



U.S. Army Corps  
of Engineers

# Public Notice

In Reply to Application Number  
NAB-2023-60104-M30 (BHC Inc-Kenwood  
Village/Residential Subdivision)

Baltimore District  
PN-25-07

Comment Period: January 14, 2025, to February 04, 2025

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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:**

BHC, Incorporated  
c/o Mr. Joe Zdrojewski  
11611 Old Georgetown Road, 2<sup>nd</sup> Floor.  
Rockville, Maryland 20852

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

The proposed project is located in nontidal wetlands and streams of Southwest Branch at the intersection of Whitehouse Road and Harry S. Truman Drive, in Upper Marlboro, Prince George's County, Maryland. (Latitude 38.866°N; Longitude -76.823°W)

**OVERALL PROJECT PURPOSE:**

To construct a residential development with associated infrastructure.

**PROJECT DESCRIPTION:**

To construct a new residential development temporarily impacting a total of approximately 3,220 square feet (sf) of palustrine forested (PFO) nontidal wetlands, 3,606 square feet (sf) of palustrine emergent (PEM) nontidal wetlands, 36 linear feet of stream channel; and permanently impacting a total of approximately 14,197 square feet sf of PFO nontidal wetlands, 2,856 sf of PEM nontidal wetlands, 650 linear feet of stream channel for construction of utilities and road crossings.

All work is to occur in nontidal wetlands and unnamed tributaries to Southwest Branch of the Patuxent River. Please refer to the table below for detailed summary of the aquatic resource impacts.

#### **EFFECTS ON AQUATIC RESOURCES:**

Proposed Activity	Stream Impact (sf/lf)		Wetland Impact (sf)		Impact Area	Authority
	Temp	Perm	Temp	Perm		
Utility Lines	97 sf/10 lf	-	431 sf/ PFO	-	1	Section 404
Road Crossing 1	-	714 sf/ 238 lf	193 sf/ PFO	11,558 sf/ PFO	3	
Road Crossing 2	449 sf/ 26 lf	6,334 sf/412 lf	2,596 sf/ PFO; 3,606 sf/ PEM	2,856 sf/ PEM	4	
Subtotal:	546 sf/ 36 lf	7,048 sf/ 650lf	6,826sf	14,414 sf		
Total (Temp & Perm):	7,594 sf/ 686 lf		21,240 sf			

#### **LEAD FEDERAL AGENCY:**

The United States 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 development of the Kenwood Village site, steps were taken to ensure avoidance and minimization of impacts to aquatic resources to the maximum extent practicable based on the existing site conditions. The road crossings were designed to be constructed at the narrowest section at the project site. The site has a previous railroad bed along the frontage and most of the site has been cleared. The development has been designed to avoid additional impacts to the streams and onsite wetlands through the planning process. The applicant evaluated alternative alignments for the access road, including access from the southern portion of the property and expanding Harry S. Truman Drive but that property is not available for purchase.

Compensatory mitigation for the unavoidable impacts is proposed through purchase of wetland and stream mitigation credits from the approved Patuxent River Mitigation Bank. The applicant is proposing to purchase 159 functional feet of stream mitigation credits and 31,250 square feet (0.71 acres) of nontidal wetland mitigation credits. The applicant used the MD Stream Functional Assessment Framework to determine mitigation credits needed for the proposed stream mitigation determination.

**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, United States Environmental Protection Agency.

**ENDANGERED SPECIES:**

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

**ESSENTIAL FISH HABITAT:**

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH), including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The project site is not in or adjacent to EFH as described under MSFCMA for managed species under the MSFCMA.

**HISTORIC RESOURCES:**

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

**TRIBAL RESOURCES:**

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

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

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

**WATER QUALITY CERTIFICATION:**

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

**COASTAL ZONE MANAGEMENT PROGRAMS:**

Where applicable, the applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the approved Coastal Zone Management Program. By this public notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

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

**SUBMISSION OF COMMENTS:**

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments provided will become part of the public record for this action and are subject to release to the public through the Freedom of Information Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the United States Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number NAB-2023-60104-M30 (BHC Inc-Kenwood Village/Residential Subdivision).

