APPENDIX F
LIST OF AGENCIES CONTACTED AND AGENCY COORDINATION LETTERS / RESPONSES

GENERAL REEVALUATION REPORT (GRR) AND SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (SEIS) FOR THE POPLAR ISLAND ENVIRONMENTAL RESTORATION PROJECT

CHESAPEAKE BAY, TALBOT COUNTY, MARYLAND

Formal agency comments have been requested throughout the SEIS process. The *Study Information and Coordination Notice* was mailed on 3 December 2003 to over 900 individuals and emailed to over 200 individuals, including Federal, State, and local agencies and organizations (list of agencies and organizations contacted is included below). The mailing list used to distribute the *Study Information and Coordination Notice* was primarily based on the list of stakeholders, government and agency representatives, and interested private individuals identified as recipients for project information for the PIERP. Federal, state, and local government agencies were also invited to participate in the public scoping and update meetings and given the opportunity to formally respond with their ideas and concerns to the *Study Information and Coordination Notice*. After the *Study Information and Coordination Notice* was mailed in December 2003, resource-specific coordination was initiated with agencies, including Section 7 ESA consultation (inlcuded separately as Appendix E), Maryland Natural Heritage coordination, and EFH coordination (included separately as Appendix D).

All USACE coordination and formal (letters) and informal (emails) agency comments that have been received to date are documented in Table F-1 and are included in this Appendix following the text.

A Poplar Island Expansion Study Resources Management Meeting was held on 12 December 2004 as a forum for agencies to provide their input regarding resources impacted by the proposed activities that would become part of the formal NEPA documentation for the Poplar Island GRR/SEIS. In addition, a Poplar Island Expansion Study Sediment Quality Roundtable Discussion was held on 17 March 2005 as a formal forum for agencies to provide their input regarding issues, concerns, and recommendations that would become part of the formal NEPA documentation for the Poplar Island GRR/SEIS. A summary of both meetings/discussions are included in the following table and in this Appendix.

The Poplar Island Expansion Study Project Delivery Team (PDT) included members of the interagency working group associated with the PIERP and actively involved with the expansion study since the project initiation began on 29 October 2003. The PDT consisted of members from Federal, State, local agencies, and technical experts involved with the project. The goals of the group included communication and cooperation to identify, compromise, and resolve issues early and quickly, recognize and respect agency roles and responsibilities, and to work in partnership to develop an acceptable methodology to complete the project. The PDT meetings

were held monthly to bimonthly to discuss the progress of the project, resolve issues associated with the project, and provide project updates to team members. The PDT was comprised of the Federal sponsor; the local sponsor; Federal agencies – USFWS and NMFS; State and local agencies and groups – MDNR, MDE, MES, UMCES, and the CAC; and supporting technical experts. Finally, the interagency working group included cooperating agencies and groups involved in the project that provided comments, suggestions, and concerns throughout the project process and during formal public meetings and comment periods. Summaries of all PDT meetings are included in this Appendix F following the list of agencies and organizations contacted for the expansion study coordination.

In addition, agency coordination letters that were received as part of the correspondence from the Draft Federal DMMP (USACE, 2005a) that discussed the PIERP expansion study are also located in Appendix F, following all agency correspondence that occurred for the Draft GRR/SEIS for the PIERP expansion study.

Table F-1. Agency Coordination and Responses Included in Appendix F.

Type of Coordination	Purpose of Correspondence	Agency Contacted or Responding Agency – Contact Person	Date of Letter
Study Initiation and Coordination Letter and Responses			
U.S. Army Corps of Engineers (USACE) Coordination	Study Information and Coordination Notice Letter	• 18 Federal Agencies • 15 State Agencies • 18 Local Agencies (see list below) – Wesley E. Coleman, Jr.	3 December 2003
Agency Response	Letter response for Request of Draft SEIS	Talbot County Department of Public Works	10 December 2003
Agency Response	Letter response to Study Information and Coordination Notice	State of Maryland, Critical Area Commission, Chesapeake and Atlantic Coastal Bays – Lisa Hoerger	15 December 2003
Agency Response	Letter response of State Clearinghouse Review Process	Maryland Department of Planning (MDP)	22 December 2003
Agency Response	Letter response	Maryland Historical Trust (MHT)	22 January 2004
Agency Response	Letter response	County Council of Talbot County	3 February 2004
Endangered Species Act (ESA), Section 7 Coordination Letter and Responses			
USACE Coordination	ESA, Section 7 Coordination Letter	National Marine Fisheries Service (NMFS) – Julie Crocker	6 January 2004

Type of Coordination	Purpose of Correspondence	Agency Contacted or Responding Agency – Contact Person	Date of Letter
Agency Response	Letter response to ESA, Section 7 Coordination	NMFS – Mary Colligan	22 January 2004
USACE Coordination	ESA, Section 7 Coordination Letter	U.S. Fish and Wildlife Service (USFWS) – John Wolflin	6 January 2004
Agency Response	Letter response to ESA, Section 7 consultation*	USFWS – Mary Ratsnaswamy	14 April 2004
USACE Coordination	ESA, Section 7 Consulation*	MDNR – Glenn Therres	18 February 2005
USACE Coordination	Communication Record Log for ESA, Section 7 consultation*	MDNR – Glenn Therres	15 April 2005
USACE Coordination	ESA, Section 7 Consulation*	USFWS – Craig Koppie	18 February 2005
USACE Coordination	ESA Section 7 consultation*	NMFS – Mary Colligan	27 April 2005
Agency Response	ESA Section 7 Coordination*	NMFS – Patricia Kurkul	22 August 2005
Agency Coordination Concerning Natural Resources In the Vicinity of the Project			
USACE Coordination	Email response to NOB TOY restrictions	Maryland Department of Natural Resources (MDNR) – Roland Limpert	20 September 2004
Agency Response	Email response concerning diamondback terrapins	Ohio University – Dr. Willem Roosenburg	29 November 2004
Resources Management Meeting	Discussion of resources impacted by proposed activities and design of lateral expansion	Participants from U.S. Environmental Protection Agency (USEPA), National Oceanic and Atmospheric Administration (NOAA), NMFS, and USACE	12 December 2004
Agency Response	Email response to productive NOBs	MDNR – Mitchell Tarnnowski	6 January 2005
Agency Response	Email response to erosion rates	Maryland Geologic Survey (MGS) – Jeff Halka	18 January 2005
Agency Response	Response to northern lateral design discussions	NMFS – John Nichols	18 January 2005
Agency Response	Phone response to control of wildlife species at Poplar Island	USFWS – Jason Miller	24 January and 3 February 2005

Type of Coordination	Purpose of Correspondence	Agency Contacted or Responding Agency – Contact Person	Date of Letter
Coordination with State Historic Preservation Office (SHPO)			
USACE Coordination	SHPO coordination	MHT – Elizabeth Cole	7 June 2005
USACE Consultation	Section 106 Continued Consultation	MHT – Elizabeth Cole	26 July 2005
Agency Response	Cultural resources surverys coordination	Maryland Department of Housing and Community Development, Maryland Historical Trust – Susan Langley, Ph.D.	29 July 2005
Agency Response	Cultural resources surverys coordination	MHT – Steve Bilicki	30 August 2005
Consulation Regarding Accepting Dredged Material from Other Channels at the PIERP (Sediment Roundtable Meeting)			
Sediment Quality Meeting	Roundtable discussion with resource agencies	Participants from USEPA, Maryland Department of the Environment (MDE), NMFS, MNDR, MGS, USFWS, Maryland Port Administration (MPA), Maryland Environmental Service (MES), USACE	17 March 2005
Agency Comments on Dredged Material Management Plan (DMMP) that Include the PIERP			
Agency Response	SEIS Rating of the DMMP	EPA- William Hoffman	28 March 2005
Agency Response	Agency comments	U.S. Department of the Interior – Michael T. Chezik	24 March 2005
Agency Response	Agency comments	MDNR – Ray C. Dintaman, Jr.	25 March 2005
Agency Comments on Incorporation of Open Water Embayment			
Agency Response	Issues contributing to Re-design	NMFS – John Nichols	22 February 2005
Agency Response	Agency comments	MDE – Matthew C. Rowe	29 March 2005
Agency Response	Agency comments	MDNR	29 March 2005
Agency Response	Agency comments and recommendations; **also includes Fish and Wildlife Coordination Act Comments**	NMFS – John Nichols	15 April 2005

Type of Coordination	Purpose of Correspondence	Agency Contacted or Responding Agency – Contact Person	Date of Letter
Open-water habitat meeting	Memorandum for the Record, revisions to ICU analysis for open-water habitat	NMFS – John Nichols, USACE	22 April 2005
Agency Response	GRR and SEIS Coordination	USFWS – John Wolfin	25 April 2005
Agency Response	Comments and recommendations	USFWS – John Wolfin	11 May 2005
Agency Response	Comments	MDNR – Ray Dintaman, Jr.	12 May 2005
Agency Response	Comments and recommendations	NMFS – Peter D. Colosi, Jr.	19 May 2005
Comments on Draft GRR/SEIS			
USACE Coordination	Indication of MPA as non-Federal sponsor	MPA – M. Kathleen Broadwater	10 June 2005
USACE Coordination	Request for publication in the June 24, 2005 Federal Register	USEPA – Office of Federal Activities	17 June 2005
USACE Coordination	Receipt of draft GRR/SEIS by USEPA	USEPA – Office of Federal Activities	17 June 2005
Agency Response	Letter response of State Clearinghouse Review Process	Maryland Department of Planning (MDP)	22 June 2005
Agency Response	No comments, reminder of information	State of Maryland Critical Area Commission Chesapeake and Atlantic Coastal Bays – Kerri Gallo	15 July 2005
USACE Consultation	Memorandum for the Record – comments and recommendations	MDE – George Harman	28 July 2005
USACE Coordination	Requesting Review of EFH	NMFS- John Nichols	2 August 2005
Agency Response	Comments and recommendations	MDNR - Ray Dintaman, Jr.	4 August 2005
Agency Response	Comments and recommendations**; also includes Fish and Wildlife Coordination Act compliance**	U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance (USFWS) – Michael Chezik	5 August 2005
Agency Response	Comments and recommendations	NMFS – John Nichols	8 August 2005

Type of Coordination	Purpose of Correspondence	Agency Contacted or Responding Agency – Contact Person	Date of Letter
Agency Response	Comments and recommendations	USEPA – William Arguto	8 August 2005
Agency Response	Comments and recommendations	MDNR – Lori Byrne	8 August 2005
Agency Response	Phone response for consistency determination	State of Maryland Critical Area Commission – Kerri Gallo	12 August 2005
Agency Response	Comments and recommendations	MDE – George Harman	16 August 2005

**Full ESA Section 7 consultation is included in Appendix E*

List of Agencies and Organizations Contacted for Expansion Study Coordination

Agencies and Organizations:

- U.S. Department of Defense
  - -U.S. Army Corps of Engineers
  - -U.S. Army Aberdeen Proving Ground
- U.S. Department of Homeland Security
  - -U.S. Coast Guard – Activities Baltimore, Waterways Management
- U.S. Environmental Protection Agency
  - -Chesapeake Bay Program
  - -Community & Ecosystem Protection Branch
- U.S. Postal Service
- U.S. Department of Agriculture
  - -Natural Resource Conservation Service
- U.S. Department of the Interior
  - -U.S. Geological Survey
  - -Office of Environmental Policy & Compliance
  - -U.S. Fish & Wildlife Service
    - o Chesapeake Bay Field Office
    - o Division of Habitat Evaluation & Protection
    - o Blackwater National Wildlife Refuge
  - -National Park Service
- U.S. Department of Energy
  - -Federal Energy Regulatory Commission
  - -Office of Environmental Compliance
- National Aquarium
- U.S. Department of Commerce
  - -National Oceanic and Atmospheric Administration
    - o National Marine Fisheries Service, Habitat Conservation Division
    - o Chesapeake Bay Office

State Agencies:

- Maryland Department of Natural Resources
  - - Fisheries Division
  - - Fisheries Service
  - - Licensing & Registration Service Division
  - - Chesapeake Bay Critical Area Commission
  - - Shore Erosion Control Program
  - - Fish Management Plan Program
  - - Coastal Zone Management Division
  - - Cooperative Oxford Laboratory
  - - Wildlife and Natural Heritage
  - - Chesapeake & Coastal Watershed Services
  - - Monitoring & Non-tidal Assessment Division
  - - Natural Resources Police
  - - Maryland Geological Survey

- Information Resource Center
- Boating Administration

- Maryland Department of General Services
- Maryland Port Administration
  - Planning & Environment
  - Harbor Development
- Maryland Department of the Environment
  - Technical & Regulatory Services Administration
  - Tidal Wetlands Division
  - Water Management Administration
  - Sediment & Stormwater Plan Review Division
  - Dredging Coordination & Assessment Division
  - Non-point Source Program
- Maryland Department of Planning
- Maryland State Highway Administration
  - Office of Environmental Design
- Maryland Board of Public Works
- Maryland Department of Agriculture
- Maryland Department of Transportation
- Maryland Environmental Services
- State Water Quality Advisory Committee
- D.C. Environmental Health Administration
  - -Water Quality Division
  - -Fisheries & Wildlife Division
- Virginia Department of Environmental Quality
- Virginia Port Authority
- Virginia Marine Resources Commission

Local Agencies:

- Accomac County
  - Planning Commission
  - Department of Building, Planning and Zoning
- Anne Arundel County
  - Community & Environmental Health
  - Land Use Office
  - Environmental Commission
  - Department of Planning & Code Enforcement
  - Department of Planning & Zoning
  - Department of Public Works
- Baltimore County
  - Department of Environmental Protection & Resource Management
- Calvert County
  - Department of Environmental Health
  - Board of County Commissioners
  - Department of Planning & Zoning
  - Department of Economic Development

- City of Baltimore
  - Department of Planning
- City of Cambridge
  - Department of Public Works
- Kent County
  - Department of Environmental Health
  - Department of Public Works
  - Board of County Commissioners
  - Department of Housing & Community Development
  - Department of Planning & Zoning
- Dorchester County
  - Board of County Commissioners
  - Department of Public Works
  - Highway Department
  - Planning & Zoning Office
  - Economic Development Office
  - Department of Public Safety
- Essex/Middle River Civil Council
- Harford County
  - Department of Public Works
- HMI Citizens Oversight Committee
- Northern Neck Planning District Commission
- Northumberland County
  - Office of Building & Zoning
  - Planning Commission
- Queen Annes County
  - Board of County Commissioners
  - Department of Environmental Health
  - Department of Planning & Zoning
  - Department of Public Works
- St. Mary's County
  - Department of Public Works
  - County Planning Commission
  - Department of Economic & Community Development
  - Department of Environmental Health
- Somerset County
  - Board of County Commissioners
  - Economic Development
  - Soil Conservation District
  - Department of Technical & Community Services
- Talbot County
  - Office of Planning & Zoning
  - Department of Public Works
- Wicomico County
  - Department of Public Works
  - Department of Planning, Zoning & Community Development

POPLAR ISLAND EXPANSION STUDY (PIES) TEAM MEETING HIGHLIGHTS

29 October 2003 (Kick-Off Meeting) – The contract process was initiated for sediment modeling through the USACE engineering design center. The Island Habitat Units (ICUs) analysis used for the Mid-Bay Islands was initiated for the PIES to determine environmental benefits. It was stated that the public was interested in recreational benefits of the PIES. Criteria for acceptance of dredged material from additional channels would require evaluation. It was decided that UMCES would conduct the socioeconomic studies for the PIES. Vertical raising of the PIERP and the associated economics would be evaluated in 5ft increments. The potential to purchase Jefferson Island and use this island as a recreational component was suggested.

20 November 2003 – Phase I Cultural Resource Surveys for the PIES study area were initiated. Two Public Scoping Meetings were scheduled for 12 and 15 January 2004. Engineering alternatives were being developed by Mike Snyder so that figures could be presented at the public meetings. "Clean" or "acceptable" material would require definition – sediment quality would be defined for the inclusion of additional channels as stated in the FR.

2 December 2003 – Preparation for Public Scoping Meetings

16 December 2003 – It was discussed that the USFWS is opposed to the dike raising. The Study Information and Coordination Notice was mailed to over 800 people on 5 December 2003. Legal notices were run in local newspapers advertising the Public Scoping Meetings. A link on the USACE website was activated to present available information on the PIES. Alignment 6 was presented as two alternatives: 6A and 6B. A tidal gut was proposed through the wetland cells to gain access to the subcells. A "do-nothing" alternative was discussed that includes a breakwater only. The highest the dikes could be designed (structurally) would be 40 ft high. The PIES could include a lateral or vertical expansion or a combination of the two.

8 January 2004 – Organizational pre-meeting for public meetings that were scheduled for 12 and 15 January 2004.

29 January 2004 – Results of the public meeting were discussed, particularly, Talbot County stated they were interested in a recreational component compatible with the original study authorization. Additional public meetings that target the local watermen (through the Maryland Watermen's Association) were discussed due to concerns of under-representation by watermen at the 12 and 15 public scoping meetings. It was discussed that NMFS has concerns over loss of bay bottom from the project. It was also discussed that NOAA stated the endangered shortnose sturgeon and various sea turtles have been documented in the study area. It was discussed that the Mid-Bay EIS and the PIES SEIS should be consistent.

4 February 2004 – The USACE discussed developing initial screening criteria and secondary criteria for the PIES. It was decided that all variations of the upland: wetland ratio should remain under consideration in the study. The Alignment 8 (no lateral expansion - breakwater) could be considered a stand-alone option or in combination with another alignment option. Currently, the number of options for lateral expansion is 36 lateral, 4 vertical, and the number of alternatives in

combination is 144. The four main criteria for the PIES include: cost, capacity, ecosystem benefit, and protection of Poplar Harbor.

19 February 2004 – It was discussed that since MDE require water from the uplands to drain through the wetlands before it enters Poplar Harbor, this may also be required for the expansion. A distinction between the containment dike heights and the final dredged material surface elevations within the cells needs to be made. Lessons learned from the PIERP was discussed and it was decided that all borrow material will come from outside the footprint or from within an upland area. Alignments 1 to 6 are from the initial screening and Alignment 7 was suggested by the USACE based upon the engineering department's intent to maximize capacity. It was decided that Alignment 8 (the breakwater) would be removed from the PIES study because it does not allow for optimizing capacity, although it might be added to the existing project to protect Poplar Harbor.

18 March 2004 – It was discussed that Alignment 8 (the breakwater) should be called an option that could be added to any of the alignment alternatives. It was also discussed that the northern alignments were more favored than the southern alignments. Additional environmental studies to define the existing conditions were discussed. Highlights from the MWA (Russell Dize) meeting were discussed and included that the association is in favor of the project as it is now, but if it gets taller it will be unsightly; Alignments 6 and 7 are their preferred options, but that they should be pulled away from the NOBs where they have seed plantings; the MWA is not in favor of a southern alignment because of the crabpots in the area. It was discussed that when MDNR designates an area as SAV habitat (as of 2000) it can no longer be used by clammers. ERDC will perform the H&H analyses for PIES.

1 April 2004 – An update on the cultural resource surveys indicated that 5 anomalies (cultural resource avoidance areas) were found in the study area. Additional studies to define the existing conditions were discussed and included sediment quality, benthic community, commercial shellfish studies, finfish studies, SAV surveys, and recreation studies. For H&H studies, it was mentioned that John Gill (USFWS) would like sediment impacts to NOBs be evaluated for the PIES SEIS. UMCES presented samples to evaluate the socioeconomics, employment statistics, light impacts, viewshed analysis, and noise impacts.

20 April 2004 – It was discussed that alignment 7 had the lowest cost per cubic yard, and that this alignment had been moved further away from the NOBs. One out of the 5 cultural avoidance areas found during the cultural resources surveys lies within a proposed alignment. The cost-benefit analysis that will be applied to the PIES was discussed and included habitat units, and a model for cell placement that includes filling, grading, and planting of the cells. It was also discussed that a 50:50 ratio of upland to wetland may not occur for the PIES.

13 May 2004 – The plan formulation process for PIES was discussed. This process began with seven alignments and nine alternatives under each alignment; the eighth alignment (the breakwater) was then added as an enhancement since it doesn't fulfill the needs/goals of the project. Currently, alignments 6 and 7 are being considered and expand to the north. A preliminary screening matrix was created that included the draft cost, capacity, site life, engineering constraints, and agency and public comments. Engineering constraints and public

comments would then be used to screen the alignments. Engineering screening criteria will include foundation, borrow areas, and access channel lengths. The southern area was discussed as being heavily used by watermen and had engineering constraints (which eliminated the first five alignments). Different percentages of uplands versus wetlands, cost, capacity, and dike height A(25 to 40 ft) are now being discussed. The USFWS (Bob Pennington) stated that they do not want dike heights greater than 23 ft (uplands) and want a vertical limit set (35 ft is too high). Also, they do not want an upland to wetland ratio of less than the existing project (50:50). The MDNR (Roland Limpert) stated that there is a Dec 16 to March 14 TOY restriction for NOBs for hydraulic dredging of sediment. MDE (Matthew Rowe) stated that the existing project does not always meet the water quality standards and the USACE (Mike Snyder) responded that water quality is being considered in the PIES since the final wetland development of PIERP would be slowed to alleviate filling/capacity issues. ERDC is completing a storm surge frequency analysis for the PIES and that the output from the model will show currents and tides necessary for the engineering design work. Also, as a result of speaking with NMFS (John Nichols), three seasons of finfish surveys, SAV surveys, and clam surveys will be conducted in areas proposed for disturbance from PIES. Additionally, sediment quality, benthic community, a viewshed analysis, and noise and light studies are also planned.

21 May 2004 – The purpose of the meeting included a discussion of the level of detail for additional studies necessary by UMCES for inclusion in the SEIS. The additional studies included socioeconomics, recreation and recreational fishing, noise, light, viewshed, and cumulative impacts; each analysis may require a different level of detail in the discussion. The region of influence was discussed as a combination of counties, although the level of detail might differ between counties. Only the northern expansion would be considered in all analyses. It was discussed that information on the type of construction equipment at PIERP was available to conduct the noise and light analyses (and air quality for EA). A new building on Poplar Island to replace the trailers was discussed as being included in the SEIS. The dike height to be used for existing conditions is 20 ft, the height for short-term construction should be 35 ft, and the height for long-term construction should be 30 ft.

19 August 2004 – The purpose of the meeting was to discuss the USACE's in-progress review meeting, the plan formulation process, the alternatives analysis, organization for the public meeting, and a newsletter update. Hydrodynamics, hydraulics, and sedimentation modeling will be done by ERDC along with current work on dike design. The final alignment for expansion and the locations for the upland and wetland cells will be determined based on boring data, borrow area, and cultural restrictions being reviewed. A discussion of the status of environmental studies conducted by EA included the blue crab survey, sediment quality study, finfish survey, SAV survey, and benthic survey. UMCES is conducting the socioeconomic studies using with and without project conditions and is finishing up on the impacts from noise and light on the view shed.

16 September 2004 – The purpose of the meeting was to discuss the next steps after Plan Formulation and the Alternative Analysis, the October 6th PIES Public Meeting, provide the team with information on the Phase II cultural investigation, and update the team on the design of the project. Using the geotechnical survey results, the Corps' engineers came up with an alignment that is 575 acres, 25 of which are a tidal gut. A Phase II cultural investigation will be conducted

on one of the sites (T-13) that indicate a potential cultural resource during the Phase I survey. In the proposed alignment, uplands will be constructed over the sands and the wetlands will be over the clays. The dikes for the wetlands will be 10 or 11 feet above MLLW and will probably not be breached to the Bay, but rather to the tidal gut, and upland dikes would be limited to a final elevation of 20 feet above MLLW with containment dikes constructed to a temporary elevation of 25 feet. There will be time of year restrictions of June 1st to September 30th for hydraulically dredged and offloaded sediment in the access channel because of its proximity to the natural oyster bar. The Poplar Island SEIS is considering the upland:wetland ratio of 50:50, 60:40 with a five foot dike raising, and a no action alternative. The team discussed possible issues and concerns that might be addressed in the upcoming public meeting, including aesthetic issues and potential recreational activities.

21 October 2004 – The responses and comments from the public meeting held on October 6th were discussed. The most frequent comments were on SAV, terrapins, and concerns about the possibility of a "Phase III" expansion. Scott Johnson stated that he is looking for language to include in the EIS that makes the second phase of the PIERP (expansion) the final phase. Gwen Meyer informed the group that the 575 acre alignment that was presented at the meeting is being reconsidered and slightly modified. Peggy Derrick noted that sections of the SEIS due to EA by the end of October will not be possible because of the new alignments. Furthermore, a standard figure format needs to be established, and a draft document needs to be prepared for review by the Corps in January. Jason Miller discussed the condition of the birds at Poplar Island, including an outbreak of avian botulism and the death of a bald eagle found of Coaches Island.

16 December 2004 – Discussions on the dike design analysis document included the method of dike failure. Scott Johnson pointed out that a storm from the south hitting straight on, like Hurricane Isabel, and wave overtopping is more important than direct wave action. Michael Snyder explained that from a cost standpoint, damage from overtopping causes more impact than waves. The meeting between the Corps, NOAA, NMFS, and EPA was discussed, a major point being trading the wetlands on the western side of the project for creation of an embayment instead. Talks then moved to the PIES Sediment Quality White Paper presented by EA. The acceptance of dredged material from private channels was also discussed. The meeting turned to discussions on the Impacts Matrix and impacts associated with the no action alternative. It was also mentioned that the Phase II investigation of the T-13 site is almost finished. The site is a shipwreck, but it is not historical.

20 January 2005 – The estimated costs, environmental benefits, and calculated ICUs of six Poplar Expansions plans were presented. The 55/45 and 60/40 alternatives were identified as the most cost effective. Mr. Nichols is drafting a new expansion configuration that would trade off portions of wetlands for an open water embayment on the western side of the expansion. Ms. Flanigan expressed concern that Mr. Nichols' counterproposal would not be included in the preliminary draft, but Mr. Johnson stated that the study would move on as scheduled. The potential for a 5-foot increase in dike height was also discussed. Such a vertical expansion could provide a longer-term upland inflow period, which would create good duck and waterbird habitat. However, there has been opposition to raising the dikes from local residents. Sediment quality issues for dredged material placed at Poplar Island were discussed, and Ms. Derrick proposed that a separate subgroup be formed for the sediment quality workshop. Mr.

Mendelsohn, Mr. Johnson, Mr. Limpert, Mr. Miller, and MDE expressed interest in participating in such a subgroub. Questions were raised regarding where dredged material would be accepted from, and it was stated that material from the southern approach canals of the C & D Canal would be accepted at Poplar Island. Disposal from private dredging projects was not expected to be a significant issue. The schedule for the SEIS was discussed and the preliminary draft document should be presented at the February 17th team meeting, and the draft document should be released to the public in June or July 2005.

17 February 2005 – Mr. Nichols' proposed alternative was discussed at the last Poplar Island Habitat Subgroup Meeting where NOAA expressed that it would allow for good trophic interaction, while MDNR expressed concern at setting a precedent for receiving environmental credit for leaving open water. The proposed alternative is going to be presented to the Bay Enhancement Working Group, which will make the final decision regarding whether or not the alternative will be considered further. Mr. Brown communicated that Mr. Simns of the Maryland Waterman's Association indicated that the watermen want an acre for acre and monetary compensation for the area occupied by the Poplar Island Expansion. The preliminary draft of the SEIS was distributed to the team for review, and comments are due by March 4th. The inclusion of the Cell 6 closure activities in the document was discussed, as was the issue of how to address building in a floodplain. Both issues were directed to the Corps Legal Department.

17 March 2005 – Comments were received in the preliminary draft SEIS, and a comment resolution meeting resulted in a number of decisions: 1) a section will be added to the report discussing actions necessary to complete the existing authorized project, 2) the recreational component of the report will be expanded, and 3) the alternatives discussed in the impacts analysis will be modified to a recommended plan of 50/50 wetlands/uplands with a +5 foot dike raising on the upland cells of the western dikes of the existing project. The Corps will adaptively manage the wetlands/uplands ratio to try to achieve a 60/40 ratio. The distribution of the next draft should be April 1st. A number of public outreach issues were discussed including the need for the focus of future public meetings to be on what the Corps is recommending, how the decisions were made, and how they fit into the DMMP process; and general public support for PIES, Mid-Bay, and the Harbor projects but concern regarding insufficient emphasis on Innovative Reuse in the DMMP. It was also suggested that coordination with the Critical Areas Commissions for the local governments in Dorchester and Talbot Counties should be initiated. The open-water embayment alternative proposed by Mr. Nichols was discussed. There is general support for endorsing the alternative by MDNR and MDE, although there are still some uncertainties. BEWG is expected to make a decision on whether or not to endorse the alternative in early April.

21 April 2005 – The review team received approximately 3,000 comments and the document was expanded to provide greater detail on the process, however, the plan formulation process was not changed. There was discussion regarding the 60/40 +5 and the 50/50 alternatives. The 60/40 plan may not be feasible if there are weather constraints during construction. There is concern that the public will perceive the project negatively if the 60/40 plan is used but not met. The 60/40 plan will not be possible if the NMFS plan is implemented. Ms. Wainger recommended a risk assessment. Some information from H+H is still missing and some

information from ERDC is still incomplete. Two sites have had Phase II cultural studies and it was reported that the shipwreck is most likely ineligible to be added to the national register. Ms. Derrick presented options and opinions from agencies on what dredged material should be used at the site. There was discussion over the NMFS proposal and its potential impacts to the project. The Corps will make a decision about the NMFS proposal before July. MPA presented a new alternative for lateral expansion, which proposes that wetland cells be constructed on the eastern side of the alignment. The meeting closed with another discussion about the NMFS proposal.

Study Initiation/Coordination Letter and Responses

DEC 0 3 2003

US Army Corps of Engineers
Baltimore District

Planning Division

Study Information and Coordination Notice

Poplar Island Expansion Study (PIES)
Chesapeake Bay
Talbot County, Maryland

The U.S. Army Corps of Engineers, Baltimore District (Corps) and the Maryland Department of Transportation (MDOT) under the auspices of the Maryland Port Administration (MPA), are investigating the potential expansion of the existing Poplar Island Environmental Restoration Project (PIERP), located in the upper-middle portion of the Chesapeake Bay, approximately 34 nautical miles south-southeast of the Port of Baltimore and one mile northwest of Tilghman Island in Talbot County, MD (Figure 1). The purpose of this notice is to inform you of the study and our upcoming efforts. A Notice of Intent (NOI) for this project was published in the Federal Register on June 5, 2003 (Volume 68, Number 108, Page 33685).

The PIERP is an environmental restoration project currently under construction that is restoring over 1,100 acres of island habitat, half uplands and half wetlands, using dredged material from Federal navigation channels in the upper Chesapeake Bay. The goal of the Poplar Island Expansion Study (PIES) is to modify the project to provide additional capacity and increase habitat. Options include raising the final design height of the existing dikes within the upland cells and/or constructing a lateral expansion of the existing island footprint. Also to be considered with the expansion are environmental enhancements on Poplar Island and within Poplar Harbor, increased recreational and educational opportunities, and potential acceptance of dredged material from additional channels. Material from Baltimore Harbor within the Patapsco River will not be considered for placement at Poplar Island in accordance with the PIERP Environmental Impact Statement (EIS). Examples of potential dike alignments for lateral expansion are shown in Figure 2. Dredging for a new access channel and placement of breakwater(s) may also be considered in the investigation of these alternatives.

A General Reevaluation Report (GRR) is being conducted under the existing PIERP authorization, Section 537 of the Water Resources Development Act (WRDA) of 1996,

which authorizes using material dredged from the Chesapeake Bay approach channels to the Port of Baltimore to restore Poplar Island to its approximate 1847 footprint. The GRR is a decision document that will be used to determine the Federal interest in modifying the PIERP. An Supplemental Environmental Impact Statement (SEIS) that addresses the potential raising of the upland dikes above the authorized height of 23 feet and expansion of the island footprint is also being prepared to comply with the National Environmental Policy Act (NEPA) of 1969. Please notify us if you would like to receive a copy of the environmental documentation (Draft SEIS), and/or the list of recipients also receiving this notice.

For Federal and State resource agencies receiving a copy of this notice, we request that you provide information concerning interests within your organization's area of responsibility or expertise within 30 days from the date of this notice to the address below. Some agencies will also receive specific requests for information from our office in the near future. If you have any questions regarding this project, please contact Ms. Gwen Meyer of our Civil Project Development Branch at (410) 962-9502 or by e-mail at gwendolyn.c.meyer@nab02.usace.army.mil.

U.S. Army Corps of Engineers, Baltimore District
ATTN: CENAB-PL-P (Meyer)
P.O. Box 1715
Baltimore, Maryland 21203-1715

William D Arndt

for Wesley E. Coleman, Jr.
Chief, Civil Project Development Branch
Planning Division

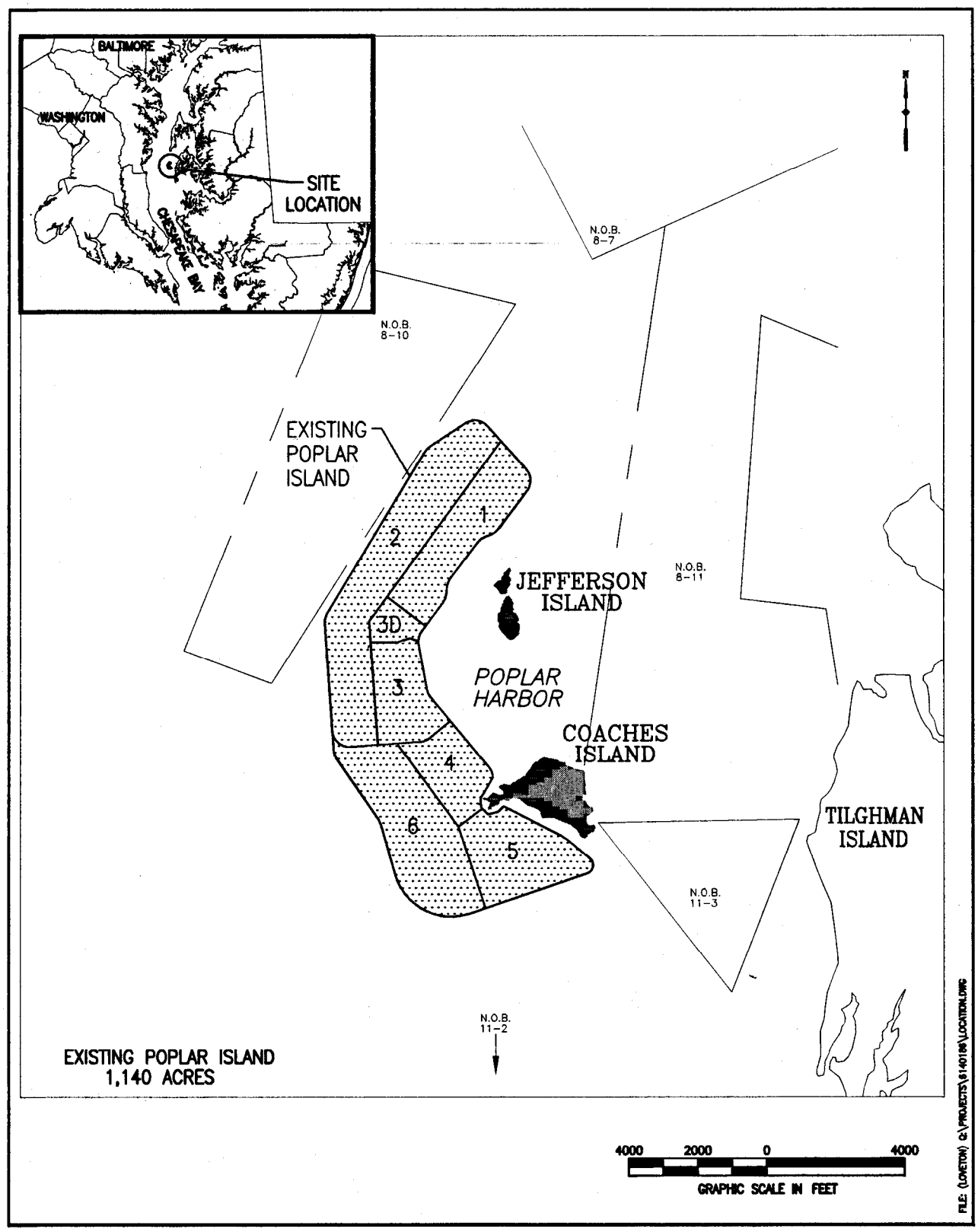

FIGURE 1. EXISTING POPLAR ISLAND CONFIGURATION AND SURROUNDING NATURAL OYSTER BARS (NOB)

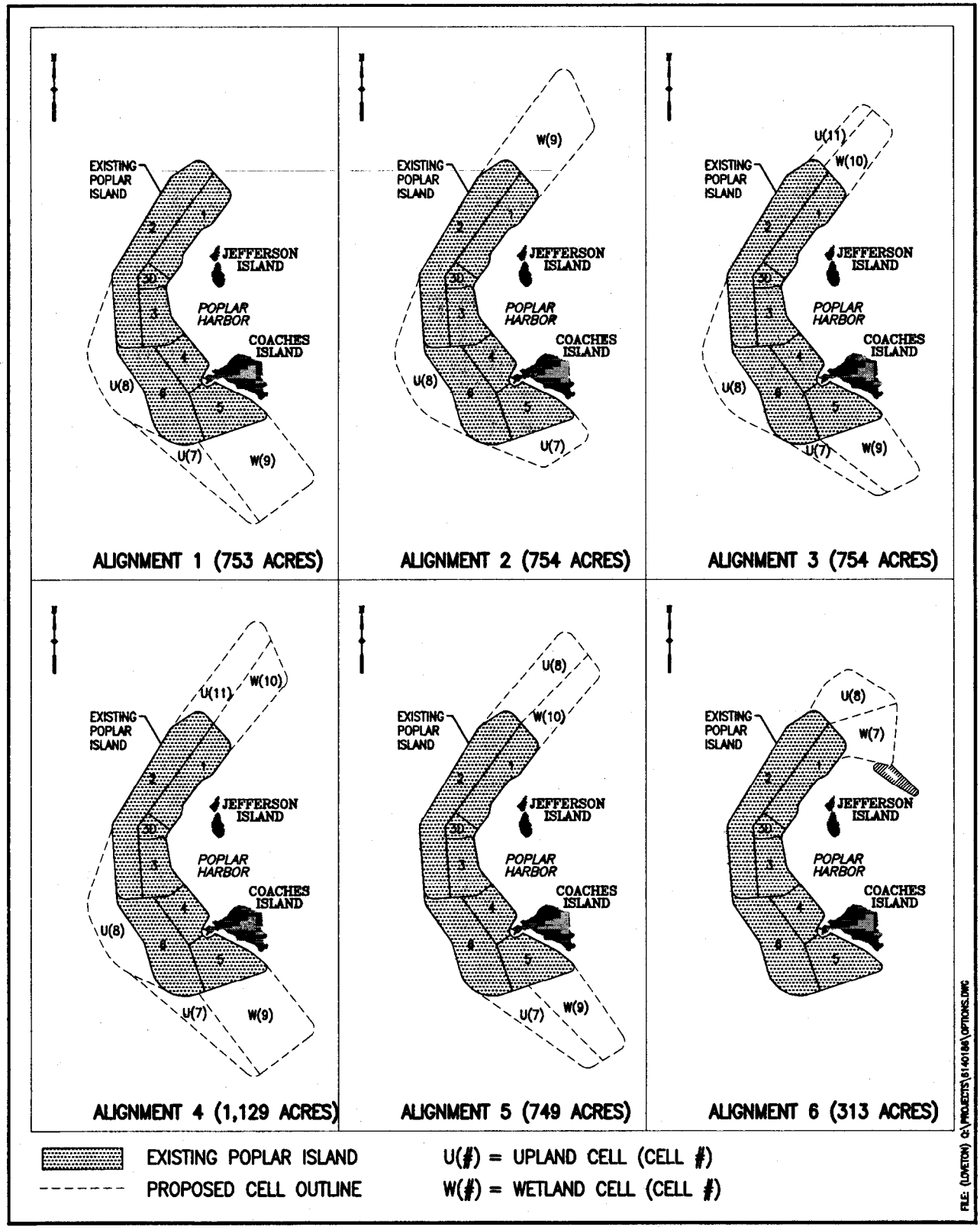

FIGURE 2. EXAMPLE ALIGNMENTS FOR EXPANSION OF POPLAR ISLAND, TALBOT COUNTY, MD.

TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS
TALBOT COUNTY OPERATIONS CENTER
605 PORT STREET
EASTON, MARYLAND 21601
PHONE: 410-770-8170
FAX: 410-770-8176
TTY: 410-822-8735

December 10, 2003

Ms. Gwen Myer
Project Manager
Civil Project Development Branch
U. S. Army Corps of Engineers, Baltimore District
P. O. 1715
Baltimore, Maryland 21203-1715

RE: Poplar Island Environmental Restoration Project – Expansion Study
Request for Draft Supplemental Environmental Impact Statement

Dear Ms. Myer,

As presented in the December 3, 2003 Study Information and Coordination Notice for the Poplar Island Expansion Study, I am requesting five copies of the draft Supplemental Environmental Impact Study. The Talbot County Department of Public Works will retain one copy of the report with copies being forwarded to the Talbot County Council, Easton Free Library, St. Michaels Free Library, Tilghman Island Branch Library, and the Talbot County Department of Parks and Recreation.

The County very interested in the proposed environmental enhancements that are being included in the expansion of the project that provide for increased recreational and educational opportunities. If you have any questions concerning our request, please contact me at 410-770-8170. Thank you for your assistance in this matter.

Sincerely,

Ray Clarke, P.E.
County Engineer

Cc. R. Andrew Hollis, County Manager
Jesse Fearins

55-03

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

December 15, 2003

Ms. Gwen Meyer
Civil Project Development Branch
Planning Division
U.S. Army Corps of Engineers, Baltimore District
P. O. Box 1715
Baltimore, Maryland 21203-1715

Re: Poplar Island Expansion Study (PIES)
Chesapeake Bay, Talbot County, Maryland

Dear Ms. Meyer:

Thank you for forwarding the Study Information and Coordination Notice to this office. The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays will be responsible for approving any changes to the Poplar Island project, since the Maryland Natural Resources Article at §8-1807 (a)(1) defines the initial planning area for the Chesapeake Bay Critical Area as, "All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 16 of the Environment Article."

In April 1996, the Critical Area Commission approved the Poplar Island project which included the restoration of the island to its original footprint of 1847. The restoration of the island would provide an area to receive dredge disposal from the Baltimore shipping channels, and to provide habitat for numerous species.

In light of your recent notice of the investigation to potentially expand the island, this office requests a copy of the Supplemental Environmental Impact Statement for review. If an expansion is requested, Critical Area Commission review and approval is required.

Thank you again for providing the Commission notice of this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. George Kinney, Planning Officer, Talbot County, MD
Mr. Ray Dintaman, Jr., Director, Environmental Review Unit – MD DNR
Poplar Island File

replied 1/5/04

MDP

Maryland Department of Planning

December 22, 2003

Ms. Gwen Meyer
Project Manager, ATTN: CENAB-PL-P
U.S. Army Corps of Engineers
Civil Project Development Branch
P.O. Box 1715
Baltimore, MD 21203-1715

STATE CLEARINGHOUSE REVIEW PROCESS
State Application Identifier: MD20031217-1253
Reply Due Date: 01/21/2004
Project Description: Scoping prior to preparation of Supplemental EIS: Poplar Island Expansion Study: located in the upper-middle portion of the Chesapeake Bay: consider raising upland dikes above authorized height; expanding island footprint; and increase habitat
Project Location: County of Talbot
Clearinghouse Contact: Bob Rosenbush

Dear Ms. Meyer:

Thank you for submitting your project for intergovernmental review. Your participation in the Maryland Intergovernmental Review and Coordination (MIRC) process helps to ensure that your project will be consistent with the plans, programs, and objectives of State agencies and local governments.

We have forwarded your project to the following agencies and/or jurisdictions for their review and comments: the Maryland Departments of Transportation, the Environment, Housing and Community Development, including the Maryland Historical Trust, Natural Resources; the County of Talbot; and the Maryland Department of Planning. A composite review and recommendation letter will be sent to you by the reply due date. Your project has been assigned a unique State Application Identifier that you should use on all documents and correspondence.

Please be assured that we will expeditiously process your project. The issues resolved through the MIRC process enhance the opportunities for project funding and minimize delays during project implementation.

A "Project Survey" form is enclosed with this letter. Please complete and return it within 14 days of the date of this letter. If you need assistance or have questions, contact the State Clearinghouse staff noted above at 410-767-4490 or through e-mail at brosenbush@mdp.state.md.us. Thank you for your cooperation with the MIRC process.

Sincerely,

Linda C. Janey

Linda C. Janey, J.D., Director
Maryland State Clearinghouse for Intergovernmental Assistance

LCJ:BR
Enclosure(s)

03-1253_NRR.NEW.doc

301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2305
Telephone: 410.767.4500 • Fax: 410.767.4480 • Toll Free: 1.877.767.6272 • TTY Users: Maryland Relay
Internet: www.MDP.state.md.us

Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor
Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary
Florence E. Burian
Deputy Secretary

PROJECT SURVEY

Would you please take a few moments and tell us the source of information used by your agency to apply to the **U.S. Department of Defense (DOD/ARMY)** for this grant and/or service. Please complete this form and return it to the State Clearinghouse within 14 days of **December 22, 2003** to the address or fax number noted below or by sending the information, including the State Application Identifier listed below, via E-mail to **CLHouse@MDP.state.md.us**

TO: **Maryland State Clearinghouse**
Maryland Department of Planning
301 West Preston Street
Room 1104
Baltimore, MD 21201-2305

DATE: _____
(Date form completed)

FROM: _____
(Name of person completing this form.)

