

JOINT FEDERAL/STATE APPLICATION FOR THE ALTERATION OF ANY FLOODPLAIN, WATERWAY, TIDAL OR NONTIDAL WETLAND IN MARYLAND

FOR AGENCY USE ONLY

Application Number _____ Date Determined Complete _____
Date Received by State _____ Date(s) Returned _____
Date Received by Corps _____
Type of State permit needed _____ Date of Field Review _____
Type of Corps permit needed _____ Agency Performed Field Review _____

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- Please submit 1 original and 6 copies of this form, required maps and plans to the Wetlands and Waterways Program as noted on the last page of this form.
 - Any application which is not completed in full or is accompanied by poor quality drawings may be considered incomplete and result in a time delay to the applicant.

Please check one of the following:

RESUBMITTAL: _____ APPLICATION AMENDMENT: X MODIFICATION TO AN EXISTING PERMIT: X
JURISDICTIONAL DETERMINATION ONLY _____ APPLYING FOR AUTHORIZATION _____
PREVIOUSLY ASSIGNED NUMBER (RESUBMITTALS AND AMENDMENTS) _____ 18-NT-0086/201860368
CENAB-OPR-MN 2018-6038-M12

DATE February 4, 2021

APPLICATION DESCRIPTION: MDTA Express Toll Lane (ETL) Northbound Extension Section 200 Phase I

1. APPLICANT INFORMATION:

APPLICANT NAME:

A. Name: Brian Wolfe, P.E. B. Daytime Telephone: 410-931-0808
C. Company: Maryland Transportation Authority D. Email Address: Bwolfe3@mdta.state.md.us
E. Address: Division of Engineering and Construction, 8019 Corporate Drive, Suite F
City: Baltimore State: Maryland Zip: 21236

AGENT/ENGINEER INFORMATION:

A. Name: Michael Rothenheber, P.E. B. Daytime Telephone: 410-316-2260
C. Company: Johnson, Mirmiran & Thompson (JMT) D. Email Address: mrothenheber@jmt.com
E. Address: 40 Wight Avenue
F. City: Hunt Valley State: Maryland Zip: 21030

ENVIRONMENTAL CONSULTANT:

A. Name: Erin Markel B. Daytime Telephone: 443-212-7143
C. Company: Johnson, Mirmiran & Thompson (JMT) D. Email Address: emarkel@jmt.com
E. Address: 40 Wight Avenue
F. City: Hunt Valley State: Maryland Zip: 21030

CONTRACTOR (If known): Environmental Consultant Reviewer

A. Name: Emily Dolbin B. Daytime Telephone: 410-662-7400
C. Company: McCormick Taylor D. Email Address: ebdolbin@mccormicktaylor.com
E. Address: 509 South Exeter Street, 4th Floor
F. City: Baltimore State: Maryland Zip: 21202

PRINCIPAL CONTACT:

A. Name: Erin Markel B. Daytime Telephone: 443-212-7143
C. Company: Johnson, Mirmiran & Thompson (JMT) D. Email Address: emarkel@jmt.com
E. Address: 40 Wight Avenue
F. City: Hunt Valley State: Maryland Zip: 21230

2. PROJECT DESCRIPTION

a. GIVE WRITTEN DESCRIPTION OF PROJECT:

The Maryland Transportation Authority (MDTA) is proposing to begin staged implementation of the I-95 Section 200 Phase I approved NEPA FONSI improvements. The Section 200 Phase I implementation will include extending the Express Toll Lanes on northbound I-95, safety and operational improvements along northbound I-95, and providing a new ITS communication system to improve operations and incident management. The project also includes deferred portions of Section 100 (KH-3013, KH-3016, and KH-3009 south of New Forge Road) as well as construction of mitigation sites.

Has any portion of the project been completed? Yes No

If yes, explain: See cover letter

Is this a residential subdivision or commercial development? Yes No

If yes, total number of acres on property _____ acres

Will there be temporary or permanent tree clearing occurring on the overall project site (i.e., uplands and wetlands), including but not limited to, tree clearing for site development, road/highways, utilities, mining, stormwater management, restoration, energy production and transmission, etc.)?