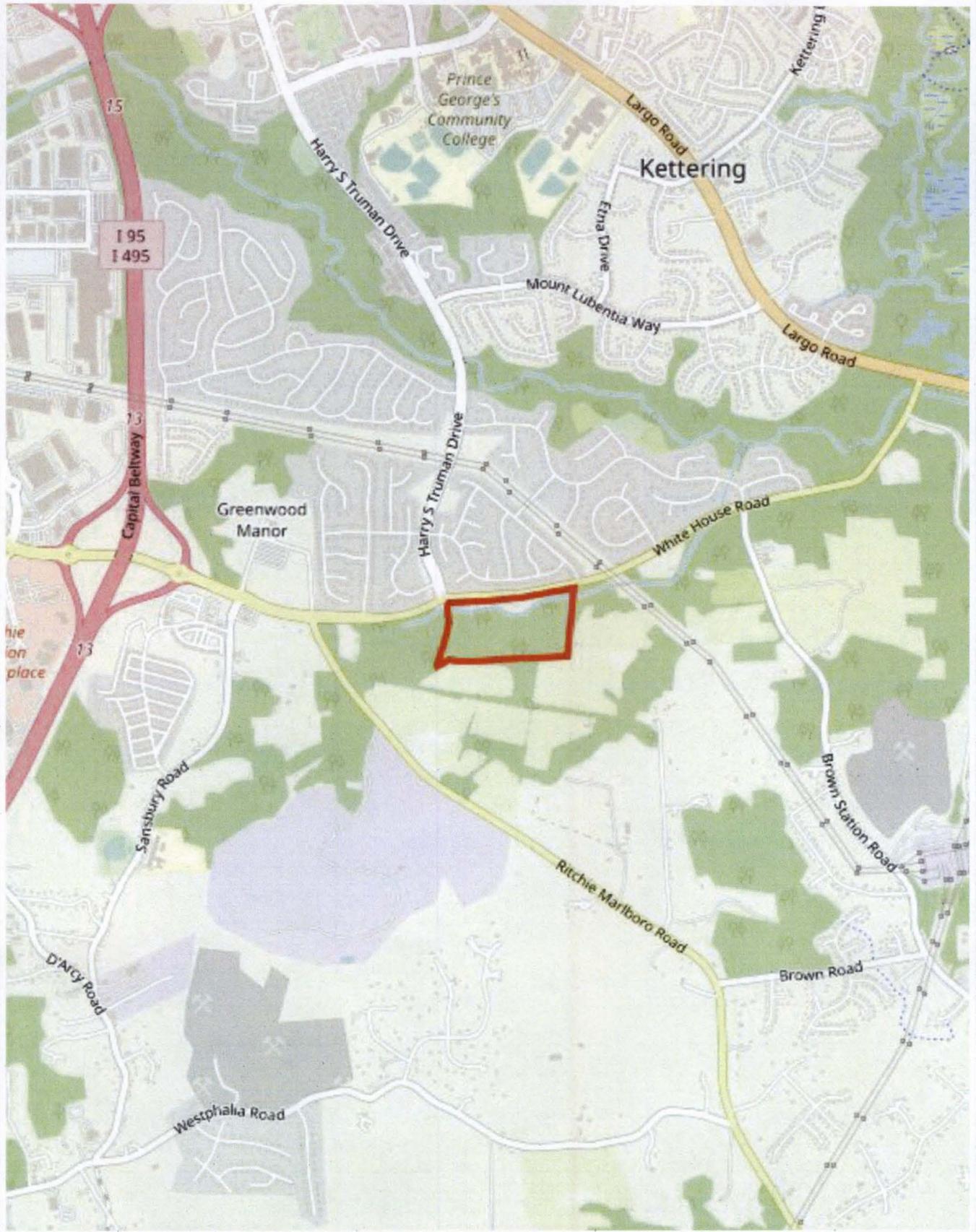
**PUBLIC HEARING REQUESTS:**

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:

Erica Schmidt  
[Erica.Schmidt@usace.army.mil](mailto:Erica.Schmidt@usace.army.mil)  
U.S. Army Corps of Engineers, Baltimore District  
Regulatory Branch  
2 Hopkins Plaza  
Baltimore, Maryland 21201

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested, who did not receive a copy of this notice.

