



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Allan Fisher, Deputy Secretary

August 15, 2022

Ms. Megan Bolcar
Coastal Resources, Inc.
25 Old Solomons Island Road
Annapolis, MD 21401

RE: Environmental Review for Susquehanna River Rail Bridge Project, Between Havre de Grace and Perryville, Harford and Cecil Counties, Maryland.

Dear Ms. Bolcar:

The Wildlife and Heritage Service has determined that there are the following areas of potential concern for impacts to rare, threatened and endangered species within the study area as shown on your map.

The headwaters of Gasheys Creek located near the boundaries of the study area is designated in state regulations as a Nontidal Wetland of Special State Concern. Nontidal Wetlands of Special State Concern are regulated, along with their 100-foot upland buffers, by Maryland Department of the Environment. Gasheys Creek is known to support the state-listed threatened Chesapeake Logperch (*Percina bimaculata*).

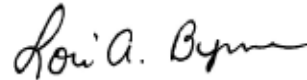
The portion of the lower Susquehanna River that overlaps with the study area is known to support the Chesapeake Logperch as well as a population of state-listed endangered Northern Map Turtle (*Graptemys geographica*). The Map Turtle uses the deep riverine pools and impoundments as hibernacula, and open areas of soft sand/soil along the shoreline for excavating nests. In addition, the open waters of the Susquehanna River are known historic waterfowl concentration areas. If there is to be any construction of water-dependent facilities please contact Josh Homyack of the Wildlife and Heritage Service at (410) 827-8612 x100 or josh.homyack@maryland.gov for further technical assistance regarding waterfowl.

The headwaters of Mill Creek located near the boundaries of the study area is known to support the Chesapeake Logperch.

Located near the study area, Furnace Bay provides freshwater tidal marsh that supports occurrences of the state-listed endangered species Water Horsetail (*Equisetum fluviatile*) and Vetchling Peavine (*Lathyrus palustris*). Furnace Bay is also a known historic waterfowl concentration area. If there is to be any construction of water-dependent facilities please contact Josh Homyack of the Wildlife and Heritage Service at (410) 827-8612 x100 or josh.homyack@maryland.gov for further technical assistance regarding waterfowl.

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 lori.byrne@maryland.gov or at (410) 260-8573.

Sincerely,

A handwritten signature in cursive script that reads "Lori A. Byrne".

Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2022.0957.ha/ce
Cc: J. Homyack, DNR
C. Jones, CAC

From: [Christopher Aadland -DNR-](#)
To: [Megan Bolcar](#)
Subject: MDDNR Fisheries Scoping Information for the Susquehanna River Rail Bridge Project, Harford and Cecil Counties, Maryland
Date: Friday, June 24, 2022 2:44:40 PM
Attachments: [MDDNR Environmental Review Common Time of Year Restrictions.pdf](#)

Dear Megan;

I took a quick look at this project location and there is a Sensitive Species Project Review Area on the eastern shore side of the Susquehanna River so the DNR Wildlife & Heritage Service should be contacted for RT&E species potential impact concerns. In addition there appears to be dense beds of SAV on both sides of the river which may have a Time of Year Restriction applied if these beds are going to be impacted by any construction activities. There are anadromous fish present including yellow perch at this location, so there may also be a February 15th through June 15th Time of Year Restriction applied to this permit for any in-stream work.

At this time we are no longer providing formal written pre-application screening comments by default due to a staffing shortage. A screenshot of the Aquatic Resources Screening Tool results included with any JPA application package should be sufficient to show coordination with MDDNR. In addition I have attached to this email a document outlining the most common Time of Year Restrictions associated with stream impacts.

The Aquatic Resources Screening Tool can be found at the following link:

 <https://maryland.maps.arcgis.com/apps/webappviewer/index.html?id=1c1095e641c541d8aa6588ef6c1b23c8>

Note: We have included the Department's Sensitive Species Project Review Area data layer (records of rare, threatened or endangered species present) in this tool as a planning aid. However, for detailed information concerning RT&E species the Department's Wildlife & Heritage Program should be contacted. The absence of a Sensitive Species Project Review Area polygon at a given project site is not necessarily proof that no RT&E species are present given delays in updating the data layer with new information. We would recommend continuing to contact the Wildlife & Heritage Program for current information regarding a project location.

If you have any questions, please feel free to contact me.

Chris

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MD Logo.png



Christopher Aadland
Environmental Planner
Environmental Review
Department of Natural Resources
580 Taylor Ave., E-2
Annapolis, MD 21401
[410-260-8736](tel:410-260-8736) (office)



410-710-7413 (cell)
christopher.aadland@maryland.gov

 [Click here](#) to complete a three question customer experience survey.

