Public Notice

U.S. Army Corps of Engineers
Baltimore District

In Reply to Application Number NAB-2018-60174 (MTA/Nice Bridge Replacement)

PN-21-13 Comment Period: April 12, 2021 to May 3, 2021

THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act (33 USC 403),as described below:

APPLICANT:
Maryland Transportation Authority
c/o Mr. Brian Wolfe
Director of Project Development
Office of Engineering and Construction
8019 Corporate Drive, Suite F
Nottingham, Maryland 21236

WATERWAY AND LOCATION OF THE PROPOSED WORK:

The proposed project is located in the Potomac River at the existing Nice Bridge, Newburg, Charles County, Maryland. (38.363889N; -76.981667W)

OVERALL PROJECT PURPOSE: The purpose of the project is to replace the existing Governor Harry W. Nice Memorial Bridge with a new structure and subsequently demolish the existing structure once the new structure has been opened to traffic.

PROJECT DESCRIPTION: The applicant is proposing a modification to approved bridge removal plans by proposing to leave piers 10-19 and one broken pile in place after the demolition of the existing Nice Bridge resulting in approximately 17,482 square feet of river bottom that will not be returned to natural bottom.

Previously authorized bridge construction includes the following:

Maryland Side Roadway Approaches:
To permanently fill and grade approximately 1,757 square feet of non-tidal palustrine emergent wetlands for the roadway approach.

Maryland Side Construction Access:
Trestle and Conveyor Belt: to construct a temporary “T” shaped 40-foot wide by 145 foot-long construction access trestle with a 40-foot long by 112-foot wide “T” head supported by eighteen 36-inch steel piles and to install four 36-inch mooring piles temporarily impacting approximately 154 square feet of river bottom; to construct one 2-foot wide by 266 foot long conveyor belt, one 2-foot wide by 246-foot long conveyor belt and one 2-foot wide by 210-foot long walkway supported by four 36-inch steel pipe piles temporarily impacting approximately 28 square feet of river bottom; to install eleven 36-inch temporary steel pipe piles for mooring concrete hopper barges temporarily impacting a total of 78 square feet of river bottom; and to install 37 temporary bubble curtain cans for installation of the trestle

support piles, mooring piles, and conveyor belt piles temporarily impacting up to an additional 2,029 square feet of river bottom; To construct a temporary a 27-foot long by 3-foot wide gangway with a 35-foot long by 20-foot wide temporary platform with four 24-inch support piles and four 2-foot square H-style mooring piles temporarily impacting 32 square feet of river bottom.

To install 9 temporary mooring ball anchors temporarily impacting a total of 1,800 square feet of river bottom.

Temporary mooring piles and bubble curtain cans: to install two hundred 36-inch temporary mooring piles within the bridge construction limit temporarily impacting 1,412 square feet of river bottom; to utilize two hundred bubble curtain cans for installation of the mooring piles temporarily impacting 14,388 square feet of river bottom.

Virginia Side Roadway Approaches:
To permanently fill and grade approximately 393 square feet along 54 linear feet of stream channel, 4,084 square feet of palustrine emergent non-tidal wetlands, 123 square feet of palustrine scrub-shrub non-tidal wetlands, and 2,546 square feet of intertidal estuarine scrub-shrub wetland to construct the roadway approaches. An additional 42 square feet of palustrine emergent non-tidal wetlands will be temporarily impacted.

Virginia Side Construction Access:
Trestles and dredging: to construct a temporary 40-foot wide by 234-long straight construction access trestle supported by sixteen 36-inch steel piles with two 36-inch mooring piles temporarily impacting a total of 126 square feet of river bottom on the south side of the proposed bridge; to construct a temporary 40-wide by 342-long construction access trestle with two 40-foot wide by 80-foot long side extensions supported by twenty-eight 36-inch steel support piles and four 36-inch morning piles temporarily impacting a total of 224 square feet of river bottom on the north side of the proposed bridge; to utilize fifty bubble curtain cans for installation of the trestle and mooring piles temporarily impacting 3,600 square feet of river bottom; to dredge an approximate 174,342 square foot irregularly shaped construction barge access channel to a depth of -7.0 feet mean low water resulting in approximately 24,000 cubic yards of dredged material that would be barged/trucked to the Crescent Run Surface Mine in Charlotte Hall, Maryland and/or Weanack upland disposal site in Charles City, Virginia and to backfill the construction access channel with approximately 24,000 cubic yards of sand to restore the pre-construction river bottom contours.

Bridge Construction:
To install six hundred sixty-six 36-inch concrete piles and eighty 66-inch concrete piles to support 54 floating piers resulting in 7,920 square feet of permanent impact to the river bottom. To install one footing on the substrate resulting in 1,363 of permanent impact to the river bottom. To install twenty-four 48-inch steel pipe piles resulting in approximately 302 square feet of permanent impact for the fender protection system of the main channel span as required by US Coast Guard regulations. To utilize up to 770 temporary bubble curtain cans for installation of the pier piles and fender piles temporarily impacting up to an additional 52,630 square feet of river bottom. To utilize one coffer dam temporarily impacting 468 square feet of river bottom. An additional 210 square feet of permanent impact has resulted from a broken pile.

