh, MD 21162-0000

RE: Wetland Construction – 701 Luthardt Road, Middle River, Maryland

Dear Sir or Madame,

Ecotone, Inc has requested authorization from the Maryland Department of the Environment and U.S. Army Corps of Engineers to create approximately 10 acres of Wetland Mitigation at 701 Luthardt Road in Middle River, Maryland. The activities associated with the proposed project include grading and planting to restore this area to wetland. This parcel is currently being used as agricultural land and will be turned into a forested wetland much like many of the surrounding natural areas. This project will provide water quality benefits to Seneca Creek and the Chesapeake Bay.

Since you are a contiguous landowner, you are being notified of the proposed project. If you have any questions concerning the project, please call Ms. Marie Brady of Ecotone, Inc. at (410) 420-2600.

Sincerely,

Marie V. Brady

Marie Brady
Environmental Scientist

ADJACENT PROPERTYOWNERS – PEIGE PROPERTY

C P CRANE LLC
2901 VIA FORTUNA DR BLDG 6 STE 650
AUSTIN TX 78746

BALTIMORE COUNTY MARYLAND
21-EC-001 OLD COURTHOUSE
BALTIMORE MD 21204

JOSEPH MICHAEL REICHERT JR
11131 BIRD RIVER GROVE RD
WHITE MARSH MD 21162-0000

GP CONSTRUCTION CO INC
11836 BELAIR RD
KINGSVILLE, MD 21087

Peige Mitigation Bank

IPaC Trust Resource Report

Generated November 09, 2015 08:33 AM MST

This report is for informational purposes only and should not be used for planning or analyzing project-level impacts. For projects that require FWS review, please return to this project on the IPaC website and request an official species list from the Regulatory Documents page.



US Fish & Wildlife Service

IPaC Trust Resource Report



Project Description

NAME

Peige Mitigation Bank

PROJECT CODE

MH4OB-3UE2R-CDZEP-KFS37-PKHGJM

LOCATION

Baltimore County, Maryland

DESCRIPTION

Approximately 9.9 acres of wetland will be restored within a 59.4 acre parcel currently used for agriculture.



U.S. Fish & Wildlife Contact Information

Species in this report are managed by:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

Endangered Species

Proposed, candidate, threatened, and endangered species that are managed by the [Endangered Species Program](#) and should be considered as part of an effect analysis for this project.

This unofficial species list is for informational purposes only and does not fulfill the requirements under [Section 7](#) of the Endangered Species Act, which states that Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action." This requirement applies to projects which are conducted, permitted or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can be obtained by returning to this project on the IPaC website and requesting an official species list on the Regulatory Documents page.

Mammals

Northern Long-eared Bat *Myotis septentrionalis* Threatened

CRITICAL HABITAT

No critical habitat has been designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=A0JE>

Critical Habitats

Potential effects to critical habitat(s) within the project area must be analyzed along with the endangered species themselves.

There is no critical habitat within this project area

Migratory Birds

Birds are protected by the [Migratory Bird Treaty Act](#) and the [Bald and Golden Eagle Protection Act](#).

Any activity which results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service (1). There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

You are responsible for complying with the appropriate regulations for the protection of birds as part of this project. This involves analyzing potential impacts and implementing appropriate conservation measures for all project activities.

<p>American Oystercatcher <i>Haematopus palliatus</i> Year-round https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0G8</p>	Bird of conservation concern
<p>American Bittern <i>Botaurus lentiginosus</i> Season: Wintering https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0F3</p>	Bird of conservation concern
<p>Bald Eagle <i>Haliaeetus leucocephalus</i> Year-round https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B008</p>	Bird of conservation concern
<p>Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> Season: Breeding https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0HI</p>	Bird of conservation concern
<p>Blue-winged Warbler <i>Vermivora pinus</i> Season: Breeding</p>	Bird of conservation concern
<p>Cerulean Warbler <i>Dendroica cerulea</i> Season: Breeding https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B09I</p>	Bird of conservation concern
<p>Fox Sparrow <i>Passerella iliaca</i> Season: Wintering</p>	Bird of conservation concern
<p>Gull-billed Tern <i>Gelochelidon nilotica</i> Season: Breeding https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0JV</p>	Bird of conservation concern
<p>Kentucky Warbler <i>Oporornis formosus</i> Season: Breeding</p>	Bird of conservation concern
<p>Least Bittern <i>Ixobrychus exilis</i> Season: Breeding</p>	Bird of conservation concern
<p>Least Tern <i>Sterna antillarum</i> Season: Breeding</p>	Bird of conservation concern
<p>Marbled Godwit <i>Limosa fedoa</i> Season: Wintering https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=B0JL</p>	Bird of conservation concern