Megan Bolcar

From: Brian D Hopper - NOAA Federal <brian.d.hopper@noaa.gov>
Sent: Monday, November 28, 2022 12:23 PM
To: Bridgette Garner
Cc: Jonathan Watson - NOAA Federal; Megan Bolcar; Heather Tatone; David Smith
Subject: Re: Federally Listed RTEs for the Susquehanna Bridge Replacement Project

Hi Bridgette,

Apologies for the late response. The Gloucester office is on a hybrid work schedule and mail checks are infrequent. In the future, I recommend sending any correspondence via email. Anyway, shortnose sturgeon and Atlantic sturgeon originating from five Distinct Population Segments (DPS) may occur within the project area for the Susquehanna Bridge Replacement. Here is the link to the ESA species mapper that we use to determine what species and critical habitat may be present within a project's action area: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-species-critical-habitat-information-maps-greater#esa-section-7-mapper>. Please let me know if you have any questions.

Regards,
-Brian

On Tue, Nov 15, 2022 at 11:18 AM Bridgette Garner <bridgetteg@cri.biz> wrote:

Thanks Jonathan! Brian- please let us know how to move forward with the coordination.

See the attached letter that was sent in June.

Bridgette Garner | *Owner*

[Coastal Resources, Inc.](#) | [Facebook](#) | [LinkedIn](#)

25 Old Solomons Island Road, Annapolis, MD 21401

Main 410-956-9000 (ext. 114) | Direct 443-837-2145 | Cell 240-210-1527



From: Jonathan Watson - NOAA Federal <jonathan.watson@noaa.gov>

Sent: Tuesday, November 15, 2022 11:04 AM

To: Bridgette Garner <bridgetteg@cri.biz>

Cc: Megan Bolcar <meganb@cri.biz>; Heather Tatone <heathert@cri.biz>; David Smith <davids@cri.biz>; Brian D Hopper - NOAA Federal <brian.d.hopper@noaa.gov>

Subject: Re: Federally Listed RTEs for the Susquehanna Bridge Replacement Project

Hi Bridgette,

The Protected Resources Division staff member in our Annapolis Field Office is Brian Hopper (cc'd). He should be able to answer your questions.

Thank you,

Jonathan

On Tue, Nov 15, 2022 at 10:11 AM Bridgette Garner <bridgetteg@cri.biz> wrote:

Hi Jonathan,

We sent a coordination letter in June 2022 requesting information on federally listed RTEs within the Susquehanna Bridge Replacement project area but have not heard back from NOAA NMFS (See attached letter).

Can you let us know if we need to send this request to someone specific or if there is another way to handle this? Thanks!

Bridgette Garner | *Owner*

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**COASTAL
RESOURCES INC.**
Ecological Consultants

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Brian D. Hopper
Protected Resources Division
NOAA Fisheries
Greater Atlantic Regional Fisheries Office
200 Harry S Truman Parkway
Suite 460
Annapolis, MD 21401
240-628-5420
Brian.D.Hopper@noaa.gov
<http://www.greateratlantic.fisheries.noaa.gov/>





United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127

In Reply Refer To:
Project Code: 2022-0053401
Project Name: Susquehanna River Rail Bridge Project

June 13, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

Project Summary

Project Code: 2022-0053401

Event Code: None

Project Name: Susquehanna River Rail Bridge Project

Project Type: Bridge - Replacement

Project Description: The project design is to replace the two-track bridge with four tracks in the form of East and West spans over the Susquehanna. In addition to the bridge replacement, the in-water work will consist of replacing the existing overhead catenary system (OCS) with the installation of submarine cables to transmit power across the river, as well as the removal of old rail bridge piers parallel to the current one. The two new bridges will require a widening of the right-of-way (ROW) on the approaches of both the Havre de Grace and Perryville sides. The ROW widening necessitates undergrade and overhead bridge modifications, as well as major roadway realignments with Otsego Street in Havre de Grace and Broad Street and Avenue A in Perryville, and a new access road for the Perryville Amtrak maintenance facility.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.550125050000005,-76.09807479996797,14z>



Counties: Cecil and Harford counties, Maryland

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> Projects with a federal nexus that have tree clearing = to or > 15 acres: 1. REQUEST A SPECIES LIST 2. NEXT STEP: EVALUATE DETERMINATION KEYS 3. SELECT EVALUATE under the Northern Long-Eared Bat (NLEB) Consultation and 4(d) Rule Consistency key Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Fishes

NAME	STATUS
Maryland Darter <i>Etheostoma sellare</i> There is final critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5135	Endangered

Insects

NAME	STATUS
<p>Monarch Butterfly <i>Danaus plexippus</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: https://www.fws.gov/savethemonarch/FAQ-Section7.html). <p>Species profile: https://ecos.fws.gov/ecp/species/9743</p>	Candidate

Critical habitats

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
<p>Maryland Darter <i>Etheostoma sellare</i></p> <p>https://ecos.fws.gov/ecp/species/5135#crithab</p>	Final

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

IPaC User Contact Information

Agency: Coastal Resources, Inc.

Name: Megan Bolcar

Address: 25 Old Solomons Island Road

City: Annapolis

State: MD

Zip: 20401

Email: meganb@cri.biz

Phone: 4438372151