PHONE: ___-___-_____
(Area Code & Phone number)

RE: State Application Identifier: MD20031217-1253
Project Description: Scoping prior to preparation of Supplemental EIS: Poplar Island Expansion Study: located in the upper-middle portion of the Chesapeake Bay: consider raising upland dikes above authorized height; expanding island footprint; and increase habitat

☐ Chronicle of Philanthropy	☐ GrantsNet	☐ Nonprofit Organization Website
☐ Commerce Business Daily	☐ Health Grants and Contracts Weekly	☐ Previous Grantee
☐ Community Health Funding Report	☐ LISTSERV	☐ Red Book (Catalog of State Assistance)
☐ E-Mail Automatic Notification	☐ Local/State Funding Report and Grant Alert	☐ Seminar or Workshop Attended
☐ Federal Agency Website	☐ Maryland Department of Planning Website	☐ State Agency Website
☐ Federal Assistance Monitor	☐ Maryland Grants (MD Grants)	☐ The Catalog of Federal Domestic Assistance (CFDA)
☐ Federal Grants and Contracts Weekly	☐ Maryland Register	☐ The Foundation Center
☐ Federal Register	☐ NIH Guide for Grants and Contracts	
☐ Please Identify Other Source(s) Not Listed Above:		

Thank you.

301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2305
Telephone: 410.767.4500 • Fax: 410.767.4480 • Toll Free: 1.877.767.6272 • TTY Users: Maryland Relay
Internet: www.MDP.state.md.us

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DEC 0 8 2003

JAN 22 2004

DEC 0 9 2003

US Army Corps of Engineers
Baltimore District

Planning Division

Study Information and Coordination Notice

Poplar Island Expansion Study (PIES)
Chesapeake Bay
Talbot County, Maryland

Clai Dome quad

The U.S. Army Corps of Engineers, Baltimore District (Corps) and the Maryland Department of Transportation (MDOT) under the auspices of the Maryland Port Administration (MPA), are investigating the potential expansion of the existing Poplar Island Environmental Restoration Project (PIERP), located in the upper-middle portion of the Chesapeake Bay, approximately 34 nautical miles south-southeast of the Port of Baltimore and one mile northwest of Tilghman Island in Talbot County, MD (Figure 1). The purpose of this notice is to inform you of the study and our upcoming efforts. A Notice of Intent (NOI) for this project was published in the Federal Register on June 5, 2003 (Volume 68, Number 108, Page 33685).

Arch, dLH 1/5/04 (16)

Expansion of existing island – dredged material unlikely to impact stg, terrestrial resources

The PIERP is an environmental restoration project currently under construction that is restoring over 1,100 acres of island habitat, half uplands and half wetlands, using dredged material from Federal navigation channels in the upper Chesapeake Bay. The goal of the Poplar Island Expansion Study (PIES) is to modify the project to provide additional capacity and increase habitat. Options include raising the final design height of the existing dikes within the upland cells and/or constructing a lateral expansion of the existing island footprint. Also to be considered with the expansion are environmental enhancements on Poplar Island and within Poplar Harbor, increased recreational and educational opportunities, and potential acceptance of dredged material from additional channels. Material from Baltimore Harbor within the Patapsco River will not be considered for placement at Poplar Island in accordance with the PIERP Environmental Impact Statement (EIS). Examples of potential dike alignments for lateral expansion are shown in Figure 2. Dredging for a new access channel and placement of breakwater(s) may also be considered in the investigation of these alternatives.

A General Reevaluation Report (GRR) is being conducted under the existing PIERP authorization, Section 537 of the Water Resources Development Act (WRDA) of 1996,

1B 1/13

which authorizes using material dredged from the Chesapeake Bay approach channels to the Port of Baltimore to restore Poplar Island to its approximate 1847 footprint. The GRR is a decision document that will be used to determine the Federal interest in modifying the PIERP. An Supplemental Environmental Impact Statement (SEIS) that addresses the potential raising of the upland dikes above the authorized height of 23 feet and expansion of the island footprint is also being prepared to comply with the National Environmental Policy Act (NEPA) of 1969. Please notify us if you would like to receive a copy of the environmental documentation (Draft SEIS), and/or the list of recipients also receiving this notice.

For Federal and State resource agencies receiving a copy of this notice, we request that you provide information concerning interests within your organization's area of responsibility or expertise within 30 days from the date of this notice to the address below. Some agencies will also receive specific requests for information from our office in the near future. If you have any questions regarding this project, please contact Ms. Gwen Meyer of our Civil Project Development Branch at (410) 962-9502 or by e-mail at gwendolyn.c.meyer@nab02.usace.army.mil.

U.S. Army Corps of Engineers, Baltimore District
ATTN: CENAB-PL-P (Meyer)
P.O. Box 1715
Baltimore, Maryland 21203-1715

William D Arbuckle

for Wesley E. Coleman, Jr.
Chief, Civil Project Development Branch
Planning Division

The Maryland Historical Trust has determined that there [illegible] properties affected by this undertaking.

_____ Date 4/13/2004

COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND

TALBOT COUNTY GOVERNMENT BUILDING
142 N. HARRISON STREET
EASTON, MARYLAND 21601
PHONE: 410-770-8001
FAX: 410-770-8007
TTY: 410-822-8735
www.talbgov.org

PHILIP CAREY FOSTER, President
HOPE R. HARRINGTON, Vice President

PETER A. CARROLL
THOMAS G. DUNCAN
HILARY B. SPENCE

February 3, 2004

Ms. Gwen Myer, Project Manager
Civil Project Development Branch
U.S. Army Corps of Engineers, Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715

Re: Poplar Island Expansion Project

Dear Ms. Myer:

This letter is Talbot County's formal request that a recreational area be developed as part of the Poplar Island Expansion Project, and that the recreational area be incorporated into any federal and/or state legislation dealing with the expansion. The Council recognizes that environmental and ecological considerations are critical to the continued success of the program, and believes that certain low-impact recreational opportunities can be made available.

The Council is aware that the environmental impact studies included in the expansion project will take approximately two years and during that time input from various groups will be taken into account. Ms. Hilary Spence, County Council member, attended the Public Meeting on January 15, 2004 at Tilghman Elementary School and spoke regarding the Council's interest in this recreational opportunity.

Very truly yours,

Philip Carey Foster
President

cc: Col. Robert J. Davis, Jr., Comdr. and District Engineer
Frank Hammonds, Maryland Port Authority
Ray Clarke, County Engineer

Endangered Species Act (ESA), Section 7 Coordination and Responses

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

REPLY TO
ATTENTION OF

January 6, 2004

Planning Division

Ms. Julie Crocker
National Marine Fisheries Service
U.S. Department of Commerce
One Blackburn Drive
Gloucester, MA 01930-2298

Dear Ms. Crocker:

This letter is in reference to the U.S. Army Corps of Engineers, Baltimore District's (Corps) study to determine the potential for expanding the existing Poplar Island Environmental Restoration Project (PIERP), located in the upper-middle portion of the Chesapeake Bay, approximately 34 nautical miles south-southeast of the Port of Baltimore and one mile northwest of Tilghman Island in Talbot County, Maryland (Figure 1).

The PIERP is a beneficial use environmental restoration project that is currently restoring over 1,100 acres of island habitat, half uplands and half wetlands, using dredged material from Federal navigation channels in the upper Chesapeake Bay. The goal of the Poplar Island Expansion Study (PIES) is to modify the project to provide additional capacity and increase habitat. Options include raising the final design height of the existing dikes within the upland cells and/or restore additional habitat by constructing a lateral expansion of the existing island footprint. Also to be considered with the expansion are environmental enhancements on Poplar Island and within Poplar Harbor, increased recreational and educational opportunities, and potential acceptance of dredged material from additional channels. Material from Baltimore Harbor within the Patapsco River will not be considered for placement at Poplar Island in accordance with the PIERP environmental impact statement (EIS). Examples of potential dike alignments for the lateral expansion that are being considered as part of this study are shown in Figure 2. In addition, dredging for a new access channel and placement of breakwater(s) may also be considered in the investigation of these alternatives.

A General Reevaluation Report (GRR) is being conducted under the existing PIERP authorization, Section 537 of the Water Resources Development Act (WRDA) of 1996, which authorizes the use of material dredged from the Chesapeake Bay approach channels to the Port of Baltimore to restore Poplar Island to its approximate 1847 footprint. The GRR is a decision document that will be used to determine the Federal interest in modifying the PIERP. A supplemental environmental impact statement (SEIS) that addresses the potential raising of the upland dikes above the authorized height of 23 feet and expansion of the island footprint is also being prepared to comply with the National Environmental Policy Act of 1969.

The Corps is requesting any information your office may have on the presence of federally protected species listed by Section 7 of the Endangered Species Act (ESA). This request is for the project area shown in the enclosed figures. A coordination letter has also been sent to the U.S. Fish and Wildlife Service (USFWS) for information concerning listed species managed under their charter. Enclosed is Section 7 correspondence from your agency for the initial PIERP EIS for you to review and update, if necessary.

As you are already aware, the Corps is preparing a biological assessment (BA) on the potential impacts from dredging and dredged material placement operations on shortnose sturgeon in the Chesapeake Bay, Maryland. The BA has been drafted and is currently being reviewed by our technical staff in the District. Although it is nearly finalized it will be undergoing some revisions in the near future. Therefore any information that you have that would help us in finalizing this document would be appreciated.

If you have any questions regarding this matter, please contact Ms. Michele Gomez, at (410) 962-5175.

Sincerely,

Wesley E. Coleman, Jr.
Chief, Civil Projects Development Branch

Enclosures

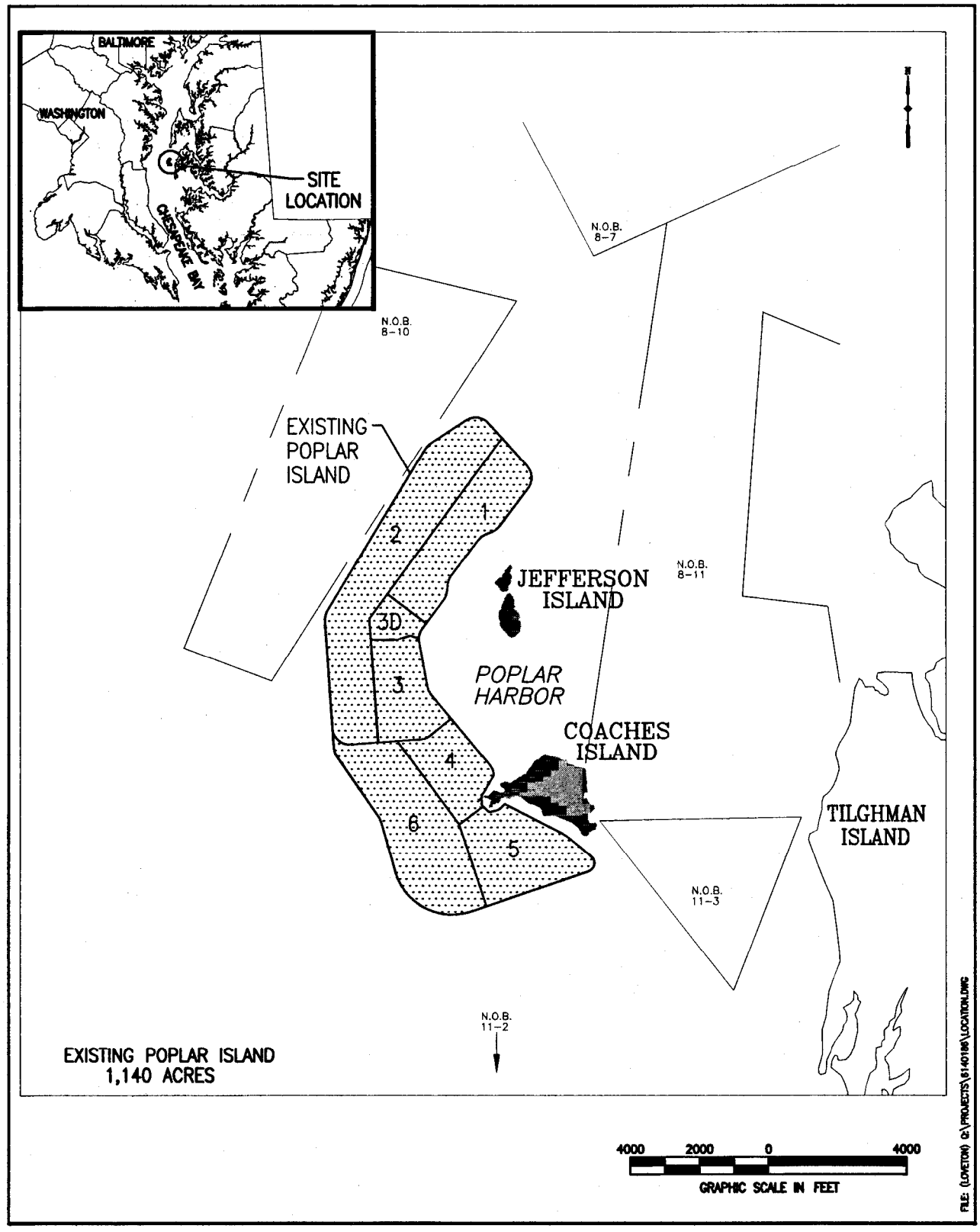


FIGURE 1. EXISTING POPLAR ISLAND CONFIGURATION AND SURROUNDING NATURAL OYSTER BARS (NOB)

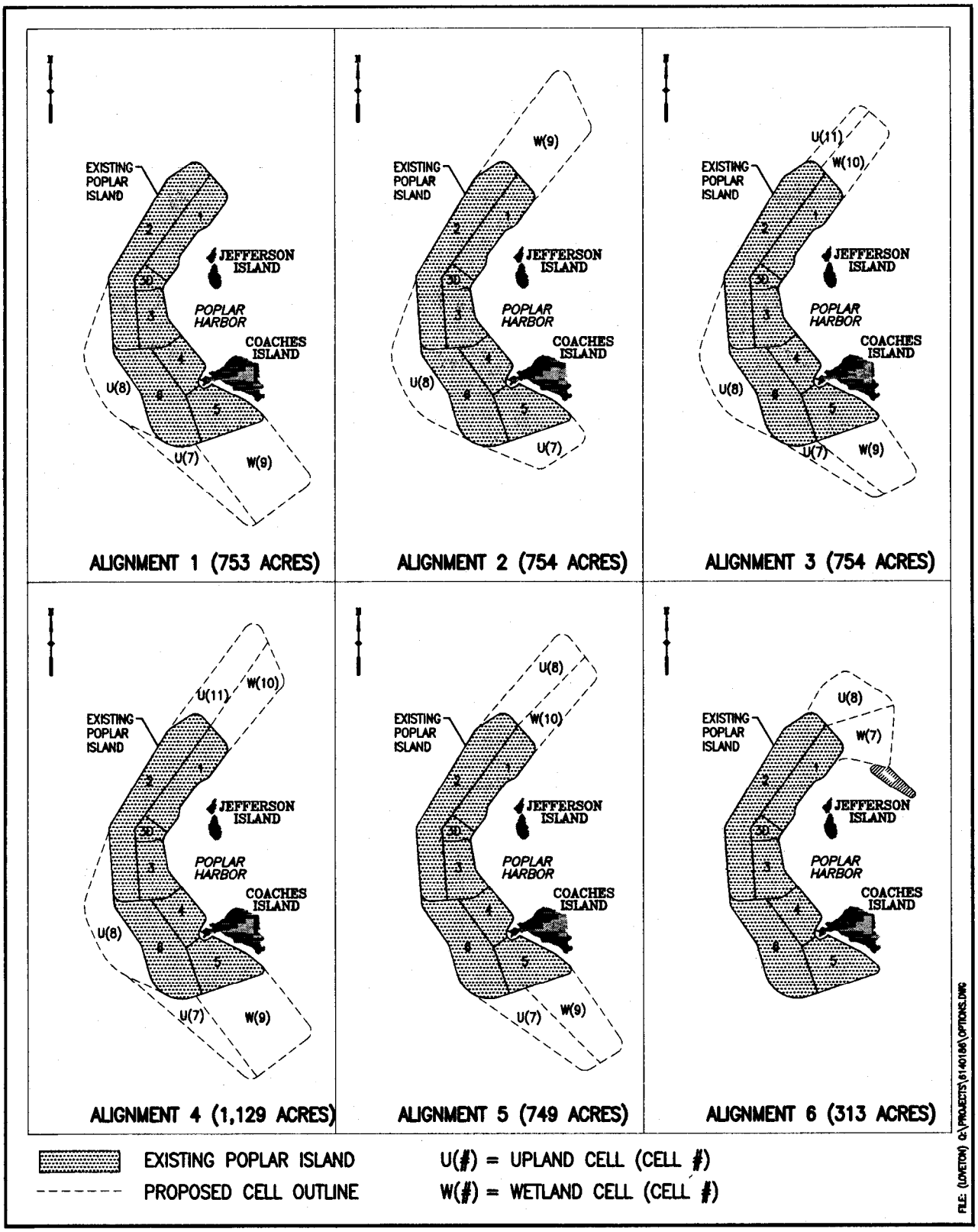


FIGURE 2. EXAMPLE ALIGNMENTS FOR EXPANSION OF POPLAR ISLAND, TALBOT COUNTY, MD.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Habitat and Protected Resources
Division
904 South Morris Street
Oxford, Maryland 21654

5 April 1995

Mr. Brian Walls
Planning Division
Baltimore District
Corps of Engineers
P. O. Box 1715
Baltimore, Maryland 21203

Dear Mr. ~~Walls~~ Brian:

As per your request of 4 April 1995, I am providing a copy of the map designating the relative locations of several important fisheries in vicinity of Poplar Island (enclosure 1). The map was prepared by staff from presentations at the 22 March public meeting.

Also enclosed is the requested list of endangered and threatened species that are within the purview of the National Marine Fisheries Service. As stated previously, however, except for occasional transient individuals, these species are not likely to occur in the project area. Consequently, no further coordination pursuant to Section 7 is required, unless new information becomes available or project conditions change.

If you have questions, or wish to discuss other issues, please call me at (410) 226-5771.

Sincerely,

Timothy E. Goodger
Assistant Coordinator

Enclosures

cc: Dave Meyer
Lee Crockett
Chris Doley

FIGURE 1

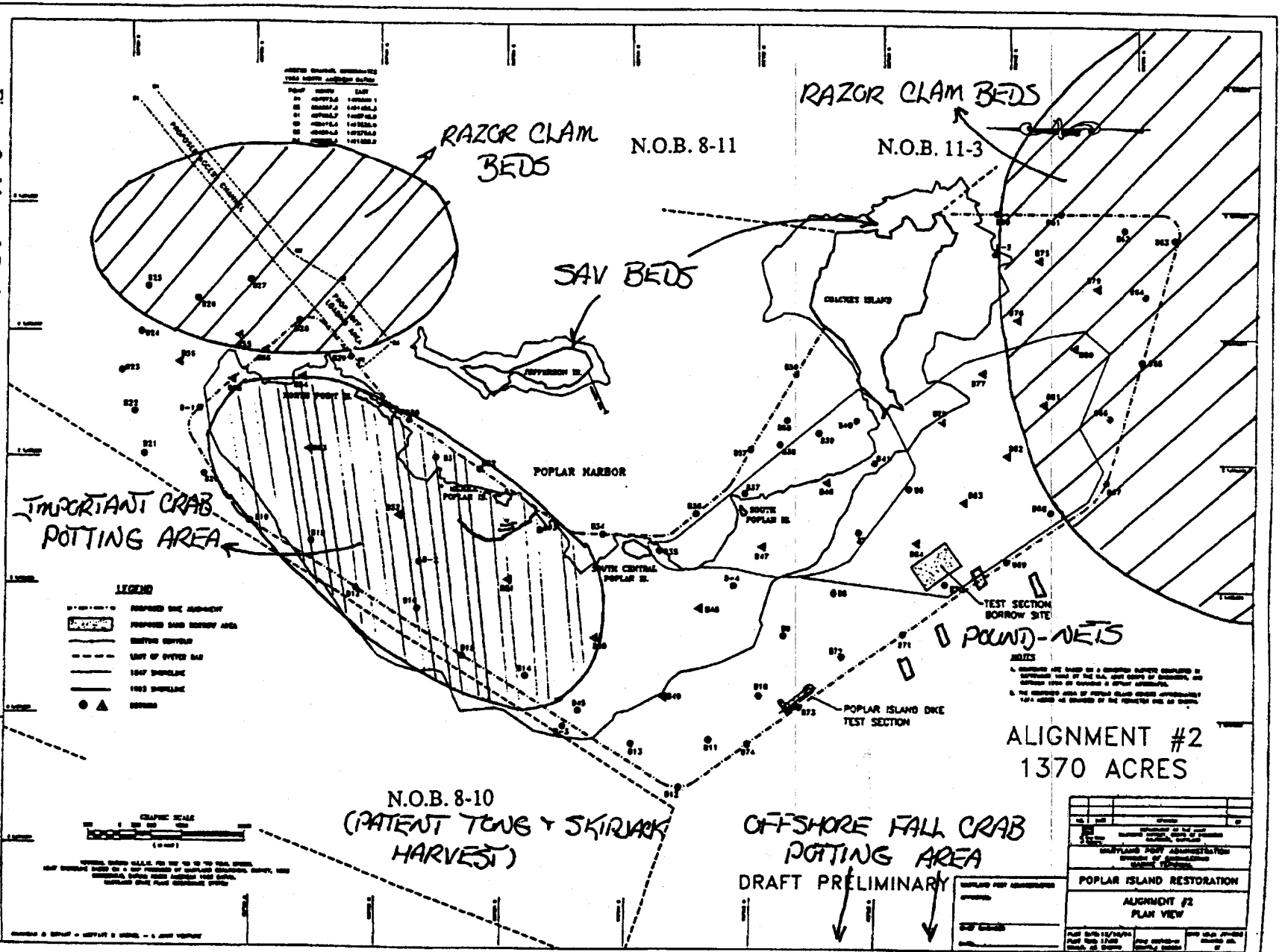


Figure 2: Map of Poplar Island archipelago. Note location of test dike and borrow site in relation to islands and natural oyster bars (N.O.B.).

NATIONAL MARINE FISHERIES SERVICE

Endangered Species List for Northeast Region

ENDANGERED -

Right whale (*Eubalaena glacialis*)

Humpback whale (*Megaptera novaeangliae*)

Fin whale (*Balaenoptera physalus*)

Sperm whale (*Physeter macrocephalus*)

Sei whale (*Balaenoptera borealis*)

Kemp's ridley sea turtle (*Lepidochelys kempi*)

Leatherback sea turtle (*Dermochelys coriacea*)

Green sea turtle (*Chelonia mydas*)

Shortnose sturgeon (*Acipenser brevirostrum*)

THREATENED -

Loggerhead sea turtle (*Caretta caretta*)

4-5-95

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Habitat and Protected Resources
Division
904 South Morris Street
Oxford, Maryland 21654

8 August 1995

Mr. Edward W. Morgereth, Jr.
Environmental Assessment and
Management
EA Engineering, Science, and
Technology
11019 McCormick Road
Hunt Valley, Maryland 21031

Dear Mr. Morgereth:

Reference is made to your letter, dated 24 July 1995, requesting information relative to endangered or threatened species found within the vicinity of Poplar Island. Enclosed is a list of endangered and threatened species that are within the purview of the National Marine Fisheries Service (NMFS). However, except for occasional transient individuals, these species are not likely to occur in the project area. Consequently, no further coordination pursuant to Section 7 is required, unless new information becomes available or project conditions change.

Although the Poplar Island proposal does not pose an imminent threat to protected resources, the project will significantly affect other fishery resources and habitat in the area. The NMFS has expressed concerns for these resources, particularly shellfish, to the Corps of Engineers, Maryland Environmental Service, and others in previous correspondence and at meetings of the Poplar Island Working Group.

If you have questions, or wish to discuss other issues, please call me at (410) 226-5771.

Sincerely,

Timothy E. Goodger

Timothy E. Goodger
Assistant Coordinator

cc: Lee Crockett-Bay Program
Chris Doley
David Meyer-Beaufort Lab.
Brian Walls-Corps, Baltimore District

Enclosure

NATIONAL MARINE FISHERIES SERVICE

Endangered Species List for Northeast Region

ENDANGERED -

Right whale (Eubalaena glacialis)

Humpback whale (Megaptera novaeangliae)

Fin whale (Balaenoptera physalus)

Sperm whale (Physeter macrocephalus)

Sei whale (Balaenoptera borealis)

Kemp's ridley sea turtle (Lepidochelys kempi)

Leatherback sea turtle (Dermochelys coriacea)

Green sea turtle (Chelonia mydas)

Shortnose sturgeon (Acipenser brevirostrum)

THREATENED -

Loggerhead sea turtle (Caretta caretta)

4-5-95

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

JAN 22 2004

Wesley E. Coleman, Jr.
Chief, Civil Projects Development Branch
Planning Division
Department of the Army
Baltimore District, Corps of Engineers
PO Box 1715
Baltimore, MD 21203-1715

Dear Mr. Coleman:

This correspondence is in response to your letter dated January 6, 2004 requesting information on the presence of any federally listed threatened or endangered species under the jurisdiction of the National Marine Fisheries Service (NOAA Fisheries) in the vicinity of the proposed restoration project at Poplar Island located in the upper-middle portion of the Chesapeake Bay. The proposed project involves restoring over 1,100 acres of island habitat, half uplands and half wetlands, using dredged material from Federal navigation channels in the upper Chesapeake Bay. Project plans may also include dredging for a new access channel and placement of breakwaters. Attached to your letter was a letter sent by NOAA Fisheries dated April 5, 1995 regarding species presence in the Chesapeake Bay. Please consider the comments contained in this letter to replace those in the April 5, 1995 letter.

The federally endangered shortnose sturgeon (*Acipenser brevirostrum*) has been documented in the Chesapeake Bay. The NOAA Fisheries recovery plan (1998) indicates that shortnose sturgeon found in the Chesapeake Bay and its tributaries are considered part of the Chesapeake Bay population. Welsh *et al.* (1999) summarizes historical and recent evidence of shortnose sturgeon presence in the Chesapeake Bay. The first published account of shortnose sturgeon in the Chesapeake system was an 1876 record from the Potomac River reported in a general list of fishes of Maryland (Uhler and Lugger 1876). Other historical records of shortnose sturgeon in the Chesapeake include: the Potomac River (Smith and Bean 1899), the upper Bay near the mouth of the Susquehanna River in the early 1980's, and the lower Bay near the mouths of the James and Rappahannock rivers in the late 1970's (Dadswell *et al.* 1984). The US Fish and Wildlife Service Reward Program for Atlantic Sturgeon began in 1996. Shortnose sturgeon have been incidentally captured via this program. As of May 2003, fifty-four shortnose sturgeon were captured via the reward program in the Chesapeake Bay and its tributaries – two from the Susquehanna Flats, eight from the Susquehanna River, two in the Bohemia River, six in the Potomac River, one in the Sassafras River, one in the Elk River, two south of the Bay Bridge near Kent Island, one near Howell Point, one just north of Hoopers Island, and two in Fishing Bay. The remaining shortnose sturgeon were captured in the upper Bay north of Hart-Miller

Island. These fish were captured alive in either commercial gillnets, poundnets, fykenets, eel pots, hoop nets, or catfish traps.

Several species of sea turtles are known to be present in the Chesapeake Bay. Leatherback sea turtles (*Dermochelys coriacea*) are present off the Maryland coast but are predominantly pelagic. Loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempi*), and green sea turtles (*Chelonia mydas*) are present in the Mid Atlantic region mainly during late spring, summer and early fall when water temperatures are relatively warm. Aerial surveys of loggerhead turtles north of Cape Hatteras indicate that they are most common in waters from 22 to 49m deep, although they range from beaches to waters beyond the continental shelf. In the Chesapeake Bay area, Kemp's ridleys frequently forage in shallow embayments, particularly in areas supporting submerged aquatic vegetation. Green sea turtles are known to occur in estuarine and oceanic waters along the East Coast from Long Island to the tropics. Recent data from sightings and incidental captures in fishing gear indicate that Loggerhead and Kemp's ridley are the species of sea turtles most likely to be found in the waters of Chesapeake Bay while Leatherback and Green sea turtles may be also in the area.

Section 7(a)(2) of the ESA states that each Federal agency shall, in consultation with the Secretary, insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Because shortnose sturgeon and listed sea turtles are likely to be present in the vicinity of the project area and may be affected by the project, the proposed action must undergo Section 7 consultation. The federal action agency, in this case the Army Corps of Engineers, is responsible for initiating Section 7 consultation. When project details are developed, please submit a description of the project along with an assessment of the projects impacts on shortnose sturgeon and sea turtles to the attention of the Endangered Species Coordinator, NOAA Fisheries, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. After reviewing this information, NOAA Fisheries will then be able to conduct a consultation under Section 7 of the ESA.

Thank you for your cooperation in this matter. If you have any questions or concerns about these comments or about the consultation process in general, please contact Julie Crocker of my staff at (978) 281-9328 ext. 6530.

Sincerely,

Mary A. Colligan
Assistant Regional Administrator
for Protected Resources

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

REPLY TO
ATTENTION OF

January 6, 2004

Planning Division

Mr. John Wolflin
Supervisor
U.S. Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, Maryland 21014

Dear Mr. ~~Wolflin~~ John:

This letter is in reference to the U.S. Army Corps of Engineers, Baltimore District's (Corps) study to determine the potential for expanding the existing Poplar Island Environmental Restoration Project (PIERP), located in the upper-middle portion of the Chesapeake Bay, approximately 34 nautical miles south-southeast of the Port of Baltimore and one mile northwest of Tilghman Island in Talbot County, MD (Figure 1).

The PIERP is a beneficial use environmental restoration project that is currently restoring over 1,100 acres of island habitat, half uplands and half wetlands, using dredged material from Federal navigation channels in the upper Chesapeake Bay. The goal of the Poplar Island Expansion Study (PIES) is to modify the project to provide additional capacity and increase habitat. Options include raising the final design height of the existing dikes within the upland cells and/or restore additional habitat by constructing a lateral expansion of the existing island footprint. Also to be considered with the expansion are environmental enhancements on Poplar Island and within Poplar Harbor, increased recreational and educational opportunities, and potential acceptance of dredged material from additional channels. Material from Baltimore Harbor within the Patapsco River will not be considered for placement at Poplar Island in accordance with the PIERP environmental impact statement (EIS). Examples of potential dike alignments for the lateral expansion that are being considered as part of this study are shown in Figure 2. In addition, dredging for a new access channel and placement of breakwater(s) may also be considered in the investigation of these alternatives.

A General Reevaluation Report (GRR) is being conducted under the existing PIERP authorization, Section 537 of the Water Resources Development Act (WRDA) of 1996, which authorizes the use of material dredged from the Chesapeake Bay approach channels to the Port of Baltimore to restore Poplar Island to its approximate 1847 footprint. The GRR is a decision document that will be used to determine the Federal interest in modifying the PIERP. A supplemental environmental impact statement (SEIS) that addresses the potential raising of the upland dikes above the authorized height of 23 feet and expansion of the island footprint is also being prepared to comply with the National Environmental Policy Act of 1969.

The Corps is requesting any information your office may have on the presence of federally protected species of animals and plants listed by Section 7 of the Endangered Species Act (ESA). This request is for the project area shown in the enclosed figures. A coordination letter has also been sent to the National Marine Fisheries Service (NMFS) for information concerning listed species managed under their charter. Enclosed is Section 7 correspondence from your agency for the initial PIERP EIS for you to review and update, if necessary.

If you have any questions regarding this matter, please contact Ms. Michele Gomez at (410) 962-5175.

Sincerely,

Wesley E. Coleman, Jr.
Chief, Civil Projects Development Branch

Enclosures

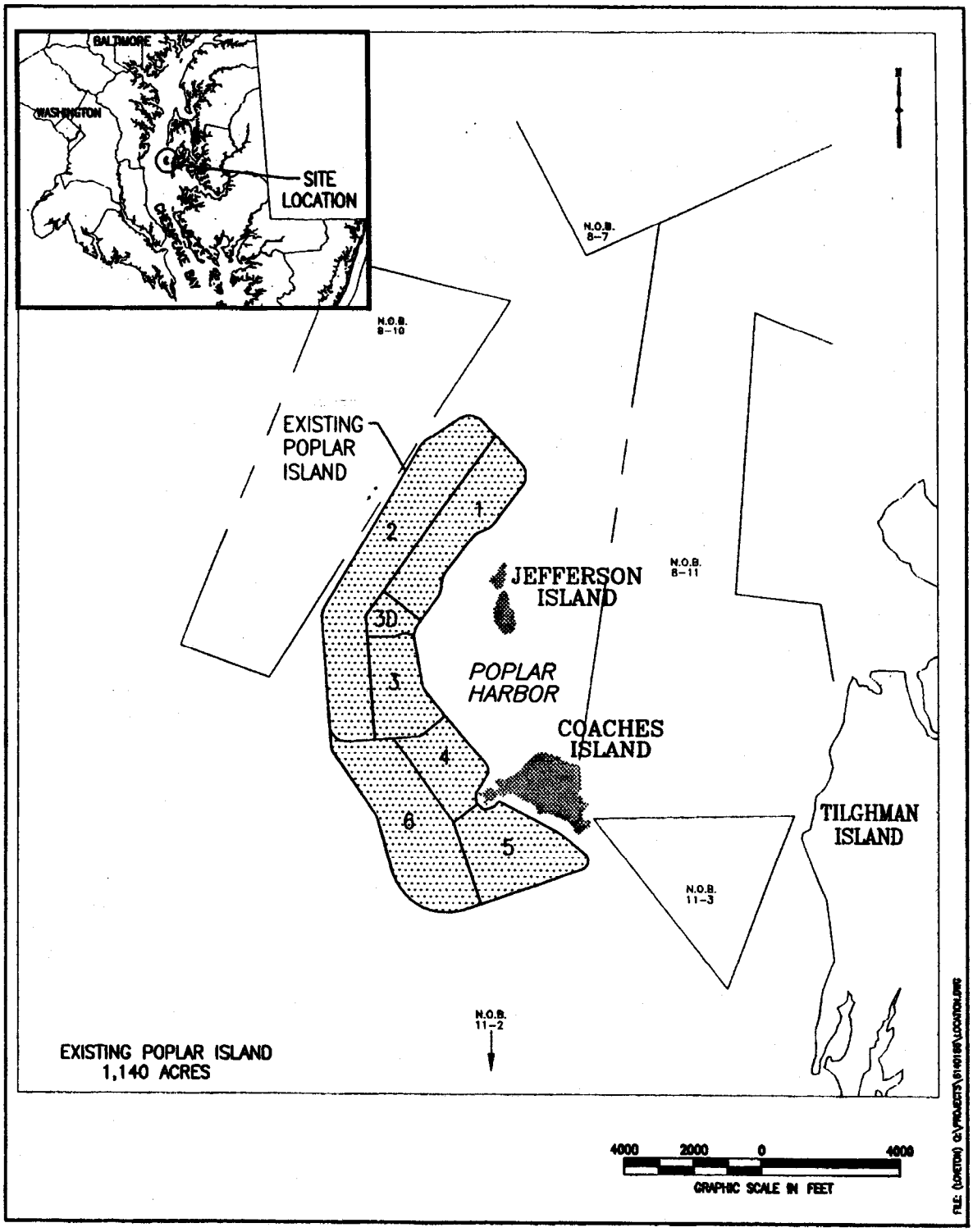


FIGURE 1. EXISTING POPLAR ISLAND CONFIGURATION AND SURROUNDING NATURAL OYSTER BARS (NOB)

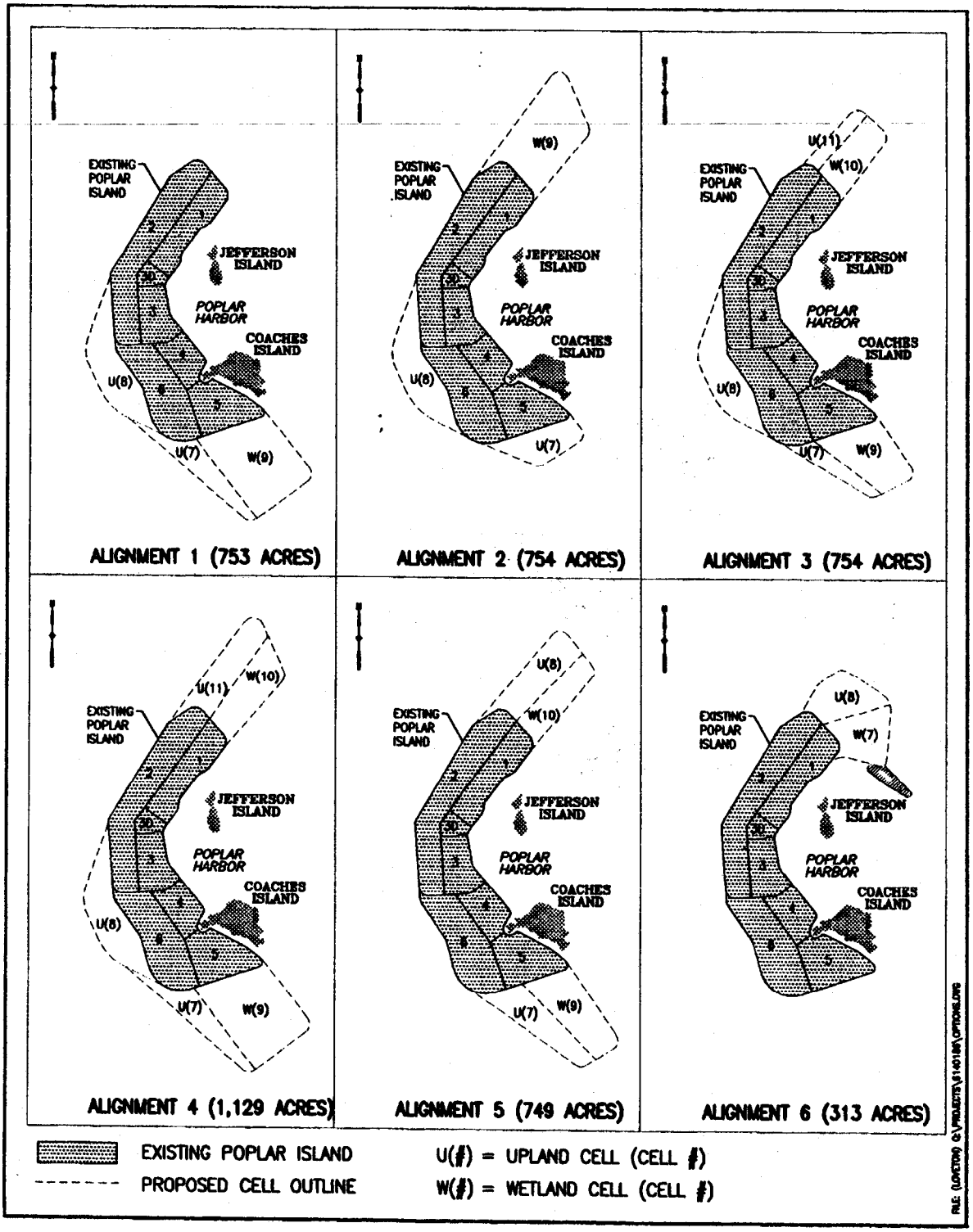


FIGURE 2. EXAMPLE ALIGNMENTS FOR EXPANSION OF POPLAR ISLAND, TALBOT COUNTY, MD.

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

IN REPLY REFER TO:

January 30, 1995

ER 95/0863

Colonel Randall R. Inouye, P.E.
District Engineer
Baltimore District, Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203

Attn: Mr. Wesley E. Coleman, Jr.

Dear Colonel Inouye:

The Department of the Interior (Department) has reviewed the Poplar Island Integrated Draft Feasibility Report and Draft Environmental Impact Statement (DFR/DEIS) and offers the following comments for your consideration.

These Departmental comments include the report of the Fish and Wildlife Service on the recommended plan, and are submitted in accordance with the provisions of Section 2 (b) of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

GENERAL COMMENTS

The DFR/DEIS recommends implementing a plan to create a 1,110 acre dredged material placement island within a 35,000-foot perimeter in a configuration that would roughly follow Poplar Island's historical footprint of 1847. Uncontaminated dredged material would be used to create low and high saltmarsh (50 percent of the footprint), of which 80 percent will be low marsh characterized by smooth cordgrass (Spartina alterniflora). The remaining 50 percent of the historic island footprint would be filled with uncontaminated dredged material to an elevation of 20 feet above mean sea level, and planted with forest, shrub, and vine species of vegetation.

Offshore islands are a unique ecosystem component in the Chesapeake Bay watershed. Although similar vegetative communities may occur on the mainland, isolation, relative lack of human disturbance, and fewer predators make islands more desirable as nesting sites for colonial waterbirds and some endangered species. The remnant islands in the complex which includes Poplar Island support nesting snowy egrets (Leucophoyx thula), common egrets (Casmerodius albus), double-crested cormorants (Phalacrocorax auritus), several species of tern, green herons (Butorides virescens), little blue herons (Florida coerulea), great blue herons (Ardea herodias), black ducks (Anas rubripes), and the Federally-listed threatened bald eagle (Haliaeetus leucocephalus). Diamondback terrapins (Malaclemys terrapin) nest on the high

marshes and beaches, and river otters (Lutra canadensis) fish from the island shore. Ship wakes, land subsidence, and sea level rise are causing these valuable island habitats to be lost from exacerbated erosion. In the last 150 years, in the middle eastern portion of Chesapeake Bay alone, 10,500 acres have been lost.

At the same time islands have been eroding, a lack of environmentally acceptable disposal sites has led to navigation projects being delayed during the environmental and regulatory review process, and a continued reliance on overboard (unconfined) disposal. At a time when the Federal and state governments are spending millions of dollars to restore Chesapeake Bay's living resources, reduce nonpoint source pollution, and reduce sediment loadings, those same governments are funding the dumping of 1-2 million cubic yards of silt, muck, and sand into the Bay each year.

The Poplar Island recommended plan represents a partial solution to the dredged material management problem, while supporting habitat restoration objectives outlined in the Chesapeake Bay Agreement. This is the reason the Poplar Island Restoration project has gained widespread support from the Chesapeake Bay government community. The Department also offers its support for the project, subject to your agency's careful consideration of the following comments and recommendations.

SPECIFIC COMMENTS

Section 2.3.1.a. Open Water Placement

The Department has expressed specific concerns relative to dredged material placement in sinks such as the Deep Trough. These concerns include nutrient releases and bay eutrophication, loss of thermal refugia, and potentially eliminating government incentive to use dredged material for beneficial purposes such as habitat restoration. During the proposed 1990 demonstration project, the U.S. Environmental Protection Agency calculated significant nutrient releases from dredged material placement into the anaerobic zone during the summer. These concerns should be noted in the final document.

Section 3.1.2. Physiography, Geology, and Soils

We question whether elevations on Coaches Island only reach a maximum of about 4 feet mean low water. Please review this information for accuracy.

Section 4.3 (pg. 4-7) Formulation and Evaluation Criteria

Use of the term "bottomland" when describing non-wetland habitats is misleading (e.g. sounds like a palustrine forested wetland). Forest and shrub would be a more accurate description. Please modify the text of the final document.

Section 5.3.2 Wetland/Upland Ratios

If the sole project objective is to provide the most productive fish and wildlife habitat possible, a mix of upland, beach, aquatic, and wetland

habitats is preferred. Although development of 100 percent low marsh would provide greater benefits to fish, it would not provide habitat for species requiring upland nesting sites in close proximity to wetland feeding and brooding areas (e.g. waterbirds). Restoring a mix and interspersion of habitat types will recreate the type of island ecosystem endemic to the middle, eastern portion of Chesapeake Bay. This information should be included in the final document.

Section 5.4.7.a. Terrestrial Resources

Recent designs have included alternative alignments and operations which might affect vegetation on the remnant Poplar Islands (through inundation during filling). The Department's believes that if such an impacting alignment is chosen, the wetlands to be created will compensate for the loss. Without the project the islands will definitely be lost. We have no objection to alignments that do not affect remnant islands.

We recommend dredged material placement volumes per lift that do not inundate the double-crested cormorant rookery on Middle Poplar Island. If this is not possible, we recommend artificial nesting structures (e.g. pilings with attached platforms) be erected adjacent to Middle Poplar Island prior to initial inflow to mitigate the loss. Double-crested cormorants are known to readily utilize artificial structures.

Section 5.4.7.b. Colonial Waterbirds

The proposed buffer zone around the great blue heron rookery on Coaches Island is insufficient. The rookery extends along the entire forested portion of the southern shore of Coaches Island. We recommend time-of-year restrictions for construction of the containment berm and human activities along the entire forested portion of the southern shoreline, where that construction or human activity will occur within 660 feet. The time-of-year restriction for this portion of Coaches Island should be February 15 through July 15. This recommended time-of-year restriction will not be necessary for inflow operations.

The double-crested cormorant colony on Middle Poplar Island could be impacted by construction activities if the activities occur within 500 feet. The Department recommends a time-of-year restriction on berm construction from March 1 through July 15.

Section 5.7.2.d. Other Recreational Activities

Time-of-year restrictions should avoid displacement of nesting waterbird colonies.

Figure 6-1

This figure is illegible. In addition, the proposed interior islands are not shown. A revised figure should be included in the final document.

Section 6.1.2.f. Habitat Areas (High Marsh)

Black needlerush (Juncus roemerianus) should not be encouraged by planting. This species will more than likely colonize on its own, thereby diversifying the planted wetland community. However, introducing black needlerush before the cordgrasses have become established could result in large monotypic stands of this species, thereby lowering plant diversity.

