
April 15, 2020

Mr. Joseph DaVia
Chief, Maryland Section Northern
US Army Corps of Engineers Baltimore District
Regulatory Branch
2 Hopkins Plaza
Baltimore MD 21201

Ms. Amanda Sigillito
Division Chief
Maryland Department of the Environment
Wetland and Waterways Program
Nontidal Wetlands Division
1800 Washington Boulevard
Baltimore MD 21230

Dear Mr. DaVia and Ms. Sigillito:

The Maryland Department of Transportation State Highway Administration (MDOT SHA) is submitting a Joint Federal/State Application and supporting documentation for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland within the Limits of Disturbance (LOD) of the Build Alternatives of the I-495 & I-270 Managed Lanes Study (MLS), located in Montgomery and Prince George's counties in Maryland and Fairfax County in Virginia (see attached Vicinity Map). This application is submitted pursuant to the requirements of the Code of Maryland Regulations, Sections 26.17 and 26.23, and Section 404 of the Clean Water Act and supported by the publicly available MLS Draft Environmental Impact Statement. One original and six copies of the following documents are enclosed for review and processing of this permit request:

- Joint Permit Application, Tier II Checklist, and Billing Approval Form
- Impact Plates
- United States Army Corps of Engineers (USACE) Impact Tables
- Maryland Department of the Environment (MDE) Impact Tables

Supporting information for this permit application has been posted to the project's FTP site, accessible via the following link: <https://sftp1.mdot.state.md.us/>

The login is: Username: NEPAUSACE

Password: pthreeuser1

* Please note, the FTP site works best using Google Chrome

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Supporting information includes:

- Online Mapping Tool Link and Login Information
- Wetland Delineation Memo
- Avoidance, Minimization, and Impacts Report
- Draft Compensatory Mitigation Plan

MDOT SHA is proposing the MLS to provide a travel demand management solution(s) that addresses congestion and improves trip reliability on I-495 and I-270 within the Study limits and enhances existing and planned multimodal mobility and connectivity. The extent of the MLS on I-495 is from in the vicinity of the George Washington Memorial Parkway in Fairfax County, Virginia to west of MD 5 in Prince George's County and on I-270 from I-495 to I-370, including the east and west I-270 spurs. Six Build Alternatives, Alt 8, Alt 9, Alt 9M, Alt 10, Alt 13B, and Alt 13C, are being considered and each Build Alternative includes construction activities that would result in unavoidable impacts to wetlands and waterways, including: roadway widening and reconfiguration, additional drainage improvements, staging and stockpiling areas, construction access areas, culvert extension and augmentation, outfall stabilization, and bridge replacement.

Project activities would occur within the following 16 Maryland 12-digit watersheds: Potomac River/Rock Run, Cabin John Creek, Rock Creek, Sligo Creek, Northwest Branch, Paint Branch, Little Paint Branch, Northeast Branch, Bald Hill Branch, Upper Beaverdam Creek, Upper Southwest Branch, Lower Southwest Branch, Watts Branch, Muddy Branch, Beaverdam Creek, and Henson Creek. The MLS Build Alternatives would result in a range of USACE and MDE impacts. The impacts associated with each Build Alternative are shown on the impact plates and included in the impact tables.

If you need further assistance, please contact Ms. Caryn J. G. Brookman, MDOT SHA I-495 & I-270 P3 Office Environmental Program Manager, at 410-637-3335 or via email at cbrookman@mdot.maryland.gov. Ms. Brookman will be happy to assist you.

