

U.S. Army Corps of Engineers Baltimore District

# **Public Notice**

In Reply to Application Number CENAB-OP-RMN (LEHIGH CEMENT CO/NEW WINDSOR QUARRY) 2008-65243-M22

PN 11-79

Comment Period: October 3, 2011 – November 3, 2011

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 A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army permit pursuant to the Section 404 of the Clean Water Act (33 U.S.C 1344), as described below:

**APPLICANT:** Mr. Kurt Deery

Lehigh Cement Company 675 Quaker Hill Road

Union Bridge, Maryland 21791

**LOCATION AND WATERWAY:** In Five Daughters Run and Dickenson Run and adjacent nontidal emergent wetlands, within the existing Lehigh Cement Company's New Windsor Quarry, near Old New Windsor Road, in New Windsor, Carroll County, Maryland.

WORK: To discharge fill material into waters of the United States, including nontidal emergent wetlands, for the purpose of continuing and expanding the existing mining operations at Lehigh's New Windsor Quarry. The project involves excavation and extraction of subsurface limestone; deposition of the overburden materials; and construction of redundant material transport systems, to include (a) a combined underground and aboveground conveyor belt system, and, (b) the construction of a railroad spur, both to transport the newly extracted mineral material from the quarry to Lehigh Cement Company's Union Bridge processing plant. The proposed work will result in temporary impacts to approximately 745 linear feet (4,470 square feet) of a perennial stream; and permanent impacts to approximately 7,551 linear feet (1.04 acres) of a perennial stream, approximately 12,563 linear feet (0.87 acre) of an intermittent stream, and approximately 73,180.8 square feet (1.68 acres) of nontidal emergent wetlands. The applicant has demonstrated avoidance and minimization of impacts to waters of the United States by utilizing all available upland areas within the project site for placement of the overburden materials, proposing a partially underground conveyor system, and bottomless arch railway culvert crossings.

As compensatory mitigation for the unavoidable permanent impacts to approximately 20,114 linear feet of streams and 73,180.8 square feet (1.68 acres) of nontidal emergent wetlands, the applicant is proposing an offsite, within watershed, mitigation site which includes stabilization and restoration of approximately 20,114 linear feet of Haines Branch and unnamed tributaries to Haines Branch, and the creation of a minimum of approximately 1.68 acres of nontidal emergent wetlands. The proposed mitigation site is located on property owned by Lehigh Cement Company.

All work would be completed in accordance with the enclosed plans dated August 26, 2011.

If you have any questions concerning this matter, please contact Mrs. Tarrie Ostrofsky at 410-962-4522 or Tarrie.L.Ostrofsky@usace.army.mil.

The decision whether to issue a permit will be based on an evaluation of the probable impact 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 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, water supply and conservation, water quality, energy needs, safety, food and fiber production, 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 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.

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 and Environmental Impact Statement pursuant to the National Environmental Policy 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 District Engineer, U.S. Army Corps of Engineers, Baltimore District, [Attn: Mrs. Tarrie Ostrofsky, CENAB-OP-RMN], P.O. Box 1715, Baltimore Maryland 21203-1715, within the comment period as specified above to receive consideration.

**SECTION 401 WATER QUALITY CERTIFICATION:** The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division 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. The 401 certifying agency has a statutory limit of one year to make its decision.

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

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 application continues, additional information may become available which could modify this preliminary determination.

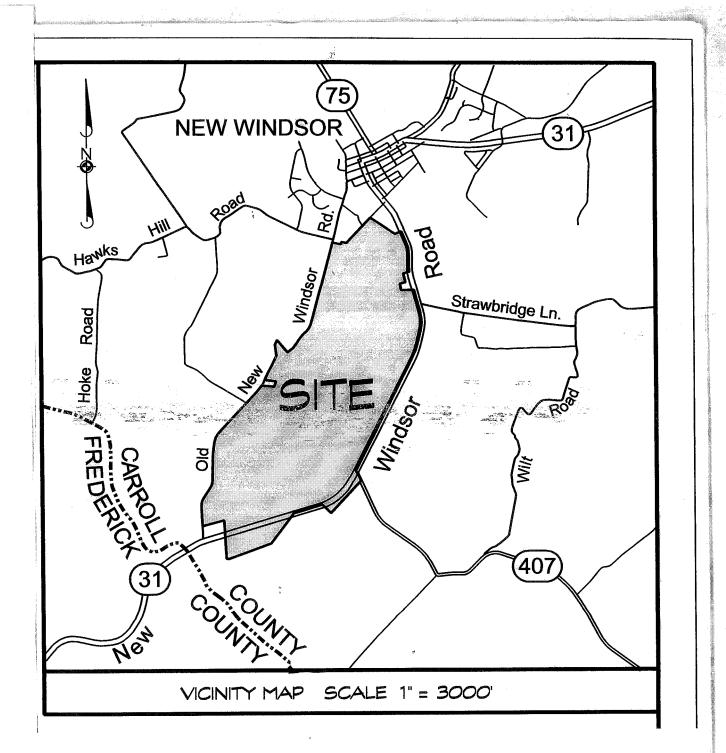
Review of the latest published version of the National Register of Historic Places indicated that there are no registered properties listed as eligible for inclusion therein located at the site of the proposed work. However, the site is adjacent to a National Register-listed historic district. Therefore, there is a potential for direct or indirect effects on historic buildings and landscapes, as well as on undiscovered existing archeological deposits. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

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: Mrs. Tarrie Ostrofsky, CENAB-OP-RMN], P.O. Box 1715, Baltimore Maryland, 21203-1715, within the comment period as specified as 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 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.