Page 6-22 Island Habitat (Section 4.5.4.)

The section number appears to be wrong. Also, the islands should not be located in close proximity to upland areas or the containment dikes in order to deter access by predators.

THREATENED AND ENDANGERED SPECIES COMMENTS

A bald eagle nest is located on Jefferson Island. A breeding pair of eagles used this nest in 1994, although no young were fledged. Bald eagles are currently listed as Federally threatened. Although construction will occur over 1,000 feet from the nest site, activities will be clearly visible to nesting eagles. As discussed with Mr. Satiate Therres (Supervisor, Wildlife Diversity Program within the Maryland Department of Natural Resources), numerous studies have documented eagles being flushed from their nests by boats approaching from large distances. Therefore, we recommend (in concurrence with Mr. Therres) a time-of-year restriction from January 15 through June 15 prohibiting construction and human activities within the quarter mile bald eagle protection zone surrounding the nest. This recommended time-of-year restriction will not be required for inflow operations. If the eagles fail to nest or produce young, the recommended time-of-year restriction may be reconsidered.

The West Coast and Central Plains populations of least terns (Sterna albifrons) are listed as Federally endangered, but its Atlantic Coast breeding population is not Federally listed. Least terns are colonial nesters that prefer sand, rock, and shell substrates with sparse vegetation. A cooperative least tern habitat restoration effort was undertaken at Poplar Island during the spring of 1994. Crushed clam shell was spread on one of the breakwater barges in the vicinity of Middle Poplar Island. Monitoring has not documented least tern nesting on the restoration attempt.

Except for occasional transient individuals, such as the much publicized manatee (Trichechus manatus), the Poplar Island complex is not known to support any other Federally listed, proposed, or candidate species. This response relates only to threatened and endangered species under our jurisdiction. For information on other rare species, including state-listed species, Maryland Natural Heritage Program should be contacted at (410) 974-2870.

Thank you for coordinating this environmental review with the Department. Questions regarding these comments should be addressed to Mr. John Gill of the U.S. Fish and Wildlife Service's Chesapeake Bay Field Office at (410) 573-4529.

Sincerely,

Don Henne
Regional Environmental Officer

c:\wp51doc\ER-95-863.fin

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, Maryland 21401

February 16, 1995

Ms. Jane Boraczek
EA Engineering, Science and Technology
11019 McCormick Road
Hunt Valley, Maryland 21031

Re: Poplar Island Restoration Project
Talbot County, Maryland

Dear Ms. Boraczek:

This is in response to your December 8, 1994, letter requesting natural resources distribution information for the vicinity of Poplar Island. We have received your request and are providing the enclosed information in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*).

Endangered Species

A bald eagle (*Haliaeetus leucocephalus*) nest is located on Jefferson Island. A breeding pair of eagles used this nest in 1994, although no young were fledged. Bald eagles are currently listed as Federally endangered, although the U.S. Fish and Wildlife Service (Service) has proposed reclassifying them to threatened. Glenn Therres of the Maryland Department of Natural Resources (DNR) can be reached at (410) 827-8612 for further information regarding bald eagle populations in the mid-Bay region.

The West Coast and Central Plains populations of least terns (*Sterna albifrons*) are listed as Federally endangered, but its Atlantic Coast breeding population is not Federally listed. Least terns are colonial nesters that prefer rocky or sandy substrates with sparse vegetation. A cooperative least tern habitat restoration effort was undertaken at Poplar Island during the spring of 1994. Clam shell was spread on one of the grounded barges to provide nesting substrate. This project will be monitored to determine if least terns initiate nesting at Poplar Island in 1995.

Except for occasional transient individuals, the Poplar Island complex is not known to support any other Federally listed, proposed or candidate species.

This response relates only to threatened and endangered species under our jurisdiction. For information on other rare species, including state-listed species, you should contact the Maryland Natural Heritage Program at (410) 974-2870.

Fish and Wildlife Resources

Midwinter waterfowl surveys by the Service and the Maryland Department of Natural Resources (DNR) have identified the following species in the vicinity of Poplar Island:

Year	Bufflehead	Mergansers	Oldsquaw	Canada Geese	Tundra Swans
1990		20			
1992	10		13	300	30
1993	10		117		

Bufflehead (*Bucephala albeola*), mergansers (*Mergus serrator* and/or *M. merganser*) and oldsquaw (*Clangula hyemalis*) are common during winter in the open waters of Chesapeake Bay. These species feed primarily on fish and aquatic invertebrates. Canada geese (*Branta canadensis*) typically roost in large flocks in the open waters, and feed in marshes or fields during the day. Other common wintering waterfowl species that may occur in the vicinity of Poplar Island include ruddy ducks (*Oxyura jamaicensis*), canvasbacks (*Athya valisineria*) and common goldeneye (*Bucephala clangula*). Larry Hindman of the DNR can be reached at (410) 827-8612 regarding waterfowl use of the Poplar Island region.

Poplar Island provides breeding habitat for a variety of colonial waterbirds. Great blue herons (*Ardea herodias*), great egrets (*Casmerodius albus*), cattle egrets (*Bubulcus ibis*), snowy egrets (*Egretta thula*) and little blue herons (*Florida caerulea*) are known to have nested on the island. Numbers of nesting double-crested cormorants (*Phalacrocorax auritus*) are increasing in Chesapeake Bay, and Poplar Island supported numerous nesting pairs in 1994. Further information regarding colonial waterbird use of Poplar Island can be obtained from David Brinker of the DNR at (410) 974-3195.

Severe erosion has resulted in significant losses of forested upland, sandy shore and tidal marsh habitats at Poplar Island. Erosion results in the conversion of fastlands to shallow water habitat, which is a valuable resource for many fish species. Shallow estuarine waters provide excellent conditions for growth of phytoplankton, bacteria and algae. Due to high primary production, these areas also provide good foraging habitat for consumers such as shorebirds, wintering waterfowl and anadromous fish. The juvenile forms of anadromous species such as alewife (*Alosa pseudoharengus*), blueback herring (*A. aestivalis*), and white perch (*Morone americana*) may occur in these shallows. Other common Bay species that would be expected in this area are spot (*Leiostomus xanthurus*), bay anchovy (*Anchoa mitchilli*) and striped bass (*Morone saxatilis*). Shallow waters with sandy substrates are especially valuable habitat to female blue crabs (*Callinectes sapidus*) bearing eggs

("sponge crabs"), because the coarse sediments in these areas aid in sloughing of fertilized eggs. Detailed information regarding fisheries resources near Poplar Island can be obtained from Nick Carter of the DNR at (410) 974-5780.

There are several natural oyster (*Crassotrea virginica*) bars adjacent to the Poplar Island complex. The Poplar Island Bar (#8-10) consists of approximately 1100 acres of Bay bottom west of Poplar Island, while the Poplar Island Narrows Bar (#8-11; 1700 acres) is located between Poplar Island and the mainland. Oyster larvae are carried from spawning grounds to these bars, where spat setting occurs. Water quality in the vicinity of oyster bars can affect their ability to support juvenile oysters, impeding recruitment into the reproductive population. Oyster populations on many bars in the mid-Bay region, including those adjacent to Poplar Island, have been negatively impacted in recent years by the diseases MSX and dermo.

The shallow waters adjacent to the Eastern Shore between the Chester River and Tangier Sound are among the most highly productive soft shell clam (*Mya arenaria*) waters in the Bay. Soft shell clams are found primarily in areas with sandy substrates, although they also occur on harder clay bottoms. The original footprint of Poplar Island is characterized by a hard clay substrate, and would thus be expected to produce fewer clams than the sandy substrate outside the island's original footprint. Juvenile clams are an important food source for blue crabs, mud crabs, flatworms, mummichogs and spot. Adult soft shell clams are commercially harvested, and may be heavily depended upon by ducks, geese and swans. All of the Bay waters surrounding Poplar Island are open to shellfish harvesting. Chris Judy of the DNR can be reached at (410) 974-3733 regarding shellfish populations near Poplar Island.

Submerged aquatic vegetation (SAV) plays an important role in nutrient and energy cycling in Chesapeake Bay. In addition to serving as a significant food source for waterfowl, SAV provides protective cover for molting blue crabs and the juvenile life forms of many fish species. SAV is a good indicator of water quality due to its sensitivity to turbidity and nutrient levels. The 1978 Bay-wide SAV survey documented SAV beds in the shallows adjacent to Poplar Island, Jefferson Island and Coaches Island. Although the species composition of these beds was not documented, nearby SAV beds on the mainland shoreline consisted of sago pondweed (*Potamogeton pectinatus*), redhead grass (*P. perfoliatus*), widgeon grass (*Ruppia maritima*) and horned pondweed (*Zanichellia palustris*). By 1984, only a few small patches of SAV were present adjacent to Coaches Island. Aerial surveys have not documented any SAV within the Poplar Island complex since 1984.

Wildlife habitat value of the islands has been drastically affected by the severe erosion. Hundreds of acres of forested habitat and tidal marsh have been lost. Prior to erosion, the Poplar Island complex may have supported large numbers of colonial nesting waterbirds, waterfowl and songbirds. Some species, such as osprey, may still nest within the Poplar Island complex, although in reduced numbers compared to the 19th century.

The value of mid-Bay island habitat to wildlife is evidenced by the density and diversity of colonial waterbirds continuing to nest at Poplar Island, despite tremendous losses of habitat. As a cooperator in the Poplar Island Restoration Project, the Service is committed to restoring the habitat value of this island complex to 19th century levels. If there are further questions regarding this project, please contact John Gill of this office at (410) 573-4529.

Sincerely,

for John P. Wolflin
Field Supervisor
Chesapeake Bay Field Office

cc: Nick Carter (DNR)
Bob Smith (MES)
Frank Hammons (MPA)
Carol Anderson-Austra (COE)
Tim Goodger (NMFS)

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

August 23, 1995

Mr. Edward W. Morgereth, Jr.
EA Engineering, Science, and Technology
11019 McCormick Road
Hunt Valley, MD 21031

Re: Poplar Island Project
Talbot County, Maryland

Dear Mr. Morgereth:

This responds to your July 24, 1995, request for information supporting your investigation of natural resources within the above referenced project area. We have reviewed the information you enclosed and are providing comments in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*), and the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 *et seq.*).

Endangered Species

The following listed species nests on Jefferson Island which is within the referenced Poplar Island chain.

Bald eagle (*Haliaeetus leucocephalus*)

Sections 4(d) and 9 of the Endangered Species Act prohibit "taking" of listed species. "Take" is defined to include harming or harassing such species, or attempting to engage in any such conduct. "Harm" is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns such as breeding, feeding or sheltering. "Harassment" is defined as those actions that may result in injury to listed species by significantly disrupting normal breeding, feeding or sheltering patterns.

You may wish to contact Mr. Glenn Therres of the Maryland Department of Natural Resources at (410) 827-8612 for further information about the eagle nest and for time-of-year restrictions necessary to minimize impacts from construction activities.

This response relates only to threatened and endangered species under our jurisdiction. For information on other rare species, including state-listed species, you should contact Ms. Lynn Davidson of the Maryland Natural Heritage Program at (410) 974-2870.

We appreciate the opportunity to provide information relative to fish and wildlife resources. If you have any questions on these comments, please contact Andy Moser of this office at (410) 573-4500.

Sincerely,

G.A. Mo

for John P. Wolflin
Supervisor
Chesapeake Bay Field Office

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

December 14, 1995

Colonel Randall R. Inouye, P.E.
District Engineer
Baltimore District, Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203

Re: Poplar Island Integrated Draft Feasibility Report and Draft Environmental Impact Statement

Dear Colonel Inouye:

The U.S. Fish and Wildlife Service has reviewed the referenced Draft Feasibility Report and Draft Environmental Impact Statement. The recommended plan would create a 1,110 acre dredged material placement island in a configuration that would roughly follow Poplar Island's 1,847 footprint. Uncontaminated dredged material would be used to create low and high saltmarsh (50% of the footprint), of which 80% will be low marsh characterized by smooth cordgrass (*Spartina alterniflora*). The remaining 50% of the historic island footprint would be filled with uncontaminated dredged material to an elevation of 20 feet above mean sea level, and planted with forest, shrub, and vine species of vegetation.

Offshore islands are a unique ecosystem component in the Chesapeake Bay watershed. Although similar vegetative communities may occur on the mainland, isolation, relative lack of human disturbance, and fewer predators make islands more desirable as nesting sites for colonial waterbirds and some endangered species. The remnant islands in the complex, which includes Poplar Island, support nesting snowy egrets (*Leucophoyx thula*), common egrets (*Casmerodius albus*), double-crested cormorants (*Phalacrocorax auritus*), terns, green herons (*Butorides virescens*), great blue herons (*Ardea herodias*), black ducks (*Anas rubripes*), and the Federally-listed threatened bald eagle (*Haliaeetus leucocephalus*). Diamondback terrapins (*Malaclemys terrapin*) nest on the high marshes and beaches, and river otters (*Lutra canadensis*) fish from the island shore. From exacerbated erosion, ship wakes, land subsidence, and sea level rise are causing these valuable island habitats to be lost. In the last 150 years, in the middle eastern portion of Chesapeake Bay alone, 10,500 acres have been lost.

At the same time islands have been eroding, a lack of environmentally acceptable disposal sites has led to navigation projects being held up during the environmental and regulatory review process, and a continued reliance on overboard (unconfined) disposal. At a time when the Federal and state

governments are spending millions of dollars to restore Chesapeake Bay's living resources, reduce nonpoint source pollution and sediment loadings, these same governments are funding the dumping of 1-2 million cubic yards of silt, muck, and sand into the Bay each year.

The Poplar Island proposal represents a partial solution to the dredged material management problem, while supporting habitat restoration objectives outlined in the Chesapeake Bay Agreement. This is the reason the Poplar Island Restoration project has gained such unprecedented approval from the entire Chesapeake Bay community. The proposal fully supports the Service's mission to "Protect, conserve, and enhance fish and wildlife resources and the habitats they are dependent upon....."

We look forward to the completion of the project design in January, and the initiation of construction next summer. Please contact Mr. John Gill of my staff at (410) 573-4529 if you require any assistance from this office.

Sincerely,

FOR ACTING

John P. Wolflin
Supervisor
Chesapeake Bay Field Office

cc: Mr. Tay Yoshitani, Maryland Port Administration

EA

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

April 14, 2004

Mr. Wesley E. Coleman, Jr.
Chief, Civil Projects Development Branch
U.S. Army Corps of Engineers
Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715

RE: Poplar Island Environmental Restoration Project Expansion Study, Talbot County, MD

Dear Mr. Coleman:

This responds to your letter, received January 13, 2004, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the above referenced project area. We have reviewed the information you enclosed and are providing comments in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

The federally threatened bald eagle *(Haliaeetus leucocephalus)* nests within the vicinity of the project. The nest, identified as TA-98-01, is located near the southeast corner of Coaches Island. For further information regarding activity at this nest, Glenn Therres of the Maryland Wildlife and Heritage Division should be contacted at (410) 260-8572. Any construction or forest clearing activities within one-quarter mile of an active nest may impact bald eagles. If such impacts may occur, further section 7 consultation with the U.S. Fish and Wildlife Service may be required.

Except for occasional transient individuals, no other federally proposed or listed endangered or threatened species are known to exist within the area. Should additional information on the distribution of listed or proposed species become available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. For information on the presence of other rare species, you should contact Lori Byrne of the Maryland Wildlife and Heritage Division at (410) 260-8573.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interest in these resources. If you have any questions or need further assistance, please contact Craig Koppie (410) 573-4534.

Sincerely,

G. A. Moore

Mary J. Ratnaswamy, Ph.D.
Program Supervisor, Threatened and Endangered Species

cc: Glenn Therres, Maryland Wildlife and Heritage Division, Annapolis, MD

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

REPLY TO
ATTENTION OF

February 18, 2005

Planning Division

Mr. Glenn Therres
Maryland Department of Natural Resources
580 Taylor Avenue, E-1
Annapolis, Maryland 21401

Dear Mr. Therres:

This letter is in reference to the U.S. Army Corps of Engineers, Baltimore District's (Corps) study to determine the potential for expanding the existing Poplar Island Environmental Restoration Project (PIERP), located in the upper-middle portion of the Chesapeake Bay, approximately 34 nautical miles south-southeast of the Port of Baltimore and one mile northwest of Tilghman Island in Talbot County, MD (Figure 1). A General Reevaluation Report (GRR) is being conducted under the existing PIERP authorization, Section 537 of the Water Resources Development Act of 1996. The GRR is a decision document that will determine the Federal interest in modifying the PIERP and comply with the National Environmental Policy Act through supplemental documentation to the existing Poplar Island Environmental Impact Statement.

The PIERP is a beneficial use environmental restoration project that is restoring over 1,100 acres of island habitat, approximately half uplands and half wetlands, using dredged material from Federal navigation channels in the upper Chesapeake Bay. The goal of the Poplar Island Expansion Study is to investigate options to modify the existing project to provide additional dredged material capacity and increase habitat. Options include raising the final design height of the existing dikes within the upland cells and/or constructing a northern lateral expansion of the existing island footprint. The study area boundary for the northern dike expansion is provided in Figure 2. The maximum footprint for the study area is approximately 1,080 acres. It is anticipated that the final alignment footprint, however, will be between 500 and 600 acres in size. Also to be considered with the expansion are environmental enhancements on Poplar Island and within Poplar Harbor, increased recreational and educational opportunities, and potential acceptance of dredged material from additional channels. Material from Baltimore Harbor within the Patapsco River will not be considered for placement at Poplar Island in accordance with the PIERP Environmental Impact Statement. Dredging for a new access channel, sand borrow for dike construction, and placement of breakwater(s) will also be considered in the investigation. Figure 2 depicts the total maximum footprint (1,080 acres) of the study area within which the final conceptual alignment, proposed access channel, and northern sand borrow area will be located. Also included in the figure is the location and extent of the west/southwest sand borrow area.

Consultation was initiated with your agency in December 2003 (see attached letter), but no formal response has been received to date. The Corps is requesting any information your office may have on the presence of listed species associated with the Maryland Natural Heritage Program. This request is for the proposed study area shown in Figure 2.

Based on conversations with Jason Miller of the U. S. Fish and Wildlife Service (USFWS), the bald eagle nest on Coaches Island is considered to be active by the USFWS. During any construction activities for the proposed expansion, time of year (TOY) restrictions will be in place for oysters, the bald eagle, herons, and terns. Figure 2 also depicts the proximity of the proposed expansion to the TOY restriction buffers for the bald eagle and the heron rookery on Coaches Island. The study area has been designed to avoid all natural oyster bars. The southernmost limit of expansion study area is located approximately 2,444 feet from the outer edge of the bald eagle buffer and 2,570 feet from the outer edge of the heron rookery buffer. These distances are conservative estimates because the final alignment footprint (500 to 600 acres) will likely be approximately half the size of the current study area (1,080 acres) for the expansion. We ask that your agency comment on any jurisdictional requirements associated with any other listed species your agency is responsible for protecting.

If you have any questions regarding this matter, please contact Mr. Mark Mendelsohn, at (410) 962-9499.

Sincerely,

for Wesley E. Coleman, Jr.
Chief, Civil Project Development Branch

Enclosures

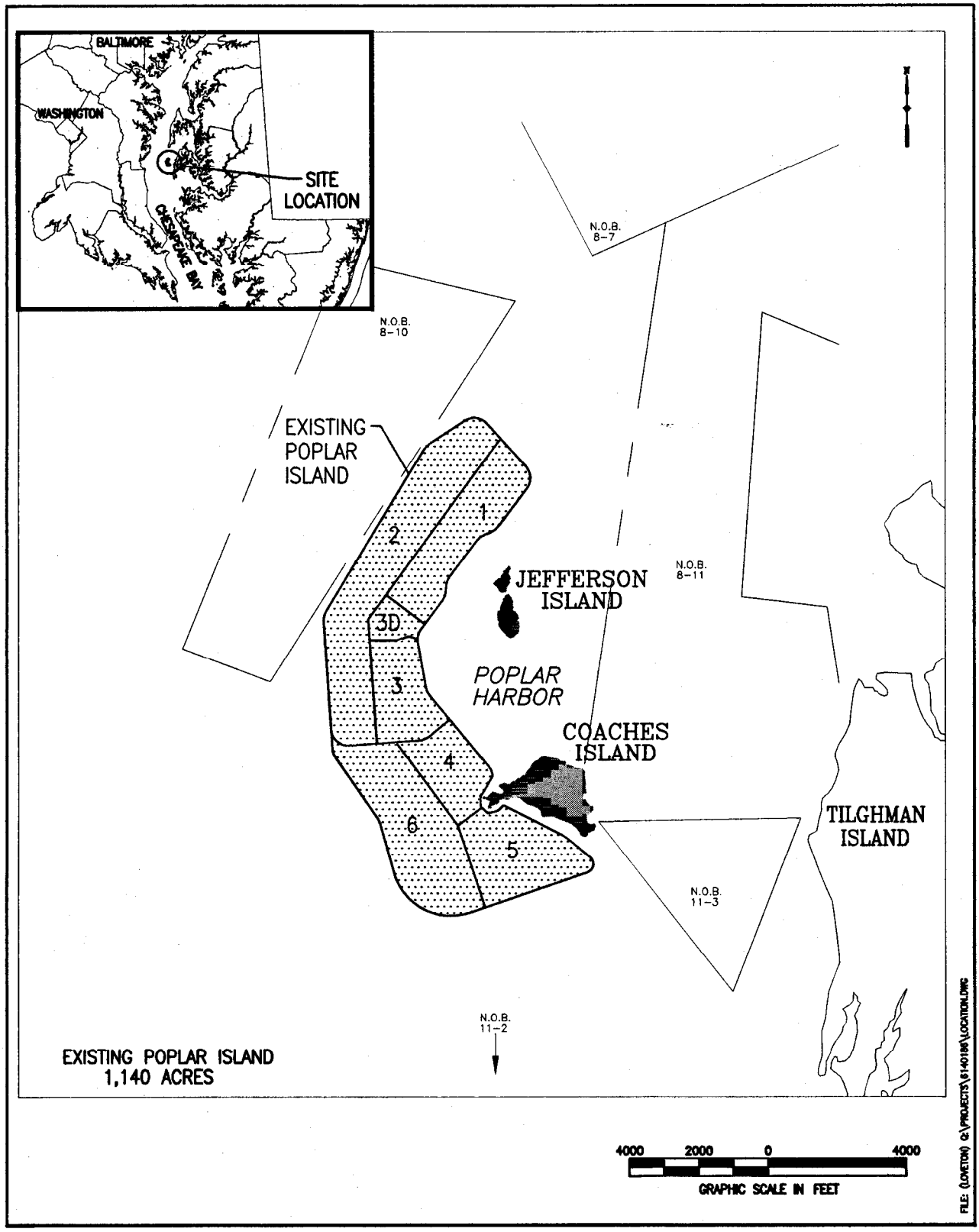


FIGURE 1. EXISTING POPLAR ISLAND CONFIGURATION AND SURROUNDING NATURAL OYSTER BARS (NOB)

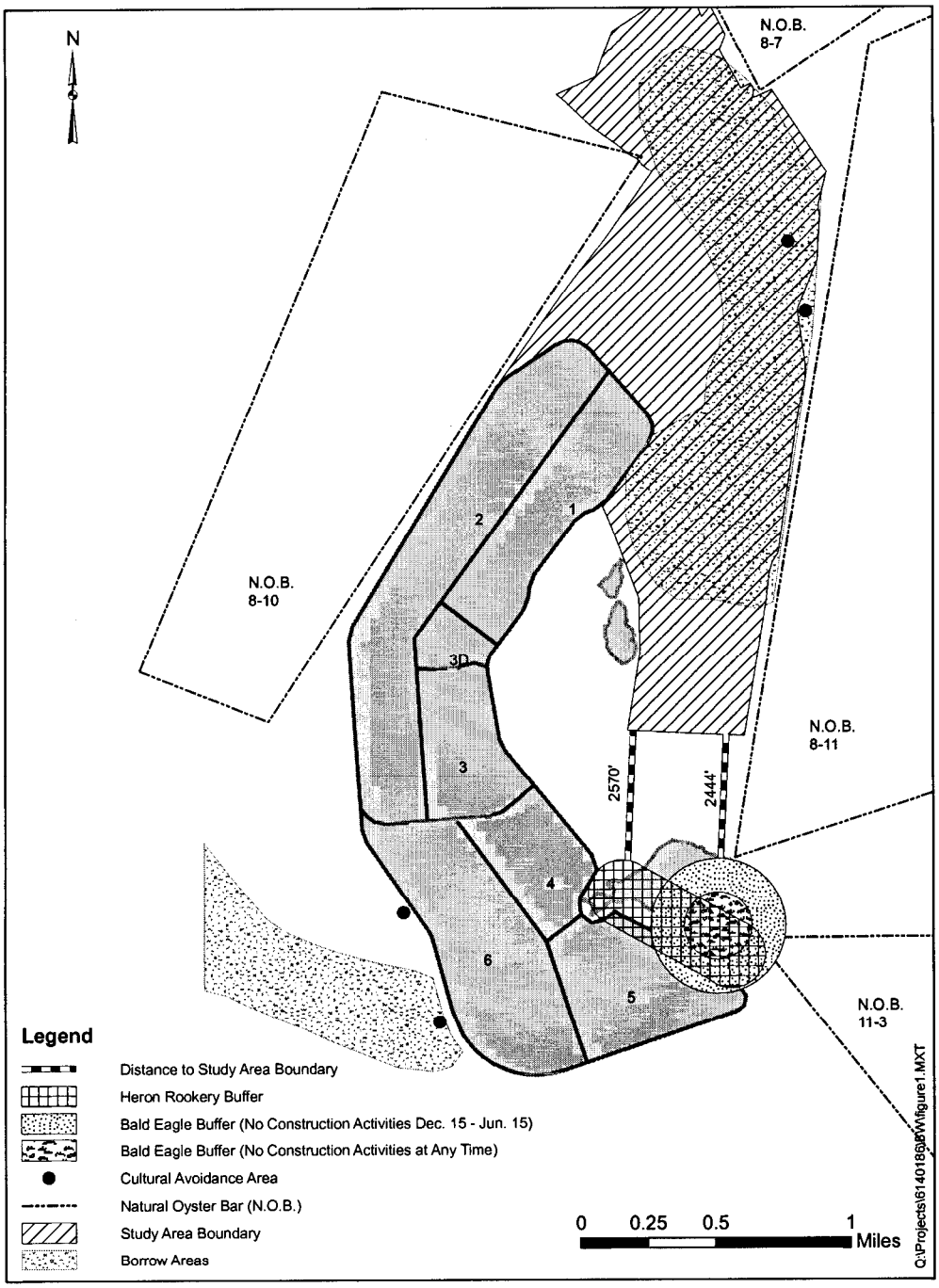


Figure 2. Proximity of Southernmost Limit of Poplar Island Proposed Study Area to Bald Eagle Nest Buffer and Heron Rookery Buffer

DEC 0 9 2003

US Army Corps of Engineers
Baltimore District

Planning Division

Study Information and Coordination Notice

Poplar Island Expansion Study (PIES)
Chesapeake Bay
Talbot County, Maryland

The U.S. Army Corps of Engineers, Baltimore District (Corps) and the Maryland Department of Transportation (MDOT) under the auspices of the Maryland Port Administration (MPA), are investigating the potential expansion of the existing Poplar Island Environmental Restoration Project (PIERP), located in the upper-middle portion of the Chesapeake Bay, approximately 34 nautical miles south-southeast of the Port of Baltimore and one mile northwest of Tilghman Island in Talbot County, MD (Figure 1). The purpose of this notice is to inform you of the study and our upcoming efforts. A Notice of Intent (NOI) for this project was published in the Federal Register on June 5, 2003 (Volume 68, Number 108, Page 33685).

The PIERP is an environmental restoration project currently under construction that is restoring over 1,100 acres of island habitat, half uplands and half wetlands, using dredged material from Federal navigation channels in the upper Chesapeake Bay. The goal of the Poplar Island Expansion Study (PIES) is to modify the project to provide additional capacity and increase habitat. Options include raising the final design height of the existing dikes within the upland cells and/or constructing a lateral expansion of the existing island footprint. Also to be considered with the expansion are environmental enhancements on Poplar Island and within Poplar Harbor, increased recreational and educational opportunities, and potential acceptance of dredged material from additional channels. Material from Baltimore Harbor within the Patapsco River will not be considered for placement at Poplar Island in accordance with the PIERP Environmental Impact Statement (EIS). Examples of potential dike alignments for lateral expansion are shown in Figure 2. Dredging for a new access channel and placement of breakwater(s) may also be considered in the investigation of these alternatives.

A General Reevaluation Report (GRR) is being conducted under the existing PIERP authorization, Section 537 of the Water Resources Development Act (WRDA) of 1996,

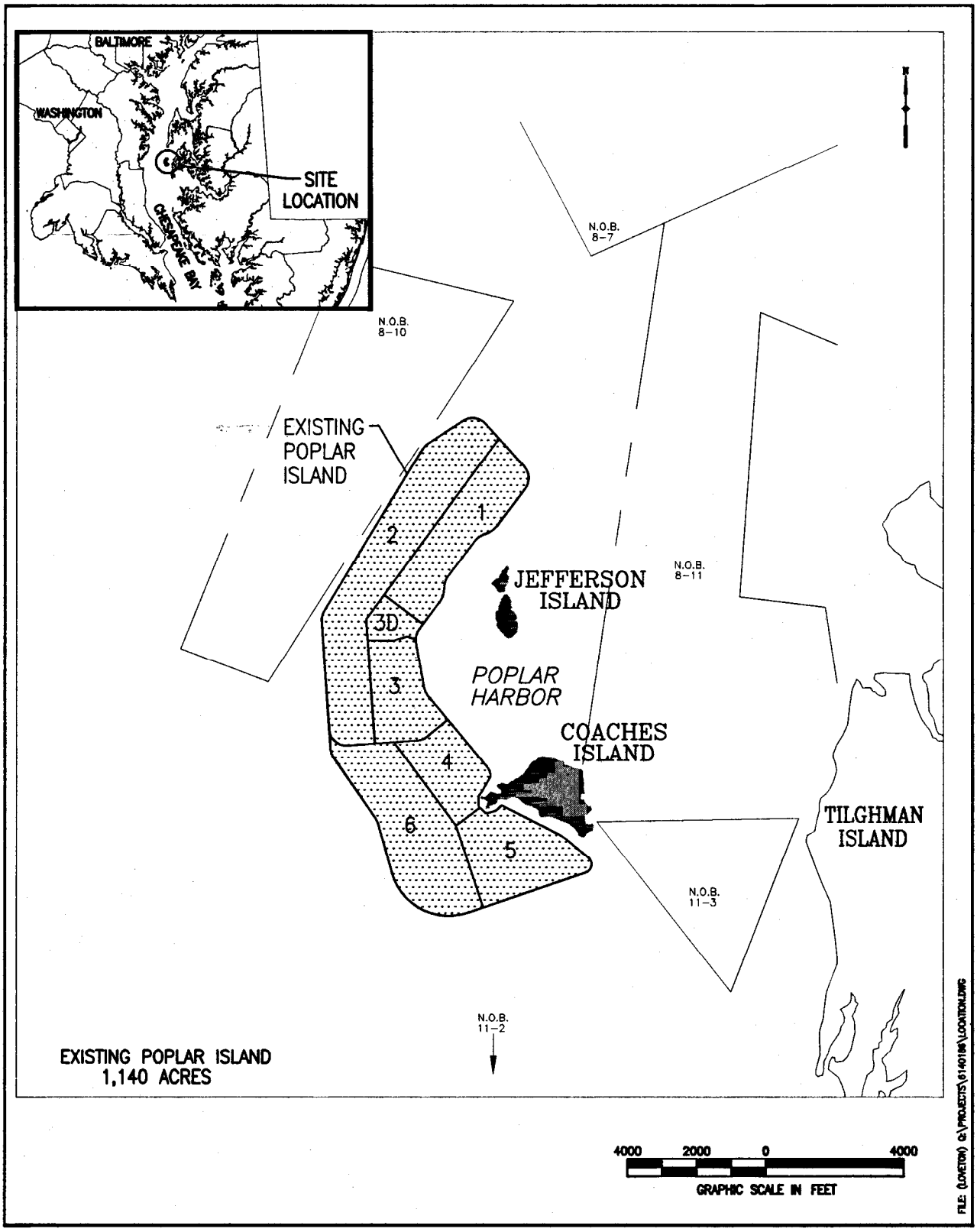
which authorizes using material dredged from the Chesapeake Bay approach channels to the Port of Baltimore to restore Poplar Island to its approximate 1847 footprint. The GRR is a decision document that will be used to determine the Federal interest in modifying the PIERP. An Supplemental Environmental Impact Statement (SEIS) that addresses the potential raising of the upland dikes above the authorized height of 23 feet and expansion of the island footprint is also being prepared to comply with the National Environmental Policy Act (NEPA) of 1969. Please notify us if you would like to receive a copy of the environmental documentation (Draft SEIS), and/or the list of recipients also receiving this notice.

For Federal and State resource agencies receiving a copy of this notice, we request that you provide information concerning interests within your organization's area of responsibility or expertise within 30 days from the date of this notice to the address below. Some agencies will also receive specific requests for information from our office in the near future. If you have any questions regarding this project, please contact Ms. Gwen Meyer of our Civil Project Development Branch at (410) 962-9502 or by e-mail at gwendolyn.c.meyer@nab02.usace.army.mil.

U.S. Army Corps of Engineers, Baltimore District
ATTN: CENAB-PL-P (Meyer)
P.O. Box 1715
Baltimore, Maryland 21203-1715

William D Arbogast

for Wesley E. Coleman, Jr.
Chief, Civil Project Development Branch
Planning Division



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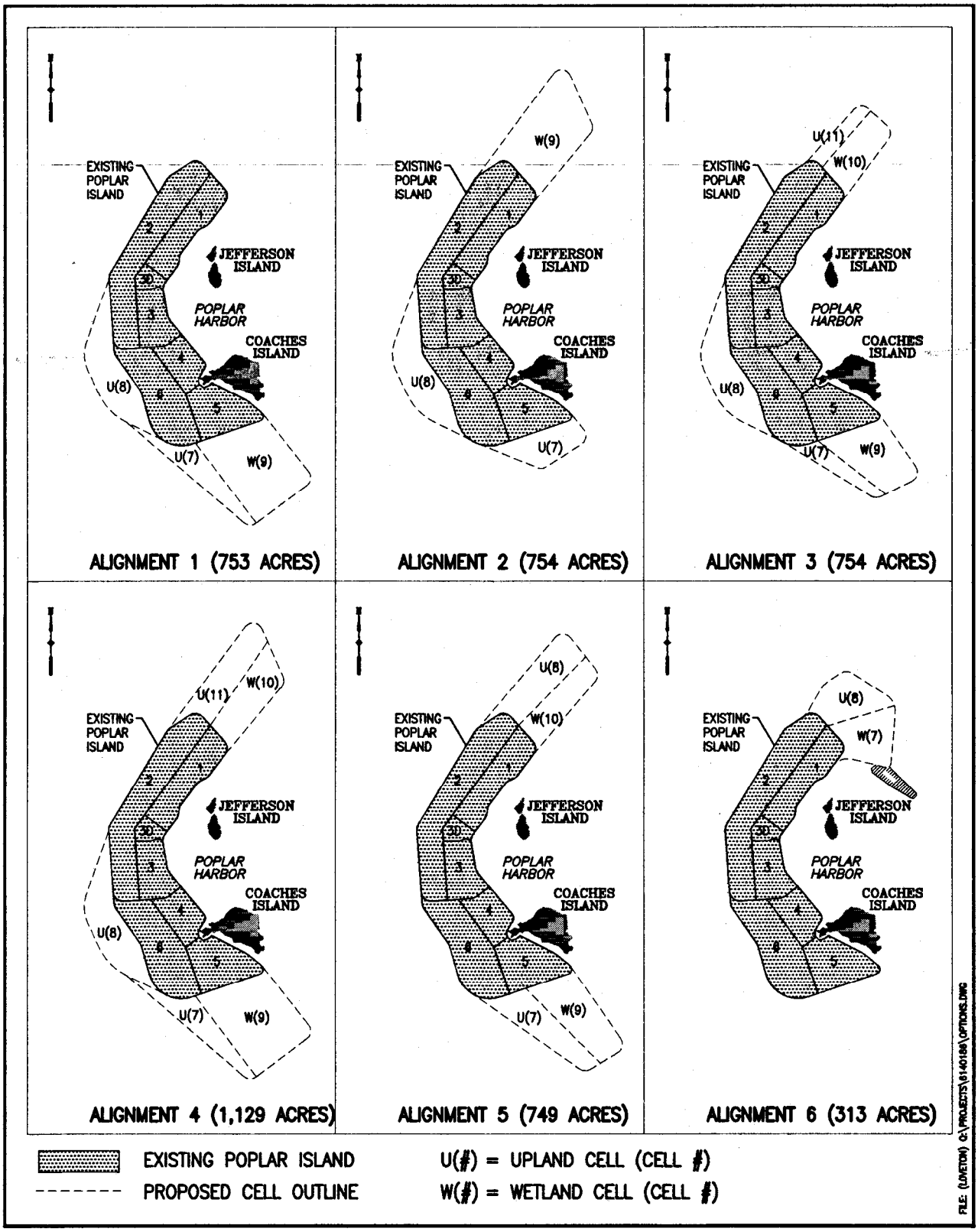


FIGURE 2. EXAMPLE ALIGNMENTS FOR EXPANSION OF POPLAR ISLAND, TALBOT COUNTY, MD.

EA Engineering, Science, and Technology

Date: 15 April 2005
Project: Poplar Island Expansion SEIS
Project Number: 61401.86

COMMUNICATIONS RECORD FORM

Distribution: Poplar Island Expansion SEIS Project File

Person Contacted: Glenn Therres

Affiliation: MDNR

Address:

Type of Contact: Telephone

Person Making Contact: Mark Mendelsohn

Communications Summary:

Mr. Therres was contacted concerning bald eagles in the vicinity of Poplar Island. An ESA Section 7 letter was sent to Mr. Therres on 18 February 2005 requesting coordination concerning the bald eagle nest on Coaches Island. Mr. Therres has not formally responded with a letter, to date, but stated that since all activities associated with the proposed lateral expansion would be beyond the ¼ -mile nest buffer, no additional coordination with MDNR is necessary. Additionally, Mr. Therres stated that he would draft a letter formally acknowledging this fact within approximately 20 days.

Signature: _____

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

REPLY TO
ATTENTION OF

Planning Division

February 18, 2005

Mr. Craig Koppie
U.S. Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, Maryland 21014

Dear Mr. Koppie:

This letter is in reference to the U.S. Army Corps of Engineers, Baltimore District's study to determine the potential for expanding the existing Poplar Island Environmental Restoration Project (PIERP), located in the upper-middle portion of the Chesapeake Bay, approximately 34 nautical miles south-southeast of the Port of Baltimore and one mile northwest of Tilghman Island in Talbot County, MD (Figure 1). A General Reevaluation Report (GRR) is being conducted under the existing PIERP authorization, Section 537 of the Water Resources Development Act of 1996. The GRR is a decision document that will determine the Federal interest in modifying the PIERP and comply with the National Environmental Policy Act through supplemental documentation to the existing Poplar Island Environmental Impact Statement.

The PIERP is a beneficial use environmental restoration project that is restoring over 1,100 acres of island habitat, approximately half uplands and half wetlands, using dredged material from Federal navigation channels in the upper Chesapeake Bay. The goal of the Poplar Island Expansion Study is to investigate options to modify the existing project to provide additional dredged material capacity and increased habitat. Options include raising the final design height of the existing dikes within the upland cells and/or constructing a northern lateral expansion of the existing island footprint. The study area boundary for the northern dike expansion is provided in Figure 2. The maximum footprint for the study area is approximately 1,080 acres. It is anticipated that the final alignment footprint, however, will be between 500 and 600 acres in size. Also to be considered with the expansion are environmental enhancements on Poplar Island and within Poplar Harbor, increased recreational and educational opportunities, and potential acceptance of dredged material from additional channels. Material from Baltimore Harbor within the Patapsco River will not be considered for placement at Poplar Island in accordance with the PIERP Environmental Impact Statement. Dredging for a new access channel, sand borrow for dike construction, and placement of breakwater(s) will also be considered in the investigation. Figure 2 depicts the total maximum footprint (1,080 acres) of the study area within which the final conceptual alignment, proposed access channel, and northern sand borrow area will be located. Also included in the figure is the location and extent of the west/southwest sand borrow area.

Section 7 consultation was initiated with your agency (John Wolflin) in January 2004 (see attached letter), but no response has been received to date. The Corps is requesting any information your office may have on the presence of federally protected species of animals listed by Section 7 of the Endangered Species Act. This request is for the proposed study area shown in Figure 2.

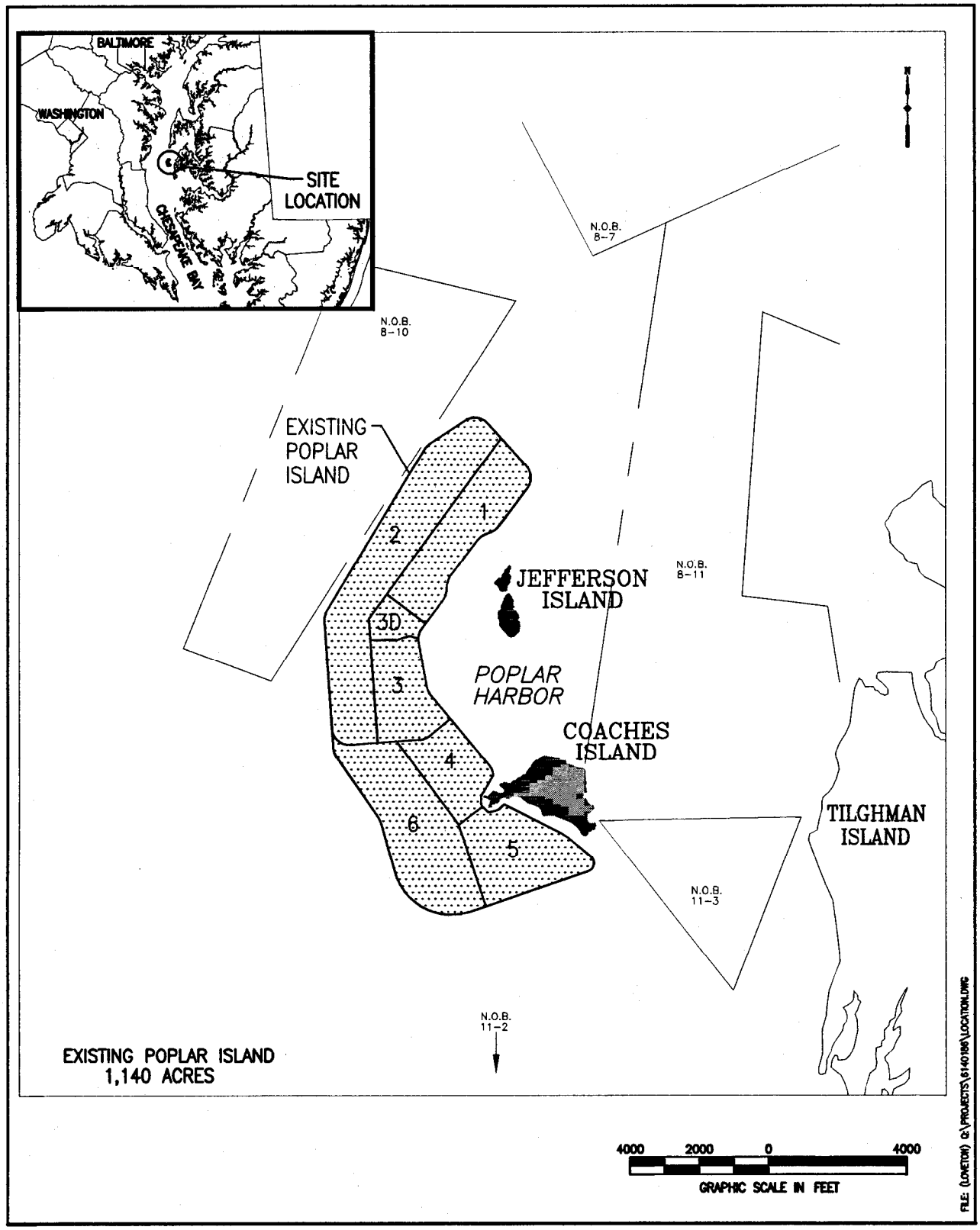
Based on conversations with Jason Miller of the U.S. Fish and Wildlife Service (USFWS), the bald eagle nest on Coaches Island is considered to be active by the USFWS. During any construction activities for the proposed expansion, time of year (TOY) restrictions will be in place for oysters, the bald eagle, herons, and terns. Figure 2 also depicts the proximity of the proposed expansion to the TOY restriction buffers for the bald eagle and the heron rookery on Coaches Island. The study area has been designed to avoid all natural oyster bars. The southernmost limit of expansion study area is located approximately 2,444 feet from the outer edge of the bald eagle buffer and 2,570 feet from the outer edge of the heron rookery buffer. These distances are conservative estimates because the final alignment footprint (500 to 600 acres) will likely be approximately half the size of the current study area (1,080 acres) for the expansion. We ask that your agency comment on any jurisdictional requirements associated with the bald eagle and any other listed species your agency is responsible for protecting.

If you have any questions regarding this matter, please contact Mr. Mark Mendelsohn, at (410) 962-9499.