Nelson's Sparrow <i>Ammodramus nelsoni</i> Season: Wintering	Bird of conservation concern
Pied-billed Grebe <i>Podilymbus podiceps</i> Year-round	Bird of conservation concern
Prairie Warbler <i>Dendroica discolor</i> Season: Breeding	Bird of conservation concern
Prothonotary Warbler <i>Protonotaria citrea</i> Season: Breeding	Bird of conservation concern
Purple Sandpiper <i>Calidris maritima</i> Season: Wintering	Bird of conservation concern
Red Knot <i>Calidris canutus rufa</i> Season: Wintering https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=BODM	Bird of conservation concern
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> Year-round	Bird of conservation concern
Rusty Blackbird <i>Euphagus carolinus</i> Season: Wintering	Bird of conservation concern
Saltmarsh Sparrow <i>Ammodramus caudacutus</i> Year-round	Bird of conservation concern
Seaside Sparrow <i>Ammodramus maritimus</i> Year-round	Bird of conservation concern
Short-billed Dowitcher <i>Limnodromus griseus</i> Season: Wintering	Bird of conservation concern
Short-eared Owl <i>Asio flammeus</i> Season: Wintering https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=BOHD	Bird of conservation concern
Snowy Egret <i>Egretta thula</i> Season: Breeding	Bird of conservation concern
Wood Thrush <i>Hylocichla mustelina</i> Season: Breeding	Bird of conservation concern
Worm Eating Warbler <i>Helmitheros vermivorum</i> Season: Breeding	Bird of conservation concern

Refuges

Any activity proposed on [National Wildlife Refuge](#) lands must undergo a 'Compatibility Determination' conducted by the Refuge. If your project overlaps or otherwise impacts a Refuge, please contact that Refuge to discuss the authorization process.

There are no refuges within this project area

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes.

Project proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

DATA LIMITATIONS

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

DATA EXCLUSIONS

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

DATA PRECAUTIONS

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Wetland data is unavailable at this time.



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Mark Belton, Secretary
Joanne Throwe, Deputy Secretary

September 22, 2016

Ms. Marie Brady
Ecotone, Inc.
P.O. Box 5
Jarrettsville, Maryland 21084

RE: Environmental Review for Peige Mitigation Bank, 701 Luthardt Road, Middle River, Baltimore County, Maryland.

Dear Ms. Brady:

The Wildlife and Heritage Service has determined that there are no official State or Federal records for listed plant or animal species within the delineated area shown on the map provided. As a result, we have no specific concerns regarding potential impacts or recommendations for protection measures at this time. Please let us know however if the limits of proposed disturbance or overall site boundaries change and we will provide you with an updated evaluation.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,

A handwritten signature in black ink that reads "Lori A. Byrne".

Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2016.1217.ba
Cc: C. Shearin, CAC



Maryland Department of Planning
Maryland Historical Trust

Sustainable — Attainable

December 11, 2013

Joseph P. DaVia
Chief, Maryland Section Northern
Baltimore District
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715

Re: Proposed Enterprise Housing/Hollins Station Wetland Mitigation Site
Baltimore County, Maryland -- 201361282

Dear Mr. DaVia:

In response to our October 3, 2013 letter regarding the above-referenced project, Ecotone Inc. has provided the Maryland Historical Trust (MHT) with a more detailed map and site plan illustrating the above-referenced proposed wetland mitigation site. MHT received the additional information on November 7, 2013. We have reviewed the submittal in accordance with Section 106 of the National Historic Preservation Act and Sections 5A-325 and 5A-326 of the State Finance and Procurement Article. Below are our comments and recommendations regarding the project's potential effects on historic properties.

Archeology: As noted in our October 3, 2013 letter, MHT files indicate that two archeological sites (18BA200 and 18BA83) have been identified in the vicinity of the proposed wetland mitigation. Site 18BA83 has been identified as a prehistoric site and is located within the northern portion of the project area along Carroll Island Road. Site 18BA200 is located in the central portion of the project area and is most likely associated with the early to mid-eighteenth century house known as the Scott-Andrew House (BA-1846). Following our review of the site plans submitted by Ecotone Inc., it appears that the proposed undertaking will impact *both* site 18BA83 and 18BA200. In addition, due to the presence of these two sites and the proximity of the 18th century farmstead, we believe that the wetland mitigation site has moderate to high potential for containing additional archeological resources that have not yet been identified. We are therefore recommending that a Phase I archeological survey of the entire property take place prior to construction to determine if any previously unidentified sites are located within the project area and to determine if sites 18BA83 and 18BA200 do, in fact, extend into the proposed impact areas. The survey must be carried out by a qualified professional archeologist and performed in accordance with the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). Upon our review of the survey results, additional investigations of identified sites may be necessary.

Historic Built Environment: As noted above, the property contains an eighteenth-century house that is recorded in the Maryland Inventory of Historic Properties as number BA-1846. Although the building has not been formally evaluated to determine if it is eligible for listing in the National Register, it is a Baltimore County Historic Landmark and can be assumed eligible for the design and construction of the house and as an early

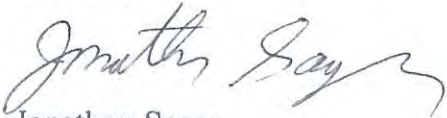
Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

Richard Eberhart Hall, AICP, Secretary
Amanda Stakem Conn, Esq., Deputy Secretary

extant example of regional residential building. The proposed activities would not diminish any of the characteristics associated with these areas of significance. It is our opinion that the proposed tree and shrub plantings are unlikely to adversely affect any historic buildings or landscapes.