X Yes _____ No

If yes, total estimated acres of tree clearing for the overall project site: 57.9 acres

b. ACTIVITY: Check all activities that are proposed in the wetland, waterway, floodplain, and nontidal wetland buffer as appropriate.

- A. X filling D. _____ flooding or impounding water G. X removing or destroying vegetation
 B. _____ dredging E. _____ draining H. X building structures
 C. X excavating F. X grading

Wetlands

USACE Nontidal Wetlands – *Permanent* 107,138 SF
 USACE Nontidal Wetlands – *Temporary* 29,523 SF

MDE Nontidal Wetlands – *Permanent* 112,828 SF
 MDE Nontidal Wetlands – *Temporary* 29,523 SF

Tidal Wetlands – *Permanent* 0 SF
 Tidal Wetlands – *Temporary* 0 SF

Wetland Buffers

MDE Nontidal Wetlands Buffer – *Permanent* 282,816 SF
 MDE Nontidal Wetlands Buffer – *Temporary* 42,618 SF

Waters of the U.S. / Streams

USACE Waters of the U.S. / Streams – *Permanent* 10,209 LF 59,063 SF
 USACE Waters of the U.S. / Streams – *Temporary* 1,401 LF 27,086 SF

MDE Waters of the U.S. / Streams – *Permanent* 6,323 LF 46,257 SF
 MDE Waters of the U.S. / Streams – *Temporary* 1,317 LF 26,830 SF

Tidal Waters – *Permanent* 0 LF 0 SF
 Tidal Waters – *Temporary* 0 LF 0 SF

100-Year Floodplain

Disturbance on Floodplain – *Permanent* 193,262 SF
 Disturbance on Floodplain – *Temporary* 34,653 SF

Net Volume of Fill in the Floodplain 301 +/- CY

c. TYPE OF PROJECTS: Project Dimensions

For each activity, give overall length and width (in feet), in columns 1 and 2. For multiple activities, give total area of disturbance in square feet in column 3. For activities in tidal waters, give maximum distance channelward (in feet) in column 4. For dam or small ponds, give average depth (in feet) for the completed project in column 5. Give the volume of fill or dredged material in column 6.

	Length (Ft.) 1	Width (Ft.) 2	Area Sq. Ft. 3	Maximum/Average Channelward Encroachment 4		Pond Depth 5	Volume of fill/dredge material (cubic yards) below MHW or OHW 6
A. _____ Bulkhead	_____	_____	_____	_____	_____	_____	_____
B. _____ Revetment	_____	_____	_____	_____	_____	_____	_____
C. _____ Vegetative Stabilization	_____	_____	_____	_____	_____	_____	_____
D. _____ Gabions	_____	_____	_____	_____	_____	_____	_____
E. _____ Groins	_____	_____	_____	_____	_____	_____	_____
F. _____ Jetties	_____	_____	_____	_____	_____	_____	_____
G. _____ Boat Ramp	_____	_____	_____	_____	_____	_____	_____
H. _____ Pier	_____	_____	_____	_____	_____	_____	_____
I. _____ Breakwater	_____	_____	_____	_____	_____	_____	_____
J. _____ Repair & Maintenance	_____	_____	_____	_____	_____	_____	_____
K. _____ Road Crossing	_____	_____	_____	_____	_____	_____	_____
L. _____ Utility Line	_____	_____	_____	_____	_____	_____	_____
M. _____ Outfall Construction	_____	_____	_____	_____	_____	_____	_____
N. _____ Small Pond	_____	_____	_____	_____	_____	_____	_____
O. _____ Dam	_____	_____	_____	_____	_____	_____	_____
P. _____ Lot Fill	_____	_____	_____	_____	_____	_____	_____
Q. _____ Building Structures	_____	_____	_____	_____	_____	_____	_____
R. _____ Culvert	_____	_____	_____	_____	_____	_____	_____
S. _____ Bridge	_____	_____	_____	_____	_____	_____	_____
T. _____ Stream Channelization	_____	_____	_____	_____	_____	_____	_____
U. _____ Parking Area	_____	_____	_____	_____	_____	_____	_____
V. _____ Dredging	_____	_____	_____	_____	_____	_____	_____
1. _____ New	2. _____ Maintenance	3. _____ Hydraulic	4. _____ Mechanical				
W. <u>X</u> Other (explain)	<u>Highway expansion/improvements</u>						