Sincerely,

for Wesley E. Coleman, Jr.
Chief, Civil Project Development Branch

Enclosures



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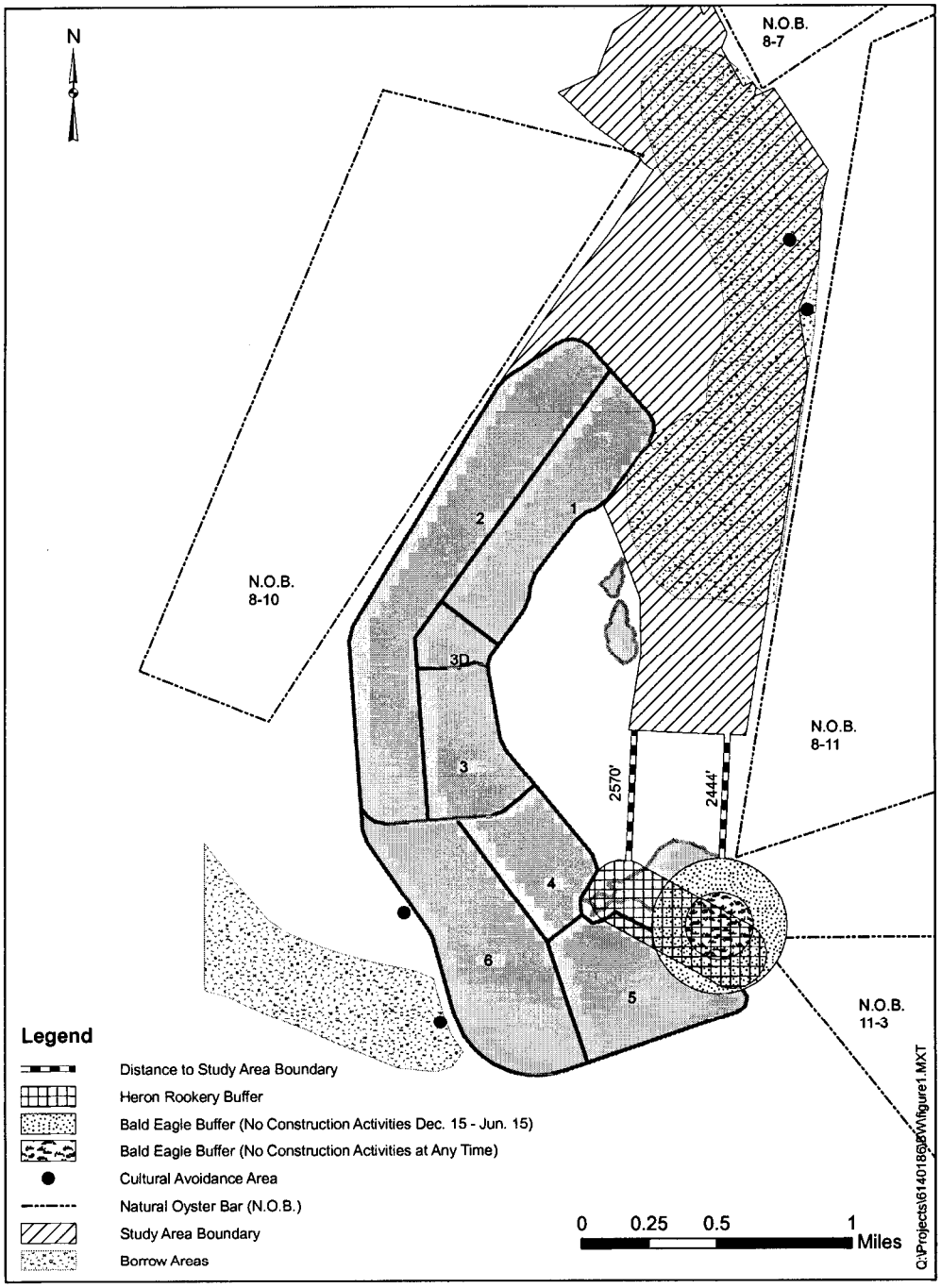


Figure 2. Proximity of Southernmost Limit of Poplar Island Proposed Study Area to Bald Eagle Nest Buffer and Heron Rookery Buffer

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

REPLY TO
ATTENTION OF

January 6, 2004

Planning Division

Mr. John Wolflin
Supervisor
U.S. Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, Maryland 21014

Dear Mr. ~~Wolflin~~ John:

This letter is in reference to the U.S. Army Corps of Engineers, Baltimore District's (Corps) study to determine the potential for expanding the existing Poplar Island Environmental Restoration Project (PIERP), located in the upper-middle portion of the Chesapeake Bay, approximately 34 nautical miles south-southeast of the Port of Baltimore and one mile northwest of Tilghman Island in Talbot County, MD (Figure 1).

The PIERP is a beneficial use environmental restoration project that is currently restoring over 1,100 acres of island habitat, half uplands and half wetlands, using dredged material from Federal navigation channels in the upper Chesapeake Bay. The goal of the Poplar Island Expansion Study (PIES) is to modify the project to provide additional capacity and increase habitat. Options include raising the final design height of the existing dikes within the upland cells and/or restore additional habitat by constructing a lateral expansion of the existing island footprint. Also to be considered with the expansion are environmental enhancements on Poplar Island and within Poplar Harbor, increased recreational and educational opportunities, and potential acceptance of dredged material from additional channels. Material from Baltimore Harbor within the Patapsco River will not be considered for placement at Poplar Island in accordance with the PIERP environmental impact statement (EIS). Examples of potential dike alignments for the lateral expansion that are being considered as part of this study are shown in Figure 2. In addition, dredging for a new access channel and placement of breakwater(s) may also be considered in the investigation of these alternatives.

A General Reevaluation Report (GRR) is being conducted under the existing PIERP authorization, Section 537 of the Water Resources Development Act (WRDA) of 1996, which authorizes the use of material dredged from the Chesapeake Bay approach channels to the Port of Baltimore to restore Poplar Island to its approximate 1847 footprint. The GRR is a decision document that will be used to determine the Federal interest in modifying the PIERP. A supplemental environmental impact statement (SEIS) that addresses the potential raising of the upland dikes above the authorized height of 23 feet and expansion of the island footprint is also being prepared to comply with the National Environmental Policy Act of 1969.

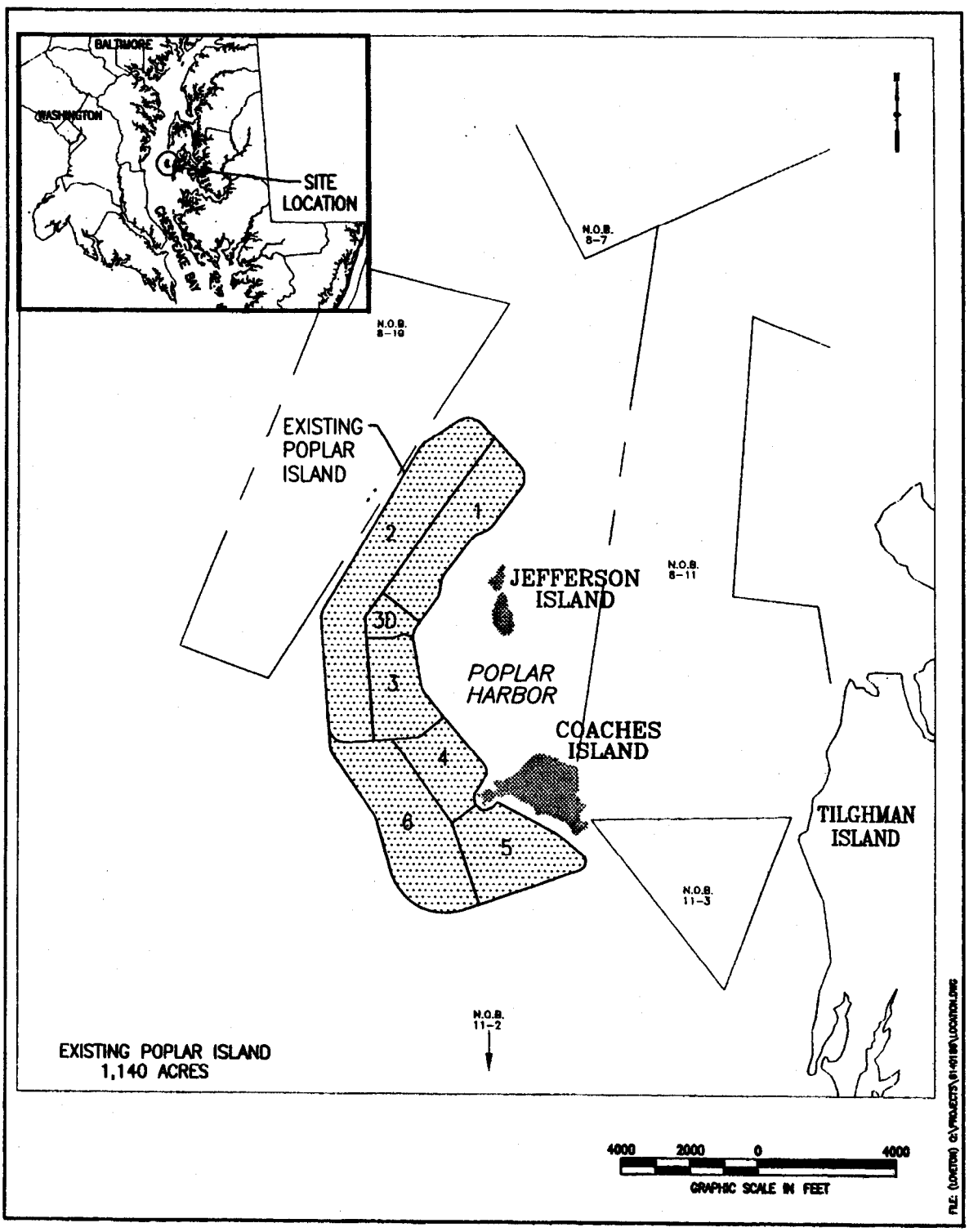
The Corps is requesting any information your office may have on the presence of federally protected species of animals and plants listed by Section 7 of the Endangered Species Act (ESA). This request is for the project area shown in the enclosed figures. A coordination letter has also been sent to the National Marine Fisheries Service (NMFS) for information concerning listed species managed under their charter. Enclosed is Section 7 correspondence from your agency for the initial PIERP EIS for you to review and update, if necessary.

If you have any questions regarding this matter, please contact Ms. Michele Gomez at (410) 962-5175.

Sincerely,

Wesley E. Coleman, Jr.
Chief, Civil Projects Development Branch

Enclosures



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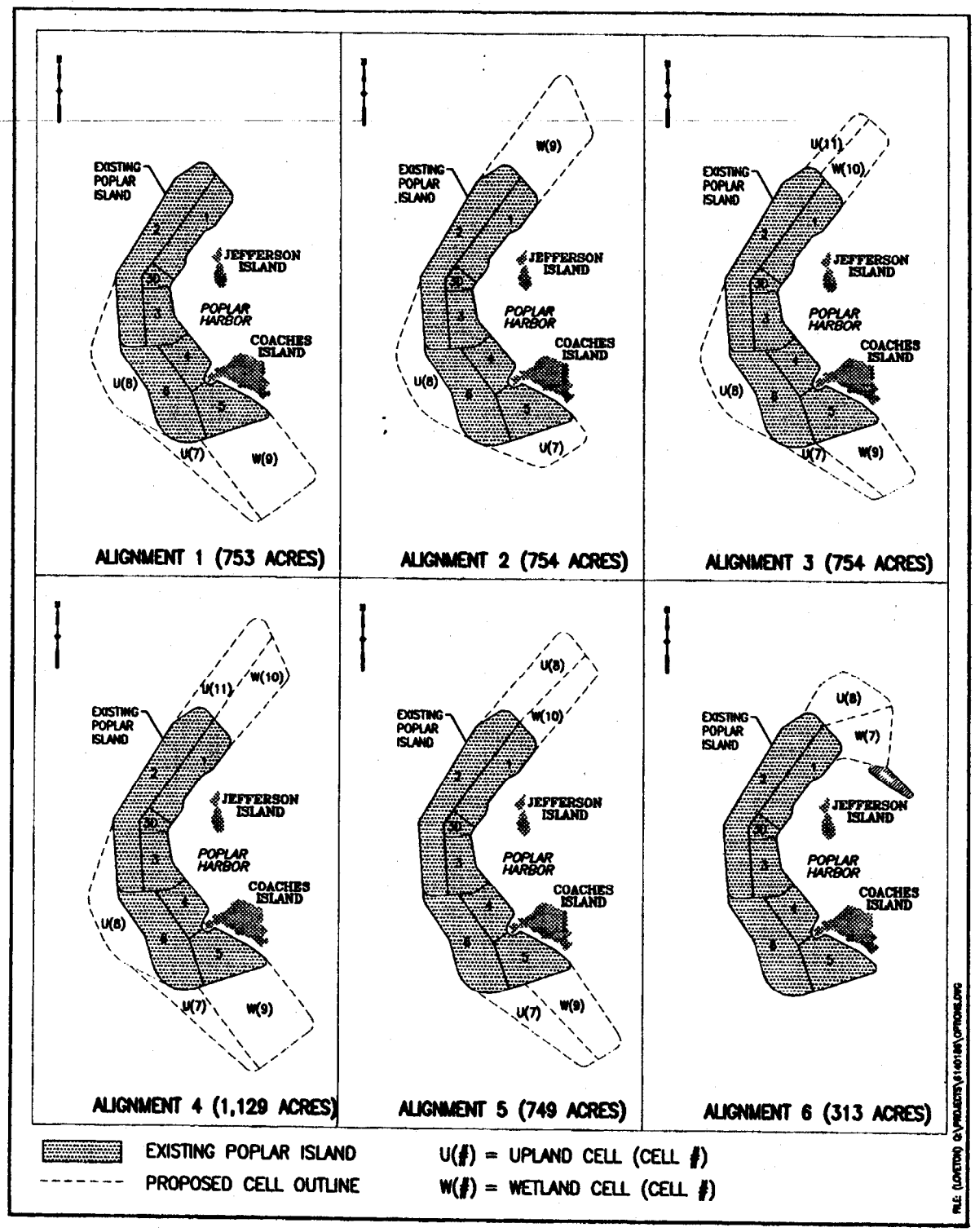

FIGURE 2. EXAMPLE ALIGNMENTS FOR EXPANSION OF POPLAR ISLAND, TALBOT COUNTY, MD.

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

IN REPLY REFER TO.

January 30, 1995

ER 95/0863

Colonel Randall R. Inouye, P.E.
District Engineer
Baltimore District, Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203

Attn: Mr. Wesley E. Coleman, Jr.

Dear Colonel Inouye:

The Department of the Interior (Department) has reviewed the Poplar Island Integrated Draft Feasibility Report and Draft Environmental Impact Statement (DFR/DEIS) and offers the following comments for your consideration.

These Departmental comments include the report of the Fish and Wildlife Service on the recommended plan, and are submitted in accordance with the provisions of Section 2 (b) of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

GENERAL COMMENTS

The DFR/DEIS recommends implementing a plan to create a 1,110 acre dredged material placement island within a 35,000-foot perimeter in a configuration that would roughly follow Poplar Island's historical footprint of 1847. Uncontaminated dredged material would be used to create low and high saltmarsh (50 percent of the footprint), of which 80 percent will be low marsh characterized by smooth cordgrass (Spartina alterniflora). The remaining 50 percent of the historic island footprint would be filled with uncontaminated dredged material to an elevation of 20 feet above mean sea level, and planted with forest, shrub, and vine species of vegetation.

Offshore islands are a unique ecosystem component in the Chesapeake Bay watershed. Although similar vegetative communities may occur on the mainland, isolation, relative lack of human disturbance, and fewer predators make islands more desirable as nesting sites for colonial waterbirds and some endangered species. The remnant islands in the complex which includes Poplar Island support nesting snowy egrets (Leucophoyx thula), common egrets (Casmerodius albus), double-crested cormorants (Phalacrocorax auritus), several species of tern, green herons (Butorides virescens), little blue herons (Florida coerulea), great blue herons (Ardea herodias), black ducks (Anas rubripes), and the Federally-listed threatened bald eagle (Haliaeetus leucocephalus). Diamondback terrapins (Malaclemys terrapin) nest on the high

marshes and beaches, and river otters (Lutra canadensis) fish from the island shore. Ship wakes, land subsidence, and sea level rise are causing these valuable island habitats to be lost from exacerbated erosion. In the last 150 years, in the middle eastern portion of Chesapeake Bay alone, 10,500 acres have been lost.

At the same time islands have been eroding, a lack of environmentally acceptable disposal sites has led to navigation projects being delayed during the environmental and regulatory review process, and a continued reliance on overboard (unconfined) disposal. At a time when the Federal and state governments are spending millions of dollars to restore Chesapeake Bay's living resources, reduce nonpoint source pollution, and reduce sediment loadings, those same governments are funding the dumping of 1-2 million cubic yards of silt, muck, and sand into the Bay each year.

The Poplar Island recommended plan represents a partial solution to the dredged material management problem, while supporting habitat restoration objectives outlined in the Chesapeake Bay Agreement. This is the reason the Poplar Island Restoration project has gained widespread support from the Chesapeake Bay government community. The Department also offers its support for the project, subject to your agency's careful consideration of the following comments and recommendations.

SPECIFIC COMMENTS

Section 2.3.1.a. Open Water Placement

The Department has expressed specific concerns relative to dredged material placement in sinks such as the Deep Trough. These concerns include nutrient releases and bay eutrophication, loss of thermal refugia, and potentially eliminating government incentive to use dredged material for beneficial purposes such as habitat restoration. During the proposed 1990 demonstration project, the U.S. Environmental Protection Agency calculated significant nutrient releases from dredged material placement into the anaerobic zone during the summer. These concerns should be noted in the final document.

Section 3.1.2. Physiography, Geology, and Soils

We question whether elevations on Coaches Island only reach a maximum of about 4 feet mean low water. Please review this information for accuracy.

Section 4.3 (pg. 4-7) Formulation and Evaluation Criteria

Use of the term "bottomland" when describing non-wetland habitats is misleading (e.g. sounds like a palustrine forested wetland). Forest and shrub would be a more accurate description. Please modify the text of the final document.

Section 5.3.2 Wetland/Upland Ratios

If the sole project objective is to provide the most productive fish and wildlife habitat possible, a mix of upland, beach, aquatic, and wetland

habitats is preferred. Although development of 100 percent low marsh would provide greater benefits to fish, it would not provide habitat for species requiring upland nesting sites in close proximity to wetland feeding and brooding areas (e.g. waterbirds). Restoring a mix and interspersion of habitat types will recreate the type of island ecosystem endemic to the middle, eastern portion of Chesapeake Bay. This information should be included in the final document.

Section 5.4.7.a. Terrestrial Resources

Recent designs have included alternative alignments and operations which might affect vegetation on the remnant Poplar Islands (through inundation during filling). The Department's believes that if such an impacting alignment is chosen, the wetlands to be created will compensate for the loss. Without the project the islands will definitely be lost. We have no objection to alignments that do not affect remnant islands.

We recommend dredged material placement volumes per lift that do not inundate the double-crested cormorant rookery on Middle Poplar Island. If this is not possible, we recommend artificial nesting structures (e.g. pilings with attached platforms) be erected adjacent to Middle Poplar Island prior to initial inflow to mitigate the loss. Double-crested cormorants are known to readily utilize artificial structures.

Section 5.4.7.b. Colonial Waterbirds

The proposed buffer zone around the great blue heron rookery on Coaches Island is insufficient. The rookery extends along the entire forested portion of the southern shore of Coaches Island. We recommend time-of-year restrictions for construction of the containment berm and human activities along the entire forested portion of the southern shoreline, where that construction or human activity will occur within 660 feet. The time-of-year restriction for this portion of Coaches Island should be February 15 through July 15. This recommended time-of-year restriction will not be necessary for inflow operations.

The double-crested cormorant colony on Middle Poplar Island could be impacted by construction activities if the activities occur within 500 feet. The Department recommends a time-of-year restriction on berm construction from March 1 through July 15.

Section 5.7.2.d. Other Recreational Activities

Time-of-year restrictions should avoid displacement of nesting waterbird colonies.

Figure 6-1

This figure is illegible. In addition, the proposed interior islands are not shown. A revised figure should be included in the final document.

Section 6.1.2.f. Habitat Areas (High Marsh)

Black needlerush (Juncus roemerianus) should not be encouraged by planting. This species will more than likely colonize on its own, thereby diversifying the planted wetland community. However, introducing black needlerush before the cordgrasses have become established could result in large monotypic stands of this species, thereby lowering plant diversity.

Page 6-22 Island Habitat (Section 4.5.4.)

The section number appears to be wrong. Also, the islands should not be located in close proximity to upland areas or the containment dikes in order to deter access by predators.

THREATENED AND ENDANGERED SPECIES COMMENTS

A bald eagle nest is located on Jefferson Island. A breeding pair of eagles used this nest in 1994, although no young were fledged. Bald eagles are currently listed as Federally threatened. Although construction will occur over 1,000 feet from the nest site, activities will be clearly visible to nesting eagles. As discussed with Mr. Satiate Therres (Supervisor, Wildlife Diversity Program within the Maryland Department of Natural Resources), numerous studies have documented eagles being flushed from their nests by boats approaching from large distances. Therefore, we recommend (in concurrence with Mr. Therres) a time-of-year restriction from January 15 through June 15 prohibiting construction and human activities within the quarter mile bald eagle protection zone surrounding the nest. This recommended time-of-year restriction will not be required for inflow operations. If the eagles fail to nest or produce young, the recommended time-of-year restriction may be reconsidered.

The West Coast and Central Plains populations of least terns (Sterna albifrons) are listed as Federally endangered, but its Atlantic Coast breeding population is not Federally listed. Least terns are colonial nesters that prefer sand, rock, and shell substrates with sparse vegetation. A cooperative least tern habitat restoration effort was undertaken at Poplar Island during the spring of 1994. Crushed clam shell was spread on one of the breakwater barges in the vicinity of Middle Poplar Island. Monitoring has not documented least tern nesting on the restoration attempt.

Except for occasional transient individuals, such as the much publicized manatee (Trichechus manatus), the Poplar Island complex is not known to support any other Federally listed, proposed, or candidate species. This response relates only to threatened and endangered species under our jurisdiction. For information on other rare species, including state-listed species, Maryland Natural Heritage Program should be contacted at (410) 974-2870.

Thank you for coordinating this environmental review with the Department. Questions regarding these comments should be addressed to Mr. John Gill of the U.S. Fish and Wildlife Service's Chesapeake Bay Field Office at (410) 573-4529.

Sincerely,

Don Henne
Regional Environmental Officer

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, Maryland 21401

February 16, 1995

Ms. Jane Boraczek
EA Engineering, Science and Technology
11019 McCormick Road
Hunt Valley, Maryland 21031

Re: Poplar Island Restoration Project
Talbot County, Maryland

Dear Ms. Boraczek:

This is in response to your December 8, 1994, letter requesting natural resources distribution information for the vicinity of Poplar Island. We have received your request and are providing the enclosed information in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*).

Endangered Species

A bald eagle (*Haliaeetus leucocephalus*) nest is located on Jefferson Island. A breeding pair of eagles used this nest in 1994, although no young were fledged. Bald eagles are currently listed as Federally endangered, although the U.S. Fish and Wildlife Service (Service) has proposed reclassifying them to threatened. Glenn Therres of the Maryland Department of Natural Resources (DNR) can be reached at (410) 827-8612 for further information regarding bald eagle populations in the mid-Bay region.

The West Coast and Central Plains populations of least terns (*Sterna albifrons*) are listed as Federally endangered, but its Atlantic Coast breeding population is not Federally listed. Least terns are colonial nesters that prefer rocky or sandy substrates with sparse vegetation. A cooperative least tern habitat restoration effort was undertaken at Poplar Island during the spring of 1994. Clam shell was spread on one of the grounded barges to provide nesting substrate. This project will be monitored to determine if least terns initiate nesting at Poplar Island in 1995.

Except for occasional transient individuals, the Poplar Island complex is not known to support any other Federally listed, proposed or candidate species.

This response relates only to threatened and endangered species under our jurisdiction. For information on other rare species, including state-listed species, you should contact the Maryland Natural Heritage Program at (410) 974-2870.

Fish and Wildlife Resources

Midwinter waterfowl surveys by the Service and the Maryland Department of Natural Resources (DNR) have identified the following species in the vicinity of Poplar Island:

Year	Bufflehead	Mergansers	Oldsquaw	Canada Geese	Tundra Swans
1990		20			
1992	10		13	300	30
1993	10		117		

Bufflehead (*Bucephala albeola*), mergansers (*Mergus serrator* and/or *M. merganser*) and oldsquaw (*Clangula hyemalis*) are common during winter in the open waters of Chesapeake Bay. These species feed primarily on fish and aquatic invertebrates. Canada geese (*Branta canadensis*) typically roost in large flocks in the open waters, and feed in marshes or fields during the day. Other common wintering waterfowl species that may occur in the vicinity of Poplar Island include ruddy ducks (*Oxyura jamaicensis*), canvasbacks (*Athya valisineria*) and common goldeneye (*Bucephala clangula*). Larry Hindman of the DNR can be reached at (410) 827-8612 regarding waterfowl use of the Poplar Island region.

Poplar Island provides breeding habitat for a variety of colonial waterbirds. Great blue herons (*Ardea herodias*), great egrets (*Casmerodius albus*), cattle egrets (*Bubulcus ibis*), snowy egrets (*Egretta thula*) and little blue herons (*Florida caerulea*) are known to have nested on the island. Numbers of nesting double-crested cormorants (*Phalacrocorax auritus*) are increasing in Chesapeake Bay, and Poplar Island supported numerous nesting pairs in 1994. Further information regarding colonial waterbird use of Poplar Island can be obtained from David Brinker of the DNR at (410) 974-3195.

Severe erosion has resulted in significant losses of forested upland, sandy shore and tidal marsh habitats at Poplar Island. Erosion results in the conversion of fastlands to shallow water habitat, which is a valuable resource for many fish species. Shallow estuarine waters provide excellent conditions for growth of phytoplankton, bacteria and algae. Due to high primary production, these areas also provide good foraging habitat for consumers such as shorebirds, wintering waterfowl and anadromous fish. The juvenile forms of anadromous species such as alewife (*Alosa pseudoharengus*), blueback herring (*A. aestivalis*), and white perch (*Morone americana*) may occur in these shallows. Other common Bay species that would be expected in this area are spot (*Leiostomus xanthurus*), bay anchovy (*Anchoa mitchilli*) and striped bass (*Morone saxatilis*). Shallow waters with sandy substrates are especially valuable habitat to female blue crabs (*Callinectes sapidus*) bearing eggs

("sponge crabs"), because the coarse sediments in these areas aid in sloughing of fertilized eggs. Detailed information regarding fisheries resources near Poplar Island can be obtained from Nick Carter of the DNR at (410) 974-5780.

There are several natural oyster (*Crassotrea virginica*) bars adjacent to the Poplar Island complex. The Poplar Island Bar (#8-10) consists of approximately 1100 acres of Bay bottom west of Poplar Island, while the Poplar Island Narrows Bar (#8-11; 1700 acres) is located between Poplar Island and the mainland. Oyster larvae are carried from spawning grounds to these bars, where spat setting occurs. Water quality in the vicinity of oyster bars can affect their ability to support juvenile oysters, impeding recruitment into the reproductive population. Oyster populations on many bars in the mid-Bay region, including those adjacent to Poplar Island, have been negatively impacted in recent years by the diseases MSX and dermo.

The shallow waters adjacent to the Eastern Shore between the Chester River and Tangier Sound are among the most highly productive soft shell clam (*Mya arenaria*) waters in the Bay. Soft shell clams are found primarily in areas with sandy substrates, although they also occur on harder clay bottoms. The original footprint of Poplar Island is characterized by a hard clay substrate, and would thus be expected to produce fewer clams than the sandy substrate outside the island's original footprint. Juvenile clams are an important food source for blue crabs, mud crabs, flatworms, mummichogs and spot. Adult soft shell clams are commercially harvested, and may be heavily depended upon by ducks, geese and swans. All of the Bay waters surrounding Poplar Island are open to shellfish harvesting. Chris Judy of the DNR can be reached at (410) 974-3733 regarding shellfish populations near Poplar Island.

Submerged aquatic vegetation (SAV) plays an important role in nutrient and energy cycling in Chesapeake Bay. In addition to serving as a significant food source for waterfowl, SAV provides protective cover for molting blue crabs and the juvenile life forms of many fish species. SAV is a good indicator of water quality due to its sensitivity to turbidity and nutrient levels. The 1978 Bay-wide SAV survey documented SAV beds in the shallows adjacent to Poplar Island, Jefferson Island and Coaches Island. Although the species composition of these beds was not documented, nearby SAV beds on the mainland shoreline consisted of sago pondweed (*Potamogeton pectinatus*), redhead grass (*P. perfoliatus*), widgeon grass (*Ruppia maritima*) and horned pondweed (*Zanichellia palustris*). By 1984, only a few small patches of SAV were present adjacent to Coaches Island. Aerial surveys have not documented any SAV within the Poplar Island complex since 1984.

Wildlife habitat value of the islands has been drastically affected by the severe erosion. Hundreds of acres of forested habitat and tidal marsh have been lost. Prior to erosion, the Poplar Island complex may have supported large numbers of colonial nesting waterbirds, waterfowl and songbirds. Some species, such as osprey, may still nest within the Poplar Island complex, although in reduced numbers compared to the 19th century.

The value of mid-Bay island habitat to wildlife is evidenced by the density and diversity of colonial waterbirds continuing to nest at Poplar Island, despite tremendous losses of habitat. As a cooperator in the Poplar Island Restoration Project, the Service is committed to restoring the habitat value of this island complex to 19th century levels. If there are further questions regarding this project, please contact John Gill of this office at (410) 573-4529.

Sincerely,

for John P. Wolflin
Field Supervisor
Chesapeake Bay Field Office

cc: Nick Carter (DNR)
Bob Smith (MES)
Frank Hammons (MPA)
Carol Anderson-Austra (COE)
Tim Goodger (NMFS)

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

August 23, 1995

Mr. Edward W. Morgereth, Jr.
EA Engineering, Science, and Technology
11019 McCormick Road
Hunt Valley, MD 21031

Re: Poplar Island Project
Talbot County, Maryland

Dear Mr. Morgereth:

This responds to your July 24, 1995, request for information supporting your investigation of natural resources within the above referenced project area. We have reviewed the information you enclosed and are providing comments in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*), and the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 *et seq.*).

Endangered Species

The following listed species nests on Jefferson Island which is within the referenced Poplar Island chain.

Bald eagle (*Haliaeetus leucocephalus*)

Sections 4(d) and 9 of the Endangered Species Act prohibit "taking" of listed species. "Take" is defined to include harming or harassing such species, or attempting to engage in any such conduct. "Harm" is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns such as breeding, feeding or sheltering. "Harassment" is defined as those actions that may result in injury to listed species by significantly disrupting normal breeding, feeding or sheltering patterns.

You may wish to contact Mr. Glenn Therres of the Maryland Department of Natural Resources at (410) 827-8612 for further information about the eagle nest and for time-of-year restrictions necessary to minimize impacts from construction activities.

This response relates only to threatened and endangered species under our jurisdiction. For information on other rare species, including state-listed species, you should contact Ms. Lynn Davidson of the Maryland Natural Heritage Program at (410) 974-2870.

We appreciate the opportunity to provide information relative to fish and wildlife resources. If you have any questions on these comments, please contact Andy Moser of this office at (410) 573-4500.

Sincerely,

G. A. Mos

for John P. Wolflin
Supervisor
Chesapeake Bay Field Office

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

December 14, 1995

Colonel Randall R. Inouye, P.E.
District Engineer
Baltimore District, Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203

Re: Poplar Island Integrated Draft Feasibility Report and Draft Environmental Impact Statement

Dear Colonel Inouye:

The U.S. Fish and Wildlife Service has reviewed the referenced Draft Feasibility Report and Draft Environmental Impact Statement. The recommended plan would create a 1,110 acre dredged material placement island in a configuration that would roughly follow Poplar Island's 1,847 footprint. Uncontaminated dredged material would be used to create low and high saltmarsh (50% of the footprint), of which 80% will be low marsh characterized by smooth cordgrass (*Spartina alterniflora*). The remaining 50% of the historic island footprint would be filled with uncontaminated dredged material to an elevation of 20 feet above mean sea level, and planted with forest, shrub, and vine species of vegetation.

Offshore islands are a unique ecosystem component in the Chesapeake Bay watershed. Although similar vegetative communities may occur on the mainland, isolation, relative lack of human disturbance, and fewer predators make islands more desirable as nesting sites for colonial waterbirds and some endangered species. The remnant islands in the complex, which includes Poplar Island, support nesting snowy egrets (*Leucophoyx thula*), common egrets (*Casmerodius albus*), double-crested cormorants (*Phalacrocorax auritus*), terns, green herons (*Butorides virescens*), great blue herons (*Ardea herodias*), black ducks (*Anas rubripes*), and the Federally-listed threatened bald eagle (*Haliaeetus leucocephalus*). Diamondback terrapins (*Malaclemys terrapin*) nest on the high marshes and beaches, and river otters (*Lutra canadensis*) fish from the island shore. From exacerbated erosion, ship wakes, land subsidence, and sea level rise are causing these valuable island habitats to be lost. In the last 150 years, in the middle eastern portion of Chesapeake Bay alone, 10,500 acres have been lost.

At the same time islands have been eroding, a lack of environmentally acceptable disposal sites has led to navigation projects being held up during the environmental and regulatory review process, and a continued reliance on overboard (unconfined) disposal. At a time when the Federal and state

governments are spending millions of dollars to restore Chesapeake Bay's living resources, reduce nonpoint source pollution and sediment loadings, these same governments are funding the dumping of 1-2 million cubic yards of silt, muck, and sand into the Bay each year.

The Poplar Island proposal represents a partial solution to the dredged material management problem, while supporting habitat restoration objectives outlined in the Chesapeake Bay Agreement. This is the reason the Poplar Island Restoration project has gained such unprecedented approval from the entire Chesapeake Bay community. The proposal fully supports the Service's mission to "Protect, conserve, and enhance fish and wildlife resources and the habitats they are dependent upon....."

We look forward to the completion of the project design in January, and the initiation of construction next summer. Please contact Mr. John Gill of my staff at (410) 573-4529 if you require any assistance from this office.

Sincerely,

ACTING

John P. Wolflin
Supervisor
Chesapeake Bay Field Office

cc: Mr. Tay Yoshitani, Maryland Port Administration

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

REPLY TO
ATTENTION OF

April 27, 2005

Planning Division

Ms. Mary A. Colligan
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
One Blackburn Drive
Gloucester, MA 01930-2298

Dear Ms. Colligan:

The purpose of this letter is to supply additional information on the Poplar Island Environmental Restoration Project Expansion Study (PIES) per your letter dated January 22, 2004. The subject letter requested that the U.S. Army Corps of Engineers, Baltimore District (Corps) contact the NOAA Endangered Species Coordinator once project details are developed.

Please find the enclosed endangered species assessment for the PIES . Based on available information, the Baltimore District considers that it is unlikely that shortnose sturgeon, except for a possible occasional transient individual, occur in the project area. The closest shortnose sturgeon caught on the eastern shore as part of the U.S. Fish and Wildlife Service Atlantic Sturgeon Bounty Program was 7.8 miles north of the project area. The closest sturgeon found on the western shore of the Bay was 6 miles away in Herring Bay in a gillnet. There are several key sturgeon habitat requirements that are not found in the project area, such as the area does not have suitable cobble spawning habitat, it is too shallow for a thermal refuge, and it is not a unique feeding area. Consequently, the construction of the proposed project is not likely to adversely affect shortnose sturgeon.

The District has not seen any data that indicates the presence of sea turtles in the project area and does not believe that the area provides particularly valuable habitat for these species. The area may be occasionally used by transient Loggerhead turtles but there is no data to confirm this. Sea turtles typically avoid hydraulic cutter head dredges. The area has little eel grass which is a desirable habitat for Kemps Ridley turtles. Sea turtles are not known to nest in this part of the Bay. No hopper dredging is performed in this part of the Bay. Consequently, the construction of this project is not likely to adversely affect sea turtles.

We request your concurrence on our findings regarding shortnose sturgeon and sea turtles. If you have any questions regarding this matter or require additional information please contact Mr. Mark Mendelsohn at (410) 962-9499.

Sincerely,

Wesley E. Coleman Jr.
Chief, Civil Project Development Branch

Enclosures

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

AUG 22 2005

Wesley E. Coleman, Jr.
Chief, Civil Project Development Branch
Department of the Army
Baltimore District, US Army Corps of Engineers
PO Box 1715
Baltimore, Maryland 21203-1715

Attn: Planning Division/Mark Mendelsohn

Dear Mr. Coleman,

This is in response to your letter received July 27, 2005 regarding the Poplar Island Environmental Restoration Project Expansion. The purpose of the proposed project is to re-create and restore important regional island habitat that has been lost to land subsidence, rising sea level, and erosion in the Chesapeake Bay. The project site is located in the Chesapeake Bay; approximately 39 miles south-southeast of Baltimore Harbor. The Army Corps of Engineers (ACOE) has made the preliminary determination that the proposed project is not likely to adversely affect any threatened and/or endangered species listed under the jurisdiction of NOAA's National Marine Fisheries Service (NMFS) and has requested that NMFS concur with that determination.

As indicated in a letter dated January 22, 2004 from NMFS to the ACOE regarding this project, several species of listed sea turtles and a population of the federally endangered shortnose sturgeon (*Acipenser brevirostrum*) are known to occur in the Chesapeake Bay. Sea turtles are present in the Bay from April 1 through November 30 of any year. These species have been documented throughout Chesapeake Bay and are likely to occur in the waters surrounding Poplar Island, particularly if suitable forage items were present. However, the lack of Submerged Aquatic Vegetation (SAV) at the project site makes this less likely to be a preferred sea turtle foraging area. The distribution of shortnose sturgeon in Chesapeake Bay is not well known due to the lack of successful and comprehensive survey efforts. The majority of data on shortnose sturgeon use of the Bay is a result of the reporting of incidental shortnose sturgeon captures in fishing gear. The nearest reported capture of a shortnose sturgeon to the project site was approximately 8 nautical miles to the west, near Herring Bay, on Maryland's western shore. The nearest collections on the eastern shore were approximately 9 nautical miles north off Kent Island. However, as fisheries-dependent data is driven by the seasonality of the fishery as well as the location of fishing gear and the reporting of captures by fishermen, it is not possible to rely on this data to indicate the exclusion of shortnose sturgeon from a particular area. However, surveys conducted in the waters surrounding Poplar Island in 1994, 1995, 2001, 2003 and 2004 failed to capture any shortnose sturgeon, indicating that this area is not likely a high use area for

shortnose sturgeon. This is likely due to the relatively shallow depths that would likely preclude use as an overwintering area and/or a thermal refuge in warmer summer months. Therefore, based on the best available information, the waters surrounding Poplar Island that will be affected by the proposed project are likely only to be used by transient shortnose sturgeon and are not likely to be a shortnose sturgeon concentration area.

Dredged material from the Upper Chesapeake Bay approach channels to the Port of Baltimore is currently being used to restore over 1,140 acres of wetland and upland habitat as part of the initial Poplar Island Restoration Project. The lateral expansion of the Poplar Island Restoration Project as currently proposed would expand the current alignment by 600 acres. This would result in the permanent transformation of 470 acres of open water habitat to island habitat. The first phase of the project would involve dredging of sandy material from a 230-acre borrow area to provide material from which to construct dikes. The second phase would involve the placement of dredged material transported to the site from the Port of Baltimore approach channels within the dikes. It is expected that this project would provide 28 million cubic yards of dredged material placement capacity. During dike construction, turbidity curtain and/or silt fences would be used to minimize any increase in turbidity. A hydraulic (pipeline) dredge will be used to mine the sand needed for dike construction.

Dredging activities have been documented to lethally take threatened and endangered sea turtles; however, these takes have all been with hopper dredges. Sea turtles are able to avoid pipeline dredges, likely because of the slower speeds they are operated at and the lower suction levels compared to hopper dredges. As a pipeline dredge will be used for the dredging project, no direct effects (i.e., injury and/or mortality) to sea turtles are likely. Shortnose sturgeon have been documented to be killed in pipeline dredge operations, however, as indicated above, shortnose sturgeon are not likely to be present in the areas to be dredged. In addition, no sea turtles and/or shortnose sturgeon have been encountered in previous dredging operations at Poplar Island. As such, no direct effects to shortnose sturgeon and/or sea turtles are likely to result from the required dredging operations.

The construction of the dikes and the placement of dredged materials will result in the loss of open water habitat. As indicated above, this area is not likely to be a high use area for sea turtles and/or shortnose sturgeon and as such, the potential loss of this habitat and associated forage items will be insignificant. Suitable habitat and forage is expected to occur in other easily accessible areas and no adverse effects to sea turtles and/or shortnose sturgeon from the project operations are likely. Any increase in turbidity due to dredging and disposal activities is not expected to be long lasting and sea turtles and shortnose sturgeon are expected to be able to avoid any turbid areas or sediment plume. As such, no adverse effects to sea turtles or shortnose sturgeon resulting from increased turbidity are expected. Additionally, the expansion of the Poplar Island Restoration Project is expected to increase the suitability of the area for future SAV growth and the creation of marshes and tidal creeks is expected to increase the availability of a wide variety of forage species.

Based on the analysis above, NMFS concurs with the ACOE's determination that the proposed project is not likely to adversely affect any threatened or endangered species listed under our jurisdiction. Therefore, no further consultation pursuant to section 7 of the ESA is required.

Should project plans change, a new species listed or critical habitat designated, or new information become available that changes the basis for this determination, consultation should be reinitiated. Should you have any questions about these comments, please contact Julie Crocker at (978) 281-9328 ext. 6530.

Sincerely,

for Patricia A. Kurkul
Regional Administrator

Cc: Scida, F/NER3
Williams, GCNE
Nichols, F/NER4

File Code: Sec 7 ACOE Maryland Island Restoration

Agency Coordination Concerning Natural Resouces In the Vicinity of the Project

-----Original Message-----
From: "Judy, Chris" <CJUDY@dnr.state.md.us>
Sent: 09/20/2004 04:34 PM
To:"Mendelsohn, Mark NAB02" <Mark.Mendelsohn@nab02.usace.army.mil>, "Limpert, Roland" <RLIMPERT@dnr.state.md.us>, "Meyer, Gwendolyn C NAB02" <Gwendolyn.C.Meyer@nab02.usace.army.mil>, <pd@eaest.com>, <jab@eaest.com>, "Johnson, Scott NAB02" <Scott.Johnson@nab02.usace.army.mil>, "Snyder, Michael R NAB02" <Michael.R.Snyder@nab02.usace.army.mil>, <nbrown2@mdot.state.md.us>, <mslat@menv.com>, <pd@eaest.com>
cc:"Bierly, Daniel M NAB02" <Daniel.M.Bierly@nab02.usace.army.mil>, "Dintaman, Ray" <RDintaman@dnr.state.md.us>, "John Nichols (E-mail)" <John.Nichols@noaa.gov>
Subject: RE: Time of Year Restrictions at Poplar and Oysters

Mark, you have the Shellfish Program part correct. We can survey the area once we have an accurate map and coordinates for the channel to be dredged. We will focus within the 1,500' zone around the channel. The sooner we receive the coordinates the better, for our survey planning. I'll check with our staff to see if the survey can fit our normal travels or if it would demand a stand-alone survey after our normal work is done. We follow a tight schedule around the Maryland Bay each year and we may have to come back to your site later.

Chris
-----Original Message-----
From: Mendelsohn, Mark NAB02 [mailto:Mark.Mendelsohn@nab02.usace.army.mil]
Sent: Monday, September 20, 2004 11:11 AM
To: Limpert, Roland; Mendelsohn, Mark NAB02; Meyer, Gwendolyn C NAB02; pd@eaest.com; jab@eaest.com; Johnson, Scott NAB02; Snyder, Michael R NAB02; nbrown2@mdot.state.md.us; mslat@menv.com; pd@eaest.com
Cc: Judy, Chris; Bierly, Daniel M NAB02; Dintaman, Ray; John Nichols (E-mail)
Subject: RE: Time of Year Restrictions at Poplar and Oysters

Thanks Roland.

Mark
-----Original Message-----
From: Limpert, Roland [mailto:RLIMPERT@dnr.state.md.us]
Sent: Monday, September 20, 2004 10:33 AM
To: Mendelsohn, Mark NAB02; Meyer, Gwendolyn C NAB02; pd@eaest.com; jab@eaest.com; Johnson, Scott NAB02; Snyder, Michael R NAB02; nbrown2@mdot.state.md.us; mslat@menv.com; pd@eaest.com
Cc: Judy, Chris; Bierly, Daniel M NAB02; Dintaman, Ray; John Nichols (E-mail)
Subject: RE: Time of Year Restrictions at Poplar and Oysters

Mark,

What you have stated looks correct to me. I would add one item and that is that the proposed offloading facility for the expansion would have the hydraulic dredging TOY restriction regarding the use of Bay water to slurry the dredged material to pump it into the site. This is because the offloading site is within 500 yards of the NOB boundary and the pumping of Bay water has the potential to entrain oyster larvae similar to a hydraulic dredging operation.