FOR THE DISTRICT ENGINEER:

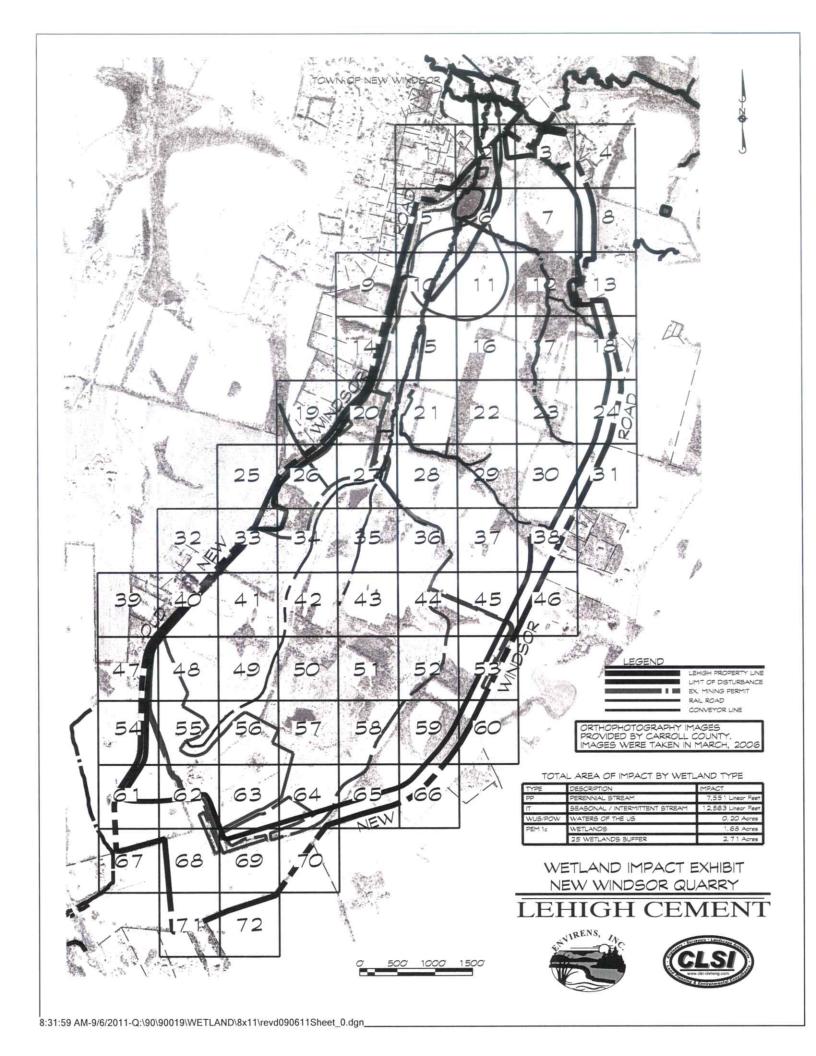
Joseph P. DaVia Chief, Maryland Section Northern



	SUMMARY	ARY	
	TOTAL AREA OF IMPACT BY WETLAND TYPE	CT BY WETLAND	TYPE
		ATOT	TOTAL IMPACTS
TYPE	DESCRIPTION	TEMPORARY	F1/31/14/8/4/03/0
		(transportation)	renvealden
PP	PERENNIAL STREAM	745 LF; 0.1 acres	7,551 LF; 1.04 acres
Ш	SEASONAL / INTERMITTENT STREAM		12,563 LF; 0.87 acres
WUS/POW	WUS/POW WATERS OF THE U.S.		8,712 FT²¹ 0.20 acres
DE 8 & 1	WETLANDS		73,180.8 FT <sup>2</sup> ; 1.68 acres
רביאוכ	25' WETLANDS BUFFER		118,047.6 FT <sup>2</sup> ; 2.71 acres

