

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 _____

- +++++
- 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 that 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: _____ MODIFICATION TO AN EXISTING PERMIT: _____
 JURISDICTIONAL DETERMINATION ONLY: _____ APPLYING FOR AUTHORIZATION x
 PREVIOUSLY ASSIGNED NUMBER (RESUBMITTALS AND AMENDMENTS) _____

DATE August 31, 2023

1. APPLICANT INFORMATION:

APPLICANT NAME:

A. Name: <u>Dexter Fordyce, PE</u>	B. Daytime Telephone: <u>571-349-6611</u>
C. Company: <u>National Railroad Passenger Corp. (Amtrak)</u>	D. Email Address: <u>Dexter.Fordyce@amtrak.com</u>
E. Address: <u>1 Massachusetts Avenue NW</u>	
F. City: <u>Washington</u>	State: <u>District of Columbia</u> Zip: <u>20001</u>

AGENT/ENGINEER INFORMATION:

A. Name: <u>Peter Mazzeo, PE</u>	B. Daytime Telephone: <u>215-282-1118</u>
C. Company: <u>HNTB</u>	D. Email Address: <u>pmazzeo@hntb.com</u>
E. Address: <u>935 First Avenue, Suite 210</u>	
F. City: <u>King of Prussia</u>	State: <u>Pennsylvania</u> Zip: <u>19406</u>

ENVIRONMENTAL CONSULTANT:

A. Name: <u>Bridgette Garner</u>	B. Daytime Telephone: <u>443-837-2145</u>
C. Company: <u>Coastal Resources, Inc.</u>	D. Email Address: <u>bridgetteg@cri.biz</u>
E. Address: <u>25 Old Solomons Island Road</u>	
F. City: <u>Annapolis</u>	State: <u>Maryland</u> Zip: <u>21401</u>

CONTRACTOR (If known): _____

A. Name: _____	B. Daytime Telephone: _____
C. Company: _____	D. Email Address: _____
E. Address: _____	
F. City: _____	State: _____ Zip: _____

PRINCIPAL CONTACT:

A. Name: <u>Bridgette Garner</u>	B. Daytime Telephone: <u>443-837-2145</u>
C. Company: <u>Coastal Resources, Inc.</u>	D. Email Address: <u>bridgetteg@cri.biz</u>
E. Address: <u>25 Old Solomons Island Road</u>	
F. City: <u>Annapolis</u>	State: <u>MD</u> Zip: <u>21401</u>

2. PROJECT DESCRIPTION

a. GIVE WRITTEN DESCRIPTION OF PROJECT:

The National Railroad Passenger Corporation (Amtrak) is planning to replace the Susquehanna River Rail Bridge between the City of Havre de Grace in Harford County, Maryland and the Town of Perryville in Cecil County, MD.

Has any portion of the project been completed? Yes No If Yes, explain:

Is this a residential subdivision or commercial development? Yes No _____ acres
 If yes, yes, total number of acres on property _____

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.)? Yes No _____

If yes, total estimated acres of tree clearing for the overall project site: 20.49 acres

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

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

Area for item(s) checked: Wetland See Appendix B (sq. ft.) Buffer (Nontidal Wetland Only) See Appendix B (sq. ft.)
 Expanded Buffer (Nontidal Wetland Only) _____ (sq. ft.)

Area of stream impact See Appendix B (sq. ft.)
 Length of stream affected See Appendix B (linear feet)

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.)	Width (Ft.)	Area (Sq. Ft.)	Maximum/Average Channelward Encroachment	Pond Depth	Volume of fill/dredge material (cubic yards) below MHW or OHW
	1	2	3	4	5	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. <input checked="" type="checkbox"/> trestle Building Structures	_____	_____	135,000	950 length	50 width	_____
R. _____ Culvert	_____	_____	_____	_____	_____	_____
S. <input checked="" type="checkbox"/> Bridge	4,500	120	540,000	_____	_____	_____
T. _____ Stream Channelization	_____	_____	_____	_____	_____	_____
U. _____ Parking Area	_____	_____	_____	_____	_____	_____
V. _____ Dredging	_____	_____	_____	_____	_____	_____
W. <input checked="" type="checkbox"/> New	_____	_____	_____	_____	_____	_____
_____ Other (explain)	_____	_____	_____	_____	_____	_____

1. New 2. _____ Maintenance 3. _____ Hydraulic 4. _____ Mechanical

d. PROJECT PURPOSE: Give brief written description of the project purpose:

The primary purpose is to provide continued rail connectivity along the Northeast Corridor, while improving rail service reliability and safety, improve operational flexibility, and improve marine navigational safety.

