



**U.S. Army Corps
of Engineers
Baltimore District**

Public Notice

In Reply to Application Numbers:



**CORPS: CENAB-OPR-M (MTA/PURPLE LINE) 2016-61278-M07
MDE, Nontidal Wetlands and Waterways 201661278/16-NT-0297/AI153609
MD DNR CASE NUMBER FCA S14-07**

PN# 16-54 COMMENT PERIOD: September 13, 2016 through November 2, 2016

THE PURPOSE OF THIS JOINT PUBLIC NOTICE IS TO ANNOUNCE THE SCHEDULING OF TWO JOINT PUBLIC HEARINGS, AND 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/MDE /DNR HEARING WILL BE HELD AT THE FOLLOWING TIMES AND LOCATIONS:

Monday, October 17, 2016
Silver Spring Civic Building, Auditorium
1 Veterans Place
Silver Spring, MD 20910
(240) 777-5350
6:00 pm – 7:00 pm: Poster Session
7:00 pm: Public Hearing

Tuesday, October 18, 2016
Northwestern High School, Auditorium
7000 Adelphi Road
Hyattsville, MD 20782
(301) 985-1820
6:00 pm – 7:00 pm: Poster Session
7:00 pm: Public Hearing

The U.S. Army Corps of Engineers, Baltimore District (COE), the Maryland Department of the Environment (MDE), and the Maryland Department of Natural Resources (DNR) joint public hearing provides members of the public the opportunity to present views, opinions, and information which will be considered by the COE and MDE in evaluating the Joint Federal/State Application for the Alteration of any Floodplain, Waterway, Tidal or Non-tidal Wetland in Maryland, and the DNR in evaluating the Forest Conservation Plan (S14-07) proposed for the project. The purpose of the hearing is for the COE, MDE, and DNR to receive oral or written comments that will enable them to evaluate the impacts of the proposed project on the public interest. All interested parties, including representatives of Federal, State, and local governments and private individuals and organizations, are invited to be present or to be represented. Each will be given an opportunity to express their views regarding the proposed project.

Prior to the public hearing, from 6:00 pm to 7:00 pm, a poster session will be held where the public will have an opportunity to review exhibits and ask general questions of the applicant, Maryland Transit Administration (MTA), and their representatives. Representatives from the COE, MDE, and DNR will also be available during the poster session. Beginning at 7:00 pm, the formal public hearing will begin with agency statements, followed by public testimony. Please note that a time limit of three minutes per speaker may be set, depending on the number of speakers, to ensure that all interested parties have an opportunity to voice their views. The public hearings will be recorded and transcribed.

Anyone who is hearing impaired and/or is non-English speaking; who wishes to attend the public hearings should notify Ms. Maria Teresi at 410-962-4501 or in writing to her address below. All requests for an oral, sign language, or non-English language interpreter must be received by September 28, 2016. To the extent possible and feasible, an interpreter will be provided.

The COE and MDE have received and are 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) and State authorization pursuant to Title 5, Subtitle 5 (Waterway Construction) and Title 5, Subtitle 9 (Nontidal Wetlands) of the Environment Article, Annotated Code of Maryland. The DNR has received and

are evaluating the Forest Conservation Plan (S14-07) submitted to the State of Maryland Forest Conservation Program pursuant to the Forest Conservation Act (Natural Resources Article 5-1601 through 5-1613).

APPLICANT: Maryland Transit Administration
Attn: Mr. William Parks
6 Saint Paul Street
Baltimore, Maryland 21202-1614

LOCATION: The proposed project is located in Montgomery and Prince George's counties just inside the Washington DC area I-495/Capital Beltway. The 16.2 mile light rail transit begins just west of Wisconsin Avenue and the Bethesda Metro Station (Montgomery County) and continues to its eastern terminus at the New Carrollton Metro Station (Prince George's County). Waterways that are to be impacted include: unnamed streams, five named perennial waterways (Rock Creek, Sligo Creek, Long Branch, Northwest Branch and Northeast Branch) and adjacent jurisdictional wetlands. The named perennial streams are classified by the State of Maryland as Use I waterways (Water Contact Recreation and Protection of Nontidal Warm Water Aquatic Life) with the exception of Northwest Branch, north of East West Highway which is designated as Use IV: Recreational Trout Waters. The project is occurring in the Anacostia, Potomac, and Rock Creek watersheds.