General information regarding the Corps' permitting process can be found on our website at <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project or would like to request a paper copy of this public notice, please contact Ms. Erica Schmidt; [Erica.Schmidt@usace.army.mil](mailto:Erica.Schmidt@usace.army.mil). This public notice is issued by the Chief, Regulatory Branch.



**FIGURE 1 PRINCE GEORGE'S COUNTY VICINITY MAP**  
© OpenStreetMap (and) contributors, CC-BY-SA, MD iMAP, ESRI  
<https://gisapps.dnr.state.md.us/MERLIN/index.html>  
MD ENVIRONMENTAL RESOURCE & LAND INFORMATION NETWORK

**KENWOOD VILLAGE  
WHITE HOUSE ROAD  
UPPER MARLBORO, MD 20774**



**FIGURE 2 HIGH RESOLUTION IMAGERY (2017)**

CREDIT – MD DEPARTMENT OF NATURAL RESOURCES

<https://gisapps.dnr.state.md.us/MERLIN/index.html>

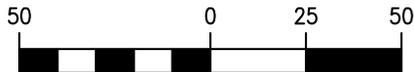
MD ENVIRONMENTAL RESOURCE & LAND INFORMATION NETWORK

**KENWOOD VILLAGE  
WHITE HOUSE ROAD  
UPPER MARLBORO, MD 20774**

**KEY**

-  FORESTED WETLANDS IMPACTS (TEMP.) (431 S.F.)
-  25' BUFFER IMPACTS (TEMP.) (534 S.F.)
-  WATER OF THE U.S. IMPACT (TEMP.) (97 S.F.) (10 L.F.)
-  100 YR. FLOODPLAIN IMPACT (TEMP.) (1,312 S.F.)

**GRAPHIC SCALE**



SCALE: 1" = 50'

SCALE: 1"=50'  
 MARYLAND STATE PLANE COORDINATES NAD 83/91  
 VERTICAL DATUM NGVD29



**IMPACT-1**

NOTE: ALL IMPACTS SHOWN ON THIS SHEET ARE TEMPORARY.

Client  
 BHC INC.  
 11611 Old Georgetown Road  
 2ND FLOOR  
 Rockville, MD 20852  
 Phone: 240-388-7406

ENVIRONMENTAL IMPACT EXHIBIT  
**KENWOOD VILLAGE**  
 MELLWOOD (15th) ELECTION DISTRICT  
 PRINCE GEORGE'S COUNTY, MARYLAND

**CPJ** Charles P. Johnson & Associates, Inc.  
 Civil and Environmental Engineers - Planners - Landscape Architects - Surveyors  
 Associates  
 1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394  
 www.cpja.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

