

U.S. Army Corps of Engineers
Baltimore District

## **Public Notice**

In Reply to Application Number: CENAB-OP-RMN (MDOT SHA/Bridge No. 108600/MD 355 over Bennett Creek) 2017-61055-M15

PN 17-39

COMMENT PERIOD: August 7, 2017- September 6, 2017

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

The Corps has received and is evaluating a joint permit application as described below for Department of the Army authorization pursuant to **Section 404 of the Clean Water Act (33 U.S.C. 1344)**.

**APPLICANT:** Maryland Department of Transportation

State Highway Administration

Attn: Mr. Todd Nichols

707 North Calvert Street Mailstop -C-303

Baltimore, Maryland 21202

**LOCATION:** The proposed bridge replacement is located on MD 355 in Ijamsville, Frederick County, Maryland. Waterways that are to be impacted include Bennett Creek and the adjacent nontidal wetlands.

WORK: To improve traffic safety and reduce storm flows overtopping the roadway, the Maryland Department of Transportation State Highway Administration (SHA) proposes to replace and relocate Bridge No. 1008600 on MD 355 over Bennett Creek. To improve stream conveyance through the roadway crossing, MD SHA also proposes to relocate a portion of Bennett Creek. A temporary bridge would be constructed to maintain traffic during construction. The proposed bridge replacement/relocation will permanently impact approximately 2,494 linear feet (101,551 square feet) of Bennett Creek and approximately 2.8 acres of nontidal emergent wetlands. The project will temporarily impact approximately 493 linear feet (8,429 square feet) of Bennett Creek and approximately 8.3 acres of nontidal emergent wetlands.

SHA has proposed to provide compensatory mitigation for unavoidable permanent impacts to wetlands adjacent to the project site. The proposed mitigation site would include the creation of 1.42 acres of nontidal forested wetlands and the conversion/enhancement of 4.80 acres of notidal emergent wetlands (reed Canary grass monoculture) to nontidal forested wetlands. The enhancement activities will include initial mowing and controlled burning of the reed canary grass along with

chemical treatment prior to planting native herbaceous species and ultimately woody vegetation.

**PURPOSE:** The purpose of this project is to provide transportation improvements that improve traffic safety, improve the efficiency of stream conveyance through the roadway crossing, and reduce stormwater overtopping the roadway.

**WRITTEN COMMENTS:** To be included in the official record, written comments concerning the work described above and information provided by interested parties must be received by the Corps by the closing date of this notice's comment period, <u>September 6, 2017</u>, to receive consideration. The mailing address for submission of written comments is:

U.S. Army Corps of Engineers
Baltimore District
Attn: Mr. Jack Dinne, CENAB-OPR-M
10 South Howard Street
Baltimore, Maryland 21201

If you have any questions concerning this matter, please contact Mr. Jack Dinne, Corps at (410) 962-6005 or by email at john.j.dinne@usace.army.mil.

The decision whether to issue a DA 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 may reasonably 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 the work described above on the public interest will include the application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

Comments are being solicited 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 to determine whether to issue, modify, condition or deny each agency's 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 by in the preparation of a Corps Environmental Assessment (EA) pursuant to the National Environmental Policy Act. Comments provided will become part of the public record for this action. Comments are also used to determine the overall public interest of the proposed activity.

SECTION 401 WATER QUALITY CERTIFICATION: The applicant is required to obtain a Water Quality Certification, (WQC) in accordance with Section 401 of the Clean Water Act from MDE, the Section 401 certifying agency. Any written comments concerning the work described above which relate to the WQC must be received by the Wetlands and Waterways Program, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. MDE has a statutory limit of one year from the date of this public notice to make its decision.

The applicant must obtain any other State and local permits/approvals which are required for the proposed activities.