WORK: The MTA proposes to construct a 16.2 mile light-rail transit (LRT) line, known as the Purple Line, from the Bethesda Metro Station in Montgomery County to the New Carrollton Station in Prince George's County. The proposed project utilizes existing trails and roadways for the majority of its length. The transit way would be constructed largely at grade with one tunnel section at Plymouth Road, three sections elevated on structures, and several bridge structures. The project would service five major activity centers and 16 stations. Two storage and maintenance facilities are proposed (Lyttonsville Yard and Glenridge Yard).

The project proposes the discharge of fill material into waters of the U.S., including jurisdictional wetlands, and would permanently impact approximately 0.27 acre (11,937 square feet) of forested nontidal wetlands, 0.22 acre (9,552 square feet) of emergent nontidal wetlands, 1.64 acres (71,328 square feet) of 25-foot nontidal wetland buffer, 0.13 acre (5,598 square feet) of palustrine open water, 1,304 linear feet (15,346 square feet) of perennial stream, 3,450 linear feet (19,851 square feet) intermittent stream, and 315 linear feet (1,461 square feet) of ephemeral stream. The project would also temporarily impact approximately 0.13 acre (5,582 square feet) of forested nontidal wetland, 0.34 acre (14,946 square feet) of emergent nontidal wetland, 0.46 acre (20,140 square feet) of 25-foot nontidal wetland buffer, 864 linear feet (22,039 square feet) of perennial stream, and 988 linear feet (4,125 square feet) of intermittent stream. The project would also cause disturbance in approximately 5.74 acres (250,144 square feet) of the 100-year floodplain.

The proposed project would impact approximately 367.26 acres with 42.49 acres of forest clearing as part of the Forest Conservation Plan (S14-07) submitted to the State of Maryland Forest Conservation Program.

The applicant has submitted a conceptual mitigation plan to compensate for the proposed, unavoidable permanent impacts to wetlands and waterways by restoring approximately 2,585 linear feet (108,047 square feet) of Paint Branch stream located north of 1909 Corporal Frank Scott Drive, College Park, MD, and creating 1.63 acres (71,003 square feet) of nontidal wetlands and enhancing 1.89 acres (82,328 square feet) of nontidal wetlands at the Ken-Gar Palisades Wetland Mitigation Site located at 4140 Wexford Drive, Kensington, MD. Impacts associated with Paint Branch Stream Restoration Site include permanent impacts to 2,585 linear feet (108,047 square feet) of stream, and disturbance of 4.71 acres

(204,900 square feet) of the 100-year floodplain. The proposed work at the Ken-Gar Mitigation Site will temporarily impact 1.76 acres (76,446 square feet) of emergent nontidal wetlands, 0.19 acre (8,763 square feet) of forested wetlands, and permanently impact 0.57 acre (24,829 square feet) of 25-foot nontidal wetland buffer, and cause 3.15 acres (137,293 square feet) of disturbance in the 100-year floodplain. Temporary impacts will be restored. As part of the restoration efforts, approximately 3,015 cubic yards of soil/material would be removed from the proposed wetland mitigation site. The disposal site for the soil/material has not been identified at this time.

The Federal Transit Administration (FTA) was the lead federal agency and approved the Final Environmental Impact Statement (FEIS) for the project. The FEIS can be found at www.purplelinemd.com/en/about-the-project/studies-reports/feis-document. Additional project documentation and reports can be found on the MTA Purple Line website at: www.purplelinemd.com/en/.