Roland
-----Original Message-----
From: Mendelsohn, Mark NAB02 [mailto:Mark.Mendelsohn@nab02.usace.army.mil]
Sent: Monday, September 20, 2004 10:12 AM
To: Meyer, Gwendolyn C NAB02; 'pd@eaest.com'; 'jab@eaest.com'; Johnson, Scott NAB02; Snyder, Michael R NAB02; 'nbrown2@mdot.state.md.us'; 'mslat@menv.com'; 'pd@eaest.com'
Cc: Limpert, Roland; Judy, Chris; Bierly, Daniel M NAB02

Subject: RE: Time of Year Restrictions at Poplar and Oysters

Folks: I met with Chris Judy on Friday regarding the oyster bars and talked to Roland Limpert today. As you all are painfully aware, particularly Mike, we are hemmed in by oyster bars and design changes that seem slight could effect out ability to get our WQC.

My understanding is:

1. If we construct a toe-dike for the Expansion project then there will be no mechanical dredging restrictions during dike construction because the toe-dike serves as containment. Restrictions on dredging near a NOB are 1500 feet regardless of type of dredging. See Roland's e-mail below. There will still be hydraulic TOY restrictions for dike construction. This is consistent with the original WQC.

2. The access channel will be subject to both mechanical and hydraulic TOY restrictions.

3. The tidal gut, if open to flow during its construction, will likely be subject to TOY dredging restrictions.

4. Chris Judy will request DNR to sample the Poplar harbor bar as part of the fall survey. I will get him a recent map and coordinates. They will be going out there in mid-October.

If I've got this wrong please let me know. It would be good to pin this down now rather than latter.

Thanks,
Mark

.

----Original Message-----
From: Meyer, Gwendolyn C NAB02
Sent: Friday, September 17, 2004 9:43 AM
To: Mendelsohn, Mark NAB02; 'pd@eaest.com'; 'jab@eaest.com'
Subject: FW: Time of Year Restrictions at Poplar and Oysters

-----Original Message-----
From: Limpert, Roland [mailto:RLIMPERT@dnr.state.md.us]
Sent: Thursday, September 16, 2004 2:45 PM
To: Meyer, Gwendolyn C NAB02
Subject: Time of Year Restrictions at Poplar and Oysters

Gwen,

Regarding the time of year restriction periods for oysters and the proposed dredging of the access channel as part of the Poplar Island Expansion Study, the following time of year restriction periods would apply to the channel dredging depending on the type of dredging.

Hydraulic dredging within 500 yards of an NOB boundary: No dredging during the period 1 June through 30 September of any year.

Mechanical dredging within 500 yards of an NOB boundary: No dredging during the periods 16 December through 14 March **and** 1 June through 30 September of any year.

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During the meeting today I was thinking that the access channel dredging would be done hydraulically but if mechanical is being considered you should be aware of the additional restriction period.

Roland

Roland Limpert
Maryland Department of Natural Resources
Environmental Review
Tawes State Office Building, B-3
Annapolis, MD 21401
410.260.8333
410.260.8339 (fax)

EA Engineering, Science, and Technology

Date: 29 November 2004
Project: Poplar Island Expansion SEIS
Project Number: 61401.86

COMMUNICATIONS RECORD FORM

Distribution: Poplar Island Expansion SEIS Project File

Person Contacted: Dr. Willem Roosenburg

Affiliation: Ohio University, Diamondback Terrapin Monitoring Program

Address:

Type of Contact: Email

Person Making Contact: Sarah Koser

Communications Summary:

Sarah,

Attached is an excel file with the lat longs from all of the nests over the last 3 years. As you can tell, 2004 was a banner year almost tripling the number of nests from previous years. We are still in the process on entering all of the hatchling data from 2004, but our rough estimate is over 1200 hatchlings that were marked and released.

As part of EIS, I would like to suggest that it would seem sound to construct habitat that is explicitly designed as terrapin nesting habitat. When you plot out these GPS points you will notice that terrapin nesting only occurs in areas where there are accessible sandy beaches on the outside of the dike. The rock portions of dike prevent access to nesting areas. In the planning process for the expansion it would be appropriate to increase the amount of elevated sandy beach habitat on the outside of the island. The current nesting on Poplar is concentrated in the few areas of suitable habitat which will make for easy pickings for the predators (raccoons) when they arrive. I would strongly recommend that more nesting

Signature: _____

habitat be created to accommodate the potential increase in nesting activity and help decrease the vulnerability of nests by spreading them among several nesting areas.

Would you be so kind as to email me the GIS overlay when you get it done?

If there is anything that I can do to help in this regard, please feel free to ask.

Willem

Signature: _____

Poplar Island Expansion Resources Management Meeting Minutes
USACE – Baltimore District
December 12, 2004

Participants – Jim McGoo (EPA), Bill Muir (EPA), Dave Meyer (NOAA), John Nichols (NMFS), Stan Gorski (DE Fish NOAA), Scott Johnson, Greg Bass, Mike Snyder, Jeff McKee, Bill Abadie, Nate Barcomb, Mark Mendelsohn

Fish usage of site design

John Nichols – We still need a lot more information on benefits of what we are constructing vs. what we are losing

Bill Muir – ocean site he manages is specifically for finer material

- Poplar will be full in 2014
- If Mid-Bay gets into WRDA 2006, James Island could be started in 2008/2009
- Poplar - $10/cy ; ocean - $22/cy
- Poplar Expansion – 24 million cy/day with 550 acres and 5 ft raising
- Fill until 2021 or 7.5 million cy/day
- Pooles Island and HMI close in 09/10 – will need somewhere to put additional 1.2 million cy/day
- Three interim options to cover capacity between closing of Pooles Island/HMI and opening of James Island
    1) Raise Poplar dikes
    2) Ocean disposal – expensive and logistically difficult
    3) C&D Canal sites – no capacity

- Agencies want to use ocean disposal to fill placement site gap between Poplar closing and James opening

Dave Meyer – Poplar originally was planned to be all marsh and then shift to 50/50 and have increased acreage over years – all agreed on this
- no creating just restoring
- don't want to start making decisions of trading one habitat for another

John Nichols – this assumes creating a beneficial use of dredged material is better then what is lost and we don't know this for sure
- don't want to continue to build when we don't know if we are building correctly and don't have science
- wants to know success of created wetlands, what fish use it, and how it compares to reference and open water
- raising will be only State cost
  - because this is not least cost environmental project

John Nichols, Dave Meyer, Stan Gorski – they have different degrees of value to shallow water

John Nichols – this is area that has been operating as open water for a long time

- you have established mature environment and fishery use

Dave Meyer – this is area that has been sampled and used as a reference site for 4 years

- know that there are a lot of striped bass there
- does gillnet sampling; haven't changed much over baseline – fish size with reef depth
- small adults in deeper water
- Smaller fish/ young in shallows
- will 300 acres and 5 ft lift get us there till James opens?
- dikes are around 1/3 of cost; armoring is 40% of that dike cost

John Nichols – if Barren gets open breakwater need to discuss type of material that gets put there

Dave Meyer – Channel – concerned about length – if no opening @ both ends predators won't be able to get in

- include structure (rocks,etc.) near opening to:
    1) dissipate waves
    2) invite predators

John Nichols– when modeling, find out if tide will be entering both ends of channel at same time – if it is phased we will be more likely to get uni-directional flows and we want this to prevent deposition

Dave Meyer– pay attention to velocities through channel

- requested modeling of hydrodynamics now to compare with before and modeling Poplar Island expansion

Scott Johnson – will model explain hydrology as subcells and as one large cell

- expansion is 575 acres – 550 acres of placement and 25 acres of tidal gut

EA Engineering, Science, and Technology

Date: 6 January 2005
Project: Poplar Island Expansion SEIS
Project Number: 61401.86

COMMUNICATIONS RECORD FORM

Distribution: Poplar Island Expansion SEIS Project File

Person Contacted: Mitchell Tarnowski

Affiliation: Shellfish Biologist, MDNR

Address:

Type of Contact: Telephone

Person Making Contact: Sarah Koser

Communications Summary:

Mitchell was contacted concerning oyster bars in the vicinity of the PIERP. An NOB survey was recently conducted to determine if any NOBs in the vicinity of PIERP are considered productive. The draft report will be available in approximately 2 weeks, but Mitchell will email a map and the raw data. The results show that one small area of NOB 8-11 has a large quantity of large oysters and would be considered a productive oyster bar. The other areas surveyed were primarily sand, mud, or clay with no shells or some buried shells. This survey was conducted by running transects and using a fish scanner and pole technique. The definition of an NOB is an area of oyster habitat as defined by a 1970 MDNR survey depicting legal boundaries and includes a buffer area.

Signature: _____

EA Engineering, Science, and Technology

Date: 18 January 2005
Project: Poplar Island Expansion SEIS
Project Number: 61401.86

COMMUNICATIONS RECORD FORM

Distribution: Poplar Island Expansion SEIS Project File

Person Contacted: Jeff Halka

Affiliation: Maryland Geological Survey

Address:

Type of Contact: email

Person Making Contact: Peggy Derrick

Communications Summary:

"Halka, Jeff" <JHalka@dnr.state.md.us>

01/18/2005 11:35 AM
Subject: RE: Erosion rates for Poplar Island area and eastern shore mainland

Hi Peggy:

Numbers for erosion rates follow, along with a bit of explanation. Note, however that for the islands (Jefferson and Coaches) that there are relatively few locations where a number could be calculated, due to the manner in which the computer makes the calculations. Thus, the calculated island erosion rates are probably lower than reality. The smaller the island the more difficult it is to identify locations to perform the calculations, so the calculated rate for Jefferson is probably proportionally lower than for Coaches. At the extreme, when an island disappears (e. g. Sharps Island)it is impossible to calculate a rate because there is no shoreline on which the program can "pin" a point for the calculation.

Signature: _____

Also, long peninsulas of land (as the northern neck of Jefferson) do not have an erosion rate calculated along the axis of the peninsula. Consider the following example, and draw it out if it helps. Suppose that you have a neck of land that is 1000' long and 200' wide. If the erosion rate is 2 ft/yr on each side of the peninsula then over 50 years the entire peninsula will dissapear. [2 ft X 50 years = 100 feet of erosion on each side of the peninsula or a total of 200 feet of erosion combining both sides.] The point of the peninsula may have retreated by 1000 feet, or 20 ft/yr, but this is an artifact of the actual, lower, erosion rate along the sides. I point this out, because often landowners or others think that our calculated rates are too low.

Jefferson Island - 2.0 ft/yr
Coaches Island - 2.6 ft/yr
Mainland from Lowes Point south to Knapps Narrows - 1.7 ft/yr
Mainland from Lowes Point south to Knapps Narrows, but excluding the indented coves (Ferry Cove and Front Creek) - 2.4 ft/yr
West side Tilghman Island - 4.8 ft/yr.

All erosion rates were calculated from 1942 and 1994 shorelines.

The erosion rates for the mainland and the West side of Tilghman Island illustrate the protection afforded to the mainland by the historical presence of the Poplar/Jefferson/Coaches Island group. The erosion rate is 1/2 as much on the mainland as on Tilghman (when the cove areas are excluded from the calculations). This provides a good example of the protection that will be afforded by the reconstructed island to the mainland area in future years.

Let me know if you have any questions.

Jeff

Signature: _____

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northeast Region
Habitat Conservation Division
904 South Morris St.
Oxford, MD 21654
FAX (410)226-~~5147~~ 5705 Comm. (410)226-~~5134~~ 5604

ATTN:
Peggy Derrick

FAX TRANSMITTAL

TO: Mark Mendelson

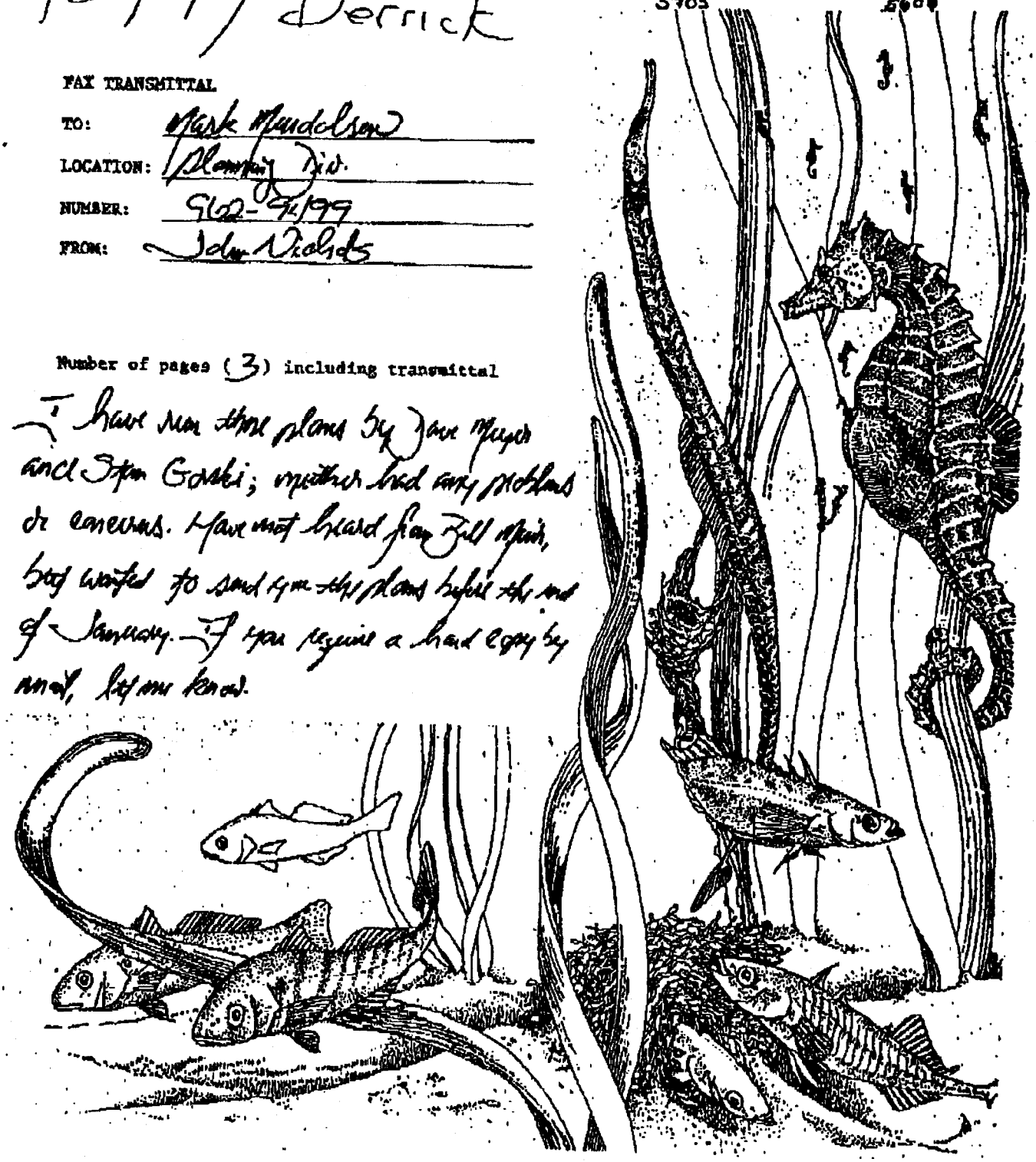
LOCATION: Planning Div.

NUMBER: 962-4799

FROM: John Nichols

Number of pages (3) including transmittal

I have run these plans by Dave Mayer and Stan Gorski; neither had any notes or concerns. Have not heard from Bill again, but wanted to send you the plans before the end of January. If you require a hard copy by mail, let me know.



NATIONAL MARINE FISHERIES SERVICE RECOMMENDED DESIGN
POPLAR ISLAND LATERAL EXPANSION
JANUARY 18, 2004

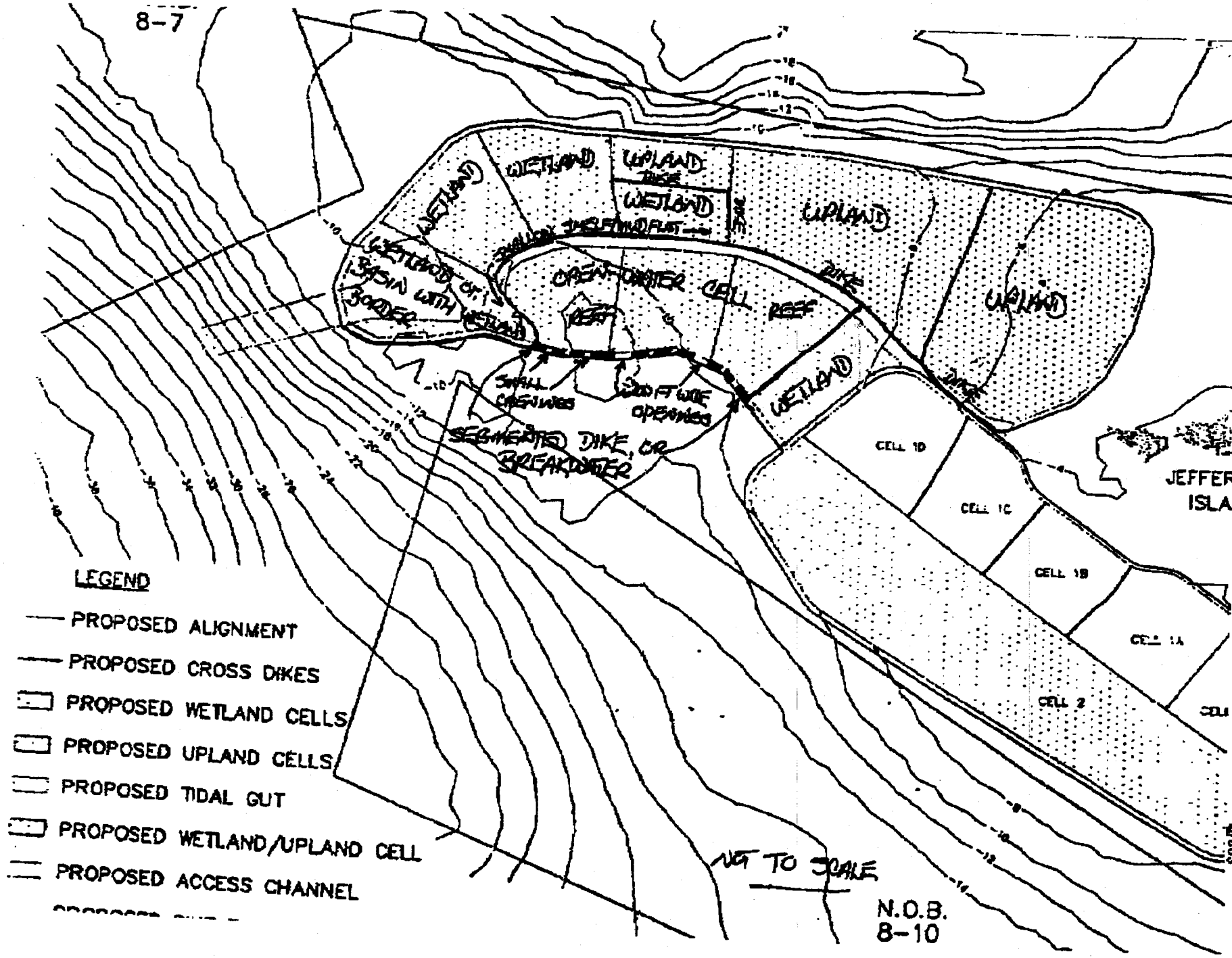
1. Approximately 120-130 acres of formerly proposed wetland cells should be re-designed as open-water habitat. The bottom habitat of the open-water "cell" should remain undisturbed, to conserve its natural bathymetry and benthic habitat. However, reef material (e.g., rock, shell, etc.) may be placed within small areas of the bottom of the open-water cell to improve cover and promote benthic diversity. We recommonet that reef materials be placed in three discreet or separate areas within the open-water cell.

2. At least two-thirds of the interior shoreline of the open-water cell (e.g., 4,000 linear feet of a total of 6,000 linear feet) should be bordered by salt marsh cells. Similar to the original Poplar Island Project, marsh cells should be enclosed by dikes during filling with dredge material and wetland establishment; however, both the exterior and interior dikes of these cells should be removed once stable marsh habitat has been achieved, so that the constructed marsh habitat can interact freely with the open-water cell.

3. The shoreline or channelward border of the marsh cells should be comprised of complex/diverse habitat, with scattered small guts and embayments which provide access to the marsh interior for small fish. Stone toe protection may be necessary along portions if the marsh border to minimize erosion, depending on the wave energy environment of the open-water cell. Additionally, a transitional zone between marsh and open water, comprised of a shallow shelf (e.g., 50-60 feet in width), with mudflat and shallow subtidal zone, would add to the diversity of the habitat.

4. We prefer that the proposed north cell (i.e., with the boat basin) be ultimately converted to salt marsh; however, if the boat basin is retained, its size should be minimized, and its borders should be completely surrounded by salt marsh, with a marsh peninsula extending southward to form a protected cove against the northwest fetch.

5. In addition to the marsh peninsula, the west border of the open-water cell should be protected with segmented stone dike, or segmented stone breakwater. Spaces between segments can be varied in width (e.g., 50 to 200 feet across); however, at least two spaces should be as wide as 200 feet across, to permit uninhibited access for larger estuarine species. The goal of the breakwater protection is to dramatically reduce the wave energy environment of the open-water cell, provide reasonable protection to the shoreline of the wetland cells (once exterior dikes are removed), and to provide a reduce-energy forage ground that will be accessible to a wide variety of fish and crustaceans, thereby facilitating energy-exchange between created marsh and the estuarine system.



EA Engineering, Science, and Technology

Date: **24 January 2005 / 3 February 2005**
Project: Poplar Island Expansion SEIS
Project Number: 61401.86

COMMUNICATIONS RECORD FORM

Distribution: Poplar Island Expansion SEIS Project File

Person Contacted: Jason Miller

Affiliation: USFWS

Address: Chesapeake Bay Field Office, Annapolis, Maryland

Type of Contact: Telephone

Person Making Contact: Sarah Koser / Karin Olsen

Communications Summary:
The species that are currently being controlled at the PIERP were discussed. The control program at the PIERP was initiated in 2003. According to Jason Miller at the USFWS, a Federal Migratory Bird Treaty Act Permit is obtained annually by the USACE (Mark Mendelsohn) from the USFWS Region 5 office, and allows the taking of adults and juveniles of the species named in the permit, as well as a specific number of nests of named species. The 2005 permit includes the following species: Herring Gulls, Great Black-Backed Gulls, and the Canada Goose. Mute Swans have not been included in the permit since 2003. A permit is not required for acts that "discourage nesting," such as breaking up nests before eggs are laid. Double-Crested Cormorant nesting may be discouraged in 2005, but will be determined at a later date and will be dependent on their location, spatial expansion, and influence on nesting by priority species.

In addition to controlling invasive or nuisance avian species, avian diseases are also managed at the PIERP, when necessary. In the fall of 2004, an outbreak of avian botulism was identified at the PIERP following the death of a minimum of 200 birds. This disease was controlled through the joint effort of USFWS, MDNR, MES, and TriState Bird Rescue and Research by collecting and disposing

Signature: _____

of bird carcasses on the island. Several birds (approximately 20) diagnosed with avian botulism were also successfully rehabilitated and released. Avian botulism is a disease naturally occurring in waterfowl and shorebird populations, and the outbreak at the PIERP was primarily centered in Cell 1A, specifically in the shallow-water habitats. Steatitis, a natural condition that results in significant, rapid increases in fatty tissue buildup in avian species, was identified in the Great Blue Heron colony on Coaches Island in the fall of 2004.

Signature: _____

Coordination with State Historic Preservation Office (SHPO)

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

REPLY TO
ATTENTION OF

June 7, 2005

Planning Division

Ms. Elizabeth J. Cole
Administrator, Archaeological Services
Office of Preservation Services
Division of Historical and Cultural Programs
Maryland Historical Trust
100 Community Place
Crownsville, Maryland 21032

Dear Ms. Cole:

The purpose of this letter is to continue consultation with your office as required by Section 106 of the National Historic Preservation Act regarding the proposed expansion of the Poplar Island dredge material placement project in Talbot County, Maryland. This project is authorized by the River and Harbor Act of 1873 and subsequent amendments. Enclosed with this letter are two draft reports describing recent cultural resource investigations conducted for the project. The draft reports are entitled *Phase I Cultural Resource Survey for the Poplar Island Expansion Supplemental Environment Impact Statement (SEIS) Project,* and *Additional Phase I Cultural Resource Survey of Two Survey Blocks and Archeological Diver Investigation of Two Targets Adjacent to Poplar Island, MD; Technical Addendum to: Phase I Cultural Resource Survey for the Poplar Island Expansion Supplemental Environment Impact Statement (SEIS) Project.*

Previous cultural resource investigations conducted for the initial Poplar Island Reclamation project in 1994 and 1995 included Phase I and Phase II-level submerged archaeological investigations. No historic properties were identified in these investigations. Additional Phase I and Phase II-level cultural resource investigations were conducted in 2004 and 2005 for the proposed Poplar Island Expansion. The results of these investigations are described in the enclosed draft reports.

The Phase I-level investigations included background archival investigations and a marine archeological remote sensing survey. The initial Phase I survey conducted in 2004 consisted of approximately 2,000 acres immediately adjacent to the island. The survey was subdivided into five blocks, encompassing from 4.83 to 195.82 linear miles of survey trackline coverage. In total, approximately 353.66 linear miles (569.16 km) of seabed were surveyed around Poplar Island. Two additional blocks located adjacent to Poplar Island were also later selected for Phase I investigations in early 2005. These blocks, called the North Block and the Jefferson Island Block, included an additional 51 linear miles of bay floor that was surveyed using the same survey methods described above. The Phase I surveys identified a total of 6 anomalies with the potential to represent significant submerged archaeological deposits. These anomalies were labeled Targets 8, 13, 25, 28, 29, and 30, and all were recommended for avoidance or further investigation.

Following completion of the 2004 Phase I investigation report, the Baltimore District redefined the project boundaries to avoid four of the six potential shipwreck locations. The buffer areas of two of the potential shipwreck locations (Targets #13 and #29) were considered to be too close to the revised project boundaries. Therefore, a Phase II-level diver investigation of Targets 13 and 29 was conducted during the supplemental Phase I investigation of the North and Jefferson Island Blocks in 2005. Target 13 is a badly fragmented wooden shipwreck, identified a possible schooner (bugeye or pungie). This type of vessel is well documented in numerous sources; in fact, a handful of restored schooners currently exist in personal and museum collections. This boat form is well documented and it does not appear unique in any fashion. In addition, Target 13 does not meet any criteria set forth in the National Register criteria for evaluation, primarily due to poor site integrity. Based upon these findings, Target 13 is not eligible for the National Register of Historic Places, and no further archeological work is warranted or recommended. Diver investigation of Target 29 revealed that it is submerged tree limbs protruding above the mudline. The tree limbs are not a cultural resource, and no further work is warranted on this target.

The remaining four targets (Targets #8, #25, #28, and #30) will be marked with buoys and avoided, with a buffer of 300 ft radius. If avoidance is not possible, further evaluation of these targets will be performed. We look forward to continuing consultation with your office regarding the Poplar Island Expansion project and its potential effects to historic properties. If you have any questions regarding this matter, please contact Mr. Scott C. Watson, at (410) 962-9500.

Sincerely,

for William D. Arsenault

Wesley E. Coleman, Jr.
Chief, Civil Projects Development Branch

Enclosures

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

REPLY TO
ATTENTION OF

July 26, 2005

Planning Division

Ms. Elizabeth J. Cole
Administrator, Archaeological Services
Office of Preservation Services
Division of Historical and Cultural Programs
Maryland Historical Trust
100 Community Place
Crownsville, Maryland 21032

Dear Ms. Cole:

The purpose of this letter is to continue consultation with your office as required by Section 106 of the National Historic Preservation Act regarding the proposed expansion of the Poplar Island Environmental Restoration Project in Talbot County, Maryland. This project is authorized by Section 537 of the Water Resources Development Act of 1996 as amended.

Previous cultural resource investigations conducted for the initial Poplar Island Environmental Restoration Project in 1994 and 1995 included Phase I and Phase II-level submerged and terrestrial archaeological investigations, as described in the reports titled *Phase IA Archeological Investigations at Poplar Island, Talbot County, Maryland* (John J. Mintz, Martha R. Williams, Patrick Jennings, and S. Justine Woodard, 1994) and *Phase I Terrestrial and Marine Archeological Surveys for the Poplar Island Reclamation Project and Phase II Investigations of Site 18TA237 and six Marine Anomalies, Talbot County, Maryland* (April L. Fehr, David S. Robinson, Martha R. Williams, John L. Seidel, Jack B. Irion, and Donald J. Maher, 1996). No historic properties were identified in these investigations.

More recently, additional Phase I and Phase II-level cultural resource investigations were conducted in 2004 and 2005 for the proposed Poplar Island expansion. The results of these investigations are described in the draft reports entitled *Phase I Cultural Resource Survey for the Poplar Island Expansion Supplemental Environment Impact Statement (SEIS) Project,* (K. Harley Meier, Jean B. Pelletier, and Donald C. Barber, 2004) and *Additional Phase I Cultural Resource Survey of Two Survey Blocks and Archeological Diver Investigation of Two Targets Adjacent to Poplar Island, MD; Technical Addendum to: Phase I Cultural Resource Survey for the Poplar Island Expansion Supplemental Environment Impact Statement (SEIS) Project* (Anthony Randolph, Samuel P. Turner, Jean B. Pelletier, and Kristen Meier, 2005). These two reports were provided to you for review on June 8, 2005. As described in the reports and accompanying transmittal letter, four submerged anomalies (Targets 8, 25, 28, and 30) were recommended for avoidance or further investigation.

Since its inception, the Poplar Island Environmental Restoration Project and subsequent Poplar Island Expansion Project have resulted in the underwater archaeological investigation of over 4,000 acres of the floor of the Chesapeake Bay. These underwater surveys cover approximately twice the area that has been or will be disturbed from construction of both projects. Although some small, isolated areas not subject to archaeological investigation were disturbed by the original project, over 90 percent of the entire project area has been investigated for the presence of cultural resources. In addition, Phase II-level archaeological investigations were completed on one terrestrial site and 8 submerged targets.

Since our most recent letter dated June 6, 2005, the Poplar Island Expansion Project has been redesigned so that submerged Targets 25 and 30 are no longer in the project's area of potential effect. The remaining two targets (Targets #8 and #28) will be marked with buoys and avoided, with a buffer of 300 foot radius. Since these targets will be avoided, the Baltimore District has determined that the proposed Poplar Island Expansion Project will have no effect on historic properties. If avoidance of the two targets is not possible, the Baltimore District will reinitiate Section 106 consultation with your office, and further evaluation of these targets will be considered. Thank you for your continuing assistance with the Poplar Island Expansion Project. If you have any questions regarding this matter, please contact Mr. Scott C. Watson at (410) 962-9500.

Sincerely,

Wesley E. Coleman, Jr.
Chief, Civil Project Development Branch

DHCD
Maryland Department of Housing
and Community Development

July 29, 2005

Mr. Wesley E. Coleman, Jr.
Chief, Civil Projects Development Branch
Baltimore District, U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, Maryland 21202-1715

Dear Mr. Coleman;

This office has received and reviewed the two draft reports for expansion of Poplar Island Survey:

1. *Phase I Cultural Resource Survey for the Poplar Island Expansion Supplemental Environmental Impact Statement (SEIS) Project.* April 2004

2. *Additional Phase I Cultural Resource Survey of Two Survey Blocks and Archeological Diver Investigation of Two Targets Adjacent to Poplar.* March 22, 2005

Our office has no objections to permit issuance. The report meets the reporting requirements of our office for this specific project providing descriptions and research for the archeological and archival efforts in this project area.

Thank you for your cooperation and assistance. If you have any questions or require further information, please contact me (410-514-7662) or Mr. Stephen Bilicki (410-514-7668).

Sincerely,

Susan B.M. Langley, Ph.D.
State Underwater Archeologist, Maryland Historical Trust
2005016930079
cc: Mr. Scott C. Watson (COE)
Mr. Rick Ayella (MDE)
Ms. Elizabeth J. Cole (MHT)
Mr. Stephen R. Bilicki (MHT)

DIVISION OF HISTORICAL AND
CULTURAL PROGRAMS

100 Community Place
Crownsville, MD 21032

PHONE 410-514-7600
TOLL FREE 1-800-756-0119
FAX 410-987-4071
TTY/RELAY 711 or 1-800-735-2258
WEB www.mdhousing.org

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CoE
JRB

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

REPLY TO
ATTENTION OF

July 26, 2005

Planning Division

Ms. Elizabeth J. Cole
Administrator, Archaeological Services
Office of Preservation Services
Division of Historical and Cultural Programs
Maryland Historical Trust
100 Community Place
Crownsville, Maryland 21032

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Since its inception, the Poplar Island Environmental Restoration Project and subsequent Poplar Island Expansion Project have resulted in the underwater archaeological investigation of over 4,000 acres of the floor of the Chesapeake Bay. These underwater surveys cover approximately twice the area that has been or will be disturbed from construction of both projects. Although some small, isolated areas not subject to archaeological investigation were disturbed by the original project, over 90 percent of the entire project area has been investigated for the presence of cultural resources. In addition, Phase II-level archaeological investigations were completed on one terrestrial site and 8 submerged targets.

Since our most recent letter dated June 6, 2005, the Poplar Island Expansion Project has been redesigned so that submerged Targets 25 and 30 are no longer in the project's area of potential effect. The remaining two targets (Targets #8 and #28) will be marked with buoys and avoided, with a buffer of 300 foot radius. Since these targets will be avoided, the Baltimore District has determined that the proposed Poplar Island Expansion Project will have no effect on historic properties. If avoidance of the two targets is not possible, the Baltimore District will reinitiate Section 106 consultation with your office, and further evaluation of these targets will be considered. Thank you for your continuing assistance with the Poplar Island Expansion Project. If you have any questions regarding this matter, please contact Mr. Scott C. Watson at (410) 962-9500.

Sincerely,

Wesley E. Coleman, Jr.
Chief, Civil Project Development Branch

The Maryland Historical Trust has determined that there are no historic properties affected by this undertaking.

Date 8/30/2005

Consultation Regarding Accepting Dredged Material from Other Channels (Sediment Roundtable)

FINAL SUMMARY

Poplar Island Expansion Study (PIES) Sediment Quality Roundtable Discussion
Maryland Port Administration, Point Breeze, 2nd Floor Conference Room
Thursday, March 17, 2005

Attendees:
Matthew Rowe – MDE
George Harman – MDE
Charles Poukish – MDE
Roland Limpert – MDNR
John Nichols – NMFS
Jeff Halka – MGS
Jim Hill – MGS
Mark Mendelsohn – USACE Baltimore District
Anthony DePasquale – USACE Philadelphia District
Mill Muir – USEPA
Dave Russell – USEPA
Chris Guy – USFWS
Nathaniel Brown – MPA
Mike Rooney – MES
Peggy Derrick – EA Engineering
Karin Olsen – EA Engineering
Sarah Koser – EA Engineering

Overview (Meeting Purpose and Goals)

Following introductions, Ms. Derrick initiated the meeting and indicated that the meeting would serve as the formal forum for agencies to provide their input regarding issues, concerns, and recommendations that would become part of the formal NEPA documentation for the Poplar Island General Reevaluation Report (GRR) and Supplemental Environmental Impact Statement (SEIS).

Ms. Derrick indicated that each agency had received an email copy of a white paper in advance of the meeting. The white paper: 1) summarized sediment quality of the southern C&D Canal Approach Channels; 2) compared the sediment quality of the southern C&D Canal Approach Channels to the sediments currently authorized and being placed at Poplar Island; 3) discussed potential constraints and limitations for accepting dredged material from other small dredging projects at Poplar Island; and 4) summarized existing sediment quality guidance that could be used to facilitate development of sediment quality recommendations for placement at Poplar Island.

Ms. Derrick indicated that the purpose and goals of the sediment quality meeting were: 1) to reach consensus regarding acceptance of material from the C&C Approach Channels at Poplar Island; and 2) to develop a reasonable methodology and process of agency coordination for determining sediment quality for placement at PIERP.

Ms. Derrick presented a PowerPoint Presentation (see attached file) that summarized the sediment quality testing program for the dredged material currently placed at the PIERP, and compared the results to results for the C&D Canal Southern Approach Channels, with the intent to reach consensus regarding inclusion of southern Approach Channels to the C&D Canal (south of Sassafras River) in the Poplar Island reauthorization. In addition, the acceptance of dredged material from other Federal, State, and local channels was presented for discussion.

Acceptance of Material from the Southern C&D Canal Approach Channels

Currently, eight Federal navigation channels within the Upper Chesapeake Bay are authorized for placement at Poplar Island: Cutoff Angle, Craighill Upper Range, Craighill Channel, Craighill Entrance, Craighill Angle, Tolchester Channel, Swan Point Channel, and Brewerton Channel Eastern Extension. These channels are tested every three years using an *Inland Testing Manual* (ITM) Tier II evaluation.

Material from the southern C&D Canal Approach Channels is placed in open water near Pooles Island (Site 92). The Pooles Island open water areas are scheduled for closure by 2010 (by State law). (MDE indicated that Pooles Island could close sooner if the total allowable capacity is reached prior to 2010). Approximately 4 mcy of dredged material has been placed at Site 92 since 1998. On average (for planning purposes), approximately 1.2 mcy of material is dredged annually from the southern C&D Canal Approach Channels. In addition, approximately 355,000 cy of material is dredged annually from the northern C&D Approach Channels and Canal Proper (300,000 cy and 55,000 cy from these locations respectively).

Ms. Derrick indicated that the need for the material from the southern C&D Canal Approach Channels to be placed at Poplar Island is driven by the 2010 closure of Pooles Island. Currently, on average, approximately 2 mcy of dredged material is placed at Poplar Island each year. Ms. Derrick indicated that with the addition of the material from the southern C&D Canal Approach Channels, the annual placement volume at Poplar Island will increase to approximately 3.2 mcy.

Ms. Derrick also indicated that Baltimore District expressed the desire to include sediment from the northern C&D Approach Channels (north of Sassafras River) and C&D proper in the re-authorization for emergency purposes only. Currently, these materials are placed at existing upland sites (with sufficient capacity) under the jurisdiction of USACE-Philadelphia. MDE noted that they would like to know the definition of “emergency.”

The comparison of physical and chemical sediment quality data for the southern C&D Approach Channels and the upper Chesapeake Channels currently being placed at Poplar Island indicated that the dredged material is similar in physical and chemical quality. The material from the northern Approach Channels has approximately 6% more silt/clays than the Upper Chesapeake Bay Federal channels. Concentrations of metals and organics (ie.,PCBs, PAHs, and pesticides) are nearly equivalent. Minimal/few data exist regarding quality of sediment from the Northern C&D Canal Approach Channels and the C&D Proper. Ms. Derrick indicated that the northern Approach Channels and C&D Proper are not tested as part of USACE-Baltimore’s regular testing program. Tony DePasquale (USACE-Philadelphia)

indicated that minimal sediment quality data exists for these areas, however, maintenance materials from these areas contain greater proportions of sands.

Following presentation of this information, Ms. Derrick requested agency opinion/input regarding acceptance of the material from the southern C&D Canal Approach Channels as well as input regarding acceptance of material from the northern C&D Approach Channels and C&D Proper.

Input by agency is summarized below:

- ***US Fish and Wildlife Service (USFWS)*** *(Chris Guy)*: The USFWS believes that a process needs to be established for accepting dredged material at Poplar Island and that screening benchmark(s) should be chosen/developed. Following establishment of acceptable exposure levels for various organisms, sediment quality criteria should be specifically established for the Bay and Bay organisms, and then the dredged material should be screened and determined as either acceptable or not acceptable for placement at Poplar Island / beneficial use. USFWS indicated that a risk assessment is needed with benchmarks for endpoint/receptor species. The location for placement of material should be determined based on the risk assessment. A risk-based model is needed to show risk to certain species, and the risk assessment would determine if the material was acceptable for terrestrial wildlife use (upland habitat). USFWS indicated that a few food web models might be applicable. The USFWS believes that majority of material would be acceptable based on bioavailability (i.e., high concentrations of metals are often not bioavailable in sediments high in clays). USFWS believes that a process of this type could be in place in the next 2-3 years and it wouldn't cost $1M. The *Upland Testing Manual* and input from ERDC should be consulted to develop the methodology. The USFWS believes that the risk-based approach will allow the USACE and other agencies to more easily answer questions/concerns raised by public/others regarding sediment quality, impacts to wildlife, and appropriate beneficial uses for dredged material. The USFWS concurs with the placement of material from the Southern C&D Canal Approach Channels with a caveat – that if Jason Miller is in agreement, the USFWS is in agreement. On the contaminant end, the USFWS would like to see a process for the acceptance of material for placement at Poplar Island and they want to see a process developed prior to upland habitat development.

- ***US Environmental Protection Agency (USEPA)*** *(Bill Muir and Dave Russell)***:** The USEPA believes that sufficient channel sediment and aquatic organism testing has been completed to assess risk to wetland organisms/receptors (based on the studies that were conducted for Site 104), including a rigorous assessment of toxicity and bioaccumulation for a long list of parameters. Because the dredged material from the Federal channels being placed at Poplar (including the southern C&D Approach Channels) was approved (deemed acceptable) for overboard disposal through a risk assessment, USEPA believes that it should not be a problem to accept dredged material from the Southern C&D Approach Channels at Poplar Island. But, USEPA does believe that using targeted upland endpoint species (i.e., osprey, etc.) in a risk assessment is a good idea.

- ***Maryland Department of the Environment (MDE)*** *(George Harmon, Matt Rowe, Charlie Poukish)***:** MDE believes that Hart Miller Island could be used as a model to determine the risk to upland receptors, which could then potentially be used in a (risk) process at Poplar Island. MDE expressed concerns regarding implementation of a process that could jeopardize acceptance of sediment from the channels that are currently authorized for placement at Poplar Island. MDE believes that most sediments will not be suitable for every species everywhere (because there are so many tropic levels) and that using a variety of benchmarks or endpoint species in risk assessment might cause some or all of the material to fail; thus, none of the dredged material would pass for placement at Poplar Island. MDE believes that once a process is established, that process needs to be continued and it could be enforced upon us – we need to be cautious about implementing a process that the sediments could fail. MDE believes that the process proposed by USFWS (Chris Guy) is not applicable in the time frame we are working with, but that it is a good idea in the long-term, and although MDE agrees with the general concept, the cost of looking at aquatic and upland receptors would be immense. Although a risk assessment was completed for aquatic organisms (for Site 104), the terrestrial organisms may take longer to evaluate**.** In addition, every possible receptor cannot be modeled (too much time and expense). MDE believes that endpoint receptors should be targeted, but that the risk does not yet need to be determined because the project (upland habitat) is not yet capped. In the next 10-15 years, the final capping material would be coming from an unknown source, and there would be no exposure to wildlife in upland habitat until that point; (exposure in) the wetlands and aquatic environment has already been addressed and is ongoing. MDE could support a reauthorization that would include the Southern C&D Canal Approach Channels, but would like to look at the data. Also, the final cap for uplands would require a process for assessing risk and accepting dredged material. MDE did express concern regarding the acceptance of material from the Northern C&D Canal Approach Channels and the Canal Proper. They requested a definition of "emergency", and they would like to see more sediment quality data for these regions. They would like to know if there is a gradient effect for contaminants as you move from west to east (upper Chesapeake north then east through Canal) –do contaminant concentrations increase? They indicated that a PCB problem exists in the Delaware River, and they did not want to bring this problem or perceived problem into the State of Maryland. Accepting material from the Canal could add the potential for PCB contamination issues.

- ***National Marine Fisheries Service (NMFS)*** *(John Nichols)*: NMFS views Poplar Island as an experimental process to monitor the fate of contaminants after plantings to develop a future process. NMFS agrees with the reauthorization to include the Southern C&D Canal Approach Channels with a caveat – it is unknown what the material will do to the ecosystem and that a process should be developed for appropriate receptors. With regard to the Northern C&D Canal Approach Channels and Canal Proper, these sediments should be tested further.

- ***Maryland Geological Survey (MGS)*** *(Jeff Halka and Jim Hill)*: MGS concurs that placement of material from the Southern C&D Canal Approach Channels should be included in reauthorization of Poplar Island, but would like to see additional sediment quality data from the Northern C&D Canal Approach Channels and Canal Proper. MGS

also believes that dredged material from the Southern C&D Canal Approach Channels should be placed into upland cells only because of the potential release of metals from the sediment with exposure/flooding to saltwater in the wetland cells. MGS also indicated that there would potentially be less localized phosphorus release into Bay waters if the material was confined to the upland cells.

- ***USACE-Philadelphia*** *(Anthony DePasquale)*: USACE-Philadelphia noted that the development of the process proposed by USFWS (Chris Guy) doesn't seem to be a block to supporting moving materials from the C&D approach channels to Poplar Island and that their concerns are that the process be developed to defend potential inquiries into what the USACE is doing. They are unsure if the USACE currently has the data to support a particular argument. They feel that developing the process to support the argument would be a good idea.

- ***Maryland Department of Natural Resources (MDNR)*** *(Roland Limpert)*: MDNR concurred with MDE.

- ***Maryland Environmental Service (MES)*** *(Mike Rooney)*: MES had no comments to add to the discussion.

Acceptance of Dredged Material from other Federal, State, and Local Navigation Projects

Following the discussion of the acceptance of material from the C&D approaches at Poplar Island, Ms. Derrick resumed discussing acceptance of material from other Federal, State, and local navigation projects at Poplar Island.

Ms. Derrick indicated that the USACE-Baltimore expressed the desire that the material be consistent with the quality of material currently being placed at Poplar Island. In addition, material from Baltimore Harbor within the Patapsco River would not be considered for placement at Poplar Island. Prior to this meeting, the USACE (Scott Johnson and Jeff McKee) indicated that: 1) USACE would be willing to accept material from small projects on a case-by-case basis; 2) physical and chemical testing would be required prior to placement; 3) small projects would be defined as less or equal to 10,000 cy; and 4) material from small projects would be limited to placement in upland cells only.