# IMPACT OF COMBINED ACTIVITIES BY WETLAND TYPE

PERENNIAL STREAM (PP)	PERMANENT IMPACTS	25' WETLANDS BUFFER	PERMANENT IMPACTS
FIVE DAUGHTERS RUN	2,001 LF; 12,006 FT <sup>2</sup>	FIVE DAUGHTERS RUN (FDR) WETLAND #1 - BUFFER	3,920.4 FT <sup>2</sup> ; 0.09 acres
TRIB 'B'	2,155 LF; 12,930 FT <sup>2</sup>	FIVE DAUGHTERS RUN (FDR) WETLAND #2 - BUFFER	13,939.2 FT <sup>2</sup> ; 0.32 acres
TRIB 'C'	3,395 LF, 20,370 FT <sup>2</sup>	TRIB 'B' WETLAND #1 - BUFFER	12,632.4 FT <sup>2</sup> ; 0.29 acres
SUBTOTAL	7,551 LF; 1.04 acres	TRIB 'B' WETLAND #2 - BUFFER	16,552.8 FT2; 0.38 acres
		TRIB 'C' WETLAND #1 - BUFFER	12,196.8 FT <sup>2</sup> ; 0.28 acres
SEASONAL/INTERMITTENT STREAM(IT)	PERMANENT IMPACTS	TRIB 'C' WETLAND #2 - BUFFER	37,897.2 FT <sup>2</sup> ; 0.87 acres
FIVE DAUGHTERS RUN	2,567 LF; 7,701 FT <sup>2</sup>	DRAINED FARM POND/WETLAND - BUFFER	20,908.8 FT2; 0.48 acres
RELOCATED FIVE DAUGHTERS RUN	4,781 LF; 14,343 FT <sup>2</sup>	SUBTOTAL	118,047.6 FT2; 2.71 acres
TRIB 'A'	882 LF; 2,646 FT <sup>2</sup>		
TRIB 'B'	1,935 LF; 5,805 FT <sup>2</sup>	The state of the s	
TRIB 'B' STREAM BRANCH #1	272 LF; 816 FT <sup>2</sup>	TO THE PARTY OF TH	
TRIB 'B' STREAM BRANCH #2	409 LF; 1,227 FT <sup>2</sup>		
TRIB 'C'	456 LF; 1,368 FT <sup>2</sup>	THE THE PARTY OF T	
TRIB 'C' STREAM BRANCH #1	61 LF; 183 FT <sup>2</sup>		THE PROPERTY OF THE PROPERTY O
TRIB 'C' STREAM BRANCH #2	66 LF; 198 FT <sup>2</sup>	TRANSPORTATION PLAN	TEMPORARY IMPACTS
TRIB 'C' STREAM BRANCH #3	879 LF; 2,637 FT <sup>2</sup>	PERENNIAL STREAM (PP) CROSSINGS:	
TRIB 'D'	55 LF; 165 FT <sup>2</sup>	1 - UNDERGROUND CONVEYOR	780 FT <sup>2</sup>
TRIB 'E'	200 LF; 600 FT <sup>2</sup>	2 - ABOVEGROUND CONVEYOR	540 FT <sup>2</sup>
SUBTOTAL	12,563 LF; 0.87 acres	3 - UNDERGROUND CONVEYOR	720 FT <sup>2</sup>
		4 - UNDERGROUND CONVEYOR	690 FT <sup>2</sup>
WETLANDS (PEM1c)	PERMANENT IMPACTS	5 - ABOVEGROUND CONVEYOR	1,140 FT <sup>2</sup>
FIVE DAUGHTERS RUN (FDR) WETLAND #1	435.6 FT <sup>2</sup> ; 0.01 acres	6 - ABOVEGROUND CONVEYOR	600 FT <sup>2</sup>
FIVE DAUGHTERS RUN (FDR) WETLAND #2	3,049.2 FT <sup>2</sup> ; 0.07 acres	7 - ABOVEGROUND RAILROAD	0
TRIB 'B' WETLAND #1	3,049.2 FT <sup>2</sup> ; 0.07 acres	8 - RAILROAD	0
TRIB 'B WETLAND #2	17,859.6 FT <sup>2</sup> ; 0.41 acres	9 - RAILROAD	0
TRIB 'C' WETLAND #1	3,920.4 FT <sup>2</sup> ; 0.09 acres	10 - RAILROAD	0
TRIB 'C' WETLAND #2	12,632.4 FT <sup>2</sup> ; 0.29 acres	11 - RAILROAD	0
DRAINED FARM POND/WETLAND	32,234.4 FT <sup>2</sup> ; 0.74 acres	12 - RAILROAD	0
SUBTOTAL	73.180.8 FT <sup>2</sup> : 1.68 acres	SUBTOTAL	4 470 FT2. 0.1 gcres





TYPE	DESCRIPTION	IMPACT
pp	PERENNIAL STREAM	O Linear Feet
IT	SEASONAL / INTERMITTENT STREAM	O Linear Feet
WUS/POW	WATERS OF THE US	0.00 Acres
PEM 1c	WETLANDS	0.00 Acres
	25 WETLANDS BUFFER	0.00 Acres