DESIGN :	PS	SCALE :	1"=50'
DRAFT :	PS	DATE :	JUNE 2024

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**KEY**

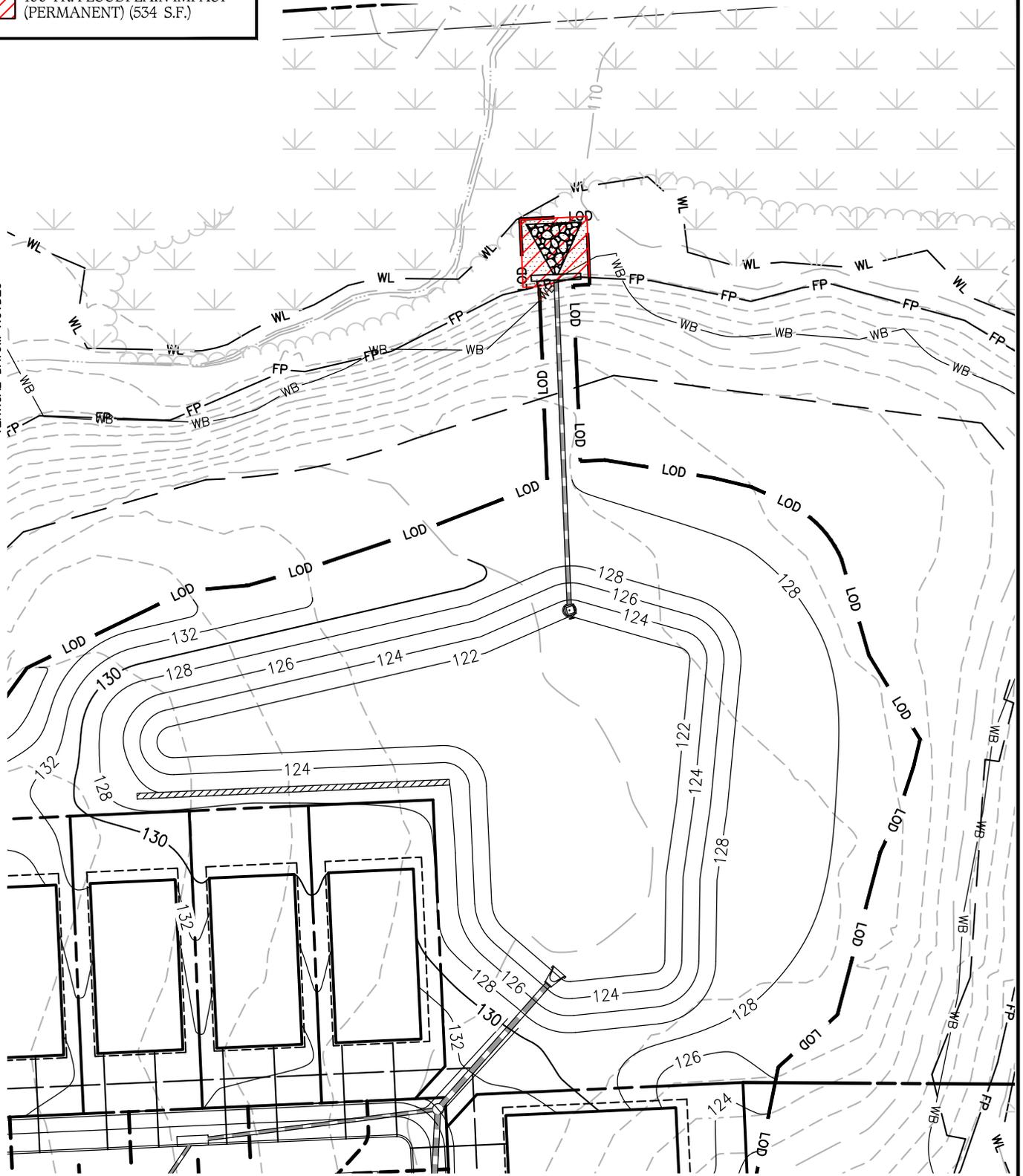


25' BUFFER IMPACTS  
(PERMANENT) (510 S.F.)



100 YR. FLOODPLAIN IMPACT  
(PERMANENT) (534 S.F.)

SCALE: 1"=50'  
 MARYLAND STATE PLANE COORDINATES NAD 83/91  
 VERTICAL DATUM NGVD29



**IMPACT-2**

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 11611 Old Georgetown Road  
 2ND FLOOR  
 Rockville, MD 20852  
 Phone: 240-388-7406