Mark Mendelsohn stated that people regularly ask the USACE about using Poplar Island for local channels. Mark noted that USACE-Baltimore would like to be a good neighbor.

Ms. Derrick then indicated that the USACE was seeking input from the agencies to develop a reasonable methodology and process for accepting material from small dredging projects.

Input by agency is summarized below:

- ***USFWS*** *(Chris Guy)*: The USFWS suggested writing in the reauthorization that accepting material from other projects is discouraged, that sandy material would not be accepted (to encourage use for other beach nourishment projects, etc.), and that an applicant would have to prove why they need to use Poplar Island, then open acceptance to stakeholders on a case-by-case basis. USFWS indicated that the placement standards shouldn't be any different for small projects – the applicant would be required to sample the site and subject the samples to the same testing regime as the Federal channels – testing cannot be compromised. In the end, USFWS believes it would be too expensive for local applicants.

- ***USEPA*** *(Bill Muir)*: The USACE/MPA should come up with a maximum volume of total cap for the site and agrees with other agencies that there are too many caveats to be a good neighbor for local dredging projects. USEPA indicated that they did not see a problem will accepting material at Poplar Island from the USACE smaller dredging projects (Bob Blama projects) if the sediments were subjected to the same testing requirements as the large Federal navigation channels.

- ***MDE*** *(George Harmon, Matt Rowe, and Charlie Poukish)*: MDE has a lot of questions about how much involvement by state agencies would be required and that this might be a burden. MDE believes that case-by-case standards and projects would need to be approved and that is a liability issue for the USACE. The USACE would be setting the standards and writing the standards into the authorization, but the State holds the permit for the facility – this could be problematic. MDE initially suggested limiting the use of Poplar to the local surrounding counties that have a stake in the project (i.e., Anne Arundel and Talbot Counties), but then retracted that statement because it would be unfair to provide a Federal tax advantage to some counties, but not to others. MDE also indicated that the testing requirements would likely be cost prohibitive for local projects.

- ***NMFS*** *(John Nichols)*: NMFS would be unwilling to recommend Poplar Island as a placement option for other projects if there are other placement options available (all other options should be exhausted first). In addition, due to lack of sands, NMFS prefers re-use of sands from small dredging projects over creating sand borrow areas. NMFS questioned as to whether availability of Poplar would detract applicants from other small beneficial use projects. NMFS questioned if it really is being a good neighbor to implement a process that has so many hurdles (i.e., difficult accessibility and high cost for local projects).

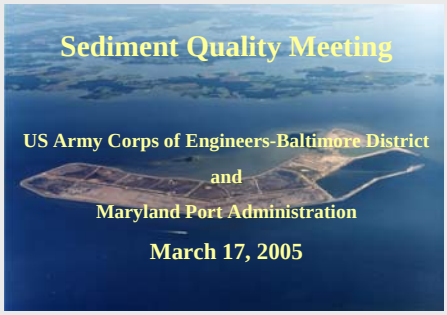
- ***MGS*** *(Jeff Halka and Jim Hill)*: MGS is concerned about the commitment of State resources to evaluate and review additional individual projects for placement at Poplar Island. Commitment of that level of resources is a decision that would require additional consultation with higher levels within MGS and the State of Maryland. MGS noted that Baltimore County residents are permitted to use HMI for local dredging projects and that there are no testing requirements and tipping fees. HMI, however, is a confined facility, it's a different situation than Poplar Island. MGS also supported use of sands from dredging projects for beach renourishment, rather than placement at Poplar Island.

- ***USACE-Philadelphia*** *(Anthony DePasquale)*: The USACE agrees that you can't compromise the testing requirements/sediment quality for private dredging and does not know how you would pick and choose applicants for acceptance.

- ***MDNR*** *(Roland Limpert):* MDNR questioned whether small dredging projects would be stimulated if Poplar Island became available as on option for placement. MDNR also indicated that an upper limit (quantity/volume) would need to set for placement from small projects, so as not to impact the overall capacity at Poplar Island for the Federal channels.

- ***MPA*** *(Nathaniel Brown)*: Nat Brown indicated that this is a policy decision that must come from MPA management.

Poplar Island Environmental Restoration Project (PIERP)



Meeting Agenda

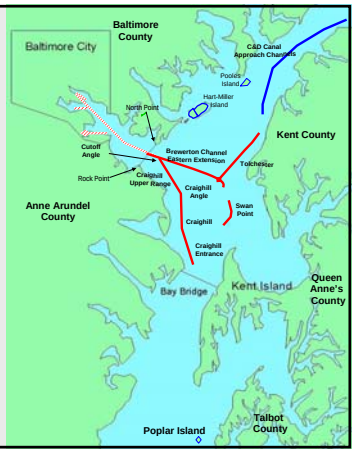
- Introductions
- Meeting Purpose and Goals
- Sediment Quality Data for the C&D Canal Approach Channels
- Discussion of Sediment Quality Objectives for Accepting Dredged Material from other dredging projects at PIERP

Purpose and Goals

- Reach a consensus about the C&D Canal Approach Channels
- To develop a reasonable methodology and process of agency coordination for determining sediment quality for placement at the PIERP

Chesapeake Bay Channel dredged material currently being placed at Poplar Island :

- Cutoff Angle
- Craighill Upper Range
- Craighill Channel
- Craighill Entrance
- Craighill Angle
- Tolchester Channel
- Swan Point Channel
- Brewerton Channel Eastern Extension



Current Testing Program for PIERP

Inland Testing Manual (ITM) Tier II Testing

PHYSICAL PARAMETERS

Grain size, Atterberg limits, Specific gravity, Total solids

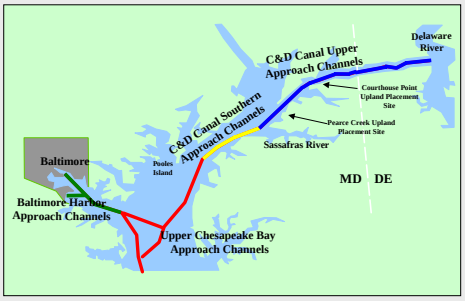
CHEMICAL ANALYTES

Metals, PAHs, butyltins, pesticides, SVOCs, PCBs, TOC, cyanide, BOD, COD, sulfide, AVS/SEM, phosphorus, ammonia, TKN, NO_3 , NO_2

C&D Canal Approach Channels

- Material from the C&D Canal Approach Channels is currently being placed at Pooles Island (Site 92), scheduled to close in 2010 (by MD State law).
- Approximately 4 mcy of material has been placed at Site 92 since 1998
- For planning purposes, approximately 1.2 mcy of material annually will need to be dredged from the C&D Canal Approach Channels
- Potential to accept material from the upper Approach Channels and Canal Proper

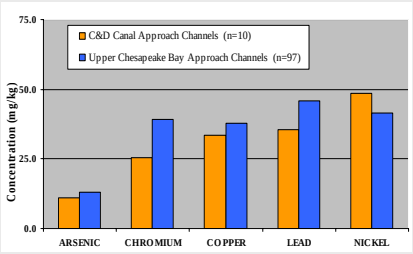
Map of the C&D Canal Approach Channels



Sediment Comparison

ANALYTE	UNITS	C&D APPROACH n	C&D APPROACH detects	C&D APPROACH mean	UPPER CHESAPEAKE BAY n	UPPER CHESAPEAKE BAY detects	UPPER CHESAPEAKE BAY mean
SILT+CLAY	%	12	12	96.4	95	95	89.7
SAND	%	12	12	3.58	95	95	9.98
TOTAL ORGANIC CARBON	%	12	12	7.40	95	95	7.10
ARSENIC	MG/KG	10	10	11.0	85	85	13.3
CHROMIUM	MG/KG	10	10	25.6	85	85	39.7
COPPER	MG/KG	10	10	33.6	85	85	38.0
LEAD	MG/KG	10	10	35.6	85	85	46.1
MERCURY	MG/KG	10	10	0.192	85	78	0.193
NICKEL	MG/KG	10	10	48.4	85	85	41.7
ZINC	MG/KG	10	10	195	85	85	225
TOTAL PAHs (ND=1/2DL)	UG/KG	10	--	480	85	--	473
TOTAL PCBs (ND=1/2DL)	UG/KG	10	--	8.98	71	--	8.31

Metals Comparison



Acceptance of Dredged Material from Additional Locations

- Evaluate the potential to accept dredged material from federal, state, and local navigation projects.
- Dredged material would be consistent with quality of material currently being placed at Poplar Island.
- Material from Baltimore Harbor within the Patapsco River will not be considered for placement at Poplar Island.

Small Navigation Projects

- The decision to accept material from small navigation projects will be made on a case-by-case basis.
- Physical and chemical testing will be required for all dredged material prior to placement.
- Small projects are defined as those of 10,000 cy or less.
- Material from small navigation projects will be exclusively placed into cells designated for upland development.

Further Discussion

- Which agency or group of agencies will review data packages and provide concurrence for placement?
- Develop target analyte list required for testing prior to placement.
  -- grain size, total organic carbon, ammonia, sulfide, cyanide, metals, PCB congeners, PAHs, chlorinated pesticides, and TPH

Further Discussion

- Process for evaluating results of chemical analyses - sediment quality guidelines? acceptable range of concentrations? reference values?
- Final acceptance criteria – if one analyte fails, is that enough to eliminate Poplar as a placement option?
- Specific geographic areas that should be excluded from PIERP?

Agency Comments on the Dredged Material Management Plan (DMMP) that Include the PIERP

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

March 24, 2005

ER 05/0132

Colonel Robert J. Davis, Jr., P.E.
District Engineer
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203

Attn: Mark Mendelsohn

Dear Colonel Davis:

The Department of the Interior (Department) has reviewed the Draft Baltimore Harbor and Channels Dredged Material Management Plan and Tiered Environmental Impact Statement (Plan), Baltimore, Maryland. Please consider the following comments in completing the final version of the document.

GENERAL COMMENTS

The Department believes that a basic tenet of dredged material management should be the beneficial use of material for restoration of fish and wildlife habitat, and that any long-term plan be based on a broad geographic/ecosystem approach to management. The Plan's inclusion of the habitat restoration alternatives at Poplar Island, James/Barren Islands, and Dorchester County is reflective of such an ecosystem approach.

One of the Plan's recommendations is the construction of multiple confined disposal facilities (CDF's) in the Patapsco River. Basic details on the site locations and area of impact are not provided, although the Plan does note that the CDFs are not anticipated to have an environmental restoration component. Since the construction of CDF's in the Patapsco River will result in significant losses of estuarine habitat, this should be an option of last resort. If no feasible alternatives exist, a mitigation plan will need to be developed to compensate for the loss of estuarine habitat. This will be a difficult undertaking. One important action that should be taken is to design these sites so that they would have an environmental restoration component.

We believe that the south cell of the Hart-Miller Containment Facility should be considered as an option to reduce the need for CDF construction in the Patapsco River. Previous estimates by the Corps indicated that the south cell dikes could be raised to provide capacity for many millions of cubic yards of material. Despite the habitat restoration efforts that have been made at the site, it

remains dominated by phragmites. Thus, it appears the renovation of the site would be much less environmentally damaging than construction of new sites in the Patapsco River. Further, use of this site could result in an opportunity for improved vegetation management.

The Plan recommends optimized use of the Pooles Island open water site and notes that 6 million cubic yards (mcy) could be placed there prior to site closure. State law mandates that the use of this site be terminated no later than December 31, 2010. Our understanding is that Pooles Island was only intended to be used on an interim basis to help meet a near-term shortfall in available disposal capacity. Since the Popular Island placement site is operational with a capacity of 40 mcy, it appears that the near-term shortfall has been eliminated. Therefore, consideration should be given to discontinuing the use of the Pooles Island site.

The Plan recommends continued use of the Rappahannock Shoal Alternate and Wolf Trap Alternate open water sites in the lower Chesapeake Bay for disposal of material dredged from the Rappahannock and York Spit channels. We understand that these sites are only used infrequently, and that monitoring has not revealed substantial adverse impacts. Nevertheless, we recommend that the Plan include a statement that when future planning is conducted for the dredging of these channels, consideration would be given to options that would use the material for habitat improvement projects at islands or along bay shorelines.

The Plan recommends the continued use of the Dam Neck open water site in the Atlantic Ocean for disposal of material from the Cape Henry channel. The Cape Henry channel contains relatively coarse grain sediments that could possibly be used for beach replenishment. We recommend that the Plan include a note that when future dredging operations are planned, the grain size of the material would be examined to determine the potential for beach replenishment.

We are pleased that the recommended plan includes the Dorchester County wetland restoration alternative which would appear to have important environmental benefits. We fully endorse the further study of this alternative. We believe that such a project would be a key element of a watershed restoration program and reflect an ecosystem approach to management in the Chesapeake Bay. The alternative would include restoration of habitat values on Blackwater National Wildlife Refuge. A large scale wetland restoration in and around the Refuge would be complementary and crucial to supporting watershed restoration activities already in place.

SPECIFIC COMMENTS

Page 2-11, Lines 8-10, Section 2.2.1.1 Geomorphology:

The sentence, "Sea level is rising at a rate of 0.16 inches/year (1.3 ft/century) near the mouth of the Bay; this rate decreases northward, possibly due to lesser isostatic rebound" is incorrect in the use of the term "rebound". Rebound implies uplift, however the USGS reference cited actually used the term "isostatic adjustment" to represent sinking, or downwarping, of the Chesapeake Bay area. The apparent differential rate of sea level rise between the southern and northern parts of the bay may be a result of sediment compaction resulting from ground water extraction in the

Hampton Roads, Norfolk, Portsmouth area. It is suggested that the sentence be revised to read:

Sea level is rising at a rate of 0.16 inches/year (1.3 ft/century) near the mouth of the Bay; this rate decreases northward.

Page 4-14, Lines 15-18, section 4.3.2.4 Confined Disposal Facilities in Patapsco River:

The sentence states: "Although potential contamination of ground water is always a concern for dredged material placement, no negative impacts are expected because Baltimore utilizes a surface water system for its consumptive water needs." Potential effects on ground-water quality and the receiving ecosystem should also be examined and addressed in the design of the long-term monitoring plan.

If you have any questions about these comments, please contact Mr. John Wolflin, Field Supervisor, U.S. Fish and Wildlife Service, 177 Admiral Cochrane Drive, Annapolis, Maryland, 21401 (Phone: 410-573-4573). Thank you for the opportunity to present these comments.

Sincerely,

Michael T. Chezik
Regional Environmental Officer

March 25, 2005

U.S. Army Corps of Engineers
Attn: Mr. Mark Mendelsohn
Planning Division
P.O. Box 1715
Baltimore, MD 21203

Dear Mr. Mendelsohn:

Thank you for providing the Department of Natural Resources with the opportunity to provide comments on the *Draft Baltimore Harbor and Channels Dredged Material Management Plan and Tiered Environmental Impact Statement*. The Department has been an active member of the Bay Enhancement Work Group (BEWG) and as a member has provided numerous comments during the discussion phases in development of this document. The Environmental Review Unit has circulated the draft document and the following comments resulted from our intra-Department review:

As a general comment on the final results of the Corps' Dredged Material Management Plan (DMMP) process as presented in the draft document, the Department had hoped that the Tiered EIS (TEIS) format would allow placement options that had inherent difficulties because of cost and/or capacity limits to have more of an "even playing field" with higher capacity options such as large island restoration. Smaller scale projects such as small island restoration cannot compete directly with large island restoration in terms of cost, capacity or environmental benefits/acre of habitat restored. It was our hope at the start of the discussions for the Federal DMMP that the TEIS would allow for a "cafeteria" style array of placement options for future dredging projects. The smaller scale projects and innovative use projects being options under the final Federal DMMP that could be considered as placement options for some dredged material despite the cost and capacity limitations. Although all of the options received their due consideration under the BEWG process, cost, capacity and environmental benefits/acre restored are difficult selection criteria for the smaller placement options to overcome on a direct comparison with a 2,000 acre large island restoration or 575 acre expansion of the existing Poplar Island facility.

Specific Comments on the draft document:

Chapter 1: Introduction

Page 1-2, Lines 14-15

The "need" should be more specific than just "insufficient dredged material placement capacity for the next 20 years." The reader should know at the beginning of the report how insufficient existing capacity is long before it is finally revealed at the end of Section 2: Affected Environments (note immediately after Section 2-14 Noise. This juxtaposing seems out of context). The reader should also be informed early on the breakdown of the dredging

volumes between maintenance and new work dredging that were used to determine that insufficient placement capacity existed for the next 20 years.

The 20-year period should be stated with a starting and ending point (2005-2024 (not 2025)). The discussion on the specific needs is finally presented in Section 2-15 and Table 2-35.

Page 1-8, Line 4

Sediments in C&D Lower Approach Channel are clayey silts (not silty clays) as correctly reported on Page 1-13, Line 15.

Page 1-17, Line 14

Is the Norfolk District part of BEWG?

Chapter 2: Affected Environments

General Chapter Comments

The alternatives sites account for consolidation when calculating site capacity (cut volume), as explained in Section 3.3.3 (a conversion factor of 0.7 or 0.9 was applied to site volume to account for the dewatering process…). It is not clear if the capacities listed in Table 2-36 are the "consolidated in-place volumes" or "site volumes". If capacities are site volumes, then site capacity (cut volume) is 70 mcy, and the shortfall over 20 years is 30.7 mcy [106.4 – 5.7 – (49/0.70], rather than 57 mcy [106-49]. This needs clarification in Section 2.15 Dredging Needs, Pages 2-127, and Line 23 through 2-128, Line 4.

Various sections refer to Site 104 as being the affected environment (for example, Pages 2-66, Line 25, and 2-73, Lines 20, 24 & 25). Is this recycled material from the Site 104 EIS or should it be Deep Trough, the stated Federal standard in Section 3.5.3 and several Tables in Section 3?

Page 2-16, Line 3

Section 2.2.1.4 Hydrostratigraphy describes the aquifers in the Lower Bay (Virginia). The information is based on the work of Meng and Harsh (1988), Hydrogeologic Framework of the Virginia Coastal Plain. Although some of the aquifers listed are relevant to the Maryland coastal plain, the important aquifers affecting the Middle and Upper Bay are not addressed, for example the Aquia, Magothy, Monmouth and Potomac aquifers. These aquifers are older than the Miocene but would be most affected by five of the six alternatives.

Page 2-102, Lines 24-25

The "Fish, Wildlife and Heritage Administration" has not existed within the Department of Natural Resources for some time. The coordination described in this section was with the Department's Wildlife and Heritage Service.

Page 2-107, Lines 19-22

The statement that the diamondback terrapin is currently under review by the Department for possible inclusion on the "RTE Animals of Maryland List" is incorrect and the portion of the sentence after the comma in Line 21 should be removed and the comma replaced with a period.

Page 2-127, Lines 23-24

Redo the math for the total shortfall based on a 20-year need, and specify remaining capacity at existing sites as either consolidated in-place volume or site volume.

Chapter 3: Alternatives

General Chapter Comments

Understanding capacities in this section is confusing. It would be helpful to define the various capacity and volume terms (capacity, site capacity, net capacity, permitted capacity, cut volume, site volume, in-place volume, consolidated in-place volume). A glossary would be helpful.

The sentence, "The site capacity (cut volume) is equal to the in-place volume divided by a consolidation factor of 0.7, or XX mcy" is stated numerous times. In this context the "or XX mcy" value can be confused for an alternative conversion factor. This sentence needs to be reworded to avoid confusion with the consolidation factor; or, the value can be given in a following sentence.

There should be an additional summary table showing how the volumes and conversion factors add up to the total site capacity referenced in each section (total capacity is given in Table 3-6 but does not alleviate the confusion of the total was calculated).

Page 3-2, Line 11

Table 1-6 referenced here and for the other alternatives is missing or should it be Table 2-35. As noted before, the projects are for 21 years, not 20 years.

Page 3-5

Section 3.2 Dredged Material Placement Alternatives Considered references various State constraints on the placement of dredged material but fails to mention the need to comply with the State Critical Area law.

Page 3-8, Line 29

Areas G-West and G-East along with Site 92 can accept more material. Senate Bill 830 allows for 7.4 mcy of "permitted" cut volume from 2001 to 2010. A total of 2.7 mcy was placed at Site 92 from 2001 to 2004. A "permitted" cut volume of 4.7 mcy remains for 2005 through 2010. At the projected rate of 1.45 mcy/yr, the site would close in 2007.

Page 3-11, Line 26

In this line and other places, the phrase, "...does not exclude..." is the same as "...and includes..." which is used on Page 3-30, Line 10. Change to "includes" for consistency.

Page 3-51, Line 21

Capacity Evaluations: Cite source(s) for consolidation factors used.

Page 3-52, Line 7

Site capacity at open water placement sites does not equal site volume. Placed sediments are affected by consolidation and erosion; thus a consolidation/erosion factor should be applied to the Upper Bay capping (3.2.2.3) and Pooles Island open water site expansion alternatives (3.2.2.7) when calculating capacity. Through six years of placement at Site 92, this factor would be 0.67.

Table 3-3

Maryland Geological Survey (not Geologic).

Figure 3-5

Uppermost placement site is Area H (not Area D).

Chapter 8: Distribution List

General Comment

The distribution list should be updated to reflect current personnel and agency names.

Thanks you again for the opportunity to provide comments on the subject document. If you have any questions regarding these comments or need further assistance, please contact Roland Limpert of my staff at 410-260-8333.

Sincerely,

Ray C. Dintaman, Jr.

Ray C. Dintaman, Jr., Director
Environmental Review Unit

cc: Ron Guns, Assistant Secretary
Mike Slattery, Assistant Secretary
David Goshorn, DNR-RAS
Jeff Halka, DNR-MGS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

March 28, 2005

Mark Mendelsohn
U. S. Army Corps of Engineers
Baltimore District, Planning Division
P.O. Box 1715
Baltimore, MD 21203

RE: Baltimore Harbor and Channels Dredged Material Management Plan (DMMP) and Draft Tiered Environmental Impact Statement (DTEIS); CEQ No. 050050.

Dear Mr. Mendelsohn:

In accordance with the National Environmental Policy Act of 1969 and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the above referenced project. The Dredged Material Management Plan (DMMP) and DTEIS were prepared to analyze broad dredged material management options for the Port of Baltimore for the next 20 years. Dredged material placement alternatives were compared for capacity, cost, environmental benefit and/or impact, and implementation risk, resulting in the recommended plan. The recommended plan presented in the DTEIS consists of six ongoing or new dredged material management elements that together will provide sufficient dredged material placement capacity for the Port of Baltimore through the next 20 years, including both maintenance and new work dredging needs.

EPA commends the Corps of Engineers and the State of Maryland, through the Maryland Port Authority (MPA), for their rigorous analysis and presentation of a wide variety of possible alternative solutions to the problem of managing material dredged from the Baltimore Harbor and approach channels. The resulting documents produced by both the Maryland DMMP process and through the Corps of Engineers Federal DMMP and EIS processes have been both technically thorough and publicly inclusive of the involved and interested stakeholders in the wide area potentially affected by this issue. EPA is pleased to have participated on several of the committees which have worked diligently to reach the point where conceptual recommendations can be presented for consideration by decision makers.

The six alternatives comprising the recommended plan in the DEIS are the result of a tiered DMMP process that evaluated 36 different types of placement sites over the four geographic subareas of the study area, for a total of 79 alternatives that were developed and compared for achieving sufficient dredged material placement capacity over the next 20 years, including a "no action" alternative. EPA concurs with the analysis of impacts and findings and the tiered process used to develop the DMMP and DTEIS. The DTEIS is a programmatic

document; thus, site specific NEPA documents will need to be prepared for any of the new alternatives recommended for implementation. We have the following specific comments concerning the six broad alternatives as presented in the DTEIS Recommended Plan.

EPA has rated the "no action" alternative, which consists of the continuation of current maintenance dredging and placing dredged material at existing placement sites without modification, and the new Alternative proposing wetlands restoration in Dorchester County, MD as "LO" (Lack of Objection). The "no action" alternative as described is comprised of two activities: the continued use of Open Water Placement in Virginia and the optimized use of existing dredged material management sites. We have assigned the rating of "EC" (Environmental Concerns) to the remaining three alternatives, which include the proposed multiple new Confined Disposal Facilities (CDF's) in the Patapsco River, the Poplar Island Environmental Restoration Project (PIERP) expansion and the Large Island Restoration (LIR) Middle Bay. EPA has also rated the overall adequacy of the DTEIS document as "1" (Adequate). A copy of the EPA EIS rating system is enclosed for your reference.

We suggest that the recommendation for continued use of Open Water Placement in Virginia include the Norfolk Ocean Placement Site. The Norfolk site has more than sufficient capacity for the projected quantity of dredged material projected to be removed from the Virginia (and even Maryland) approach channels during the 20 year planning period. Given this available capacity, and the approval of the site by EPA under the authority of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, the DTEIS needs to further explore why this option should not be included as part of the recommended plan. EPA believes that the Norfolk Open Water Site should be pursued as part of a viable mix of options for Mid and Upper Bay disposal needs in the long term management process.

EPA strongly endorses the development of beneficial uses of dredged material. Further development of the Dorchester County Blackwater Wildlife Refuge wetlands alternative needs to address expansion of this site beyond that proposed in the DTEIS. The potential exists for the protection and enhancement of tidal wetland ecosystems being threatened by rising sea level and development. These and other Eastern Shore Chesapeake Bay wetlands have been identified as "wetlands of international importance" by the Ramsar Convention, an international treaty recognizing special wetland systems throughout the world. The Dorchester County wetlands have also been recognized as a "unique ecosystem" by the U.S. Fish and Wildlife Service (FWS) and as "priority wetlands" by EPA. Any future study of this alternative should expand the effort to identify funding opportunities to provide further significant environmental benefits by enhancing this valuable ecological asset.

We are concerned that the proposed multiple Confined Disposal Facilities (CDFs) have the potential to impact shallow water areas by placement of fill into the Patapsco River. Further development of this alternative needs to address habitat compensation and mitigation for unavoidable environmental impacts. It should also explore innovative technology to maximize continued use of these facilities beyond the projected 20 year time frame.

EPA is very concerned that the expansion of Poplar Island (PIERP) and the creation or restoration of a large island (LIR) in the Middle Bay have the potential to impact large areas of subaqueous habitat. We support the optimization of the vertical expansion of Poplar Island to the extent possible. Optimization of vertical expansion would help to avoid elimination of potential fisheries and vegetative habitat associated with lateral expansion. Detailed analysis of a Mid-Bay LIR needs to be performed to determine specific ecosystem impacts. Attention should be given to replacement of lost ecosystem functions and values through careful design and implementation, using the lessons learned to date from the Poplar Island experience.

We strongly concur with the recommendation for the continued technical development of innovative alternatives dropped from study at this time due to high cost, technical uncertainty, or high implementation risk. Continued development of alternatives is also important in providing capacity for the out years beyond the 20 year time frame of the recommended plan, or sooner if deemed feasible. This component may include, but not be limited to, placement of dewatered dredged materials on agricultural lands, in abandoned mines or for use in building materials.

EPA also recommends that the control of non-point source sediment loadings from the Upper Chesapeake Bay Watershed be pursued to reduce the need for future dredging and placement capacity by reducing sediment loadings to the Bay. Reduction of sediment loadings will also result in nutrient reduction. We encourage the Corps as a partner to the Chesapeake Bay Agreement to explore mutually beneficial options that will reduce the need for dredging in the out years while producing important water quality benefits for the Chesapeake Bay.

Thank you for the opportunity to review and provide comments on the DMMP and DTEIS. Should you have any questions regarding our comments, please contact Thomas Slenkamp, Deputy Branch Chief, at (215) 814-2750 or Marria O'Malley Walsh of my staff at (570) 628-9685.

Sincerely,

Thomas Slenkamp

for William J. Hoffman, Chief
Environmental Programs Branch

Environmental Impact Statement (EIS) Rating System Criteria

RATING THE ENVIRONMENTAL IMPACT OF THE ACTION

LO (Lack of Objections) - The review has not identified any potential environmental impacts requiring substantive changes to the preferredalternative. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposed action.

EC (Environmental Concerns) - The review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact.

EO (Environmental Objections) - The review has identified significant environmental impacts that should be avoided in order to adequately protect the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). The basis for environmental Objections can include situations:

1. Where an action might violate or be inconsistent with achievement or maintenance of a national environmental standard;

2. Where the Federal agency violates its own substantive environmental requirements that relate to EPA's areas of jurisdiction or expertise;

3. Where there is a violation of an EPA policy declaration;

4. Where there are no applicable standards or where applicable standards will not be violated but there is potential for significant environmental degradation that could be corrected by project modification or other feasible alternatives; or

5. Where proceeding with the proposed action would set a precedent for future actions that collectively could result in significant environmental impacts.

EU (Environmentally Unsatisfactory) - The review has identified adverse environmental impacts that are of sufficient magnitude that EPA believes the proposed action must not proceed as proposed. The basis for an environmentally unsatisfactory determination consists of identification of environmentally objectionable impacts as defined above and one or more of the following conditions:

1. The potential violation of or inconsistency with a national environmental standard is substantive and/or will occur on a long-term basis;

2. There are no applicable standards but the severity, duration, or geographical scope of the impacts associated with the proposed action warrant special attention; or

3. The potential environmental impacts resulting from the proposed action are of national importance because of the threat to national environmental resources or to environmental policies.

RATING THE ADEQUACY OF THE ENVIRONMENTAL IMPACT STATEMENT (EIS)

1 (Adequate) - The draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

2 (Insufficient Information) - The draft EIS does not contain sufficient information to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the proposal. The identified additional information, data, analyses, or discussion should be included in the final EIS.

3 (Inadequate) - The draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the reviewer has identified new, reasonably available, alternatives, that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. The identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. This rating

Agency Comments on the Incorporation of the Open-Water Embayment

POPLAR ISLAND LATERAL EXPANSION – NMFS RECOMMENDED RE-DESIGN
ISSUES CONTRIBUTING TO RE-DESIGN
FEBRUARY 22, 2005

1. Subtidal waters surrounding the existing Poplar Island Restoration Project are not without value to fisheries and fish resources. In fact, part of the environmental objectives of the original Poplar Island Project were intended to enhance fish habitat in waters surrounding the restored island. Beneficial elements associated with Poplar Harbor will be derived from creation of a relatively low energy environment in the lee of the restored island, as well as from providing direct access for a variety of estuarine life from the waters of the harbor to tidal wetland habitat, once wetland cells have been successfully completed and opened to interaction with adjacent estuarine waters.

2. The proposed lateral expansion of Poplar Island should be designed with similar benefits for fish resources in mind. However, logistics associated with construction of the proposed expansion (e.g., location of sand borrow sources, required positioning of upland cells on the east side of the expansion) restrict the ability to create a replica of Poplar Harbor on the east side of the expansion footprint. Unfortunately, the Northern Alignment design also offers less potential for energy exchange between the wetland cells and adjacent waters. Connecting the wetland cells to adjacent waters by a single tidal canal will provide only limited ability for fish and other marine life to move between the wetland cells and adjacent waters. Furthermore, there are still outstanding questions regarding the ability to provide long term maintenance of unrestricted tidal flow within the canal, and consequently, to the wetland cells.

3. NMFS proposed re-design of the expansion for creating a large (130-acre) tidal embayment on the west side of the expansion will provide the benefits of a Poplar Harbor. Construction of a stone breakwater, or segmented stone dike along the opening of the embayment will provide protection to the embayment from the westerly fetch, thereby creating a low energy environment similar to that found in the lee of an island. Breaks in the dike, two of which will be 200 feet across, will permit strong tidal exchange between the embayment, the wetland cells, and adjacent waters of the Chesapeake Bay in perpetuity. Larger openings will also permit unrestricted access to a variety of marine organisms, including larger predatory fish such as bluefish and weakfish. The embayment will be varied in bathymetry, containing waters as deep as 10-12 feet (MLW), grading to shallow shoreline waters and mudflats. The bottom of the embayment will be further diversified through construction of 3 reef areas, using stone, concrete, or shell. At least two-thirds of the shoreline of the embayment will be bordered by tidal wetland habitat associated with the wetland cells. Once the wetland cells have been successfully established, dikes should be removed, and replaced with long-profile stone at the toe of the marsh habitat, to permit free exchange of fauna and energy between the wetlands and the embayment. Guts and small tributaries, constructed into the wetland cells, will provide additional direct access routes for

marine fauna moving between the wetlands and open deep waters of the embayment. Consequently, the re-design should provide a greater number of niches for marine life, ensure multi-modal tidal exchange between the wetland cells and adjacent waters, and promote more direct energy exchange between all levels of the local food web.

4. Most importantly, we anticipate that the re-design concept will demonstrate that benefits from the use of dredge material can be derived in ways that differ from simply converting open water habitat to tidal wetland systems; i.e., benefits can be derived by configuring dredge material in a manner that surrounds, protects, and diversifies adjacent waters, without disturbing the latter habitat itself.

The re-design also challenges the concept of strict adherence to the 50% wetland to 50% upland design protocol in the restoration of an island. Because NMFS views creation of the protected embayment as a legitimate (and actually preferred) form of enhancement for our resources, we recommend incorporating the embayment habitat into the model or formulation used for designing island restoration habitats for other projects, such as James Island; i.e., allotting equal "island community credits" for the enhanced habitat that will comprise the embayment, as that allotted for tidal wetland cells.

Finally, the re-design will minimize loss of existing fishing grounds in waters surrounding the original Poplar Island project, and thereby minimize impacts to the local fishing economy. Consequently, we are recommending that the embayment be opened to fishing activities such as crab potting.

MDE Comments on Poplar Island Expansion - NMFS Proposal

What follows is MDE's position on the NMFS proposal as well as outstanding concerns.

MDE supports the NMFS Poplar Island Expansion proposal as a viable beneficial use alternative to dike raising within the island's original foot print. MDE believes the NMFS concept of a sheltered embayment will enhance fisheries, establish beneficial edge habitat diversity, and increase tidal interaction with constructed wetlands. The sheltered embayment may also create conditions favorable to SAV growth and benthic community diversity. All of these habitat benefits have the potential to enhance water quality in the project area.

Since dike raising at Poplar Island has not been pursued as a serious alternative to the Port of Baltimore's dredged material placement needs, MDE believes that minimizing the expansion footprint, in combination with NMFS proposed fisheries enhancements, is the next best approach for stemming the permanent loss of open water habitat in Chesapeake Bay. Although MDE is supportive of the enhanced fisheries embayment concept, MDE has concerns about the potential for turbidity and erosion resulting from a western orientation. MDE will work closely with the CORPS and MPA to address any water quality/sediment transport concerns as the specifics of site design and construction are developed.

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POPLAR ISLAND LATERAL EXPANSION – NMFS RE-DESIGN
Department of Natural Resources Issues/Concerns: March 29, 2005

Technical Issues/Concerns

1. Stability. The preferred alignment selected in the Corps General Reevaluation Report and Supplemental Environmental Impact Statement (GRR/SEIS) sites low level wetlands on the western side of the project, where there is the most fetch and greatest possibility of storm wave damage. Water exchange with the wetland cells is proposed through a tidal gut, passing through the interior of the constructed cells. The proposed design change by NMFS eliminates the tidal gut and replaces some of the wetland cells with a segmented breakwater with openings of 50 and 200 feet between the segments. The breakwater may serve to help protect the remaining wetlands from erosive wave action , however elimination of the internal tidal gut for water exchange may require the cell dikes to be lowered and thus be more susceptible to damage and erosion by storm generated waves. Concern exists of the adequacy of both the original alignment and the NMFS proposed design for protecting the west facing wetlands. Specifically;
    a. The supplemental EIS states, "It was determined that overtopping and subsequent failure of the perimeter dikes should be avoided if at all practical. As such, a breach prediction analysis will be conducted prior to construction" (Page 6-8, line 333 and following). It does not seem that this analysis has been completed for neither the Corps preferred alignment nor the NMFS proposal. If this has been done, what are the findings?
    b. During Tropical Storm Isabel in 2003, the failure of the dikes was from overtopping and scouring the sandy dike material on the inside of the dike. Would a similar event with the NMFS design result in the movement of dredge material from the wetland cells onto the adjacent Natural Oyster Bars?
    c. Would the NMFS design be more prone to a large-scale failure than the design proposed in the GRR/SEIS?

2. Maintenance. Three questions;
    a. What, if any, are the potential long-term maintenance differences between the NMFS and the GRR/SEIS designs? The "Life Cycle Analysis," which evaluates dike height and armor stone size, conducted by the Corps as part of the GRR/SEIS balances initial cost with long term maintenance costs. A similar analysis has not been conducted for unique alternatives such as the NMFS proposal. Note that the Corps and State are responsible for the costs of design, construction and operation of the site, but the State alone is responsible for long-term maintenance.
    b. Would a partially contained embayment become a trap for debris?
    c. Does the NMFS design have the potential to become an attractive nuisance that could encourage boating use and boaters to "explore" the island increasing the disturbance potential of the remote island habitat that is being created?

Procedural Issues

DNR is very concerned about the process by which this proposal came about. The established, collaborative process that has been followed in the past, and which utilizes BEWG as the technical review, has served all participants very well. NMFS has been involved in this process from the beginning, and had every opportunity to present their proposal at the same time that all the other designs were under consideration. To submit a new proposal this late in the process does a disservice to all the parties that have worked so well together in the past. Forcing the parties to rush to a decision on a proposal that could have significant implications for many years in the future is not in the best interest of any of the participants. Specifically, we have three questions/issues:

1. Would the Corps consider a written policy that design proposals for future projects be submitted by an agreed upon deadline so that all proposals can receive equal and due consideration?
2. NMFS has already stated that they believe that their proposal is a unique, one-time-only departure from the previously agreed upon policy that island restoration using dredged material would be designed with at 50:50 ratio of vegetated wetland to upland acreage. In essence, NMFS is proposing the granting of the same agreed upon "Island Community Units" for <u>not</u> constructing wetlands as for constructing wetlands. What language would the Corps use to ensure that this is a one-time event and would not result in a future dredged material beneficial use project that could potentially be 50% upland, 25% vegetated wetland and 25% "enhanced" open water?
3. Could NMFS's concerns and goals be addressed through the framework of the Adaptive Management process, since MDE seems agreeable in this case to accepting "enhanced" open water as meeting their definition of wetlands, rather than treating the NMFS proposal as a separate alternative?

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
U.S. Department of Commerce
National Marine Fisheries Service
Habitat Conservation Division
904 South Morris Street
Oxford, Maryland 21654

April 15, 2005

MEMORANDUM TO: Mark Mendelsohn, Planning Division
Baltimore District, Corps of Engineers

FROM: John Nichols JN

SUBJECT: Poplar Island Environmental Restoration Project;
Supplemental Environmental Impact Statement

The National Marine Fisheries Service (NMFS) has reviewed the General Re-Evaluation Report and Supplemental Environmental Impact Statement, dated February 17, 2005, and the Supplemental Studies to Evaluate Existing Conditions of Aquatic Resources, dated December 2004, for the Poplar Island Environmental Restoration Project. The following outline briefly summarizes NMFS comments and recommendations that will be contained in our forthcoming letter on the proposed lateral expansion of the island.

ISSUES AND CONCERNS

1. The original Poplar Island Project identified a clear restoration goal of approximately 1,100 acres, comparable to the 1847 footprint of the original island. The proposed 575-acre lateral expansion greatly exceeds (i.e., by 52%) the identified limit of restoration defined for the original project. Despite this exceedance, the proposed lateral expansion is still termed "restoration". Under this apparently new definition of "island restoration", there now appears to be no limit to the size of a footprint which can be termed restoration, as opposed to creation.

2. Waters surrounding the existing island are not simply unproductive habitat. Adjacent waters have, over past decades, developed multi-use functions and values for aquatic resources and fisheries. Furthermore, the original restoration project has produced adjacent waters that are heavily used by fish and crabs, as was intended in the original design. Consequently, the lateral expansion will take both public fishing ground, and waters currently functional for species such as striped bass, bluefish, summer flounder, Atlantic menhaden, and blue crab.

3. NMFS has outstanding concerns regarding the value of wetlands that have been, and will be created for this project. Tidal wetlands provide their pricinple benefits to living marine resources through unrestricted hydrologic and trophic interactions between marsh and adjacent waters. However, there appears to be increasing concerns about the stability and resilience of wetlands created with dredge material in the face of low frequency st

events. Consequently, the tendency is to confine and protect created wetlands with armored dikes, which severely limits interaction with adjacent waters. Such a tendency is evident in the proposed design of the Northern Alignment, Option 1, in which interaction of the new wetland cells with adjacent waters will be tenuously linked by a single tidal canal. This tendency may also ultimately limit the benefits that wetland cells of the original restoration project provide to Poplar Harbor. Such a design tendency, however, reduces the value of created wetlands to fish and shellfish, and brings into question the justification for converting increasingly large acreage of functional open water habitat for island restoration.

4. With large island restoration projects come ancillary impacts to the local environment that are not apparent in the feasibility stage of the review. These impacts include dredging for borrow material to construct containment dikes. While the Northern Alignment design locates upland cells over the largest sources of sand borrow, there is also the potential for a substantial amount of borrow to be taken from areas lying outside the expansion fooprint, and to the southwest of the existing island. Impacts to this area will likely be permanent, converting from 120 to 210 acres of existing sand bottom to clay substrate. These impacts will adversely affect bottom feeding species, such as summer flounder, which prefer sand substrate for foraging activities.

5. Negotiations are underway for opening the Poplar Island project to placement of dredge materials from other sources. Included in the sources is material from the C&D Canal Approach channels. The latter material will generate additional capacity requirements at Poplar Island, and is partly responsible for the increase in the size of the lateral expansion footprint. Material from private or local government-sponsored projects brings additional concerns regarding contaminants contained in the dredge material, and expenses and regulations that must be incurred to ensure that only acceptable material is placed at the island site.

FISH & WILDLIFE COORDINATION ACT COMMENTS

NMFS is recommending that three of the proposed wetland cells on the west side of the lateral expansion footprint be converted to an open water cell, protected by stone breakwater, and surrounded by remaining marsh cells. The open water cell should remain untouched (i.e., no dredge material will be placed anywhere within the cell), should be at least 130 acres in size, and should be surrounded by at least 4,000 to 6,000 linear feet of marsh shoreline (associated with the remaining marsh cells). The open water cell should be considered as enhanced habitat (i.e., enhanced by indirect actions of the surrounding marsh and breakwater). For the open water cell to be deemed enhanced, the project must include eventual full removal of interior dikes, and full or partial removal of exterior dikes associated with marsh cells. It is anticipated, however, that at least some stone armoring will be necessary (in perpetuity) along the marsh open water interface to provide long term protection from low frequency storms.

Principle benefits to living marine resources derived from island restoration projects are associated with secondary or indirect functions provided to adjacent waters; i.e. hydrologic alterations (creation of sheltered waters) and trophic exchange (from marshes). Ecological benefits are also derived from minimizing the size of the restoration project, thereby conserving public ground and habitat. The NMFS proposed re-design of the lateral expansion achieves the latter goals in the following ways.

1. It reduces the size of the lateral expansion by at least 130 acres; i.e., no dredge material will be placed in the open water cell, thereby conserving existing substrate, benthic community, and bathymetry.

2. It will provide more direct trophic interaction between marsh cells surrounding the open water cell and living marine resources using the open water habitat. The size and depths associated with the cell should be attractive to larger game fish species, which will have more direct access to food organisms produced in the marsh.

3. It will conserve public fishing ground for crab potting and recreational fishing.

4. It will provide a more diverse array of habitat types, and consequently more niches for living marine resources. In addition to tidal marsh, the cell will provide open water varying in depths from 12 feet to intertidal elevations, mudflat, tidal guts and tributaries extentding back into marsh cells, and reef structure (including stone breakwater).

5. It will indirectly enhance the existing sand substrate of the open water cell through addition of organic material from marsh export. Consequently, a benthic community dominated by a single species of suspension feeder will become more diverse, including deposit feeders, and offer more forage opportunities to bottom feeding fish, such as spot.

Recommendations for the proposed mix of upland, wetland and open water habitat from the lateral expansion of Poplar Island are a function of the logistical and local environmental/resource constraints associated with the project site. The latter case design applies only to the lateral expansion of Poplar Island, and should not supercede the policy of 50% uplands to 50% wetlands on future island restoration projects. However, the latter policy should not restrict the design features applied to future projects, such as James Island. Such projects should also be configured in a manner that will provide secondary benefits to fish inhabiting waters adjacent to the project.

NMFS recommends against borrow of substrate for dike construction that will affect bottom outside the footprint of the lateral expansion, except material generated from dredging of access channels to the project site. Where practicable, an alternate source of sand material should be considered, such as transporting material from other navigation projects (e.g., Knapps Narrows, or Chester River Federal projects) to Poplar Island. A staging area for storage of sand on the existing island would facilitate use of material from other federal projects.

NMFS considers dredge material from the C&D Canal Approach channels to be physically and chemically comparable to material from the Baltimore Harbor approach channels. Therefore, we will not object to placement of C&D Canal Approach materials at Poplar Island. However, we are concerned about the practicality of accepting dredge material from private and local-sponsored projects.

ESSENTIAL FISH HABITAT COMMENTS

The NMFS proposed open water cell will provide substantially more benefits to federally managed species, particularly juvenile and adult summer flounder, juvenile and adult bluefish, and juvenile red drum, than the Option 1 design in the SEIS. The open water cell will contain design features preferred by the latter species, including edge habitat for summer flounder (e.g., marsh-open water interface), deep to shallow open water for predatory foraging of bluefish, and reef structure for red drum. The open water cell will also provide more direct capability for the latter species to access and consume food organisms produced within the surrounding marsh cells.