SEASONAL / INTERMITTENT STREAM

WATERS OF THE US LIMIT OF WETLANDS

25 WETLANDS BUFFER 100 YR FLOODPLAIN (FRIM #2400 1500 75B)

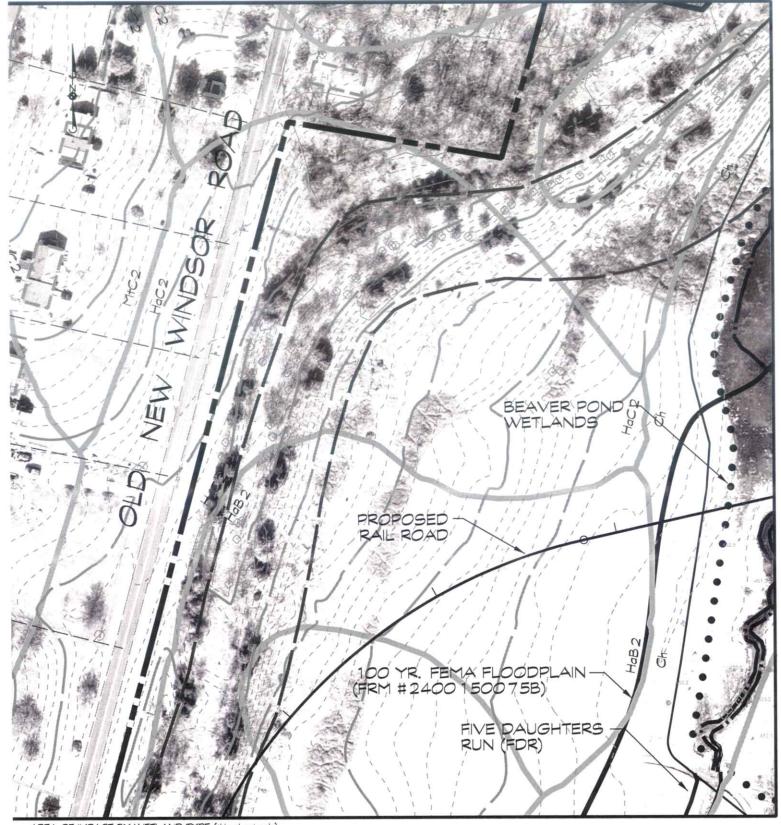
LIMIT OF DISTURBANCE LIMIT OF EXISTING MINING PERMIT



WETLAND IMPACT EXHIBIT NEW WINDSOR QUARRY







TYPE	DESCRIPTION	IMPACT
pp	PERENNIAL STREAM	O Linear Feet
IT	SEASONAL / INTERMITTENT STREAM	O Linear Feet
WUS/POW	WATERS OF THE US	0.00 Acres
PEM 1c	WETLANDS	0.00 Acres
	25 WETLANDS BUFFER	0.00 Acres

EGEND

PERENNIAL STREAM (NHWM)
SEASONAL / INTERMITTENT STREAM
WATERS OF THE US
LIMIT OF WETLANDS

25 WETLANDS BUFFER
100 YR FLOODPLAIN (FRIM # 2400 1500 758)
LIMIT OF DISTURBANCE

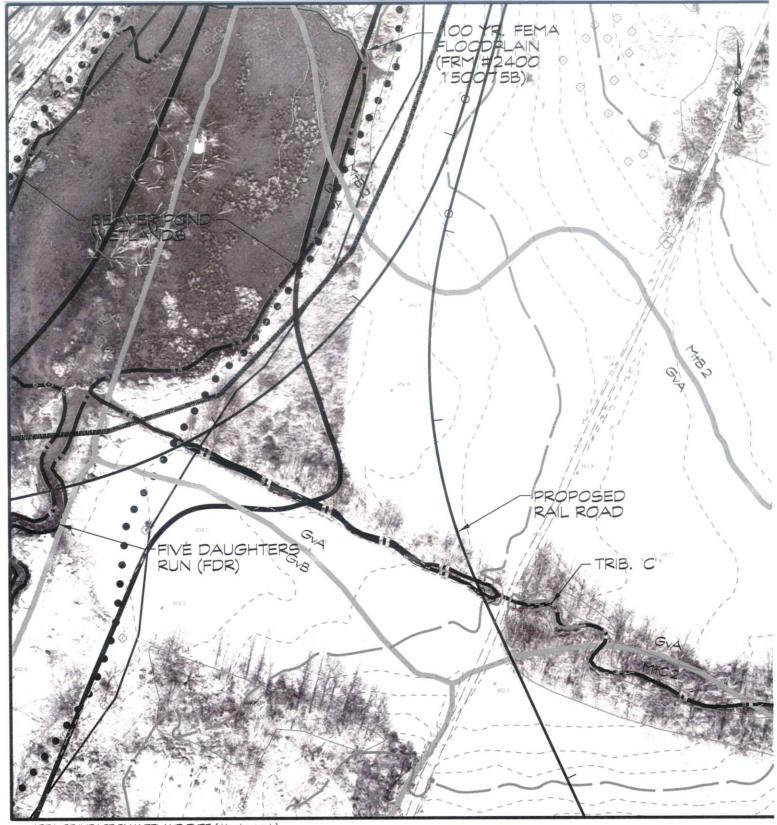
LIMIT OF EXISTING MINING PERMIT LEHIGH PROPERTY LINE



WETLAND IMPACT EXHIBIT NEW WINDSOR QUARRY







TYPE	DESCRIPTION	IMPACT
PP	PERENNIAL STREAM	600 Linear Feet
IT	SEASONAL / INTERMITTENT STREAM	O Linear Feet
WUS/POW	WATERS OF THE US	0.00 Acres
PEM 1c	WETLANDS	0.00 Acres
	25 WETLANDS BUFFER	0.00 Acres