Sincerely,



Lisa B. Choplin, DBIA
Director, I-495 & I-270 P3 Office

cc: Ms. Jeanette Mar, Environmental Program Manager, Federal Highway Administration
Ms. Caryn J. G. Brookman, Environmental Program Manager, I-495 & I-270 P3 Office,
MDOT SHA
Jeffrey T. Folden, P.E., DBIA, Deputy Director, I-495 & I-270 P3 Office MDOT SHA

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 April 15, 2020

1. APPLICANT INFORMATION:

APPLICANT NAME:

A. Name: Lisa Choplin B. Daytime Telephone: (410) 637-3320
C. Company: MDOT SHA D. Email Address: lchoplin@mdot.maryland.gov
E. Address: 601 N. Calvert Street
F. City: Baltimore State: MD Zip: 21202

AGENT/ENGINEER INFORMATION:

A. Name: Karen Kahl B. Daytime Telephone: (410) 462-9243
C. Company: MDOT SHA/RK&K D. Email Address: Kkahl.consultant@mdot.maryland.gov
E. Address: 601 N. Calvert Street
F. City: Baltimore State: MD Zip: 21202

ENVIRONMENTAL CONSULTANT:

A. Name: Madeline Sigrist B. Daytime Telephone: (410) 462-9125
C. Company: RK&K D. Email Address: msigrist@rkk.com
E. Address: 700 E Pratt Street, Suite 500
F. City: Baltimore State: MD Zip: 21202

CONTRACTOR (If known): Environmental Consultant Reviewer

A. Name: Emily Dolbin B. Daytime Telephone: 410-462-7400
C. Company: McCormick Taylor, Inc. D. Email Address: EBDolbin@mccormicktaylor.com
E. Address: 509 South Exeter Street, 4th Floor
F. City: Baltimore State: MD Zip: 21202

PRINCIPAL CONTACT:

A. Name: Caryn Brookman B. Daytime Telephone: (410) 637-3335
C. Company: MDOT SHA D. Email Address: Cbrookman.consultant@mdot.maryland.gov
E. Address: 601 N. Calvert Street
F. City: Baltimore State: MD Zip: 21202

- J. _____ Repair & Maintenance
 - K. Road Crossing _____ Varies, see below _____
 - L. _____ Utility Line _____
 - M. _____ Outfall Construction _____
 - N. _____ Small Pond _____
 - O. _____ Dam _____
 - P. _____ Lot Fill _____
 - Q. _____ Building Structures _____
 - R. Culvert (existing culverts) _____ Varies, see below _____
 - S. _____ Bridge _____
 - T. _____ Stream Channelization _____
 - U. _____ Parking Area _____
 - V. _____ Dredging _____
1. _____ New 2. _____ Maintenance 3. _____ Hydraulic 4. _____ Mechanical
- W. _____ Other (explain) _____

MDE Project Dimensions						
Alternative	8	9	9M	10	13B	13C
Road Crossing (sq. ft)	2,078,096	2,078,096	3,184,893	3,213,452	3,198,915	3,163,785
Culvert (existing culverts) (sq. ft)	450,045	450,045	449,269	450,233	449,972	450,233

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

The purpose and need for the project is provided in Section 1 of the I-495 & I-270 Managed Lanes Study DEIS.

3. PROJECT LOCATION:

a. LOCATION INFORMATION:

- A. County: MO, PG B. City: _____ C. Name of waterway or closest waterway Multiple
- D. State stream use class designation: Multiple, see attached stream use designation table
- E. Site Address or Location: The study corridor is described in Section 1.2 of the I-495 & I-270 Managed Lanes Study DEIS
- F. Directions from nearest intersection of two state roads: _____
The project location is described in Section 1.2 of the I-495 & I-270 Managed Lanes Study DEIS
- G. 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: Multiple Letter: _____ Number: _____ (to the nearest tenth)
- I. FEMA Floodplain Map Panel Number (if known): Multiple, see attached floodplain map panel table
- J. 1. 39.021106 latitude 2. -76.951416 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 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 type="checkbox"/> Tidal Wetlands | | I. <input checked="" type="checkbox"/> River, lake, pond |
| C. <input type="checkbox"/> Special Aquatic Site (e.g., mudflat, vegetated shallows) | G. <input checked="" type="checkbox"/> In stream channel
1. <input 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 Various, see Section 4.1 of the I-495 & I-270 Managed Lanes Study DEIS
- 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. <input checked="" type="checkbox"/> Reduced the area of disturbance | B. <input checked="" type="checkbox"/> Reduced size/scope of project | C. <input checked="" type="checkbox"/> Relocated structures |
| D. <input checked="" type="checkbox"/> Redesigned project | | |
| E. <input checked="" type="checkbox"/> Other <u>See the I-495 & I-270 Managed Lanes Study Avoidance, Minimization and Impacts Report</u> | | |
| F. Explanation <u>See the I-495 & I-270 Managed Lanes Study Avoidance, Minimization and Impacts Report</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 checked="" 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 checked="" type="checkbox"/> Other natural features | | |
| Q. Description <u>See the I-495 & I-270 Managed Lanes Study Avoidance, Minimization and Impacts Report</u> | | |