A list of preservation consultants as well as additional information regarding Section 106 and the *Standards and Guidelines* can be found on our website at <http://mht.maryland.gov>. We look forward to receiving the information requested above and to further coordination as project planning proceeds. If you have any questions or require further information, please contact Dixie Henry (regarding archeology) at 410-514-7638 \ dhenry@mdp.state.md.us or me (regarding historic buildings and landscapes) at 410-514-7636 \ jsager@mdp.state.md.us.

Sincerely,



Jonathan Sager
Preservation Officer
Maryland Historical Trust

JES \ DLH
201305379

CC: Abbie Hopkins (COE)
Jon Romeo (COE)
Cheryl Kerr (MDE)
Eric Chodnicki (Ecotone Inc.)



Maryland Department of Planning
Maryland Historical Trust

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

David R. Craig, Secretary
Wendi W. Peters, Deputy Secretary

January 20, 2016

Mr. Joseph P. DaVia
Chief, Maryland Section Northern
Regulatory Branch
Baltimore District
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715

Re: MHT Review of Phase I Archeological Survey Report for Enterprise Housing/Hollins Station Wetland Mitigation Site (Peige Property), Baltimore County, Maryland -- 201361282

Dear Mr. DaVia:

The Maryland Historical Trust (MHT) has been provided with a copy of the draft report detailing the results of the Phase I archeological survey that has been conducted for the above-referenced project. MHT had recommended the Phase I survey work in 2013 (see our letter dated December 11, 2013), given the presence of two previously recorded archeological sites and the project area's proximity to an 18th century farmstead. We have reviewed the draft report in accordance with Section 106 of the National Historic Preservation Act and §§ 5A-325 and 5A-326 of the State Finance and Procurement Article. Below are our comments and recommendations regarding potential effects on historic properties.

The Phase I report was prepared and submitted to our office by Archeological Testing and Consulting, Inc. on behalf of the permit applicant, John Peige. The draft document, *A Phase I Archeological Survey of a 10-Acre Portion of the Peige Property Referred to as The Proposed Enterprise Housing/Hollins Station Wetland Mitigation Site Located at the Intersection of Carroll Island and Seneca Park Roads in Middle River, Baltimore County, Maryland* (Hill, Phillip J. 2015) is consistent with the reporting requirements of the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994) and presents the necessary documentation on the goals, methods, results, and recommendations of the Phase I investigation that has been conducted within the project area.

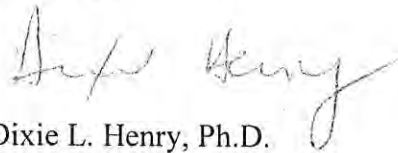
The Phase I survey was carried out during October of 2015 and consisted of pedestrian survey and the excavation of 150 shovel test pits over a 10-acre area. The study resulted in the identification of one archeological site (18BA591) and also evaluated the proposed undertaking's potential impact on two previously recorded sites (18BA83 and 18BA200). Site 18BA591 has been identified as a low-density and highly-dispersed refuse scatter that is most likely associated with the late 19th/20th century occupation of the Scott-

Andrew House (BA-1846). The Scott-Andrew House was built sometime between 1725-1744 for tobacco planter Daniel Scott and is located just south of the proposed wetland mitigation site. Only eight historic artifacts were recovered from site 18BA591. Similarly, site 18BA83 has yielded only four historic artifacts and has been classified as post-1820 field scatter that is also most likely associated with the 19th century use of the Scott-Andrew farmstead. As a result of these findings, Archeological Testing and Consulting has recommended that these two sites are not eligible for listing in the National Register of Historic Places. Based on the information presented in the Phase I report, we concur that sites 18BA591 and 18BA83 do not meet the criteria for eligibility in the National Register given their paucity of artifacts and inability to yield important information. Further investigation of these sites is not warranted.

The Phase I study also established that deposits associated with site 18BA200 – a site that essentially surrounds the still-extant Scott-Andrew House and encompasses its various yard areas – do *not* extend into the project's proposed impact areas. Therefore, the proposed wetland mitigation work will have no effect on site 18BA200, and further investigation of this site is *not* warranted for this particular undertaking.

The archeological survey work that has been conducted for the Hollins Station Wetland Mitigation project has generated important information regarding the presence of historic properties within the project area, and we appreciate the conscientious efforts that have been made to recover this information. If you have any questions or require further information, please do not hesitate to contact me at 410-514-7638 or dixie.henry@maryland.gov. Thank you for providing us with this opportunity to comment.

Sincerely,



Dixie L. Henry, Ph.D.
Preservation Officer
Maryland Historical Trust

DLH/201504907

cc: Abbie Hopkins (COE)
Jon Romeo (COE)
Cheryl Kerr (MDE)
Phil Hill (Archeological Testing and Consulting)
Eric Chodnicki (Ecotone Inc.)