Describe reasons why impacts were not avoided or reduced in Q. Also check Items G-P that apply to your project.

- | | | |
|---|--|--|
| G. <input checked="" type="checkbox"/> Cost | K. <input type="checkbox"/> Parcel size | N. <input checked="" type="checkbox"/> Safety/public welfare issue |
| H. <input checked="" type="checkbox"/> Extensive wetlands on site | L. <input type="checkbox"/> Other regulatory requirement | O. <input type="checkbox"/> Inadequate zoning |
| I. <input checked="" type="checkbox"/> Engineering/design constraints | M. <input checked="" type="checkbox"/> Failure to accomplish project purpose | P. <input type="checkbox"/> Other _____ |
| J. <input type="checkbox"/> Other natural features | | _____ |

Q. Description Not all impacts could be avoided due to the linear nature of the project. Please see Avoidance and Minimization memoranda for details.

5. LETTER OF EXEMPTION: If you are applying for a letter of exemption for activities in nontidal wetlands and/or their buffers, explain why the project qualifies:

- | | |
|---|--|
| A. <input type="checkbox"/> No significant plant or wildlife value and wetland impact | B. <input type="checkbox"/> Repair existing structure/fill |
| 1. <input type="checkbox"/> Less than 5,000 square feet | C. <input type="checkbox"/> Mitigation Project |
| 2. <input type="checkbox"/> In an isolated nontidal wetland less than 1 acre in size | D. <input type="checkbox"/> Utility Line |
| E. Other (explain) _____ | 1. <input type="checkbox"/> Overhead |
| | 2. <input type="checkbox"/> Underground |
- F. Check here if you are **not** applying for a letter of exemption.

IF YOU ARE APPLYING FOR A LETTER OF EXEMPTION, PROCEED TO BLOCK 11

6. ALTERNATIVE SITE ANALYSIS: Explain why other sites that were considered for this project were rejected in M. Also check any items in D-L if they apply to your project. **(If you are applying for a letter of exemption, do not complete this block):**

- | | | |
|---|---|---|
| A. <input checked="" type="checkbox"/> 1 site | B. <input type="checkbox"/> 2 - 4 sites | C. <input type="checkbox"/> 5 or more sites |
|---|---|---|

Alternative sites were rejected/not considered for the following reason(s):

- | | | |
|--|---|---|
| D. <input type="checkbox"/> Cost | H. <input checked="" type="checkbox"/> Greater wetlands impact | L. <input type="checkbox"/> Other _____ |
| E. <input checked="" type="checkbox"/> Lack of availability | I. <input type="checkbox"/> Water dependency | _____ |
| F. <input checked="" type="checkbox"/> Failure to meet project purpose | J. <input type="checkbox"/> Inadequate zoning | _____ |
| G. <input type="checkbox"/> Located outside general/market area | K. <input checked="" type="checkbox"/> Engineering/design constraints | _____ |

M. Explanation: During the original Section 200 NEPA analysis, the project went through a selection process for the Preferred Alternative. The Preferred Alternative was selected based on the ability to meet the purpose and need, environmental impacts, operational efficiency, fiscal responsibility, consistency with the State Transportation Policy, public comments, and input from Federal, State, and local agencies.