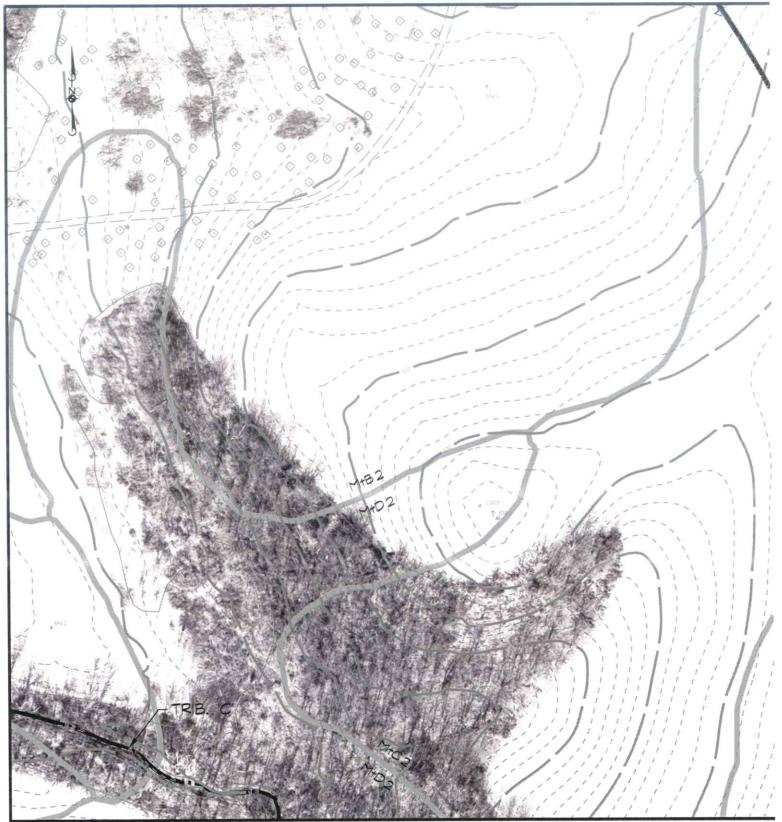
PERENNAL STREAM (NHWM)
SEASONAL / INTERMITTENT STREAM
WATERS OF THE US
LIMIT OF WETLANDS
25 WETLANDS BUFFER
100 YR FLOODPLAIN (FRIM #2400 1500 758)
LIMIT OF DISTURBANCE
LIMIT OF EXISTING MINING PERMIT
LEHIGH PROPERTY LINE



# WETLAND IMPACT EXHIBIT NEW WINDSOR QUARRY







AREA OF IMPACT BY WETLAND

TYPE	DESCRIPTION	IMPACT
pp	PERENNIAL STREAM	320 Linear Feet
IT	SEASONAL / INTERMITTENT STREAM	O Linear Feet
WUS/POW	WATERS OF THE US	0.00 Acres
PEM 1c	WETLANDS	0.00 Acres
	25 WETLANDS BUFFER	0.00 Acres

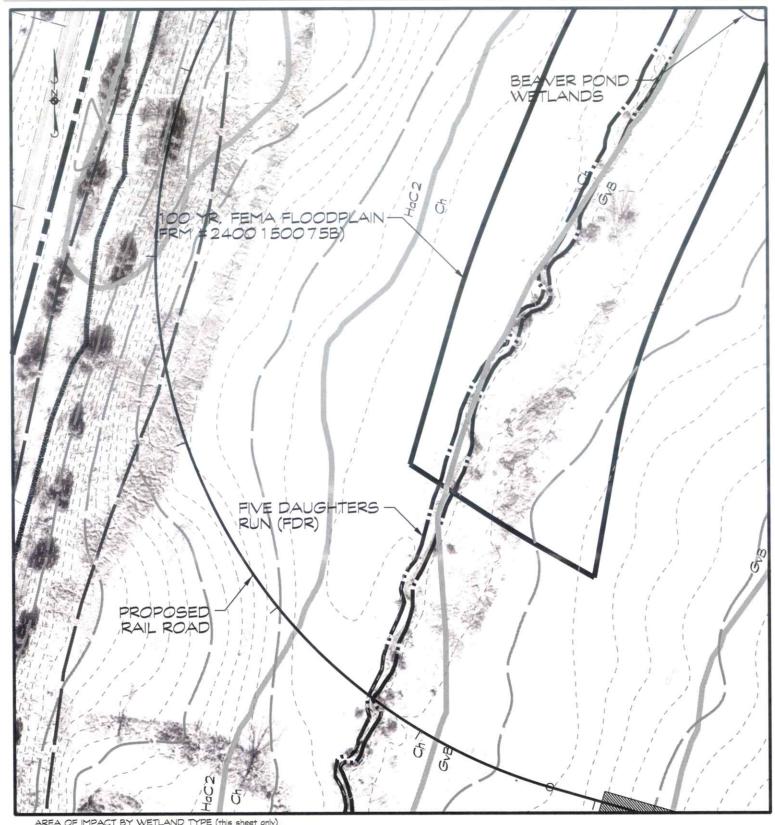
SEASONAL / INTERMITTENT STREAM WATERS OF THE US LIMIT OF WETLANDS 25 WETLANDS BUFFER 100 YR FLOODPLAIN (FRIM #2400 1500 758) LIMIT OF DISTURBANCE LIMIT OF EXISTING MINING PERMIT LEHIGH PROPERTY LINE