3. PROJECT LOCATION:

a. LOCATION INFORMATION:

A. County: Cecil and Harford B. City: Havre de Grace and Perryville C. Name of waterway or closest waterway Susquehanna River
D. State stream use class designation: Use II-P
E. Site Address or Location: _____

See Vicinity Map in Appendix C.

F. Directions from nearest intersection of two state roads:

The project area begins just west of Post Road in Havre de Grace and extends approximately 6 miles to east of the Amtrak Perryville Maintenance Base, just east of Principio Station Road.

Is your project located in the Chesapeake Bay Critical Area (generally within 1,000 feet of tidal waters or tidal wetlands)?:

Yes No

H. County Book Map Coordinates (Alexandria Drafting Co.); Excluding Garrett and Somerset Counties:

Map: N/A Letter: _____ Number: _____ (to the nearest tenth)

I. FEMA Floodplain Map Panel Number (if known): _____

J. 1. 39.5541751 latitude 2. -76.0808293 longitude

b. ACTIVITY LOCATION: Check one or more of the following as appropriate for the type of wetland/waterway where you are proposing an activity:

- | | | |
|---|--|---|
| A. <input checked="" type="checkbox"/> Tidal Waters | F. <input type="checkbox"/> 100-foot buffer (nontidal wetland of special State concern) | H. <input checked="" type="checkbox"/> 100-year floodplain (outside stream channel) |
| B. <input checked="" type="checkbox"/> Tidal Wetlands | G. <input checked="" type="checkbox"/> In stream channel | I. <input checked="" type="checkbox"/> River, lake, pond |
| C. <input checked="" type="checkbox"/> Special Aquatic Site (e.g., mudflat, vegetated shallows) | 1. <input checked="" type="checkbox"/> Tidal 2. <input checked="" type="checkbox"/> Nontidal | J. <input type="checkbox"/> Other (Explain) |
| D. <input checked="" type="checkbox"/> Nontidal Wetland | | |
| E. <input checked="" type="checkbox"/> 25-foot buffer (nontidal wetlands only) | | |

c. LAND USE:

A. Current Use of Parcel Is: 1. Agriculture: Has SCS designated project site as a prior converted cropland? Yes No

2. Wooded 3. Marsh/Swamp 4. Developed

5. Other: _____

B. Present Zoning Is: 1. Residential 2. Commercial/Industrial 3. Agriculture 4. Marina 5. Other

C. Project complies with current zoning Yes No

THE FOLLOWING INFORMATION IS REQUIRED BY THE STATE (blocks 4-7):

4. REDUCTION OF IMPACTS: Explain measures taken or considered to avoid or minimize wetland losses in F. Also check Items A-E if any of these apply to your project.

A. Reduced the area of disturbance B. Reduced size/scope of project C. Relocated structures D. Redesigned project

E. Other _____

F. Explanation See Avoidance and Minimization Measures in Appendix D.

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

- | | | |
|---|---|--|
| G. <input 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 type="checkbox"/> Failure to accomplish project purpose | P. <input type="checkbox"/> Other |
| J. <input type="checkbox"/> Other natural features | | |

Q. Description

Since rail service must be maintained on Amtrak's Northeast Corridor (NEC) throughout the construction period, the replacement bridges must be constructed adjacent to the existing bridge which, in turn, requires an expansion of the ROW for new tracks. This requires encroachment, both within the river and into adjacent wetlands and watercourses.

5. **LETTER OF AUTHORIZATION:** If you are applying for a letter of authorization 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. <input type="checkbox"/> Other (explain) | 1. <input type="checkbox"/> Overhead |
| | 2. <input type="checkbox"/> Underground |
| F. <input checked="" type="checkbox"/> Check here if you are not applying for a letter of authorization. | |

IF YOU ARE APPLYING FOR A LETTER OF AUTHORIZATION, PROCEED TO BLOCK 10

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 authorization, do not complete this block.)

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

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

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

M. Explanation: See Alternative Site Analysis Explanation in Appendix E.

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 checked="" type="checkbox"/> Economic | C. <input type="checkbox"/> Health/welfare | E. <input type="checkbox"/> Other |
| B. <input checked="" type="checkbox"/> Safety | D. <input type="checkbox"/> Does not provide public benefits | |

F. Description

The NEC is the most heavily used passenger rail line in North America and one of the most heavily traveled rail corridors in the world. The increasing age of the bridge, its structural condition, and its two tracks curtail speeds and capacity on the bridge. This inhibits the rail operators' goals to provide reliable service, MDOT's plans to increase MARC commuter rail service, and Amtrak's plans to increase high-speed passenger rail service on the NEC.