7. PUBLIC NEED: Describe the public need or benefits that the project will provide in F. Also check Items in A-E that apply to your project. **(If you are applying for a letter of exemption, do not complete this block):**

- | | | |
|---|--|---|
| A. <input type="checkbox"/> Economic | C. <input checked="" type="checkbox"/> Health/welfare | E. <input checked="" type="checkbox"/> Other: <u>Traffic Congestion</u> |
| B. <input checked="" type="checkbox"/> Safety | D. <input type="checkbox"/> Does not provide public benefits | _____ |

F. Description The proposed improvements are interim measures to address capacity, operational, and safety concerns that exist along NB I-95 until the ultimate buildout is achieved. Mitigation is required to offset unavoidable environmental impacts.

8. OTHER APPROVALS NEEDED/GRANTED:

See Attachment for Agency Coordination.

A. Agency	B. Date Sought	C. Decision		D. Decision Date	E. Other Status
		1. Granted	2. Denied		
<u>See Attached Chart</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

9. MITIGATION PLAN: Please provide the following information:

a. Description of a monetary compensation proposal, if applicable (for **state requirements** only). Attach another sheet if necessary. Monetary compensation is not being proposed. Please see attached Compensatory Mitigation Plan for the project.

b. Give a brief description of the proposed mitigation project. See Compensatory Mitigation Plan

c. Describe why you selected your proposed mitigation site, including what other areas were considered and why they were rejected. See Compensatory Mitigation Plan

d. Describe how the mitigation site will be protected in the future. See Compensatory Mitigation Plan

10. HAVE ADJACENT PROPERTY OWNERS BEEN NOTIFIED? A. Yes B. No

Provide names and mailing addresses below (Use separate sheet, if necessary):

a. <u>See Adjacent Property Owner List</u>	b. _____	c. _____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. HISTORIC PROPERTIES: Is your project located in the vicinity of historic properties? (For example: structures over 50 years old, archeological sites, shell mounds, Indian or Colonial artifacts). Provide any supplemental information in Section 13.

A. Yes B. No C.

12. ADDITIONAL INFORMATION: Use this space for detailed responses to any of the previous items. Attach another sheet if necessary:

See Attachments

Check box if data is enclosed for any one or more of the following (see checklist for required information):

- | | | |
|--|---|---|
| A. <input type="checkbox"/> Soil borings | D. <input type="checkbox"/> Field surveys | G. <input type="checkbox"/> Site plan |
| B. <input checked="" type="checkbox"/> Wetland data sheets | E. <input type="checkbox"/> Alternate site analysis | H. <input checked="" type="checkbox"/> Avoidance and
minimization analysis |
| C. <input checked="" type="checkbox"/> Photographs | F. <input type="checkbox"/> Market analysis | |

I. Other (explain) Vicinity Map, Impact Summary Tables, Impact Plates, Compensatory Mitigation Plan, Adjacent Property Owner List (1 set of mailing labels included with original copy), Agency Coordination Letters, Wetland Delineation Reports

CERTIFICATION:

I hereby designate and authorize the agent named above to act on my behalf in the processing of this application and to furnish any information that is requested. I certify that the information on this form and on the attached plans and specifications is true and accurate to the best of my knowledge and belief. I understand that any of the agencies involved in authorizing the proposed works may request information in addition to that set forth herein as may be deemed appropriate in considering this proposal. I certify that all Waters of the United States have been identified and delineated on site, and that all jurisdictional wetlands have been delineated in accordance with the Corps of Engineers Wetlands Delineation Manual (Wetlands Research Program Technical Report Y-87-1). I grant permission to the agencies responsible for authorization of this work, or their duly authorized representative, to enter the project site for inspection purposes during working hours. I will abide by the conditions of the permit or license if issued and will not begin work without the appropriate authorization. I also certify that the proposed works are consistent with Maryland's Coastal Zone Management Plan. I understand that none of the information contained in the application form is confidential and that I may request that additional required information be considered confidential under applicable laws. I further understand that failure of the landowner to sign the application will result in the application being deemed incomplete.

LANDOWNER MUST SIGN:  DATE: 10/15/2020

Mr. Brian Wolfe, P.E.
Director of Project Development
Maryland Transportation Authority