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

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

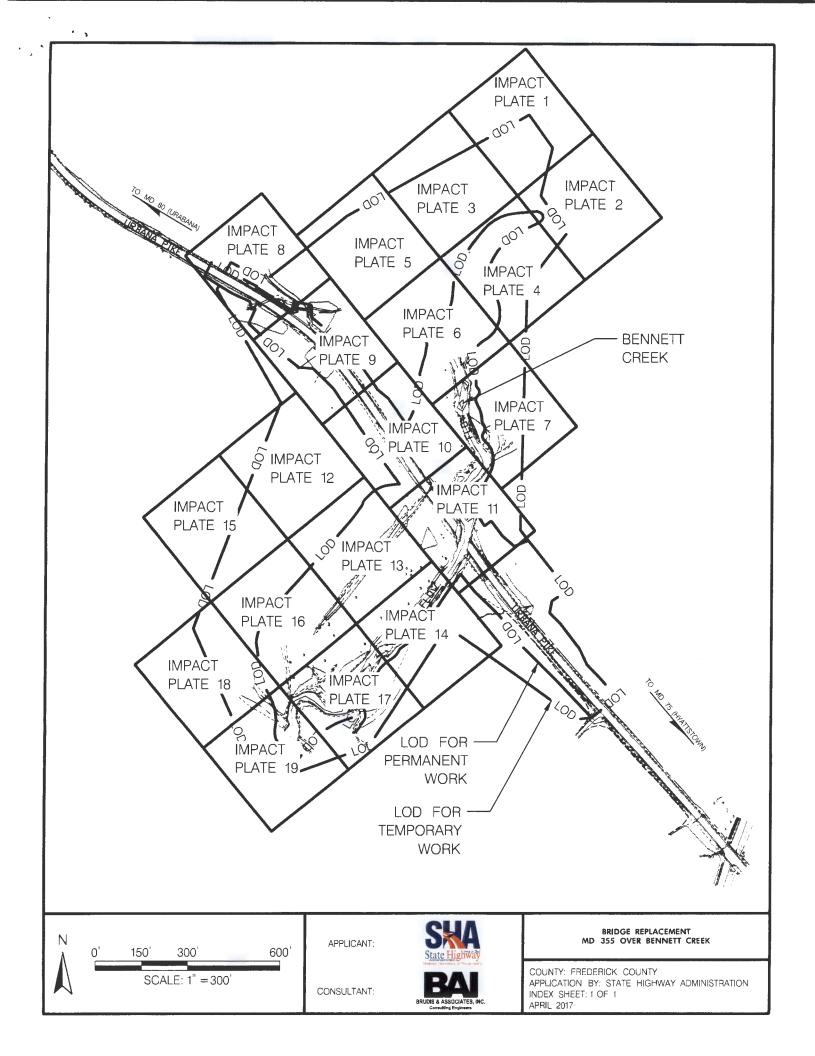
Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, Attn: Mr. Jack Dinne, CENAB-OP-RMN, 10 South Howard Street, Baltimore, Maryland 21201, within the comment period as specified above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested, but may not have not received a copy of this public notice.

## FOR THE DISTRICT ENGINEER:

Joseph P. DaVia

Chief, Maryland Section Northern



## SUMMARY OF IMPACTS

| TYPE OF IMPACT            | PERMANENT IMPACTS |         |      |
|---------------------------|-------------------|---------|------|
|                           | (LF)              | (SF)    | (AC) |
| WETLAND IMPACTS           | _                 | 119,817 | 2.75 |
| WETLAND BUFFER IMPACTS    | -                 | 88,434  | 2.03 |
| WATERS OF US IMPACTS      | 2,494             | 101,551 | 2.33 |
| 100-YR FLOODPLAIN IMPACTS | _                 | 365,840 | 8.40 |

| TYPE OF IMPACT            | TEMPORARY IMPACTS |         |      |
|---------------------------|-------------------|---------|------|
|                           | (LF)              | (SF)    | (AC) |
| WETLAND IMPACTS           | -                 | 363,238 | 8.34 |
| WETLAND BUFFER IMPACTS    | _                 | 79,962  | 1.84 |
| WATERS OF US IMPACTS      | 493               | 8,429   | 0.19 |
| 100-YR FLOODPLAIN IMPACTS |                   | 152,650 | 3.50 |

APPLICANT:

CONSULTANT:



BRIDGE REPLACEMENT MD 355 OVER BENNETT CREEK

COUNTY: FREDERICK COUNTY

APPLICATION BY: STATE HIGHWAY ADMINISTRATION
SUMMARY SHEET: 1 OF 1

APRIL 2017-