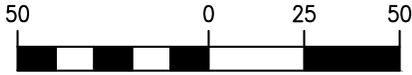
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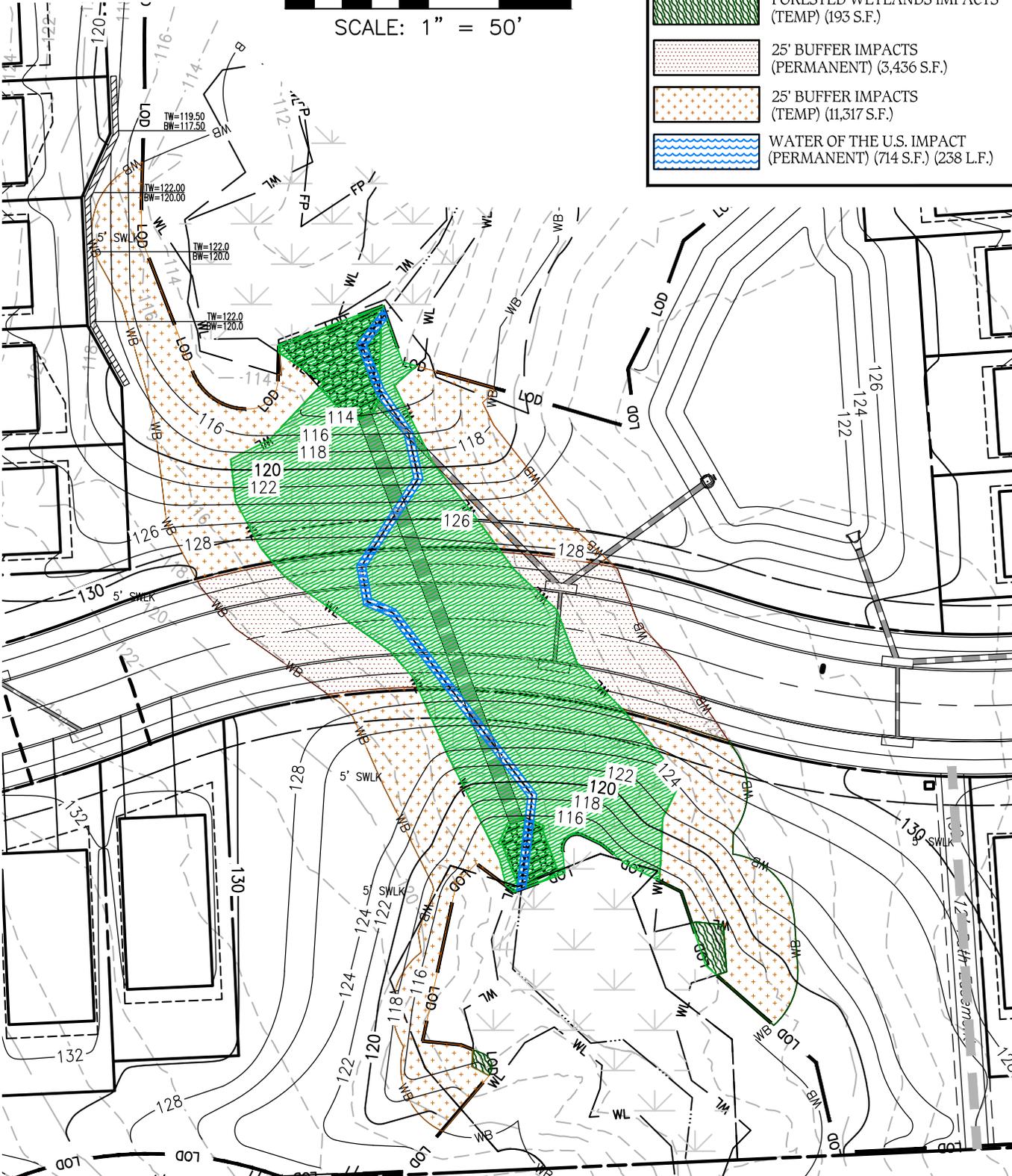


SCALE: 1" = 50'

## KEY

-  FORESTED WETLANDS IMPACTS (PERMANENT) (11,558 S.F.)
-  FORESTED WETLANDS IMPACTS (TEMP) (193 S.F.)
-  25' BUFFER IMPACTS (PERMANENT) (3,436 S.F.)
-  25' BUFFER IMPACTS (TEMP) (11,317 S.F.)
-  WATER OF THE U.S. IMPACT (PERMANENT) (714 S.F.) (238 L.F.)