All work will be completed in accordance with the plans submitted with the Joint Permit Application (JPA). Copies of the plans are available at www.purplelinejpa.com, and at the following library locations. Hard copies can also be requested from the COE and MDE reviewers.

Silver Spring Library
900 Wayne Avenue
Silver Spring, MD 20910
(240) 773-9420

Prince George's Memorial Library, Hyattsville Branch
6530 Adelphi Road
Hyattsville, MD 20782
(301) 985-4690

PURPOSE: The purpose of the project is to provide faster, more direct, and more reliable east-west transit service connecting the major activity centers in the Purple Line corridor at Bethesda, Silver Spring, Takoma/Langley Park, College Park, and New Carrollton; provide better connections to Metrorail Services located in the corridor; and improve connectivity to the communities in the corridor located between the Metrorail lines.

WRITTEN COMMENTS: To be included in the official record, written comments and information provided by interested parties must be received by the COE, MDE, and DNR by the closing date of this notice's comment period, November 2, 2016, to receive consideration. The mailing addresses for submission of written comments are:

U.S. Army Corps of Engineers
Baltimore District
Attn: Ms. Maria Teresi, CENAB-OPR-M
10 S. Howard Street
Baltimore, Maryland 21201

Maryland Department of the Environment
Wetlands and Waterways Program
Attn: Ms. Emily Dolbin or Mr. Steve Hurt
1800 Washington Blvd., Suite 430
Baltimore, Maryland 21230-1708

Maryland Department of Natural Resources
Forest Service
Attn.: Ms. Marian Honecny
Supervisor, Urban and Community Forestry
580 Taylor Avenue E-1
Annapolis, Maryland 21401

If you have any questions concerning this matter, please contact Ms. Maria Teresi, COE, at (410) 962-4501 or by email at maria.teresi@usace.army.mil, Ms. Emily Dolbin, MDE, at (410) 662-7464 ext. 1653 or by email at Emily.Dolbin@maryland.gov, Mr. Steve Hurt, MDE at (410) 662-7400 or by email at Steve.Hurt@maryland.gov, and/or Ms. Marian Honecny, MD DNR, at (410) 260-8511 or by email at Marian.Honecny@maryland.gov.

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 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 COE and MDE 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 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. Comments are also used to determine the overall public interest of the proposed activity.

For MDE, only those issues subject to regulation by the MDE Nontidal Wetlands and Waterway Construction Divisions (impacts to nontidal wetlands, wetland buffer, waterways, and the 100-year floodplain) will be considered in rendering a decision to grant or deny the MDE Permit. Written comments, and requests to be included on the interested persons list may be sent by November 2, 2016 to the Maryland Department of the Environment, Attn: Emily Dolbin or Steve Hurt, 1800 Washington Boulevard, Baltimore, Maryland 21230 or at Emily.Dolbin@maryland.gov or 410-662-7464 extension 1653, or at Steve.Hurt@maryland.gov, or 410-662-7400. Any further notices concerning actions on the application will be provided only by mail to those persons on the interested persons list. Please refer to Subsection 5-907 of the Annotated Code of Maryland or the Code of Maryland Regulations 26.23.02 for information regarding the application process.

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.

COASTAL ZONE MANAGEMENT PROGRAM: The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with Maryland's federally-approved Coastal Zone Management Program (CZMP) as required by Section 307 of the Federal Coastal Zone Management Act of 1972. Public comments relating to consistency 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. By this public notice, the COE is requesting the State concurrence or

objection to the applicant's consistency statement. It should be noted that the CZMP has a statutory limit of 6 months to make its consistency determination.

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 registered properties listed as eligible for inclusion, therein, may be located within the limits of disturbance associated with the proposed work. A Programmatic Agreement between MTA, the National Park Service (NPS), MD State Historic Preservation Officer (SHPO), and the Federal Transit Administration (FTA) was signed in March 2014. This agreement stipulates appropriate actions and ongoing coordination requirements for the project in regard to historic or archeological resources.

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.