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
1. <input type="checkbox"/> Less than 5,000 square feet
2. <input type="checkbox"/> In an isolated nontidal wetland less than 1 acre in size | B. <input type="checkbox"/> Repair existing structure/fill | C. <input type="checkbox"/> Mitigation Project |
| D. <input type="checkbox"/> Utility Line
1. <input type="checkbox"/> Overhead
2. <input type="checkbox"/> Underground | | |
| E. Other (explain) _____ | | |
| F. <input checked="" type="checkbox"/> Check here if you are not applying for a letter of exemption. | | |

IF YOU ARE APPLYING FOR A LETTER OF EXEMPTION, 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 exemption, do not complete this block.)**

- A. 1 site B. 2 - 4 sites C. 5 or more sites

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

- | | | |
|--|---|--|
| D. <input checked="" type="checkbox"/> Cost | H. <input type="checkbox"/> Greater wetlands impact | L. <input checked="" type="checkbox"/> Other _____ |
| E. <input 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: See I-495 & I-270 Managed Lanes Study DEIS and Alternatives Technical Report (Appendix A of the DEIS)

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 checked="" type="checkbox"/> Health/welfare | E. <input checked="" type="checkbox"/> Other _____ |
| B. <input checked="" type="checkbox"/> Safety | D. <input type="checkbox"/> Does not provide public benefits | _____ |
- F. Description See Section 1 of the I-495 & I-270 Managed Lanes Study DEIS

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

- a. Description of a monetary compensation proposal, if applicable (for **state requirements** only). Attach another sheet if necessary. N/A

- b. Give a brief description of the proposed mitigation project. See the I-495 & I-270 Managed Lanes Study Draft Compensatory Mitigation Plan

- c. Describe why you selected your proposed mitigation site, including what other areas were considered and why they were rejected. See the I-495 & I-270 Managed Lanes Study Draft Compensatory Mitigation Plan

- d. Describe how the mitigation site will be protected in the future. See the I-495 & I-270 Managed Lanes Study Draft Compensatory Mitigation Plan

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. Adjacent property owners will be notified via certified mail concurrent with the DEIS Notice of Availability, a minimum of 30-days prior to the first Public Hearing. See the online

mapping tool for adjacent property owners. A final list of adjacent property owners and elected officials to be notified will be provided 15-days prior to the

notification.

10. OTHER APPROVALS NEEDED/GRANTED:

A. Agency	B. Date Sought	C. Decision		D. Decision Date	E. Other Status
		1. Granted	2. Denied		
<u>USACE AJD</u>	<u>10/2019</u>	<u>X</u>		<u>12/12/2019</u>	
<u>See Item 12 below</u>	<u>Pending</u>				

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. X 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:

Additional information regarding Historic Properties and Other Approvals can be found in Section 4.8 of the I-495 & I-270 Managed Lanes Study DEIS.


