



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply to Application Number
NAB-2019-60846 (MDTA/I-95 - Stage II/ETL NORTHBOUND
EXTENTION/CORRIDOR IMPROVEMENTS)

PN 19-74

Comment Period: November 5, 2019 to December 5, 2019

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

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

APPLICANT: Maryland Transportation Authority
Attn: Mr. Brian Wolfe, P.E.
8019 Corporate Drive, Suite F
Baltimore, Maryland 21236

LOCATION: I-95 from MD 152 to south of MD 543 in Harford County, Maryland.

OVERALL PROJECT PURPOSE: To address capacity, operational, and safety concerns that exist along northbound I-95 from south of the MD 152 interchange to south of the MD 543 interchange, in Harford County, Maryland.

PROPOSED WORK: The Maryland Transportation Authority (MDTA) has requested Department of the Army (DA) authorization from the U.S. Army Corps of Engineers Baltimore District (Corps) to impact waters of the United States, including jurisdictional wetlands, associated with proposed Stage II improvements to I-95 from south of the MD 152 Interchange to south of the MD 543 Interchange in Harford County, Maryland. Proposed improvements to I-95 would include the addition of a two-lane express toll lane (ETL) along I-95 Northbound extending from MD 152 to south of MD 543. The MD 152 Interchange would be reconstructed and the existing park and ride facility relocated to the west off of Franklinville Road. The MD 24 Interchange would be reconstructed and a new park and ride provided. The overpasses at Abingdon Road and Clayton Road would be replaced. The bridge over Winters Run would be reconstructed and widened. New noise walls would be constructed at the MD 152 Interchange; along I-95 Northbound located to the north of Abingdon Road; along I-95 Southbound located to the south of Calvary Road; and, along I-95 Southbound at MD 24 and Woodsdale Road. A new intelligent transportation system (ITS) communication system for improved operations and incident management to be added along the I-95 southbound (SB) shoulder. The implementation of the improvements to I-95 as

currently proposed, would result in permanent impacts to 169,013 square feet/3.88 acres of non-tidal wetlands and 21,021 linear feet/176,989 square feet of streams. The construction would also result in temporary impacts to 107 linear feet/1,181 square feet of streams. The construction of the proposed mitigation sites would result in permanent impacts to 9,281 linear feet/86,712 square feet of streams and, temporary impacts to 3.94 acres of non-tidal wetlands.

APPLICANT'S PROPOSED AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION: As part of the planning process for the proposed project, measures were incorporated into the design to avoid and minimize impacts to waters of the United States where practicable. Measures include; the use of retaining walls, reduced sideslopes, reduced shoulder widths, and, redesigned stormwater management facilities. Compensatory mitigation is required by the Corps for unavoidable permanent impacts to aquatic resources. The applicant's conceptual mitigation proposal is described below.

Eccleston Site – Located in Owings Mills, Baltimore County and within the Jones Falls watershed where wetland, stream, riparian buffer, and upland forest systems would be restored, enhanced, created and/or preserved. The functions and values provided by this site will be primarily beneficial for terrestrial wildlife and native trout habitat. The parcel is considered to be ecologically valuable due to its location within the heavily developed Jones Falls watershed.

Lilly Run – Located near Havre de Grace Middle School within the Lower Susquehanna River watershed in Harford County where approximately 2,758 linear feet of channelized stream would be restored to improve overall water quality within the waterway and the watershed by managing stormwater flow, removing nutrients and sediment, and improving wetland habitat. In addition, approximately 1.6 acres of non-tidal wetlands would be created within the area of restoration.

Carsins Run - Located adjacent to Ripkin Stadium in Harford County where additional restoration to the mainstream and an unnamed tributary would occur. Proposed improvements to the mainstream include the removal of a concrete flume, the addition of weir structures and riffle grade controls, planting live stakes along the banks, and the replacement of a failed storm drain. Proposed restoration within the unnamed intermittent tributary to Carsins Run would include the realignment of the existing channel for reconnection with the floodplain. Riffles and deep pools would be created within the realigned channel and riparian vegetation along the banks enhanced. The proposed work would restore an additional 850 linear feet of the waterway.

All work would be completed in accordance with plans that were provided by the MDTA. If you have received this notification via email, plans are attached. If you have

received this notification through the U.S. Mail, plans are available for review from any of the following sources:

- The Baltimore District Regulatory website located at:
<http://www.nab.usace.army.mil/Missions/Regulatory/Public-Notices/>
- The following public libraries: Baltimore County Public Library - White Marsh Branch, 8133 Sandpiper Circle, Baltimore, Maryland 21236; Harford County Public Library - Aberdeen Branch Library, 21 Franklin Street, Aberdeen, Maryland 21001; Cecil County Public Library - North East Library, 106 W Cecil Ave, North East, Maryland 21901.
- By contacting Mr. Steve Elinsky at 410.962.4503 or Steve.Elinsky@usace.army.mil.

CORPS EVALUATION REQUIREMENTS:

The project will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-322). The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The evaluation of the impacts of the work described above on the public interest will include application of the Clean Water Act 404(b)(1) Guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect essential fish habitat (EFH).

The project is located within the Gunpowder River, Little Gunpowder River and Winters Run watersheds and lies within or adjacent to EFH as described under MSFCMA for Blueback herring (*Alosa aestivalis*) juvenile and adult, Alewife (*Alosa*

pseudohargengus) juvenile and adult, White perch (*Morone americana*) juvenile and adult, and Yellow perch (*Perca flavescens*) juvenile and adult, all managed species under the MSFCMA.

The project has the potential to adversely affect EFH or the species of concern by loss of nursery, forage and/or shelter habitat. The project may have an adverse affect on EFH as described under the Magnuson-Stevens Fishery Conservation and Management Act for the species and life stages identified above. However, the District Engineer has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

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

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. Public comments relating to consistency must be received by the Coastal Zone Consistency Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. It should be noted that the CZM Program has a statutory limit of 6 months to make its consistency determination. The applicant must obtain any State or local government permits which may be required.

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

HISTORIC RESOURCES: The Corps and the Maryland Historical Trust is reviewing the project to assess its effects if any on historic properties pursuant to Section 106 of the National Historic Preservation Act of 1966. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

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 are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, [Attn: Mr. Steve Elinsky, CENAB-OPR-MN], 2 Hopkins Plaza, Baltimore, Maryland 21201, or by email to Steve.Elinsky@usace.army.mil, within the comment period as specified above to receive consideration.

PUBLIC HEARING REQUEST: Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, [Attn: Mr. Steve Elinsky, CENAB-OPR-MN], 2 Hopkins Plaza, Baltimore, Maryland 21201, or by email to Steve.Elinsky@usace.army.mil, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

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

This public notice is issued by the Chief, Regulatory Branch

S.M. Elinsky