



Public Notice

U.S. Army Corps
of Engineers
Baltimore District

In Reply to Application Number
CENAB-OP-RMN (MDTA/I-95 SECTION 200 – MD 43 TO MD 22)
2011-60292-M12

PN 13-07

Comment Period: February 8, 2013 – March 11, 2013

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/Capital Planning Division
Attn: Mrs. Melissa Williams
2310 Broening Highway, Suite 125
Baltimore, Maryland 21224

LOCATION: The proposed project is located along I-95 from north of MD 43 in Baltimore County to north of MD 22 in Harford County, Maryland.

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 improvements to I-95/Section 200 (Section 200) from New Forge Road in Baltimore County to north of MD 22 in Harford County, Maryland. The construction of Section 200, as currently proposed, would result in permanent impacts to 31,452 square feet/0.72 acres of non-tidal wetlands and 16,864 linear feet/81,998 square feet of streams. The construction would also result in temporary impacts to 36,559 square feet/0.84 acres of non-tidal wetlands and 10,258 linear feet/45,947 square feet of streams. Improvements to Section 200 would include upgrades to the roadway alignment and interchanges as described below.

From New Forge Road to MD 543, Section 200 would be widened to accommodate the addition of two express toll lanes (ETL's) in each direction. The interchanges at MD 152, MD 24 and MD 543 would be upgraded. The existing park & ride facility at the MD 152 interchange would be relocated to provide additional capacity. In addition, the existing highway crossings over Little Gunpowder Falls, Winters Run, Bynum Run and James Run would be replaced with new bridges designed to accommodate improved floodplain flow and avoid stream impacts. From MD 543 to north of MD 22 at Maxa Road, the roadway would be widened to add one general purpose lane in each direction. The MDTA has incorporated measures into the design of Section 200 that would avoid and minimize the impacts to aquatic resources. Those measures include: expansion of the roadway into the median, the use of retaining walls, reduced sideslopes (2:1), and replacement bridges that completely span waterways.

Compensatory mitigation required for unavoidable permanent impacts to wetlands is proposed at the Pollard Property located immediately off of MD 152, opposite Old Mountain Road in Harford County, Maryland. The Pollard Property is approximately 13 acres and consists of an abandoned sand/gravel surface-mine with a large circular depression in the center. The depression contains a wetland system composed of open water fringed with non-tidal wetlands that drains to Little Gunpowder Falls. Mitigation proposed at the site would include approximately 6.5 acres of wetland creation and restoration. Wetland functions and values provided by this system will be primarily beneficial for wildlife habitat.

Compensatory mitigation required for unavoidable impacts to streams is proposed as below.

On-site: There are several intermittent and perennial stream systems in the project area that are contained within concrete channels. In an effort to improve the quality of these systems, all concrete channels containing intermittent and perennial streams will be replaced with natural channels. Approximately 440 linear feet of intermittent streams and 2,230 linear feet of perennial streams would be restored.

Carsins Run - Approximately 739 linear feet of stream is targeted for restoration. The improvements will be accommodated by removing the concrete flume and fish blockage and increasing channel sinuosity. The restoration of on-site floodplains and wetlands may be feasible depending on further studies.

Gray's Run - Approximately 1,043 linear feet of stream is targeted for restoration. The improvements will be accommodated by removing the fish blockage. The improvements should also improve habitat suitability for resident fish species as well as for migratory fish species, such as blueback herring and alewife. The restoration of on-site floodplains and wetlands may be feasible depending on further studies.

Winters Run - Approximately 1,916 linear feet of stream is targeted for restoration. The existing structure carrying I-95 over Winters Run restricts flow in this area and blocks an existing equestrian trail. The existing structure will be replaced with a wider, longer, and elevated span that will completely span Winters Run and remove all existing piers out of the waterway, and restore the equestrian trail connections. The proposed design of the new crossing will include removal of the center island in the waterway and the existing concrete slope along Winters Run Road/Fashion Way in order to expand the available floodplain and restore the natural flow of the stream. A retaining wall is proposed to that would replace the concrete slope.

Off-site: Approximately 2,600 linear feet of Bynum Run is targeted for restoration. Proposed improvements include the stabilization of eroding stream banks and planting riparian buffers. The improvements would result in improved water quality and habitat suitability for resident fish species. The restoration of floodplains and wetlands may be feasible depending on further studies.

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 Regulator website located at:

<https://www.nab.usace.army.mil/Portals/63/docs/Regulatory/publicnotices/PN13-07plans.pdf>

- Public libraries:

Baltimore County Locations	Harford County Locations	
The White Marsh Public Library 8133 Sandpiper Circle Baltimore, Maryland 21236	Aberdeen Public Library 21 Franklin Street Aberdeen, Maryland 21001	Edgewood Public Library 629 Edgewood Road Edgewood, Maryland 21040

- You can request a copy of the plans by contacting Ms. Erin Shaw at 410.962.4252 or, Mr. Steve Elinsky at the number below.

If you have any questions concerning this matter, please contact *Mr. Steve Elinsky at 410.962.4503 or Steve.Elinsky@usace.army.mil.*

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, 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.

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-OP-RMN], P.O. Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration.

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).

Section 200 is located in the Gunpowder River, Bush River and Swan Creek 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 from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division Maryland Department of

the Environment, Montgomery Park Business, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230, within the comment period as specified above to receive consideration. The Section 401 certifying agency has a statutory limit of one year from the date of this public notice to make its decision.

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.

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.

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, PO Box 1715, [Attn: Mr. Steve Elinsky, CENAB-OP-RMN], Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

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

JOSEPH P. DAVIA
Chief, Maryland Section Northern