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

- A. Soil borings
- B. X Wetland data sheets
- C. X Photographs
- D. X Field surveys
- E. X Alternate site analysis
- F. Market analysis
- G. X Site plan
- H. X Avoidance and minimization analysis

I. X Other (explain) This application is supported by the I-495 & I-270 Managed Lanes Study DEIS, AMR, CMP and Wetland Delineation Memo. We have also included a set of impact plates, impact tables, electronic impact data, and an online impact mapping tool.

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. 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: 

DATE: April 9, 2020

MLS Wetland and Waterway Impacts in Tier II Watersheds

MDNR 12-Digit Watershed	Waterway				Wetland			
	Impact Plate	Feature ID	Impact (Linear Feet)	Impact (Square Feet)	Impact Plate	Feature ID	Impact (Square Feet)	Buffer Impact (Square Feet)
Bald Hill Branch 21311030928	34	8R_D1	110	673	34	8U	355	2,924
	34	8S	139	269	38	7LL	914	6,730
	34	8S_C	77	167	38	7RR	608	5,267
	34	8T	118	235	38	8FF	0	231
	38	7MM	175	974	38	8JJ	892	4,212
	38	7NN	135	481	38	8KK	15	1,068
	38	8HH	133	1,283				
	38	8HH_C	80	1,082				
	Waterway Impact Total			967	5,164	Wetland Impact Total		2,784
Beaverdam Creek 21402050823	31	10JJ	11	67	No Wetlands Impacts			
	Waterway Impact Total		11	67				
NOTE: No wetland or waterway impacts within the Piscataway Creek (MDNR 12-Digit 21402030800) watershed.								

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
NONTIDAL WETLANDS AND WATERWAYS DIVISION
1800 WASHINGTON BLVD., SUITE 430
BALTIMORE, MARYLAND 21230
410-537-3745**

PUBLIC NOTICE BILLING APPROVAL FORM

PROJECT NUMBER AW073A11

I agree to pay all expenses associated with the publishing of a public notice for the Nontidal Wetlands and Waterways Application submitted by MDOT SHA (Applicant's Name), which was dated and signed by you on 3/25/20.

Jeffrey T. Folden

Applicant/Agent Signature

Jeffrey J. Folden

Printed Name of Signee

TRACKING NO. _____

Please Print

Billing Address 707 North Calvert Street, Mailstop P-601

Baltimore, MD 21202

Contact Person: Catherine Agostino

Phone Number 410-637-3301

NOTICE TO APPLICANTS

Certain projects involving nontidal wetlands and waterways permits require that a description of the proposed project be published in a local newspaper. This advertisement is necessary to fulfill legal public notice requirements. Projects that require public notice include, but are not limited to, the following:

- Certain projects regulated by the U. S. Army Corps of Engineers that require a State Water Quality Certification.
- Projects resulting in a loss of more than 5,000 square feet of nontidal wetlands.
- Projects in nontidal wetlands of special State concern or wetlands having special plant or wildlife values.
- Projects resulting in a loss of more than 1 acre if isolated nontidal wetlands.
- Projects affecting waters of the State, including their 100 year frequency floodplain, except roads, bridges, and culverts that meet minimum design standards, temporary construction, minor repairs, or routine maintenance.

The Water and Science Administration will arrange advertisement of the project for you. However, as the applicant for the project, you are responsible for paying the publishing costs. In order for this process of public notice to occur, your approval is necessary prior to publishing. Please complete the form on the other side of this page and return it to the Water and Science Administration so that your proposed project may be advertised without delay. Please make sure to sign the form. Processing of your application cannot continue until a signed form is received.

Please call the Nontidal Wetlands and Waterways Division at 410-537-3745 if you have any questions.

Thank you for your assistance in this matter.

PLEASE COMPLETE THE OTHER SIDE OF THIS PAGE

Also, please provide the names and mailing addresses of adjacent property owners. Add additional pages if needed.

The adjacent property owner list is being finalized and will be provided a minimum of

15 days prior to the DEIS notice of availability. We request that MDE advertisement

of the project be concurrent with the DEIS notice of availability.