WETLAND IMPACT EXHIBIT NEW WINDSOR QUARRY







TYPE	DESCRIPTION	IMPACT
pp	PERENNIAL STREAM	300 Linear Feet
IT	SEASONAL / INTERMITTENT STREAM	O Linear Feet
WUS/POW	WATERS OF THE US	0.00 Acres
PEM 1c	WETLANDS	0.00 Acres
	25 WETLANDS BUFFER	0.00 Acres

SEASONAL / INTERMITTENT STREAM WATERS OF THE US LIMIT OF WETLANDS 25 WETLANDS BUFFER 100 YR FLOODPLAIN (FRIM #2400 1500 758) LIMIT OF DISTURBANCE LIMIT OF EXISTING MINING PERMIT

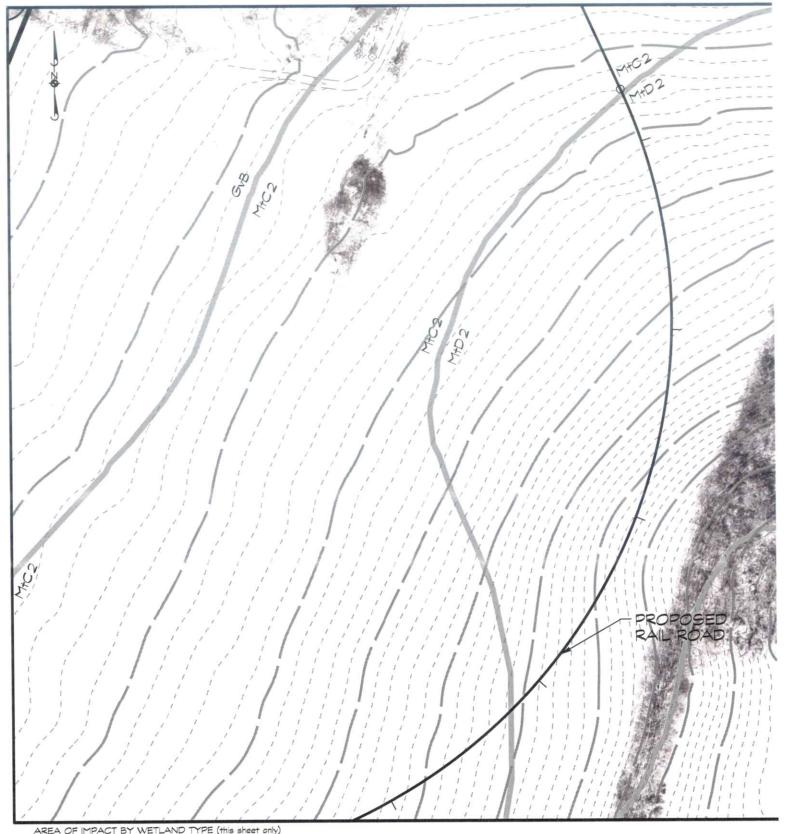


WETLAND IMPACT EXHIBIT NEW WINDSOR QUARRY





LEHIGH PROPERTY LINE



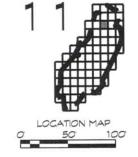
TYPE	DESCRIPTION	IMPACT
pp	PERENNIAL STREAM	O Linear Feet
IT	SEASONAL / INTERMITTENT STREAM	O Linear Feet
WUS/POW	WATERS OF THE US	0.00 Acres
PEM 1c	WETLANDS	0.00 Acres
	25 WETLANDS BUFFER	0.00 Acres