Borrow actions that will result in permanent conversion of sand bottom to clay bottom in the proposed borrow site to the southwest of the existing island should be avoided, to minimize loss of sand substrate preferred by summer flounder.

DRAFT

MEMORANDUM FOR RECORD
MEETING WITH JOHN NICHOLS- NMFS

April 22, 2005
Baltimore District Headquarters, Baltimore, MD

Purpose: Discuss inclusion of open water habitat in benefits quantification model developed for Poplar Island Expansion

Attendees: John Nichols, Angie Sowers, Mark Mendelsohn, Chris Spaur

Mr. Nichols identified the following as target species: blue crab, spot, croaker, weakfish, striped bass, white perch, summer flounder, bluefish, and Atlantic menhaden. These species were categorized as:

1. bottom feeders (open sub-tidal)- striped bass, white perch, spot, croaker, weakfish, adult and older juvenile summer flounder, adult blue crabs
2. pelagic- menhaden, bluefish, bay anchovy
3. tidal guts and tributaries- striped bass, young summer flounder, juvenile blue crabs, silverside, and killifish. (This group has a slight preference for bottom habitats compared to pelagic environments.)

It was identified by Ms. Sowers that this classification will alter the two fish guilds presently included in the ICU model (resident/forage fish and commercial/predatory/higher trophic fish) to three guilds/communities. Ms. Sowers requested Mr. Nichols reevaluate the weight distribution and provide the redistributed weights. Mr. Nichols replied that he would do this.

Mr. Nichols specified the following as the features of the open cove that will provide habitat benefits- depth, substrate, marsh edge, reef structure, and tidal guts. Deep pockets (>12 ft) are important to the design as well as access to adjacent deep water. Locating the open water on the west side of the proposed island alignment will promote flushing, both from wind driven and water currents, and provide access to deep water.

Mr. Nichols, using Able and Kaiser (1994) presented summer flounder habitat requirements/preferences: the younger the fish, the greater the preference for tidal guts. Reference tidal guts were variable sized with widest points 40-50 feet to 10-12 feet, and 0.4 to 1.8' at mlw. *Spartina* is a critical component of adjacent marshes. Young summer flounder use mud substrate, but as fish age there is a gradual shift to sand substrate. Mudflats are useful to summer flounder and blue crab.

Mr. Nichols provided the following species information:
1. Small striped bass and white perch will use tidal guts as these species are opportunistic.
2. Bluefish will go where menhaden go. Oxygen is an important factor in menhaden movement. Menhaden prefer large open water areas with plenty of oxygen. Marsh productivity will lead to zooplankton and detritus in cove. Impoundments can prohibit menhaden and adult bluefish, but not rockfish.
3. Weakfish are bottom oriented and will follow small fish and blue crabs.

4. Spot and croaker are important because they convert/pass benthic productivity up the food web. These species are rarely found over structure, but prefer open water, and silty sediment. They consume small bivalves. As organic input from marsh increases there will be an increase in benthic diversity. *Habitat Requirements for Chesapeake Bay Living Resources* (1991) identified 3 to 6 m is preferred depth in tributaries. Mr. Nichols agreed that the tidal gut out of the created wetlands into the open cove would function as a tributary system.

5. Pelagic species such as bay anchovy require at least one wide opening (>200 ft) between breakwaters that is adjacent to marsh cells.

Ms. Sowers asked Mr. Nichols about the size of the proposed reefs. Mr. Nichols replied that the reefs would be less than 1 acre. One is proposed to extend out of the water. The important feature of reefs are interstitial areas for cover and increased surface area for fouling organisms.

Mr. Nichols identified a target for removal of at least 25% of exterior dikes along wetland edge of open water cove.

Mr. Nichols stated he would coordinate with Dave Meyer of NMFS to provide further information on reef design specification/necessary features, cove size, and possibly a production index. The production index refers to a ratio of edge to open marsh that would provide greatest benefit.

Mr. Mendelsohn asked Mr. Nichols about the possibility of including an island within the cove to provide waterbird nesting habitat. Mr. Nichols stated that NMFS would not be in favor of the inclusion of bird islands if there would be associated restrictions on the use of the fishing resources in the area. Mr. Nichols would like to see the cove be open to recreational and commercial fishing, specifically crab potting.

Ms. Sowers will organize this information and modify the ICU model to incorporate the altered fish guild/communities plus the new habitat. It may not be necessary to redo the old alignments using the updated model because there is no open water habitat in those alignments.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

April 25, 2005

Mark Mendelsohn
Planning Division
Baltimore District, Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715

Re: U.S. Fish & Wildlife Service review of Poplar Island Expansion Study (PIES)

Dear Mr. Mendelsohn:

The purpose of this letter is to verify the ongoing coordination between Baltimore District and members of my staff regarding the General Reevaluation Report (GRR) and Supplemental Environmental Impact Statement (SEIS) for the Poplar Island Environmental Restoration Project and to provide selected preliminary comments.

Throughout 2004 and 2005 the Service has actively participated as part of the PIES Project Delivery Team, attending monthly meetings, and rendering project formulation input including detailed review of the Preliminary Draft of the GRR/SEIS. Service review pursuant to the Fish and Wildlife Coordination Act during 2004 and 2005 has been funded by two scopes-of-work between Baltimore District and the Chesapeake Bay Field Office of the Service. Prior official correspondence to this date has included a letter, dated April 14, 2004, describing the presence of species federally listed or proposed for listing as endangered or threatened under the Endangered Species Act. In that letter we reported the presence of the federally threatened bald eagle (*Haliaeetus leucocephalus*) nest on Coaches Island. If construction activities relative to Poplar Island expansion remain outside a one-quarter mile radius of the nest, as planned, further section 7 consultation with the Service will not be required.

Detailed Service comments and position on the GRR/SEIS pursuant to the Fish and Wildlife Coordination Act will be rendered in one or more Fish and Wildlife Coordination Act Reports to be prepared later in 2005. Service comments in this letter are limited to the still-developing proposal by National Marine Fisheries Service (NMFS) to modify the project with an open-water embayment.

NMFS Proposal

In January 2005, NMFS proposed a significant modification to the preferred alignment selected in the Corps' GRR/SEIS. The NMFS proposal would replace 130 acres of the proposed wetland cells on the project's western side with an open-water embayment. This open-water cell would

be partially enclosed on the west by stone breakwaters segmented by 50 and 200-foot openings. NMFS has stated that the purpose of the embayment is to reduce the footprint of the proposed expansion while creating an area with enhanced fisheries functions. Extensive debate on the NMFS proposal has occurred in Project Delivery Team context. Many outstanding issues surrounding the proposal remain and the development of physical details and agency positions are still in progress. What follows are Service comments on the NMFS proposal as of the date of this letter.

We in principle agree with NMFS that providing semi-protected fishery habitat immediately adjacent to created wetland and upland cells would increase the complexity of remote island habitat. It may also be well-used by wintering waterfowl.

The Service would consider an option similar to NMFS' if the recommendations below are incorporated. However, we would do so because the NMFS' design may provide enhanced remote island habitat by bringing additional habitat subtypes into juxtaposition. We would stop short of saying that the fisheries habitat area is equivalent to wetlands. The proposed open water cell could be considered as enhanced habitat, primarily based on benefits derived from protecting the cell from the westerly fetch with stone breakwaters. The NMFS option can be proposed, possibly constructed, under its own merit in a restoration context.

If a plan similar to NMFS' proposed mix of upland, wetland, and open water habitats is to be constructed, the GRR/SEIS must stress that this recommendation for the lateral expansion of Poplar Island is a function of the logistical and local environmental/resource constraints and opportunities associated with the expansion site. If constructed, this design case would apply only to the lateral expansion of Poplar Island, and would not establish precedent superceding the policy of 50% (minimum) vegetated wetlands to 50% (maximum) uplands on future island restoration projects.

Modifications to NMFS' Design

The Service questions if the amount of open water that NMFS suggests as replacement for currently-proposed wetland cells is too much. NMFS proposes that 120-130 acres of proposed wetland cells be re-designed as open-water habitat. We suggest that amount be reduced by no less than 1/3 should the NMFS plan become the recommended alternative. This compromise will still allow for a large open-water embayment of 80 to 90 (maximum) acres while guarding against a failure to create a wetland cell in the proposed turning basin at the NW tip of the expansion area. Constructability of a wetland in this deepened cell may prove difficult as in sand dredging areas of Cell 5 of PIERP. Also, the loss of capacity due to eliminating 3 wetland cells will necessitate that the expansion footprint include more uplands vs. the preferred alternative. We view this as a negative trade-off.

In order to provide as much fisheries habitat/structure as possible, additional fisheries elements can be constructed outside the currently-proposed expansion footprint. This has been done successfully with the current project. According to NMFS, the rock piles off of Poplar's current north end are high-functioning.

We recommend that the open-water area include 1-3 small islands designed for colonial waterbird nesting. The setting would allow true isolation from mammalian predators. Such habitats are regionally scarce and the NMFS proposal provides an opportunity for their inclusion. Since NMFS has already proposed that a few rock reefs be placed inside the area, one or more could be expanded vertically and laterally to protrude above high tide for tern nesting. Contained dredged material could be incorporated. Alternatively, sections of the perimeter breakwaters could be expanded into suitably-sized and configured nesting islands.

Management / Usage and Maintenance

Many questions regarding the constructability, stability, function, and management of the NMFS-proposed embayment remain. As the option develops, these should be addressed through the continuing Project Delivery Team process and the Corps' planning process. Among the issues of concern to the Service are the items below.

The Service is concerned about the future management and usage of an interior open-water area. It may become a magnet for recreational fishermen, particularly on weekends. Unfettered access to this area may be incompatible with nesting waterbirds on the island and terrapin nesting habitat which is likely to form along the inner margin of NMFS' proposed area. If allowed, recreational fishermen and boaters would likely put ashore on sandy areas. Undirected human traffic runs counter to the spirit of remote island habitat and nesting functions in particular. We would propose that this area have a status that limits, controls, or closes landing access. During construction years, safety reasons may prevent public usage, but the proposal creates a management problem thereafter. Also, the Service is concerned that the embayment may create a concentrated recreational harvest area, leading to a population sink for Chesapeake gamefish. Additional fisheries information is required to address this issue. Further development of the NMFS proposal into a viable construction option should include an early discussion of management of the area to avoid future resource conflicts.

The final, preferred alternative must be able to withstand potential damage and erosion by storm generated waves. To date, analyses describing the stability of wetland cells and dikes adjacent to the NMFS-proposed embayment have not been conducted. Physical stability will be necessary for the function of the proposed fisheries habitat within the embayment, adjacent wetland cells, and habitats outside the expansion that could be affected by lost dredged material in storm events. Also, proper flow and exchange in the embayment will be necessary to avoid constructing a potential debris trap. The Service believes that these concerns regarding the NMFS proposal can be addressed and we remain open to discussion of location and configuration of an embayment provided it meets our recommendations above.

Please direct questions or concerns to Jason Miller of my staff at (410)573-4522.

Sincerely,

for John Wolflin
Field Supervisor

ACTING

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

May 11, 2005

Mark Mendelsohn
Planning Division
Baltimore District, Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715

Re: Assessment of the Potential for Placement of Dredged Material from the C&D Approach Channels and Small Navigation Projects at Poplar Island

Dear Mr. Mendelsohn:

The purpose of this letter is to provide Service comments on the proposed acceptance of new sources of dredged material at the Poplar Island Environmental Restoration Project (PIERP) as discussed at the Poplar Island Sediment Quality meeting/workshop held 17 March, 2005.

Acceptance of New Sources of Dredged Material at PIERP
Acceptance of new sources of dredged material above and beyond the eight named source channels currently approved for placement at PIERP has been proposed by the Army Corps of Engineers (Corps) and Maryland Port Administration (MPA). Proposed new sources of dredged material could include: 1.) Southern Approach Channels to the C&D Canal; 2.) smaller Federal channels, such as Knapps Narrows, Chester River, etc…; and 3.) channels administered by local authorities, and private dredging projects.

The Service will not object to the placement of Southern C&D Canal Approach Channel material provided an appropriate process is developed for the testing of these materials. Our suggestions for process development are below. Because sediment quality data is incomplete and sufficient capacity exists at current placement sites, dredged material from neither the Northern C&D Canal Approach Channels nor the C&D Canal proper should be considered for placement at PIERP.

The Service recommends that placing material from smaller Federal dredging projects at PIERP be discouraged. These projects, such as Knapps Narrows, and many others, have historically been the source of material used in local beneficial-use projects. Addressing local restoration needs with this local dredged material resource has become a valuable management practice for both navigation and natural resource agencies. The Service is concerned that redirecting these materials to PIERP may limit some small-scale beneficial-use opportunities. If material from smaller Federal projects is to be received at PIERP, an annual volume ceiling should be established to prevent impacting PIERP's overall capacity. Also, materials from prospective

dredging projects containing a high percentage of sandy material, and therefore more suitable for local beneficial-use, should not be accepted at PIERP. Additionally, a project proposing to redirect material to PIERP should only do so provided there are no other feasible placement alternatives. Finally, any contributing projects should adhere to the same standards and process set forth for the Southern C&D Canal Approach Channels.

The Service recommends that dredged material from small non-Federal and private sources not be considered for placement at Poplar Island. The management and logistical challenges posed by the potential acceptance of these materials may prove burdensome to the involved state and Federal agencies. Potentially unforeseen contaminant issues associated with commercial facility dredging would require a stringent testing regime financially onerous to many operators. Still, the Service is concerned that the availability of PIERP as a placement site will stimulate an increase in locally-administered and private dredging projects. For these reasons, we believe that acceptance of local and private material may not be in the Federal interest.

Sediment Quality and Evaluation

Poplar Island is a beneficial-use of dredged material project. The goal of this project is to reestablish the historic footprint of Poplar Island. In doing so, the Corps and MPA are restoring wetland and upland habitats that will become a refuge for fish and wildlife resources in the Chesapeake Bay. Because this island is being developed and ultimately managed for fish and wildlife resources, it is imperative that we ensure the reuse material is not toxic.

The process currently used to accept dredge material at PIERP is based primarily on the tiered approach described in the Inland Testing Manual (EPA, 1998). The process developed in this Manual is intended for the disposal of dredge material in waters of the U.S. and was not necessarily intended to be used in beneficial reuse projects. The first tier in this Manual suggests using common literature-based sediment screening benchmarks to determine if the dredge material is toxic. The benchmarks chosen for the project are not necessarily specific to the aquatic resources at PIERP, and were not developed to screen material in upland habitats. At the time PIERP was initiated, this approach was generally accepted for dredged material disposal.

Since the first authorization of PIERP, there has been a steady evolution to a more risk-based approach to dredge spoil disposal. In 2003, the Corps developed the Evaluation of Dredged Material Proposed for Disposal at Island, Nearshore, or Upland Confined Disposal Facilities-Testing Manual, commonly referred to as the Upland Testing Manual. While this Manual is still intended for disposal projects, and does not address beneficial reuse projects, it does recognize that fish and wildlife resources are attracted to these disposal sites and will use them as habitat. The process described in the Upland Testing Manual is similar to the Inland Testing Manual in that both use a tiered approach to evaluate contaminants in dredged material and both suggest that the first tier compare dredged material chemical concentrations to screening level benchmarks. However, the Upland Testing Manual suggests that instead of using generic common sediment benchmarks, an exposure-based approach to accepting material should be used. The process requires identification of the resources that will be exposed to the dredged material and development of specific screening benchmarks appropriate for these resources.

While there has been no guidance document specifically addressing dredged material for beneficial-use projects, we suggest that a modified Upland Testing Manual approach is appropriate to ensure that material accepted at Poplar Island is not toxic. Since the intent is to manage Poplar Island for fish and wildlife, the dredge material should be suitable for the species that are attracted to the island. We recommend that PIERP develop an exposure-based process that evaluates the receptors using the island now and in the future. Once these resources are identified, specific and appropriate benchmarks for the dredged material can be identified. In this process, we should also recognize that dredged material that fails a benchmark does not necessarily mean that the material is unacceptable for use at Poplar Island. In subsequent tiers, both manuals suggest the use of toxicity tests and other risk-based tools to evaluate dredge spoil that is not toxic.

We appreciate the opportunity to comment on the sediment source and quality issues associated with PIERP. We look forward to further involvement in development of sediment quality guidelines for beneficial use projects. If you should have any questions regarding process development, please contact Chris Guy at (410)573-4529. For questions regarding Service policy on PIERP, please contact Jason Miller at (410)573-4522.

Sincerely,

for John Wolflin
Field Supervisor

References:

U.S. Army Corps of Engineer Research and Development Center, 2003. Evaluation of Dredged Material Proposed for Disposal at Island, Nearshore, or Upland Confined Disposal Facilities- Testing Manual. ERDC/EL TR-03-1

U.S. Environmental Protection Agency Office of Water, U.S. Army Corps of Engineers, 1998. Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S- Testing Manual. EPA-823-B98-004.

U.S. Army Corps of Engineer Research and Development Center, 2003. Evaluation of Dredged Material Proposed for Disposal at Island, Nearshore, or Upland Confined Disposal Facilities- Testing Manual. ERDC/EL TR-03-1

Cc: Chris Guy – USFWS
Peggy Derrick – EA Engineering

MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*
C. Ronald Franks, *Secretary*

May 12, 2005

Mr. Mark Mendelsohn
U. S. Army Corps of Engineers
Planning Division
P. O. Box 1715
Baltimore, MD 21203

Dear Mr. Mendelsohn:

This letter concerns the U. S. Army Corps of Engineers, Baltimore District's design alternatives for the proposed 575-acre expansion of the existing Poplar Island Environmental Restoration Project (PIERP) located in the upper-middle portion of the Chesapeake Bay approximately 34 nautical miles south-southwest of the Port of Baltimore and one mile northwest of Tilghman Island in Talbot County, Maryland.

At the April 21, 2005 meeting of the Poplar Island Expansion Study Project Delivery Team (PIES PDT) there was a discussion of potential design alternatives for the proposed Poplar Island expansion. Discussions of alternatives to the design originally developed by the PIES PDT have been prompted by the recent design proposal advanced by the National Marine Fisheries Service (NMFS), to leave a 130-acre area of what would have been tidal wetlands on the west side of the expansion in the original PIES PDT plan as an open water embayment protected by segmented breakwaters having 50-foot openings, but with one or more of the openings being at least 200 feet wide. The embayment would be enhanced with rock piles to make the area attractive to large predatory fish. NMFS is concerned with the size of the proposed expansion and is seeking by their proposal to reduce the loss of open water habitat and provide a better exchange between the created wetlands and deeper open water habitat. The Bay Enhancement Working Group (BEWG) has endorsed further study of the concept of an "enhanced" open water embayment providing similar habitat value as vegetated tidal wetlands, but has not specifically endorsed the embayment or a specific location for an "enhanced" open water embayment within the expansion. At the meeting on the 21st, the Corps of Engineers stated that they were preparing to conduct engineering studies of the NMFS proposal to answer questions regarding the design of the breakwater segments, opening size, armoring requirements to protect the adjacent wetland cells, erosion and over topping prevention and other engineering concerns.

The Department is concerned that the proposed placement of the embayment on the western side of the expansion has stability and maintenance issues. The NMFS design has raised concerns regarding potential future maintenance cost obligations that may be placed on the ultimate recipient of the completed project in the event of a structural failure. The Department is concerned that in solving those issues, the desired exchange between the adjacent wetland cells and the embayment may be compromised. Therefore, as this project advances in design details, the Department requests that the Corps of Engineers study the engineering feasibility of the

following design elements for the placement of an "enhanced" open water embayment at the Poplar Island expansion site:

1. During the Value Engineering process, consider alternative alignments for the open water embayment, that could provide similar benefits to large predatory fish, without exposing the embayment to the destructive forces of the prevailing wind and wave direction, thereby reducing appreciable adverse environmental impacts, but at lower capital and life cycle maintenance costs.

2. The development of one or two of the breakwater segments into 1 to 5-acre nesting islands to provide colonial waterbird nesting sites that are isolated by expanses of open water.

3. The study of a maximum size of 130 acres and also at a reduced size of 80-90 acres to determine if a smaller embayment would be more stable and less prone to erosion while providing the habitat benefits envisioned by NMFS.

4. The study should also examine the potential fate of any material eroded from the adjacent wetlands and the potential for the embayment to become a debris accumulator.

Thank you for the opportunity to provide comments concerning potential design alternatives for the proposed expansion of the PIERP. If you have any questions regarding these comments, or need further assistance, please contact Roland Limpert of my staff at 410-260-8333.

Sincerely,

Ray C. Dintaman, Jr.

Ray C. Dintaman, Jr., Director
Environmental Review Unit

cc: Ron Guns, Assistant Secretary
Mike Slattery, Assistant Secretary
David Goshorn, DNR-RAS
Jeff Halka, DNR-MGS

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

MAY 19 2005

Col. Robert J. Davis
District Engineer
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, Maryland 21203-1715

Attn: Mark Mendohlsen, Planning Division

Dear Colonel Davis:

The National Marine Fisheries Service (NMFS) has reviewed the draft General Re-Evaluation Report (GRR) and Supplemental Environmental Impact Statement (SEIS), dated February 17, 2005, which includes an essential fish habitat (EFH) assessment; and other supplemental information for the Poplar Island Environmental Restoration Project in Talbot County, Maryland. The Baltimore District Army Corps of Engineers (ACOE) is considering several alternative alignments for laterally and vertically expanding the existing 1,140-acre restoration project. Included in these options are the following preferred alignments/options: 1) A 600-acre northern expansion of the island, at a ratio of 40% uplands and 60% wetlands; or 2) A 600-acre northern expansion, at a ratio of 40% uplands and 60% wetlands, with 5-foot dike raising of existing upland Cells 2 and 6. Also under consideration is a modified alternative for the northern expansion introduced by NMFS, which would convert 130 acres of wetland expansion cells to an open-water cell protected by stone breakwaters.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the National Environmental Policy Act (NEPA) require federal agencies to consult with one another on projects such as this. Insofar as a project involves essential fish habitat (EFH), as this project does, this process is guided by the requirements of our EFH regulation at 50 CFR 600.905, which mandates the preparation of EFH assessments and generally outlines each agency's obligations in this consultation procedure. We offer the following comments and recommendations on this project pursuant to the above referenced regulatory process.

NEPA Comments

The projected shortfall in dredge material placement capacity following the closure of the Hart Miller Island facility in 2009 will require some form of expansion at the Poplar Island Project until long-term placement options, as identified by the Port of Baltimore's Dredge Material Management Program (DMMP), become available in or near 2014. For this interim period, we favor raising of the dikes on existing upland cells of the original Poplar Island Project to address much of the identified capacity shortfall, and we have stated so during the DMMP NEPA review process. Raising the dikes on the existing upland cells will, by itself, result in environmental benefits by minimizing the loss of fishery habitat and public fishing ground in waters of the

Poplar Island vicinity. However, it has also become apparent that raising the dikes on upland cells alone will not promote efficient use of placement capacity at Poplar Island, but will result in waste of placement capacity through "soft loading" of material; that is, the accelerated and continued placement of water saturated sediments, leaving little opportunity for the water to drain, in order to meet maintenance dredging schedules.

We do not dispute that some degree of lateral expansion of Poplar Island coupled with dike raising of upland cells on the existing island is necessary, and we are convinced that a northern alignment of the lateral expansion will have the least impact on local aquatic resources. However, lateral expansion options have raised several concerns regarding the size of the expansion footprint and the degree of impacts that must be incurred by local fish resources.

The preferred lateral expansion alternatives presented in the SEIS will convert more than 600 acres of open water habitat to uplands, man-made wetlands, and containment dike. Open waters that will be affected by the expansion are productive habitat. These areas have, over past decades, provided multi-use functions and values for fish resources and local fisheries. Even though waters surrounding the existing restoration project are in the process of recovering from the effects of the original Poplar Island project, they are providing important habitat values for fishery resources. For example, the Supplemental Studies to Evaluate Existing Conditions of Aquatic Resources for the Poplar Island Expansion Study, 2004, documented that the waters of north Poplar Harbor are a concentrating area for striped bass (*Morone saxatilis*) and Atlantic menhaden (*Brevoortia tyrannus*), while waters to the northeast of the existing project support a commercially productive blue crab (*Callinectes sapidus*) fishery. Both of the latter areas will be displaced by the preferred lateral expansion alternatives.

Lateral expansion alternatives of Poplar Island are also inconsistent with previous goals and objectives of the island restoration program. The original Poplar Island Restoration Project identified a clear restoration goal of approximately 1,100 acres, comparable to the 1847 footprint of the island. The proposed 600-acre lateral expansion will exceed the previously identified limit of restoration by 55 percent. Despite this inconsistency with the intent of the original project, the proposed lateral expansion is being described as "restoration," as opposed to "upland creation." Therefore, the phrase "island restoration" has been re-defined; that is with no limits to the size of an island footprint which can be termed restoration. This redefinition of the term "restoration" and its application here raised concerns with our agency regarding cumulative effects of island restoration projects on existing fishery resource values and public fishing grounds.

We also question the degree to which the proposed expansion will benefit fishery resources. Man-made wetlands that will be generated from dredge material have been lauded for their anticipated values to living marine resources. However, the full values of these wetlands still need to be demonstrated from on-going monitoring programs of the existing Poplar Island Project. Many of the planned monitoring programs will not be providing input on the values of the man-made wetlands until the successful construction of the wetland cells has been completed for the existing project.

There have also been increasing concerns regarding the stability and long term resilience of wetlands created with dredge material, particularly in the face of low frequency storm events. Consequently, there is a strong tendency to design these projects to confine and protect the man-made wetlands with armored dikes in perpetuity. This tendency is evident in the preferred alternative presented in the SEIS, in which tidal hydrology of the new wetland cells of the lateral expansion will be tenuously linked by a single tidal canal, while the remainder of the wetland cells remain enclosed by armored dikes. Similar measures may also ultimately be required to protect the wetland cells of the existing island from hurricane-related erosion forces, thereby reducing their tidal interactions with the waters of Poplar Harbor.

Tidal wetlands provide their principal benefits to fish and shellfish through open hydrologic and trophic exchange between marsh and adjacent waters. These secondary benefits extend to higher levels of local food webs (i.e., predatory game finfish) by providing the latter species with direct access to forage fish and other heterotrophic production generated by the man-made wetlands. Interaction between marsh and open water includes erosion, which sculptures marsh shorelines to provide a more diverse array of aquatic habitats. However, semi-confined wetlands, as proposed in the SEIS, provide more limited interaction with and transfer of energy to adjacent waters, providing benefits to fishery resources on a greatly reduced scale.

NMFS proposed a re-design of the northern alignment alternative to address most of the concerns discussed above (Figure attached). In this re-design, we are recommending that three of the proposed new wetland cells on the west side of the lateral expansion footprint be constructed as an open water cell, protected on the west by stone breakwater, and surrounded on the remaining sides primarily by marsh cells constructed with dredge material. The open water cell should be at least 130 acres in area, and provide approximately 4,000 to 6,000 linear feet of marsh shoreline. The bottom of the cell will remain undisturbed (i.e., no dredge material will be placed in the cell, nor removed by dredging), except for three separate artificial reef areas of approximately one acre in size.

We are recommending that the open water cell be considered as enhanced habitat (i.e., enhanced by the direct and secondary benefits provided by stone breakwater, surrounding marsh, and artificial reef), and given environmental credits equal to man-made marsh cells. However, for the open water cell to be considered fully enhanced, the project must include eventual full removal of interior dikes, and full or partial removal of exterior dikes associated with the marsh cells, to promote hydrologic and trophic interactions between marsh and open water. It is anticipated, however, that at least some stone armoring will be needed (in perpetuity) along the marsh open water interface to provide long-term protection of the marsh from low frequency storms.

The NMFS proposal re-design is meant to address issues discussed earlier in this letter and provide an alternative innovative method for using dredge material for island restoration in the following ways.

1. The open water cell will reduce the size of the lateral expansion by 130 acres, or 22

percent; i.e., no dredge material will be placed within the cell, thereby conserving the existing substrate, benthic community, and bathymetry.

2. The open water cell will lie proximal to all of the new tidal wetland cells of the lateral expansion, thereby providing a more direct trophic link between marsh and open water. Small tributaries or guts will run back through the marsh cells, providing access for forage and juvenile finfish, such as juvenile summer flounder (*Paralichthys dentatus*), Atlantic silversides (*Menidia menidia*), and juvenile blue crab. At the same time, the size and depths of the open water cell [ranging to 12 feet, mean low water (MLW)] should attract larger game fish species, such as bluefish and weakfish (*Cynosion regalis*), which will have more direct access to prey organisms using the marsh.

3. The NMFS re-design will provide a more diverse array of habitat types (deep to shallow subtidal zone, open water pelagic zone, mudflat, tidal guts through the marsh, artificial reef, and stone edge), thereby creating more niches for estuarine organisms.

4. Export of detritus and other biological materials from the surrounding marsh will ultimately enhance the existing sand substrate of the open water area through addition of organic material. Consequently, the benthic community of the open water area, which is currently dominated by a single species of suspension feeder, will become more diverse, include deposit feeders, and offer more forage opportunities to bottom feeding fish such as spot (*Leiostomus xanthurus*) and croaker (*Micropogon undulatus*).

5. The open water cell will conserve public ground for crab potting and recreational fishing activities.

Although the NMFS re-design of the proposed lateral expansion of Poplar Island alters the 50:50 ratio of wetlands:uplands used for the original Poplar Island project, it is not meant to supercede this ratio on future island restoration projects, such as the proposed mid-Chesapeake Bay Island. The proposed location of upland, wetland, and open water habitats for the Poplar Island lateral expansion are a result of resource and logistical constraints of the Poplar Island site, and intended only for the Poplar Island Project. However, while the 50:50 wetlands:uplands ratio may be applied to future projects, the latter ratio should not restrict incorporation of innovative design features into restored islands. Such projects should possess features that will provide secondary benefits to fish and shellfish inhabiting the waters adjacent to the project.

Sand Borrow for Poplar Island Construction Requirements

A major concern for island restoration projects deals with ancillary impacts on habitats and resources that are not apparent in the feasibility stage of project review. These impacts include dredging sand for construction of containment dikes. While the northern alignment for the lateral expansion of Poplar Island has located upland cells over the largest sources of sand material in the project vicinity (thereby consolidating the impact of the project), there is also the probability that additional borrow activities will be required in areas lying outside the footprint of the lateral expansion. For example, sand borrow may be taken from a 120 to 210-acre site lying to the

southwest of the existing Poplar Island Project. Impacts on this area are likely to be substantial (borrow may be taken to a depth of 25 feet, 10-12 feet below the existing bottom) and permanent, converting existing sand bottom to hard clay. The latter actions will adversely affect bottom feeding finfish that prefer sand substrate, such as summer flounder.

We recommend against borrow of sand that will affect bottom lying outside the footprint of the lateral expansion, except material generated from dredging of required access channels for project construction. Where practicable, alternative sources of sand should be used for the project, such as those originating from other navigation projects (Knapps Narrows Federal Project, Chester River Federal Project). A staging area for storage of sand obtained from other projects, located on the existing island, would facilitate use of material from such sources.

Acceptance of Dredge Material at Poplar Island From Other Maintenance Projects
Review is currently being conducted by state and federal resource agencies on the proposal to open the Poplar Island Facility for placement of dredge materials generated from other projects (i.e., beyond the current source of material, the Port of Baltimore Approach Channels of the Chesapeake Bay mainstem). Included in these sources is material from the C&D Canal Approach Channels in the upper Chesapeake Bay, Maryland. Material generated from private and local government-sponsored projects is also being considered for placement in the upland cells of the Poplar Island facility.

We consider dredge material from the C&D Canal Approach Channels to be physically and chemically comparable to material from the Baltimore Harbor Approach Channels, and we will not object to the latter material being placed at the Poplar Island facility.

Material generated from private and local government projects brings additional concerns regarding contaminants contained in the dredge material. Special policies and procedures would be required for testing and accepting placement of such material at Poplar Island, placing significant regulatory and expense burdens on both project proponents and regulatory agencies. Additionally, opening Poplar Island for use by these projects will require that limits be placed on the amount of capacity they consume, to conserve capacity for the intended use of the facility, i.e., Port of Baltimore maintenance requirements. We question the practicality of accepting material from the latter sources at Poplar Island, and recommend against its implementation.

Essential Fish Habitat Conservation Recommendations
As noted in the essential fish habitat (EFH) assessment included in the SEIS, the project area has been designated as EFH under the MSA for summer flounder (juveniles and adults), windowpane flounder (*Scopthalmus aquosus*) (juveniles and adults), bluefish (*Pomatomus saltatrix*) (juveniles and adults), and all life stages of red drum (*Sciaenops occelatus*), cobia (*Rachycentron canadum*), Spanish mackerel (*Scomberomorus maculatus*), and king mackerel (*Scomberomorus cavalla*). Based on the ecological requirements and salinity tolerances of these species, we expect only juvenile and adult summer flounder, juvenile and adult bluefish, and juvenile red drum to be present in project waters.

The proposed project will adversely affect EFH by filling open water subtidal habitat used by federally managed species with dredge material, and constructing containment dikes around the fill areas. EFH will also be affected through sand borrow activities in areas lying outside the footprint of the project. We recommend, pursuant to Section 305(b)(4)(A) of the MSA, that the ACOE adopt the following EFH conservation recommendations:

1. We recommend that the northern alignment alternative for lateral expansion of Poplar Island be re-designed according to NMFS' specifications provided in this letter. The NMFS re-design option reduces the displacement of summer flounder and bluefish EFH by 22 percent over the preferred alternative presented in the SEIS. The open water cell design will also provide substantially more benefits to latter federally managed species. The following design features of the open water cell will be particularly important to summer flounder and bluefish, and must be incorporated into the embayment design in order for this option to adequately meet the ecological requirements of our resources.

   a. Opening of completed marsh cells to permit maximum exchange and interaction between marsh and open water will be particularly important to juvenile summer flounder, which prefer *Spartina alterniflora* marsh edge and tidal guts running through *Spartina alterniflora* marsh for shelter and foraging.

   b. Artificial reefs and marsh edge will provide predatory habitat for adult summer flounder using the embayment.

   c. A minimum 130-acre size limit on the open water cell will be critical for attracting adult bluefish to the cell. Adults generally confine their foraging activities to the Bay mainstem and tidal waters of the larger tributaries. An embayment with deep water entry (i.e., 10-12 feet MLW) and large open water pelagic zone will be more attractive to adult bluefish.

2. Sand borrow actions lying outside the footprint of the proposed lateral expansion, with the exception of dredging of access channels for construction purposes, should be avoided. Such actions will result in permanent conversion of sand bottom, preferred by summer flounder, to clay, thereby degrading the value of such habitat for foraging by this species. Alternative sources of sand material should be found for dike construction.

Please note that Section 305(b)(4)(B) of the MSA requires the ACOE to provide NMFS with a detailed written response to these EFH conservation recommendations, including a description of measures adopted by the ACOE for avoiding, mitigating, or offsetting the impact of the project on EFH. In the case of a response that is inconsistent with NMFS' recommendations, Section 305(b)(4)(B) of the MSA also indicates that the ACOE must explain its reasons for not following the recommendations. Included in such reasoning would be the scientific justification for any disagreements with NMFS over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate, or offset such effects pursuant to 50 CFR 600.920(k).

Please also note that a distinct and further EFH consultation must be reinitiated pursuant to 50 CFR 600.920(l) if new information becomes available or the project is revised in such a manner that affects the basis for the above EFH conservation recommendations.

Protected Resources Issues

The endangered shortnose sturgeon (*Acipenser brevirostrum*) and several endangered and threatened species of marine turtles are known to be present in the Poplar Island vicinity. Consequently, your agency has initiated Section 7 consultation under the Endangered Species Act, which is stilling on-going at this time. If you have any additional questions or informational needs regarding protected species issues for this project, you should call Sara McNulty at our Protected Resources Division, Gloucester, MA, (978) 281-9328, ext. 6530.

Conclusions

In summary, NMFS recommends modification of the preferred alternative for lateral expansion (i.e., Alternative 2, 600-acre lateral expansion with northern alignment, and raising of dikes on existing upland Cells 2 and 6 of Poplar Island); i.e., to construct a 130-acre open water cell in lieu of 3 proposed wetland cells on the west side of the expansion footprint, to protect the cell with stone breakwater across its mouth, to provide 4,000 to 6,000 linear feet of marsh shoreline around the cell, and to construct 3 small subtidal artificial reefs within the cell. We also recommend that sand borrow not be taken outside the footprint of the lateral expansion, except for required dredging of access channels for project construction. Finally, we do not object to placement of material from the C&D Canal Approach Channels at Poplar Island, but recommend against placement of material from private and local government-sponsored dredging projects. We look forward to your response to our NEPA recommendations and EFH conservation recommendations, pursuant to both Section 305(b)(4)(B) of the MSA and 50 CFR 600.920(k). Should you have any questions about this matter, please contact John S. Nichols of our Oxford, Maryland, Habitat Office at (410) 226-5606, John.Nichols@NOAA.GOV.

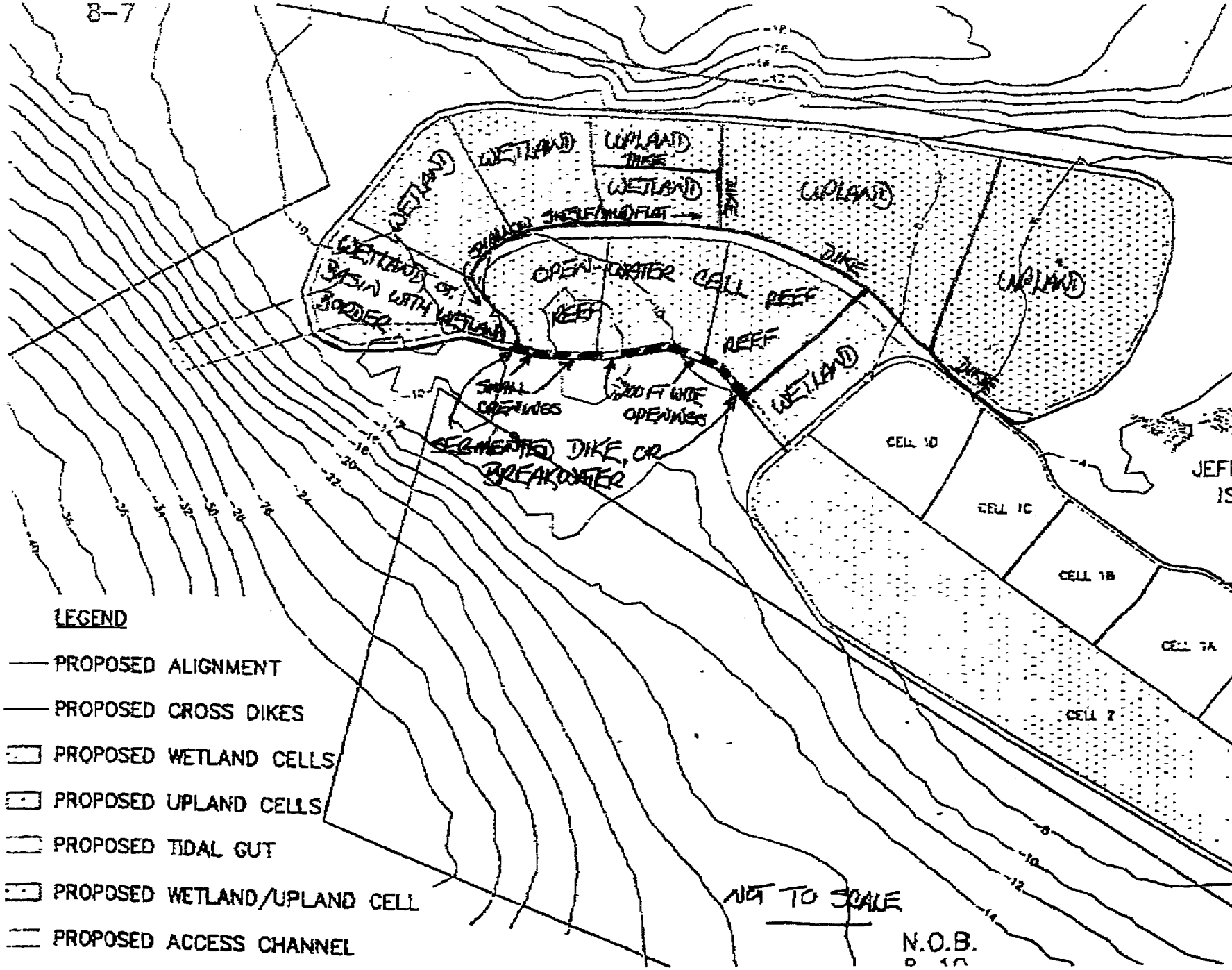
Sincerely,

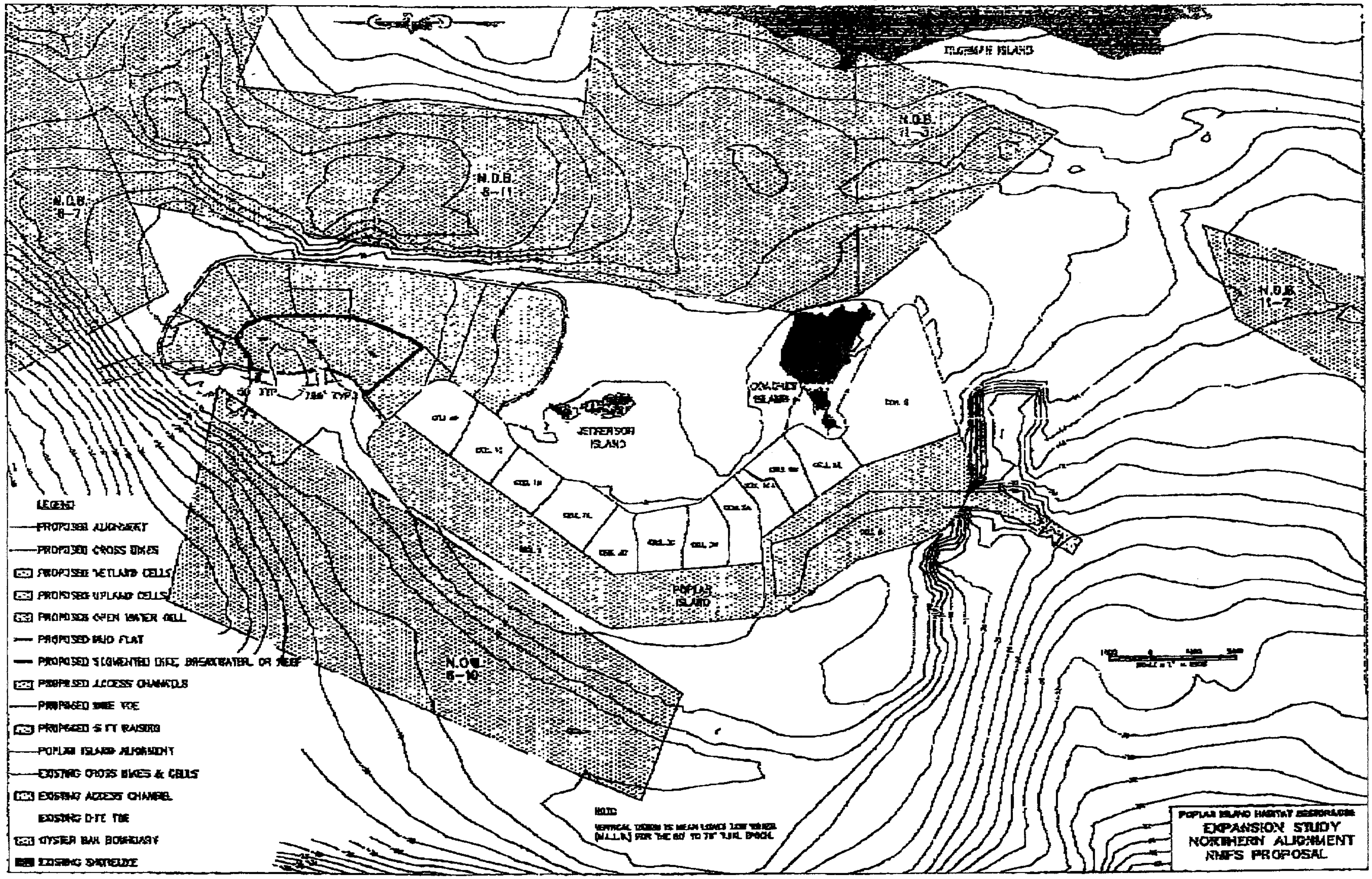
Peter Colosi, Z

Peter D. Colosi, Jr.
Assistant Regional Administrator
for Habitat Conservation

Enclosure

cc: Bill Muir, EPA, Region III, Philadelphia
Jason Miller, FWS, Annapolis Field Office
Roland Limpert, Environmental Review Unit, MD DNR
Peter Bergstrom, NOAA Bay Program Office, Annapolis
Nathaniel Brown, MD Port Administration
Charlie Poukish, MDE, Baltimore
Mary Colligan, PRD
Pat Kurkul, F/NE
Chris Mantzaris, F/NER
Lowell Bahner, CBPO
John Catena, Restoration




N.O.B. 8-7
N.O.B. 8-11
N.O.B. 1-7
N.O.B. 8-10
JEFFERSON ISLAND
POPLAR ISLAND
PROPOSED CROSS DIKES
PROPOSED ACCESS CHANNELS
EXISTING CROSS DIKES & CELLS
EXPANSION STUDY
NORTHERN ALIGNMENT
NMFS PROPOSAL

Agency Comments on the Draft GRR/SEIS

DE 17 JUN
PPMD

June 10, 2005

Colonel Robert Davis
District Engineers
U. S. Army Corps of Engineers
P. O. Box 1715
Baltimore, MD 21203-1715

RE: Poplar Island Expansion Project

Dear Colonel Davis:

This letter is to indicate the Maryland Port Administration's (MPA) concurrence with the U. S. Army Corps of Engineers' proposed Poplar Island Expansion project, and to confirm our intention to act as a non-Federal sponsor for completion. The MPA has provided cost-share funding for the Poplar Island Restoration Project since its inception and we plan to continue our financial contribution to this project in the same manner.