Bridge removal includes the following:
Upon completion of construction of the new bridge, the existing bridge would be demolished. With temporary best management practices, such as turbidity curtains, cofferdams, etc., the in-water foundations would remain in place and cut to at least two feet below the mudline. Approximately 30,000 cubic yards of rubble/concrete (including the concrete decking from the superstructure) and 2,500 cubic yards of stone scour protection is to be removed and transported to an approved upland disposal site or repurposed for other uses. The void above the cut in-water foundations would be allowed to fill in naturally.

Please refer to the table below for a summary of aquatic resource impacts.

EFFECTS ON AQUATIC RESOURCES:

Activity (i.e. culvert)	Stream Impact (Sq. Ft.)	Authority (Section 10/404/408)
Existing Bridge Piers 10-19	17,262.0 Sq. Ft.	Section 10/408
1 Broken Pile	210 Sq. Ft.	Section 10/408

LEAD FEDERAL AGENCY: The Federal Highway Administration, as the lead federal agency, is responsible for all coordination pursuant to applicable federal authorities.

APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:
The applicant has taken multiple steps to avoid and minimize the impacts to the river bottom. Initially the removal of all piers and construction of the new bridge piers would reduce the impacts to the river bottom; however, leaving existing piers in place will result in an overall increase of impacts to the river bottom. The applicant is proposing to mitigate for approximately 3,123 square feet of additional river bottom fill from the placement of the new structures and leaving in place piers 10-19 and one broken pile. The applicant is proposing to either establish/expand a submerged aquatic bed or create a new oyster reef as compensatory mitigation for the impacts.

CORPS EVALUATION REQUIREMENTS:

This project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonable may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economic, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, and consideration of property ownership and in general, the needs and welfare of the people. The evaluation of the impact of this project will also include application of the Clean Water Act Section 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency.

ENDANGERED SPECIES: The FHWA is the lead federal agency for coordination of impacts to endangered species. A preliminary review of this application indicates that the proposed work may affect, but is not likely to adversely affect, Federally-listed threatened or endangered species or

their critical habitat, pursuant to Section 7 of the Endangered Species Act (ESA), as amended.

ESSENTIAL FISH HABITAT: The FHWA is the lead Federal agency for coordination of impacts to Essential Fish Habitat (EFH). The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect EFH, including species of concern, life cycle habitat, or Habitat Areas of Particular Concern. The project site lies in or adjacent to EFH as described under MSFCMA for managed species under the MSFCMA. The Baltimore District has made a preliminary determination that the project will not have a substantial adverse effect on EFH. The Baltimore District has made a preliminary determination that mitigative measures are not required to minimize adverse effects on EFH at this time. This determination may be modified if additional information indicates otherwise.

HISTORIC RESOURCES:
The FHWA is the lead Federal agency for coordination of impacts to historic resources under Section 106 of the National Historic Preservation Act. The applicant coordinated with the Virginia Department of Historic Resources, the Maryland Historical Trust and the Advisory Council on Historic Preservation and entered into a Programmatic Agreement (PA) in 2011 to allow for the phased final identification, evaluation, and determination of effects on terrestrial and underwater archeological resources pending the completion and results of ongoing archeological identification and evaluation studies. The PA identified four properties in Maryland and one in Virginia that are eligible for listing on the National Register of Historic Places. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

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

MODIFICATION OF CIVIL WORKS PROJECTS: 33 USC 408 (SECTION 408): All Section 408 proposals will be coordinated internally at USACE. The Section 408 decision will be issued along with the Section 404 and/or Section 10 decision. Please see the following link for more information regarding Section 408: https://www.nab.usace.army.mil/section408/.

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

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

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

SUBMISSION OF COMMENTS: The Corps of Engineers is soliciting comments from the public;

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

Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the U.S. Army Corps of Engineers, Baltimore District within the comment period specified above through postal mail at the address below or electronic submission to the project manager email address below. Written comments should reference the Application Number NAB-2018-60174 (MTA/NICE BRIDGE REPLACEMENT).

PUBLIC HEARING REQUESTS: Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received within the comment period as specified above to receive consideration. Also it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected. The public hearing request may be submitted by electronic mail or mailed to the following address:

Erica Schmidt
Erica.Schmidt@usace.army.mil
U.S. Army Corps of Engineers, Baltimore District
Regulatory Branch
2 Hopkins Plaza
Baltimore, Maryland 21201

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

General information regarding the Corps' permitting process can be found on our website at https://www.nab.usace.army.mil/Missions/Regulatory.aspx. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project, or would like to request a paper copy of this public notice, please contact Ms. Erica Schmidt at (410)962-6029 or Erica.Schmidt@usace.army.mil. This public notice is issued by the Chief, Regulatory Branch.