PERENNIAL STREAM (NHWM) SEASONAL / INTERMITTENT STREAM WATERS OF THE US

LIMIT OF WETLANDS

25 WETLANDS BUFFER 100 YR FLOODPLAIN (FRIM #2400 1500 758)

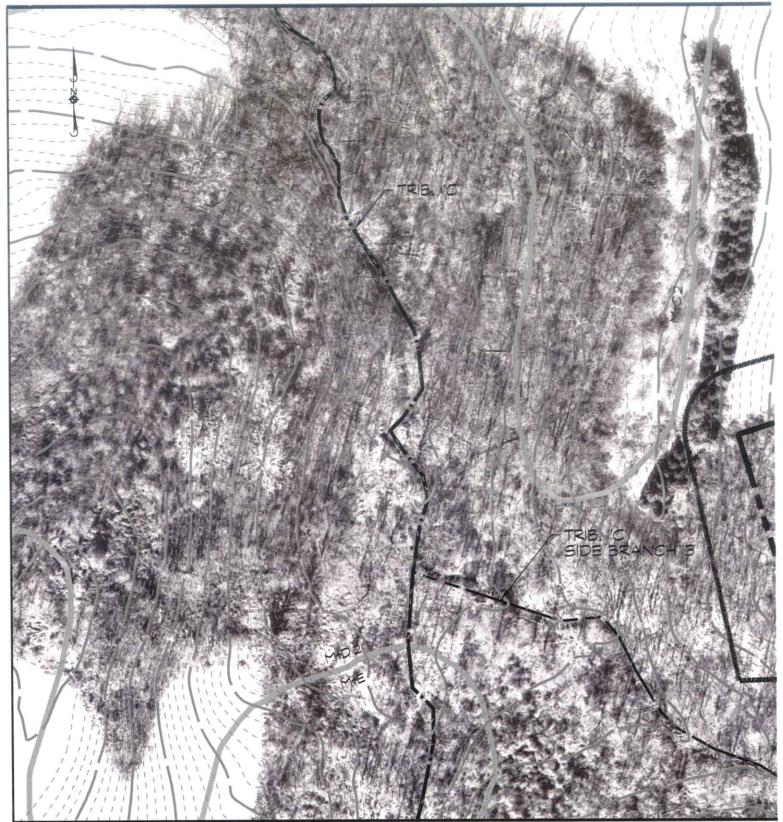
LIMIT OF DISTURBANCE LIMIT OF EXISTING MINING PERMIT LEHIGH PROPERTY LINE



WETLAND IMPACT EXHIBIT NEW WINDSOR QUARRY







TYPE	DESCRIPTION	IMPACT
pp	PERENNIAL STREAM	935 Linear Feet
IT	SEASONAL / INTERMITTENT STREAM	463 Linear Feet
WUS/POW	WATERS OF THE US	0.00 Acres
PEM 1c	WETLANDS	0.00 Acres
	25 WETLANDS BUFFER	0.00 Acres

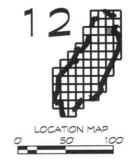
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PERENNIAL STREAM (NHWM)
SEASONAL / INTERMITTENT STREAM
WATERS OF THE US
LIMIT OF WETLANDS
SELECT AND SHIERER

25 WETLANDS BUFFER 100 YR FLOODPLAIN (FRIM # 2400 1500 758)

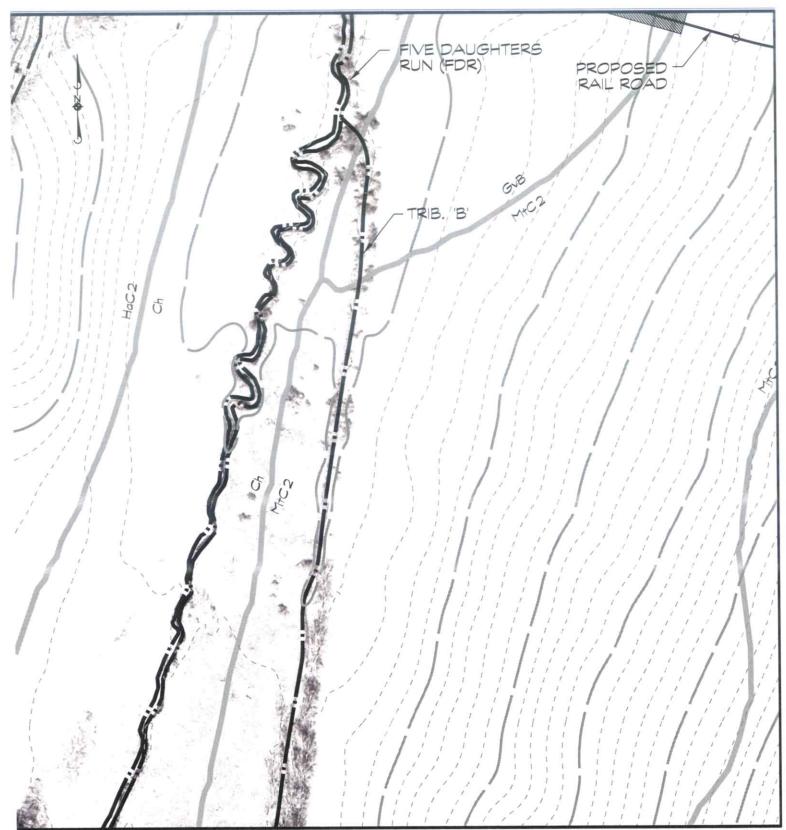
LIMIT OF DISTURBANCE
LIMIT OF EXISTING MINING PERMIT
LEHIGH PROPERTY LINE



WETLAND IMPACT EXHIBIT NEW WINDSOR QUARRY







TYPE	DESCRIPTION	IMPACT
PP	PERENNIAL STREAM	1852 Linear Feet
IT	SEASONAL / INTERMITTENT STREAM	O Linear Feet
WUS/POW	WATERS OF THE US	0.00 Acres
PEM 1c	WETLANDS	0.00 Acres
	25 WETLANDS BUFFER	0.00 Acres