SCALE: 1"=50'  
 MARYLAND STATE PLANE COORDINATES NAD 83/91  
 VERTICAL DATUM NGVD29



## IMPACT-3

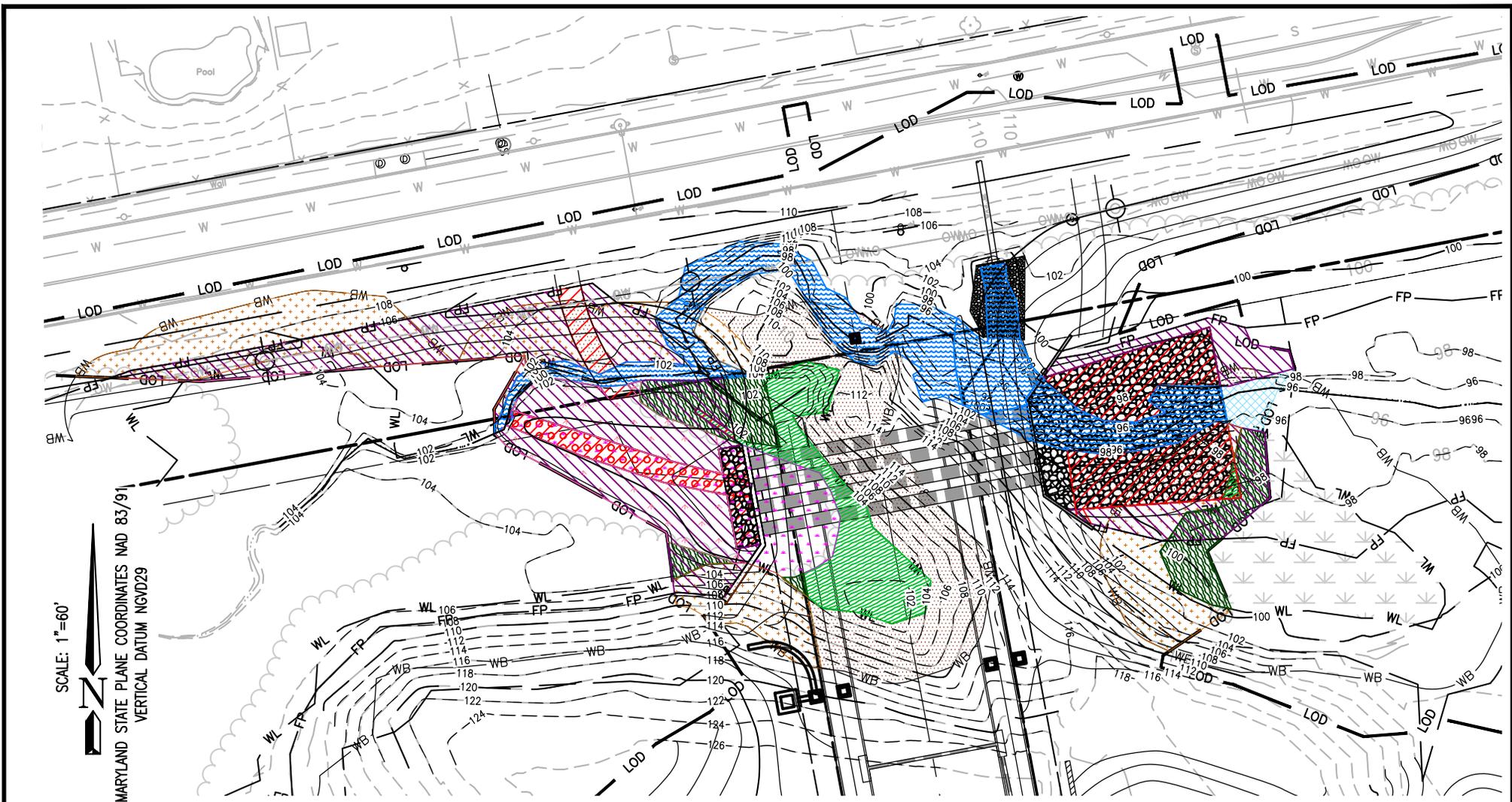
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**Impact Summary Table:**

<i>Impact</i>	<i>Forested Wetlands (sq. ft.)</i>		<i>Emergent Wetlands (sq. ft.)</i>		<i>25-Foot Buffer (lin. ft./sq. ft.)</i>		<i>100-Year Floodplain (lin. ft./sq. ft.)</i>		<i>Waters of the U.S. (lin. ft./sq. ft.)</i>	
	<i>Perm.</i>	<i>Temp.</i>	<i>Perm.</i>	<i>Temp.</i>	<i>Perm.</i>	<i>Temp.</i>	<i>Perm.</i>	<i>Temp.</i>	<i>Perm.</i>	<i>Temp.</i>
#1 - Utility Installation	0	431	0	0	0	534	0	1,312	0/0	10/97
#2 - SWM Outfall	0	0	0	0	510	0	534	0	0/0	0/0
#3 - Road Crossing	11,558	193	0	0	3,436	11,317	0	0	238/714	0/0
#4 - Road Crossing	2,639	2,596	2,856	3,606	7,425	8,551	5,010	10,440	412/6,334	26/449
<b>Totals:</b>	<b>14,197</b>	<b>3,220</b>	<b>2,856</b>	<b>3,606</b>	<b>11,371</b>	<b>20,402</b>	<b>5,544</b>	<b>11,752</b>	<b>650/7,048</b>	<b>36/546</b>