As part of the commitment for our support, we encourage the Army Corps of Engineers to perform a full value engineering exercise at the appropriate milestone for this project. This effort will provide additional justification for the appropriation of funds to continue support of the project.

If you have any questions, please do not hesitate to contact me, or Frank Hamons at 410-631-1102.

Sincerely,

Kathy Broadwater

M. Kathleen Broadwater
Deputy Executive Director

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

REPLY TO
ATTENTION OF

June 17, 2005

Planning Division

U.S. Environmental Protection Agency
Office of Federal Activities
Ariel Rios Building (South Oval Lobby), Mail Code 2252-A
EIS Filing Section
1200 Pennsylvania Avenue, NW
Washington, DC 20460

To Whom It May Concern:

The purpose of this letter is to file the enclosed Draft General Reevaluation Report (GRR) and Supplemental Environmental Impact Statement (SEIS) for the Poplar Island Environmental Restoration Project, Talbot County, Maryland with your agency and request publication of a Notice of Availability (NOA) in the June 24, 2005 Federal Register. Enclosed are five (5) copies of the subject report, including appendices.

The Draft integrated GRR and SEIS has been distributed to the persons and agencies on the attached mailing list, including the USEPA Region III Office, for review and comment. The cover sheet stated that August 8, 2005 ends the 45-day public review period. This is based on EPA filing a NOA in the June 24, 2005 Federal Register.

A copy of the NOA is provided for your use. This action is in compliance with Council on Environmental Quality (CEQ) regulations governing implementation of the National Environmental Policy Act (NEPA) of 1969, as amended.

The official responsible for the distribution and contents of the integrated Draft GRR/SEIS is Mark Mendelsohn. Any questions should be directed to him by phone, at (410) 962-9499 or by e-mail, at *mark.mendelsohn@usace.army.mil.*

Sincerely,

Wesley E. Coleman, Jr.
Chief, Civil Project Development Branch

US Army Corps
of Engineers
Baltimore District

Planning Division

NOTICE OF AVAILABILITY

Date: June 17, 2005

Draft General Reevaluation Report / Supplemental Environmental Impact Statement

Poplar Island Environmental Restoration Project
Talbot County, Maryland

ALL INTERESTED PARTIES:

In accordance with the requirements of the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE), Baltimore District has prepared a Draft General Reevaluation Report (GRR) and Supplemental Environmental Impact Statement (SEIS) for the Poplar Island Environmental Restoration Project (PIERP). The report evaluates the vertical and/or lateral expansion of the PIERP, design modifications to the existing project, the addition of recreational/educational opportunities to the existing project, and the potential to accept dredged material from additional channels not specified for the existing project.

The PIERP is located in the Chesapeake Bay; approximately 39 miles south-southeast of the Port of Baltimore, and two miles northwest of Tilghman Island in Talbot County, Maryland. Approximately 10,000 acres of remote island habitat has been lost throughout the Chesapeake Bay in the last 150 years. Dredged material from the Upper Chesapeake Bay Approach Channels to the Port of Baltimore is being beneficially used to restore 1,140 acres of wetland and upland habitat (approximately 570 acres of wetland habitat and 570 acres of upland habitat), and it is estimated that by 2014 the PIERP will provide up to 40 million cubic yards (mcy) of dredged material placement capacity. To date, approximately 12 mcy of dredged material has been placed at the site. Construction and site operation at the PIERP is a collaborative effort that is cost shared between the Federal sponsor, the U.S. Army Corps of Engineers – Baltimore District (USACE-Baltimore) and the non-Federal sponsor, Maryland Port Administration (MPA).

To address a predicted dredged material placement capacity shortfall, USACE-Baltimore and MPA initiated the Poplar Island Expansion Study (PIES) under the existing PIERP Congressional Authorization, Section 537 of the Water Resources Development Act (WRDA) of 1996. Authorization for ecosystem restoration projects using dredged material is included in Section 204 of the WRDA of 1992, as amended by Section 207 of the WRDA of 1996.

The Draft GRR/SEIS documents the NEPA compliance for the proposed expansion of the PIERP, provides information specific to the actions of the GRR, and supplements the *Poplar Island Restoration Study, Maryland: Integrated Feasibility Report and Environmental Impact Statement* (ERP No. D-COE-D350557-MD) (USACE/MPA, 1996). The expansion of Poplar Island was one of three actions specifically recommended by the USACE-Baltimore District's, *Draft Dredged Material Management Plan (DMMP) and Tiered Environmental Impact Statement* (February 2005). The USACE is making the Draft GRR/SEIS available to the public for review and comment through a Notice of Availability published in the Federal Register. The recommendations of the GRR/SEIS are:

- Construction of a northern lateral expansion of approximately 575 acres, consisting of approximately 60 percent wetland and 40 percent upland habitat;

- Construction of a 5-ft vertical raising of the existing upland Cells 2 and 6 at the PIERP;

- Amending the existing project authorization and Project Cooperation Agreement (PCA) to include the placement of dredged material from the southern approach channels to the Chesapeake and Delaware (C&D) Canal and other small Federal navigation projects;

- Incorporation of design modifications required for the completion of the existing project, and

- Development of recreational and educational enhancements for the PIERP.

We must receive comments on or before August 8, 2005, to ensure consideration in final plan development. Two public meetings will be held for the PIERP integrated Draft GRR/SEIS. The first public meeting will be held at the Talbot County Public Library, Easton Branch, 100 West Dover Street, Easton, Maryland 21601, in the conference room on Tuesday, July 19, 2005 beginning at 6 P.M. The second public meeting will be held at Tilghman Elementary School, 21374 Foster Avenue, Tilghman, Maryland 21617, in the cafeteria on Wednesday, July 20, 2005 beginning at 7 p.m. Staff will be available one hour prior to meeting start time. Both meetings will provide an opportunity for the public to present oral and/or written comments. All persons and organizations that have an interest in the PIERP GRR/SEIS are urged to participate in one or both meetings.

Please send written comments concerning this report to U.S. Army Corps of Engineers, Attn: Mr. Mark Mendelsohn, Planning Division, P.O. Box 1715, Baltimore, MD 21203. Telephone: (410) 962-9499 or 1-800-295-1610. Please submit electronic comments to mark.mendelsohn@usace.army.mil. Your comments must be contained in the body of your message; please do not send attached files. Please include your name and address in your message. You may view the Draft GRR/SEIS and related information on the USACE web page at http://www.nab.usace.army.mil/projects/Maryland/PoplarIsland/expansion.html. USACE has distributed copies of the Draft GRR/SEIS to appropriate members of Congress, State, and local government officials, Federal agencies, and other interested parties. Copies are also available for public review at the following locations:

(1) Talbot County Public Library, Easton Branch, 100 West Dover Street, Easton, MD 21601

(2) Queen Anne's County Public Library, Stevensville Branch, 200 Library Circle, Stevensville, MD 21666

(3) Anne Arundel County Public Library, 1410 West Street, Annapolis, MD 21401.

(4) Talbot County Public Library, Tilghman Island Elementary School Branch, 21374 Foster Avenue Tilghman, MD 21671

(5) Enoch Pratt Free Library, 400 Cathedral St., Baltimore, MD 21201-4484

After the public comment period ends on August 8, 2005, the USACE will consider all comments received. The Draft GRR/SEIS will be revised as appropriate and a Final GRR/SEIS will be issued.

Wesley E. Coleman, Jr.
Chief, Civil Project Development Branch

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Date 6/17/05

The US Environmental Protection Agency has received the

/ X / **DRAFT** / / **FINAL** / X / **SUPPLEMENTAL**

Environmental Impact Statement prepared by the (Agency)

U.S. Army Corps of Engineers, Baltimore District

entitled Draft General Reevaluation Report (GRR)

Supplemental Environmental Impact Statement (SEIS) for ~~Poplar Island Environmental~~ Restoration Project, Chesapeake Bay, Talbot County, MD

The above document has been hand carried to the USEPA for official filing purposes by the undersigned. The undersigned also verifies that complete distribution to all Agencies/persons has been made simultaneously with this filing.

Peggy, Daniel

Name of Person Filing EIS

Project manager, EA Engineering

Title

410-326-5126

Telephone Number

will deliver 6-17-05

will deliver 6-24-05

Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor
Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary
Florence E. Burian
Deputy Secretary

June 22, 2005

Mr. Wesley E. Coleman
Chief, Civil Project Development Branch
U.S. Army Corps of Engineers
Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715

STATE CLEARINGHOUSE REVIEW PROCESS
State Application Identifier: MD20050620-0556
Reviewer Comments Due By: July 28, 2005
Project Description: Supplemental Environmental Impact Statement and Draft General Reevaluation Report: Poplar Island Environmental Restoration Project: construct northern lateral expansion; vertical raising of upland cells; amend existing project authorization
Project Location: County(ies) of Anne Arundel, Calvert, Dorchester, Queen Anne's, St. Mary's, and Talbot
Clearinghouse Contact: Bob Rosenbush

Dear Mr. Coleman:

Thank you for submitting your project for intergovernmental review. Participation in the Maryland Intergovernmental Review and Coordination (MIRC) process helps ensure project consistency with plans, programs, and objectives of State agencies and local governments. MIRC enhances opportunities for approval and/or funding and minimizes delays by resolving issues before project implementation.

The following agencies and/or jurisdictions have been forwarded a copy of your project for their review: the Maryland Department(s) of Housing and Community Development, including the Maryland Historical Trust, Agriculture, Transportation, the Maryland Environmental Service, the University System of Maryland, Natural Resources, the Environment; the Counties of St. Mary's, Anne Arundel, Baltimore, Cecil, Calvert, Dorchester, Kent, Queen Anne's, Somerset, Talbot, and Wicomico; Baltimore City, the Towns of Hurlock, and Rock Hall; and the Maryland Department of Planning. They have been requested to contact your agency directly by **July 28, 2005** with any comments or concerns and to provide a copy of those comments to the State Clearinghouse for Intergovernmental Assistance. Please be assured that after **July 28, 2005** all MIRC requirements will have been met in accordance with Code of Maryland Regulations (COMAR 14.24.04). The project has been assigned a unique State Application Identifier that should be used on all documents and correspondence. If you need assistance or have questions, contact the State Clearinghouse staff noted above at 410-767-4490 or through e-mail at brosenbush@mdp.state.md.us. Thank you for your cooperation with the MIRC process.

Sincerely,

Linda C. Janey, J.D., Director
Maryland State Clearinghouse for Intergovernmental Assistance

LCJ:BR
Enclosure(s)
cc: Pat Goucher – MDPLL*
Mike Paone – MDPLS*
Mark Gradecak – MDPLU*
Beth Cole - DHCD/MHT
Sandy Redmer - MDA
Ronald Spalding - MDOT
John Sparkman - MES
Jim Salt - USM
Ray Dintaman - DNR
Nathaniel Brown - MPA
Don Wm. Bradley - Town of Hurlock
Jay A. Jacobs - Town of Rock Hall
Joane Mueller - MDE
George Forrest – STMA*
Robert Caffrey - ANAR
David M. Strathy - BCIT
Lynn Lanham – BLCO*
Eric Sennstrom - CECL
Gregory Bowen - CLVT
Steven Dodd - DRCH
Gail Owings - KENT
Faith Rossing - QANN
Charles Massey – SMST
George Kinney – TLBT
Gary Pusey - WCMC
Joe Tassone – MDPE*
05-0556_NDC.NEW.doc

301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2305
Telephone: 410.767.4500 • Fax: 410.767.4480 • Toll Free: 1.877.767.6272 • TTY Users: Maryland Relay
Internet: www.MDP.state.md.us

Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor
Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary
Florence E. Burian
Deputy Secretary

PROJECT SURVEY

Would you please take a few moments and tell us the source of information used by your agency to apply to the **U.S. Department of Defense (DOD/ARMY)** for this grant and/or service. Please complete this form and return it to the State Clearinghouse within 14 days of **June 22, 2005,** to the address or fax number noted below.

TO: **Maryland State Clearinghouse**
Maryland Department of Planning
301 West Preston Street
Room 1104
Baltimore, MD 21201-2305

DATE: _____
(Date form completed)

FROM: _____
(Name of person completing this form.)

PHONE: _____-_____-_____
(Area Code & Phone number)

RE: State Application Identifier: MD20050620-0556
Project Description: Supplemental Environmental Impact Statement and Draft General Reevaluation Report: Poplar Island Environmental Restoration Project: construct northern lateral expansion; vertical raising of upland cells; amend existing project authorization

☐ Chronicle of Philanthropy	☐ GrantsNet	☐ Nonprofit Organization Website
☐ Commerce Business Daily	☐ Health Grants and Contracts Weekly	☐ Previous Grantee
☐ Community Health Funding Report	☐ LISTSERV	☐ Red Book (Catalog of State Assistance)
☐ E-Mail Automatic Notification	☐ Local/State Funding Report and Grant Alert	☐ Seminar or Workshop Attended
☐ Federal Agency Website	☐ Maryland Department of Planning Website	☐ State Agency Website
☐ Federal Assistance Monitor	☐ Maryland Grants (MD Grants)	☐ The Catalog of Federal Domestic Assistance (CFDA)
☐ Federal Grants and Contracts Weekly	☐ Maryland Register	☐ The Foundation Center
☐ Federal Register	☐ NIH Guide for Grants and Contracts	☐ Grants.Gov
☐ Please Identify Other Source(s) Not Listed Above:		

Thank you.

MDPCH-1K

301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2305
Telephone: 410.767.4500 • Fax: 410.767.4480 • Toll Free: 1.877.767.6272 • TTY Users: Maryland Relay
Internet: www.MDP.state.md.us

Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor
Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary
Florence E. Burian
Deputy Secretary

PROJECT STATUS FORM

Please complete this form and return it to the State Clearinghouse upon receipt of notification that the project has been approved or not approved by the approving authority.

TO: **Maryland State Clearinghouse**
Maryland Department of Planning
301 West Preston Street
Room 1104
Baltimore, MD 21201-2305

DATE: _____
(Please fill in the date form completed)

FROM: _____
(Name of person completing this form.)

PHONE: ____-____-_____
(Area Code & Phone number)

RE: **State Application Identifier:** **MD20050620-0556**
Project Description: Supplemental Environmental Impact Statement and Draft General Reevaluation Report: Poplar Island Environmental Restoration Project: construct northern lateral expansion; vertical raising of upland cells; amend existing project authorization

PROJECT APPROVAL

This project/plan was: ☐ **Approved** ☐ **Approved with Modification** ☐ **Disapproved**

Name of Approving Authority: **Date Approved:**

FUNDING APPROVAL

The funding (if applicable) has been approved for the period of:

_____, 200____ **to** _____, 200____ **as follows:**

Federal $:	**Local $:**	**State $:**	**Other $:**
_____	_____	_____	_____

OTHER

☐ **Further comment or explanation is attached**

MDPCH-1F

301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2305
Telephone: 410.767.4500 • Fax: 410.767.4480 • Toll Free: 1.877.767.6272 • TTY Users: Maryland Relay
Internet: www.MDP.state.md.us

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

July 15, 2005

Mark Mendelsohn
Planning Division
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, Maryland 21203

Re: Notice of Availability
Poplar Island Expansion and Draft EIS Document

Dear Mr. Mendelsohn:

This office has received the above referenced Army Corps of Engineers notice for the draft Environmental Impact Statement (EIS) associated with the expansion of Poplar Island. The notice states that the purpose of the draft EIS is to evaluate the proposed vertical and lateral expansions at Poplar Island, along with design modifications to the existing project. In addition, the draft EIS evaluates the potential to accept dredged material from the southern approach channels to the Chesapeake and Delaware Canal and other small Federal navigation projects. While we have no specific comments to offer regarding the draft EIS document, please consider the following information as the project progresses.

The Poplar Island project falls under the Critical Area Regulations outlined within COMAR 27.02. As such, the project will require formal review and approval by the Critical Area Commission. The approval process for the expansion will be consistent with that which was followed during the Commission's 1996 review and approval of the original island restoration project.

Should you have further questions regarding the specific Critical Area regulations as they pertain to this project, please contact me at 410-260-3482. Thank you for the opportunity to review this document.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner

MEMORANDUM FOR RECORD

SUBJECT: Poplar Island Expansion Study GRR/SEIS

1. I called George Harman, Maryland Department of the Environment, on July 28, 2005 to remind him that the public comment period for the Poplar Island Expansion Study GRR/SEIS ends on August 8, 2005.

2. I told Mr. Harman that if his agency was going to submit comments on the document, we would appreciate receiving them no later than August 8, 2005.

3. Mr. Harman stated his agency did not have any comments and that he would try to send a letter to document this.

PREPARED BY:

Erika Mark
Biologist, Planning Division

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P. O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

REPLY TO
ATTENTION OF

August 2, 2005

Planning Division

Mr. John Nichols
National Marine Fisheries Service
904 S. Morris Street
Oxford, Maryland 21654

Dear Mr. Nichols:

I am writing to request your review of the updated and attached Essential Fish Habitat (EFH) Impacts Assessment for the proposed expansion of the Poplar Island Environmental Restoration Project (PIERP), Talbot County, Maryland. A Final General Reevaluation Report (GRR) for the Poplar Island Expansion Study (PIES) with an integrated Supplemental Environmental Impact Statement (SEIS) is being prepared under the existing PIERP authorization. The public comment period for the Draft GRR/SEIS closes on August 8, 2005. It is anticipated that the Final GRR/SEIS will be sent to Corps Headquarters in September 2005, and therefore your comments on this updated EFH would be appreciated no later than August 17, 2005. The EFH has been updated to reflect changes in the recommended plan of the GRR/SEIS, specifically the addition of an alternative that includes an open water embayment requested by your agency. A review of impacts of the new recommended plan on EFH was conducted in accordance with requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Based on coordination with you, this assessment is focused on EFH for bluefish (*Pomatomus salatrix*), red drum (*Sciaenops ocellatus*), and summer flounder (*Paralichthys dentatus*).

As you know from your history of working with the Baltimore District on the PIERP and PIES, the PIERP is currently under construction, and will ultimately restore/create more than 1,100 acres of wetlands and upland island habitat using clean dredged material from Federal channels in the upper Bay. The District is investigating expanding the PIERP to provide additional capacity for dredged material and increase habitat. Following a recently received proposal from your agency in a letter dated May 19, 2005, a modified lateral expansion was designed by the Corps to incorporate additional protected open water and fish habitat diversity on the project. The proposed expansion would include a 600-acre lateral expansion component (measured from the centerline of the exterior dike outward to the end of the toe dike) with an open water embayment ranging from 90 to 140 acres in size; plus a vertical expansion component consisting of a 5-ft raising of the upland cells of the existing project. For the purposes of the impacts assessment, the size of the open water embayment within the proposed northern lateral expansion is estimated at 130 acres in size and the total impact area of the northern lateral expansion is assumed to be 470 acres. Therefore, the open water embayment will reduce the footprint of the northern lateral expansion originally proposed (600 acres bottom impact) by 130 acres. The new plan conserves both open water and Bay bottom habitat because

no dredged material will be placed in the embayment area and the bottom of the embayment will not be disturbed by construction activities. The lateral expansion with a 130-acre open water embayment would consist of approximately 29 percent wetland habitat, 47 percent upland habitat, and 24 percent open water. The open water embayment would be located on the western side of the northern lateral expansion and directly adjacent to the proposed wetland cells. Approximately 19 acres of sand borrow will be required for construction of the expansion. This sand will be derived from a 230-acre borrow area identified southwest of the existing PIERP. In the borrow area, water depths would be increased by as much as 10 to 12 ft over existing depths.

The District has determined that the proposed project will cause a loss of up to 470 acres of EFH, and increase the water depths over approximately 19 acres of Bay bottom in the southwestern borrow area. However, the project incorporates salt marsh habitat components and is configured to favor development of submerged aquatic vegetation (SAV) in Poplar Harbor. In addition, a direct trophic link between the created wetland cells and the open water embayment is planned which would provide finfish access to the small tributaries and tidal guts, would create a 130-acre quiescent area that could potentially support SAV, would increase the stability and complexity of the existing benthic community, and would provide a more diverse habitat for finfish species. The open water embayment would provide more diverse habitat types that include deep and shallow sub-tidal zones, an open water pelagic zone, mudflat habitat, tidal guts throughout the wetland cells, submerged reef habitat, and rock reef habitat. These positive impacts will partially offset the adverse impacts of open water habitat loss. The project would be constructed in accordance with standard practices that minimize detrimental environmental impacts, and a dredging plan will be developed in coordination with resource agencies. Consequently, the District has determined that the project will not have any substantial adverse effect on federally-managed species populations or their habitats, and complies with the provisions of the Magnuson-Stevens Act, as amended.

The District is requesting your concurrence with this finding. Please provide your agency's concurrence or comments within 15 days of the date of this letter. Your response is important and we are under a constricted schedule to finalize the GRR/SEIS. If you have any questions regarding this matter, please contact Mr. Mark Mendelsohn of this office, at (410) 962-9499.

Sincerely,

Wesley E. Coleman, Jr.
Chief, Civil Project Development Branch

Enclosure

MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*
C. Ronald Franks, *Secretary*

August 4, 2005

Mr. Mark Mendelsohn
U.S. Army Corps of Engineers
Planning Division
P.O. Box 1715
Baltimore, MD 21203

Dear Mr. Mendelsohn:

This letter is in response to your request for comments on the *Draft General Reevalaution Report/Supplemental Environmental Impact Statement for Poplar Island Environmental Restoration Project, Talbot County, Maryland.* The Department of Natural Resources has reviewed the document and is also in receipt of documentation from the Corps regarding a change in the recommended plan to include an open-water embayment. The open-water embayment had been previously proposed as a design feature that could be potentially included in a final design for the project.

The Department has been a participant on the Bay Enhancement Work Group and the various sub-work groups and project delivery teams associated with the proposed expansion of the Poplar Island Environmental Restoration Project (PIERP) and the search for addition placement sites for material dredged from the Upper Bay Approach Channels to the Port of Baltimore. The Department recognizes the need for additional placement capacity for the material dredged from the channels and supports the proposed expansion of PIERP by 575 acres. The following comments on the Draft GRR/EIS are the result of an intra-Departmental review of the document that was coordinated by the Department's Environmental Review Unit.

The Department is concerned that the proposed project will result in the conversion of 575 additional acres of open-water habitat to 60% wetlands and 40% upland habitat in an area that has already had 1,140 acres of open-water habitat converted to 50% wetlands and 50% uplands as part of the existing PIERP. However, the Department notes that the Draft GRR/EIS contains language indicating that any future lateral or vertical expansion of the PIERP would not appear to provide additional substantive environmental benefits to PIERP and would encounter difficulty overcoming environmental and engineering constraints.

The Department supports the recommended alternative and the inclusion of an open-water embayment feature as part of the proposed plan. The Department does have concerns regarding the location of the embayment, the size of the embayment, the potential for accelerated erosion of the adjacent wetlands and the potential for higher

capital and life cycle maintenance costs depending on how the embayment is aligned. The Department urges the incorporation of one or two nesting islands in the 1 to 5-acre size range as part of the embayment design. The Department looks forward to working further with Corps during the Value Engineering process to refine the design features of this project to maximize its environmental benefits and resolve any potential design conflicts.

The Corps should be aware that the proposed expansion of the PIERP falls under the State's Critical Area Regulations as outlined within COMAR 27.02. As such, the project will require formal review and approval by the Critical Area Commission. The approval process for the expansion will be consistent with that which was followed during the Commission's 1996 review and approval of the original PIERP.

Thank you, for the opportunity to review and provide comments on this document. The Department looks forward to continuing to work with the Corps on this and future beneficial dredge material placement projects. If you have any questions regarding these comments please feel free to contact Roland Limpert of my staff at 410-260-8333.

Sincerely yours,

Ray C. Dintaman Jr

Ray Dintaman, Jr., Director
Environmental Review Unit

cc: Ron Franks, DNR-OOS
David Goshorn, DNR-RAS
Frank Dawson, DNR-WSC
Howard King, DNR-FS
Ren Serey, DNR-CAC
Frank Hamons, MPA
Elder Ghigiarelli, MDE
Rick Ayella, MDE

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

August 5, 2005

ER 05/530

Colonel Robert J. Davis, Jr., P.E.
District Engineer
Baltimore District, Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715

Dear Colonel Davis:

The U.S. Department of the Interior (Department) has reviewed the Baltimore District's June 2005 draft report (GRR/SEIS) entitled "General Reevaluation Report (GRR) and Supplemental Environmental Impact Statement (SEIS) for the Poplar Island Environmental Restoration Project." The document describes a proposal to expand the existing 1,140-acre Poplar Island project, in Chesapeake Bay, Talbot County, Maryland. The proposed north and northeastward expansion would increase the island's footprint by approximately 575 acres, with a 60% wetland to 40% upland ratio for the expansion area. Please consider the comments below in completing the final document.

This letter constitutes the report of the Department on the proposal, and is submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667e) and the Endangered Species Act (87 Stat. 884, as amended: 16 U.S.C. 1531 et seq). Prior official correspondence included a letter dated April 25, 2005, describing U.S. Fish and Wildlife Service (FWS) participation in project formulation and comments on proposed project features. A letter dated May 11, 2005, described the FWS positions on acceptance of new sources of dredged material at Poplar Island. Also, a letter dated April 14, 2004, described the presence of species federally listed or proposed for listing as endangered or threatened under the Endangered Species Act. In that letter the FWS reported the presence of the federally threatened bald eagle (*Haliaeetus leucocephalus*) nest on Coaches Island. If construction activities relative to Poplar Island expansion remain outside a one-quarter mile radius of the nest, as planned, further Section 7 consultation with the FWS will not be required. The three letters referenced above are contained in Appendix F, Agency Coordination, of the GRR/SEIS.

GENERAL COMMENTS

The Department concurs, in general, with Baltimore District's Recommended Plan of a 575-acre northward lateral expansion comprising 60% wetlands and 40% uplands, and a 5-foot rise of the existing upland dikes. Many details regarding the alignment, configuration, magnitude and type

of aqueous habitats intended to compose the 60% wetland component of the expansion area remain unresolved. The most significant of the remaining issues concerns a proposal, initially forwarded by National Marine Fisheries Service (NMFS) in January 2005, to modify the project via the inclusion of an open-water embayment.

SPECIFIC COMMENTS

The FWS discussed the open-water embayment proposal in the April 25, 2005, letter by detailing several reservations, and suggesting modifications. Although described in chapter 9, page 9-25, the FWS modifications are not discussed in the Executive Summary, in Chapter 6- Recommended Plan, or in Appendix J- Evaluation of the Open Water Embayment Design Feature. As there is not yet consensus among reviewing resource agencies on the magnitude and configuration of a potential embayment, due to the lateness of the proposal within the Corps planning process, we request that details of the FWS-proposed modifications be discussed along with the embayment details currently described in the Corps' draft GRR/EIS. When future analyses, including hydrodynamics and hydraulic modeling, are used to evaluate an embayment option, they should be conducted using, among others, the FWS-recommended size parameters.

The Maryland Department of Natural Resources (DNR) requested in their letter of May 12, 2005, that additional sizes and locations be considered for the embayment, and suggested an analysis of erosion and debris-accumulation risk. We share DNR's concerns and also recommend that a detailed assessment of the risks to adjacent habitats via erosion, catastrophic failure, debris accumulation and concentration of human extractive-use activity be considered if the embayment concept moves forward either as a "Proposed Environmental Design Feature" or as an integral part of the Recommended Plan. As of the date of this letter, project planners have suggested that the latter is likely within the final GRR/SEIS. Should that occur, these assessments of risk must be made, in order to supplement and balance the potential benefits described in Appendix J. We also suggest that a benefits analysis include a provision for the regional scarcity and decline of on-island habitats vs. the more abundant and increasing open-water habitats.

The current draft GRR/SEIS has generally addressed prior FWS comments for aspects of the project other than the embayment concept. Because the inclusion and design specifics of an embayment are not yet resolved, yet so acutely affect function and management of the project, we reiterate the details of prior FWS-comments regarding the open-water embayment proposal.

<u>Open-Water Embayment Proposal</u>

In January 2005, NMFS proposed a significant modification to the preferred alignment selected in the Corps' GRR/SEIS. The Corps has inserted the NMFS open-water embayment proposal as a "Proposed Environmental Design Feature" (page ES-9) that may be included within the 60% of the project footprint intended for creation of tidal wetlands. The proposal would replace 130 acres of the proposed wetland area on the project's western side with an open-water embayment. This open-water cell would be partially enclosed on the west by stone breakwaters segmented by 50 and 200-foot openings. The proposed embayment's purpose was to reduce the footprint of the proposed expansion while creating an area with enhanced fisheries functions. Even after

extensive debate on the proposal, many issues surrounding the proposal remain outstanding including the development of physical details.

We agree that providing semi-protected fishery habitat immediately adjacent to created wetland and upland cells would increase the complexity of remote island habitat. It may also be well-used by wintering waterfowl seeking protection from wind and wave energy. However, we recommend modifying the potential embayment, as described in the current draft GRR/SEIS, so the embayment design may provide enhanced remote island habitat by bringing fisheries habitats into closer juxtaposition with wetland and upland habitats. The proposed open water cell could also be considered as enhanced habitat, primarily based on benefits derived from protecting the cell from the westerly fetch with stone breakwaters.

If the proposed mix of upland, wetland, and open water habitats is to be constructed, the GRR/SEIS must stress that this recommendation for the lateral expansion of Poplar Island is a function of the logistical and local environmental/resource constraints and opportunities associated with the expansion site. If constructed, this design case would apply only to the lateral expansion of Poplar Island, and would not establish precedent superceding the policy of 50% (minimum) vegetated wetlands to 50% (maximum) uplands on future island restoration projects.

Open-Water Embayment Design Modifications

The Proposed Environmental Design Feature that the Corps may incorporate into the wetland acreage is described as re-designing 130-135 acres of proposed wetland cells as open-water habitat. We suggest that amount be reduced by no less than 1/3 should the embayment plan become the recommended alternative (Table 1). This compromise will still allow for a large open-water embayment of 80 to 90 (maximum) acres while guarding against a failure to create a wetland cell in the proposed turning basin at the NW tip of the expansion area. Constructability of a wetland in this deepened cell may prove difficult as in sand dredging areas of Cell 5 of PIERP. Also, the loss of dredged material disposal capacity due to eliminating 3 wetland cells will necessitate that the expansion footprint include more uplands. This upland expansion will reduce the preferred alternative ratio of wetland to upland that we support.

Table 1. A summary of FWS-recommended changes to the habitat types comprising the footprint of the expansion area should the Proposed Environmental Design Feature be incorporated into the Recommended Plan in the Final GRR/SEIS:

	USFWS Recommendations		**As Described by Corps in Draft GRR/SEIS**	
	Acres	***% of Total***	**Acres**	***% of Total***
Wetland	225	*39*	165	*29*
Upland	270	*47*	270	*47*
Open-Water	80	*14*	135	*24*
Total	575	*100*	575	*100*

In order to provide as much fisheries habitat/structure as possible, additional fisheries elements can be constructed outside the currently-proposed expansion footprint. This has been done successfully with the current project. According to fisheries data collected by NMFS, the rock piles off of Poplar's current north end are high-functioning.

We recommend that the open-water area include 1-3 small islands designed for colonial waterbird nesting. The setting would allow true isolation from mammalian predators. Such habitats are regionally scarce and the open-water embayment proposal provides an opportunity for their inclusion. Since the embayment proposal already suggests that a few rock reefs be placed inside the area, one or more could be expanded vertically and laterally to protrude above high tide for tern nesting. Contained dredged material could be incorporated. Alternatively, sections of the perimeter breakwaters could be expanded into suitably-sized and configured nesting islands.

Open-Water Embayment Management/Usage and Maintenance

Many questions regarding the constructability, stability, function, and management of the proposed embayment remain. As the option develops, these should be addressed through the continuing Project Delivery Team process and the Corps' planning process.

We are concerned about the future management and usage of an interior open-water area. The open-water area may become a magnet for recreational fishermen, particularly on weekends. Unfettered access to this area may be incompatible with nesting waterbirds on the island and terrapin nesting habitat which is likely to form along the inner margin of the embayment. If allowed, recreational fishermen and boaters would likely put ashore on sandy areas. Undirected human traffic runs counter to the spirit of remote island habitat, and nesting functions in particular. We would propose that this area have a status that limits, controls, or closes landing access. During construction years, safety reasons may prevent public usage, but the proposal creates a management problem thereafter. Also, another concern is that the embayment may create a concentrated recreational harvest area, leading to a population sink for Chesapeake gamefish. Additional fisheries information is required to address this issue. Further

development of the embayment proposal into a viable construction option should include an early discussion of management of the area to avoid future resource conflicts.

The final, preferred alternative must be able to withstand potential damage and erosion by storm generated waves. To date, analyses describing the stability of wetland cells and dikes adjacent to the proposed embayment have not been conducted. Physical stability will be necessary for the function of the proposed fisheries habitat within the embayment, adjacent wetland cells, and habitats outside the expansion that could be affected by lost dredged material in storm events. Also, proper flow and exchange in the embayment will be necessary to avoid constructing a potential debris trap.

SUMMARY COMMENTS AND RECOMMENDATIONS

The Department concurs with Baltimore District's Recommended Plan. However, the uncertainties surrounding the actual composition of the 50 to 60% wetland component of the expansion footprint should be substantially addressed in the next iteration of the GRR/SEIS. We recommend the Baltimore District address the Department's specific concerns regarding the open-water embayment proposal that include the location and configuration, the amount of wetlands to uplands, the amount of human disturbance and its effect on natural resources, and the loss of physical stability from weather and hydraulic forces. Please direct questions or concerns to Jason Miller (project biologist) or Mr. John Wolflin (field supervisor), U.S. Fish and Wildlife Service, Chesapeake Bay Field Office, 177 Admiral Cochrane Drive, Annapolis, Maryland, 21401, phone: (410)573-4500.

We appreciate the opportunity to review the document and provide comments.

Sincerely,

Robert M. Bowe, for

Michael T. Chezik
Regional Environmental Officer

cc:
Karin Olsen - EA Engineering, Sparks, MD

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Habitat Conservation Division
NOAA Bay Program Office
Severn Avenue
Annapolis, Maryland 21401

August 8, 2005

MEMORANDUM FOR: Mark Mendohlsen
Planning Division
Baltimore District, Corps of Engineers

FROM: John Nichols JN

SUBJECT: Revised Poplar Island Expansion EFH Assessment

The National Marine Fisheries Service has reviewed your revised Essential Fish Habitat (EFH) Assessment, dated August 2, 2005, submitted in accordance with Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act, which supplements a second draft of the General Re-Evaluation Report (GRR) and Supplemental Environmental Impact Statement (SEIS), dated June 2005, for the proposed expansion of the Poplar Island Restoration Project. We are currently preparing an official response to your revised assessment; this memorandum provides a draft of comments and recommendations that will be contained in that response. We have also attached a copy of our letter, dated May 19, 2005, containing our comments on the February 2005 draft of the GRR and SEIS, to reference EFH Conservation Recommendations contained in that letter.

We strongly support your decision to incorporate our recommended open water embayment into the recommended expansion alternative. Discussion of the embayment in the assessment includes most of the important design features from our previous recommendations. Therefore, we can offer, at this time, **preliminary concurrence** with your EFH determination. However, considering the fact that interagency negotiations are still on-going regarding the design features of the embayment, as well as on other proposed actions associated with this project, such as the need for sand borrow, our concurrence must remain preliminary at this time. The following issues will continue to be of outstanding important during up-coming negotiations.

1. We continue to recommend that the size of the embayment be at least 130 acres, which will result in a minimum 22 percent reduction in EFH impacts associated with the expansion, incorporate a more diverse array of habitat types, and provide preferential habitat for larger predatory species, such as adult bluefish. This issue pertains to our EFH Conservation Recommendation 1(c) from our May 19, 2005 letter.

2. Marsh cells surrounding the embayment must to opened to permit regular tidal exchange between constructed marsh and waters of the embayment to the maximum extent practicable. This issue pertains to our EFH Conservation Recommendation 1(a) from our May 19, 2005 letter.

3. We support your proposed intent to limit the potential for sand borrow from the Southwest Borrow Area to a spatial area of approximately 19 acres. However, we continue to emphasize that avoiding disturbance to this area should be the primary goal, through obtaining the necessary borrow from areas entirely within the expansion footprint, and/or by obtaining sand from other federal navigation projects (EFH Conservation Recommendation 2 from our May 19, 2005 letter).

   We remain concerned about altered bathymetry that may result from borrow actions at the Southwest Borrow Area, and the potential for creating new areas as deep as 25 feet (MLLW), where seasonal hypoxia and/or anoxia may occur as a result of these actions. In consideration of the current trend of spatial expansion of the hypoxia/anoxia zone in the mid-Bay region, the potential for expanding this area as a result of the project is not acceptable. Therefore, we will continue to emphasize the need to avoid borrow at this site, or at minimum, to reduce the depths to which borrow is taken. Potential measures for avoiding this problem, discussed in your EFH Assessment (i.e., 1) connecting borrow areas to ambient depths; and, 2) stipulating a maximum borrow depth relative to the depth of the pycnocline), will be taken under further consideration by our staff during upcoming negotiations.

If you have any questions, contact me at my new phone number, (410) 267-5675; or, by E-Mail, John.Nichols@NOAA.GOV.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

August 8, 2005

Mark Mendelsohn
Planning Division
P.O. Box 1715
Baltimore, Md. 21203

Subject: Draft General Reevaluation Report/ Supplemental Environmental Impact Statement for Poplar Island Restoration Project. CEQ # 20050253

In accordance with the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) offers the following comments regarding the Draft General Reevaluation Report/ Supplemental Environmental Impact Statement for Poplar Island Restoration Project. The proposed project is to expand the existing Poplar Island Dredged Material Placement Site by 575 acres consisting of approximately 60 percent wetlands and 40 percent upland. Also included is the raising of the existing upland Cells by 5 vertical feet.

EPA region 3 has been part of Poplar Island and the Draft Dredged Material Management Plan (DMMP) interagency team reviewing all alternatives to long term disposal needs for the Federal Navigation Channels for the Ports of Baltimore and concur that expansion of the Poplar Island facility is needed. Based upon our review of the Draft SEIS the project is rated as LO-1, Lack of Objections (LO), and the Adequacy of the document (1). A copy of the EPA rating criteria is enclosed for your reference. However, we do have the following comments and concerns on the Project.

- Maximizing the wetlands to uplands ratio is very important. The 60/40 ratio is more consistent with EPA's 404b1 guidelines. However, it should be noted that there is still an overall loss of aquatic habitat from the expansion of the Poplar Island Facility. We therefore recommend that during construction of the wetlands, all the resource agencies work closely with the Corps to assure the highest quality wetlands possible.

- In reviewing the documents it was evident that the upland dykes can be raised higher then 5 feet, engineering suggests up to 15 feet. While the public comments suggests minimizing any vertical limits, raising the uplands dykes 10 feet would provide 1-3 additional years capacity and limit the need for further aquatic loss. While it was stated that beyond 5 foot rise would not have an environmental benefit, prevention of loss of further aquatic habitat is also an environmental benefit.

- EPA strongly favors the incorporation of an open water embayment within the expansion footprint in the northern end currently to be used as the staging area. The National Marine Fisheries Service has proposed several designs and long term protection of the benthic communities in this area would provide fisheries habit which would significantly increase the value of the adjacent wetlands.

- Concurrently to the construction of the expansion, EPA urges the development of a long term management effort to protect and improve wetlands in the Black Water Wildlife (BWR) Refuge in Dorchester County. The BWR needs millions of cubic yards of materials and while this alternative will require some major engineering and design, this site is of national aquatic significance and has the potential for large scale wetlands creation.

- In adding any new channels for disposal at Poplar Island Expansion, must follow the testing requirements in the COE/EPA's Upland Testing Manual.

If you have any questions or comments regarding our letter please feel free to contact me at 215-814-3367 or Mr. Peter Stokely at 703-648-4292.

Sincerely,

William Arguto, NEPA Team Leader
Environmental Programs Branch

Enclosures:

MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*
C. Ronald Franks, *Secretary*

August 8, 2005

Mr. Wesley E. Coleman, Jr.
Baltimore District, US Army Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715

RE: Environmental Review for Expansion of Existing Poplar Island Environmental Restoration Project, Talbot County, Maryland.

Dear Mr. Coleman:

As you are aware, an active bald eagle nest occurs on the project site. The bald eagle is listed as a threatened species by the state and the federal government. State law requires that appropriate protection measures be incorporated into actions by state agencies. To protect this nest site the following guidelines should be implemented:

1. Establish a protection area of 1/4 mile radius around the nest tree. Within this area, establish three zones of protection: Zone 1 extends from the nest tree to a radius of 330 feet, Zone 2 extends from 330 feet to 660 feet in radius, and Zone 3 extends from 660 feet to 1/4 mile (1320 ft.)

2. No land use changes, including development or timber harvesting should occur in Zone 1.

3. Construction activities, including clearing, grading, building, etc., should not occur within Zones 1 and 2 and ideally no closer than 750 feet from the nest.

4. No construction or timber harvesting activities should occur within the 1/4 mile protection zone during the eagle nesting season, which is from December 15 through June 15.

These general guidelines are used by our biologists for bald eagle nest site protection. Specific protection measures depend on the site conditions, planned activities, nest history and other factors. For clarification, the WHS has no comments in regards to bald eagle nest protection, on activities proposed outside of the ¼ mile buffer from the nest.

The waterbird colonies (herons and terns) should also be protected with a ¼ mile buffer. Conservation of waterbird colonies that are located in the Chesapeake Bay Critical Area is required by state law. Significant mortality of chicks or eggs resulting from disturbance of the colony during the breeding season is a violation of the U.S. Migratory Bird Treaty Act. Disturbance includes actions such as cutting nest trees, cutting nearby trees or nearby construction that causes abandonment of chicks by the adults.

To protect waterbird colonies we use the following guidelines:

1. Establish a protection area of ¼ mile radius from the colony's outer boundary. Within this area establish three zones of protection: Zone 1 extends from the outer boundary of the colony to a radius of 330 feet, Zone 2 extends from 330 feet to 660 feet in radius, and Zone 3 extends from 660 feet to ¼ mile (1320 feet).

2. During the breeding season, all human entry into Zone 1 should be restricted to only that essential for protection of the colony. Human disturbance of colony sites that results in significant mortality of eggs and/or chicks is considered a prohibited taking under various state and federal regulations.

3. No land use changes, including development or timber harvesting, should occur in Zone 1.

4. Construction activities, including clearing, grading, building, etc., should not occur within Zones 1 and 2.

5. Selective timber harvesting may occur in Zone 2, but clearcutting should be avoided.

6. No construction or timber harvesting activities should occur within the ¼ mile protection area during the breeding season. The breeding season for Great Blue Herons is usually February 15 through July 31 and for Common/Forster's Terns is usually April 15 through August 15, of any given year.

The Department of Natural Resources' Wildlife and Heritage Service provides assistance to those interested in protecting this resource. The above guidelines are usually suitable for protection of most waterbird colonies. Specific protection measures depend upon the species inhabiting the colony, site conditions, planned activities, colony site type and history, and other factors. For more specific technical advice regarding your project and waterbird protection, please contact the WHS.

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,

Lori A. Byrne

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

ER #2005.0592.ta
Cc: G. Therres, WHS
D. Brinker, WHS
R. Esslinger, CAC
M. Ratnaswamy, USFWS

EA Engineering, Science, and Technology

Date: 12 August 2005
Project: Poplar Island Expansion SEIS
Project Number: 61401.86

COMMUNICATIONS RECORD FORM

Distribution: Poplar Island Expansion SEIS Project File

Person Contacted: Kerri Gallo

Affiliation: State of Maryland Critical Areas Commission

Address:

Type of Contact: Telephone

Person Making Contact: Sarah Koser

Communications Summary:

Kerri was contacted regarding the consistency determination that the State of Maryland Critical Area Commission conducts to determine consistency with COMAR 27.02. Kerri stated that the Critical Area Commission has informally determined that the Draft GRR/SEIS is consistent with COMAR 27.02, but that the Commission does not normally document this informal determination in a letter format. The project will require formal approval by the Critical Area Commission prior to the initiation of construction and the Commission will write a staff report to determine consistency with COMAR 27.02.

Signature: _____

MDE

MARYLAND DEPARTMENT OF THE ENVIRONMENT
1800 Washington Boulevard • Baltimore MD 21230
410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Kendl P. Philbrick
Secretary

Jonas A. Jacobson
Deputy Secretary

August 16, 2005

Mr. Mark Mendelsohn
USACE – PL
10 S. Howard St.
P.O. Box 1715
Baltimore, MD 21203-1715

Dear Mr. Mendelsohn:

The Department of the Environment has reviewed the Supplemental Environmental Impact Statement provided by the Corps of Engineers concerning the potential expansion of the Poplar Island Environmental Restoration Project. The Department has participated in most of the meetings held prior to the release of the document, and having reviewed the document, finds that there were no readily apparent areas that required additional comment. Therefore, the Department expresses its appreciation in the participation of the review process and reports that the document is "Generally Consistent" with our regulatory programs.

Please call if you have any questions or concerns.

Sincerely,

George Harman

George Harman, Program Manger
Environmental Assessments and Standards Program