25 WETLANDS BUFFER 0.00 Acres

LEGEND

PERENNIAL STREAM (NHWM)

SEASONAL / INTERMITTENT STREAM

WATERS OF THE US

LIMIT OF WETLANDS

25 WETLANDS BUFFER

100 YR FLOODPLAIN (FRIM #2400 1500 758)

LIMIT OF DISTURBANCE

LIMIT OF EXISTING MINING PERMIT

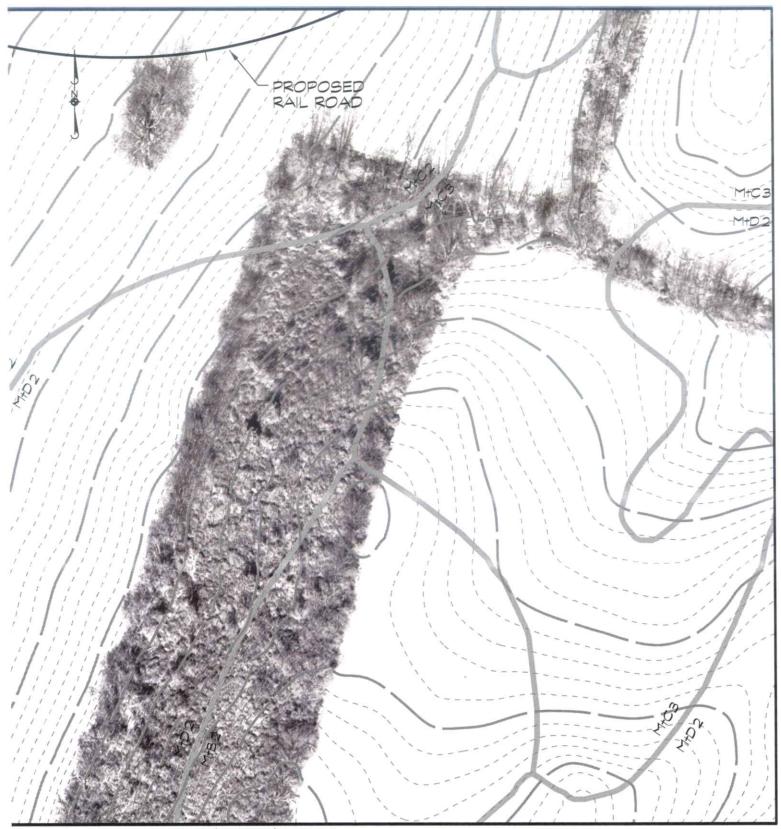
LEHIGH PROPERTY LINE



WETLAND IMPACT EXHIBIT NEW WINDSOR QUARRY







TYPE	DESCRIPTION	IMPACT
PP	PERENNIAL STREAM	O Linear Feet
IT	SEASONAL / INTERMITTENT STREAM	O Linear Feet
WUS/POW	WATERS OF THE US	0.00 Acres
PEM 1c	WETLANDS	0.00 Acres
	25 WETLANDS BUFFER	0.00 Acres

EGEND

PERENNIAL STREAM (NHWM)

SEASONAL / INTERMITTENT STREAM

WATERS OF THE US

LIMIT OF WETLANDS

25 WETLANDS BUFFER

100 YR FLOODPLAIN (FRIM # 2400 1500 758)

LIMIT OF DISTURBANCE

LIMIT OF EXISTING MINING PERMIT

LEHIGH PROPERTY LINE



WETLAND IMPACT EXHIBIT NEW WINDSOR QUARRY







TYPE	DESCRIPTION	IMPACT
pp	PERENNIAL STREAM	900 Linear Feet
IT	SEASONAL / INTERMITTENT STREAM	O Linear Feet
WUS/POW	WATERS OF THE US	0.00 Acres
PEM 1c	WETLANDS	0.38 Acres
	25 WETLANDS BUFFER	1, 15 Acres

25 WETLANDS BUFFER

LEGEND

PERENNIAL STREAM (NHWM)

SEASONAL / INTERMITTENT STREAM

WATERS OF THE US

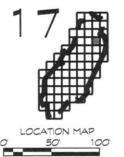
LIMIT OF WETLANDS

25 WETLANDS BUFFER

100 YR FLOODPLAIN (FRIM # 2400 1500 758)

LIMIT OF DISTURBANCE

LIMIT OF EXISTING MINING PERMIT



WETLAND IMPACT EXHIBIT NEW WINDSOR QUARRY