8. **MITIGATION PLAN:** Please provide the following information. (If you are applying for a letter of authorization outside of the Critical Area, do not complete this block.)

9. Description of a monetary compensation proposal, if applicable (for state requirements only). Attach another sheet if necessary.

Not applicable.

b. Give a brief description of the proposed mitigation project.

See Compensatory Mitigation Plan in Appendix F.

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

See Compensatory Mitigation Plan in Appendix F.

d. Describe how the mitigation site will be protected in the future.

See Compensatory Mitigation Plan in Appendix F.

9. **HAVE ADJACENT PROPERTY OWNERS BEEN NOTIFIED?**

A. _____ Yes B. No

Provide names and mailing addresses below (Use separate sheet, if necessary). (If you are applying for a letter of exemption, do not complete this block.)

a. Please see Appendix G for list of adjacent property owners.

b.

c.

10. **OTHER APPROVALS NEEDED/GRANTED:**

A. a. Agency	b. Date Sought	c. Decision		d. Decision Date	e. Other Status
		1. Granted	2. Denied		
Section 106		<input checked="" type="checkbox"/>		May 2017	
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

B. **FEDERALLY AUTHORIZED CIVIL WORKS PROJECTS:** Does the project require permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers' federally authorized civil works project, structure, property, or easement (e.g., federal navigation channel, flood control levees, dams and reservoirs, lake property, etc.)?

_____ Yes No

If yes, have you submitted a written request for Section 408 permission from the Corps district having jurisdiction over that project (i.e., Baltimore district in Maryland or Philadelphia district in C & D canal)? _____ Yes _____ No

If yes, please provide the date your request was submitted to the Corps district: _____

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 12.

A. Yes B. No C. Unknown

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

See Appendix H for a list of historic properties.

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

- | | | |
|--|--|---|
| A. <input checked="" type="checkbox"/> Soil borings | D. <input checked="" type="checkbox"/> Field surveys | G. <input checked="" type="checkbox"/> Site plan |
| B. <input checked="" type="checkbox"/> Wetland data sheets | E. <input checked="" 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. <input checked="" type="checkbox"/> Other (explain) | | |

Wetland Delineation Report in Appendix J; RTE Coordination Letters in Appendix K; Construction Access Means and Methods in Appendix L; and 60% Design Plans in Appendix M.

CERTIFICATION:

Application is hereby made for a permit or permits to authorize the work described in this application. 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 application 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 wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and all streams have been identified and delineated on site, and that all jurisdictional wetlands have been delineated in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual and appropriate regional supplement(s). 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 all permit(s) or license(s) 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. All information, including permit applications and related materials, submitted to MDE may be subject to public disclosure consistent with the Maryland Public Information Act, §4-101 et seq., General Provisions Article of the Maryland Code and the Freedom of Information Act, 5 USC Section 552 et seq. Pursuant to Clean Water Act Section 404(o), 33 USC 1344 (o), permit applications and permits will be available to the public. I understand 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: Dexter Fordyce DATE: 08/30/2023

PRINTED NAME OF LANDOWNER Dexter Fordyce

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers, 33 CFR 320-332. **Principal Purpose:** Information provided on this JPA will be used in evaluating the application for a permit. **Routine Uses:** This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice. Submission of requested information is voluntary, however, if information is not provided, the permit application cannot be evaluated nor can a permit be issued.

State Authorities: Nontidal Wetlands Protection Act, Md. Ann. Code, Envir., Title 5, Subtitle 9; Waterway Construction, Md. Ann. Code, Envir., Title 5, Subtitle 5; Tidal Wetlands Act, Md. Ann. Code, Envir., Title 16.

BEST MANAGEMENT PRACTICES VERIFICATION: I verify that my project will meet all Endangered Species Act Best Management Practices applicable to work in tidal waters and wetlands as required by the MDSPGP (see Section VII.B.4.c.i-iii).

Yes No Unknown

Refer to the application instructions and the MDSPGP for additional information regarding these Best Management Practices.

I am the property owner/applicant and do not want to be contacted by MDE. All correspondence should occur with my authorized agent /principal contact designated in Section 3, located on the 1st page of this application. (By initializing the box, you are acknowledging that you will not receive any correspondence directly from MDE). I understand a copy of MDE's final decision regarding this application will be sent to me. This opt-out option does not apply to the U.S. Army Corps' correspondence, which will continue to be with the applicant/permittee.