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October 11, 2019

Ms. Jennifer Bird
Regulatory Services Coordination Office
Water Management Division – Suite 430
Maryland Department of the Environment
Montgomery Business Park
1800 Washington Boulevard
Baltimore, MD 21230

RE: I-95 Express Toll Lanes (ETL) Northbound Extension Phase II
MDTA Contract Numbers: KH-3019, KH-3020, KH-3021, KH-3022, KH-3023, KH-3027,
KH-3029, KH-3030, KH-3031
Harford County, MD
Joint Permit Application Amendment - MDE Tracking No. 201960846/19-NT-0150

Dear Ms. Bird:

The Maryland Transportation Authority (MDTA) is pleased to submit this amendment to the previously submitted Joint Permit Application (JPA) for the Alteration of Any Floodplain, Waterway, Tidal or Non-Tidal Wetland in Maryland with supporting documents for Phase II of the I-95 Express Toll Lanes (ETL) Northbound Extension Project in Harford County, Maryland. The JPA was submitted to the Maryland Department of the Environment (MDE) on May 1, 2019 and amended on August 28, 2019. Since that time, additional comments have been received and design changes have occurred, necessitating a further amendment to the application.

Per agency comments, the Mill Creek mitigation site has been eliminated; as a result, every part of the JPA has been revised with the exception of the Avoidance and Minimization, Tier II Documents, and MD 152 Park and Ride Alternatives Analysis sections. Also, per agency comments, the Eccleston mitigation credit discussion within the Compensatory Mitigation Plan has been revised. These revisions were based on discussions with MDE and USACE (United States Army Corps of Engineers) regarding acceptability and ratios of credit for stream buffer preservation and enhancement and linear footage of stream preservation, restoration and channel creation.

In addition, as design of the KH-3020 contract has advanced, impacts to several wetlands and streams have been avoided or minimized; the impact plates have been revised accordingly, and mitigation requirements have decreased. These design changes are described in the Avoidance and

Minimization section. The KH-3023 impact plates were revised to reflect a slight increase in stream impacts caused by refinement of design. The impact summary chart has been updated to reflect the changes within these two contracts and the removal of the Mill Creek mitigation site.

MDE and USACE reviewers have also requested the Section 200 Alternatives Analysis and design plans for the project contracts. These are being provided as supplemental documentation to the JPA. Due to the size of these materials, this information is not being provided with the public notice package. It should be noted, however, that design plans for the Eccleston and Lilly Run sites are already included as attachments to the Compensatory Mitigation Plan and therefore are not attached again. In addition, plans for KH-3020, KH-3030, and KH-3031 are not available to be shared, due to the very early stage of design of these contracts. For these contracts, the impact plates enclosed in the application provide as much information as is currently available.

MDE and USACE reviewers also requested a breakdown of the stream impacts requiring mitigation by quality of resource. This information is provided in an attached Eccleston Stream Restoration justification memorandum but is repeated here:

- Of the 13,213 linear feet of stream impacts requiring compensatory mitigation, 7,155 linear feet are intermittent and 6,058 linear feet are perennial.
- The impacted systems were classified with respect to quality as either low, moderate or high. The breakdown for intermittent and perennial streams by quality is as follows:
 - Intermittent low quality = 3,580 linear feet (27.1%)
 - Intermittent moderate quality = 3,575 linear feet (27.1%)
 - Perennial low quality = 2,202 linear feet (16.7%)
 - Perennial moderate quality = 3,255 linear feet (24.6%)
 - Perennial high quality = 601 linear feet (4.5%)
- Based on the above breakdown, 43.8% of the impacted streams are low quality, 51.7% of the impacted streams are moderate quality and 4.5% of the impacted streams are high quality.

Since multiple amendments have occurred to this application, agency reviewers requested that the entire JPA package be resubmitted. All files are being provided electronically to both MDE and USACE to facilitate review and processing of this permit. In addition, one hard copy of the application will be provided to MDE for use during the Public Notice period, in addition to the hard copies that will be available at the MDTA White Marsh Field Office, the Joppa and Havre de Grace branches of the Harford County Public Library, and the Owings Mills branch of the Baltimore County Public Library.

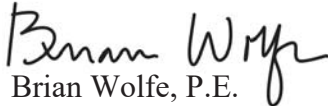
The following information is included in the application package to facilitate authorization:

- Eccleston Stream Restoration Justification Memorandum
- Past cover letters and responses to comments
- Updated Joint Permit Application (revised impact totals, removal of Mill Creek)
- Revised Vicinity Maps (reflecting the removal of Mill Creek)

- Updated Impact Summary Tables (Revisions to KH-3020 and KH-3023, removal of Mill Creek, correction of minor error in Eccleston section) including Excel copy for USACE
- 8 ½” x 11” Impact Plates and Legend (Revisions to KH-3020 and KH-3023)
- Updated Avoidance and Minimization of Impacts Narrative
- Updated Compensatory Mitigation Plan
- Revised adjacent Property Owner Lists and Maps, List of Elected Officials, Certification of Notification of Adjacent Property Owners, and Signed Public Notice Billing Approval Form (reflecting the removal of Mill Creek)
- Updated Agency Correspondence (reflecting the removal of Mill Creek)
- Wetland Delineation Reports (including Pre-Application Meeting Minutes) (reflecting the removal of Mill Creek)
- Tier II Documents
- MD 152 Park and Ride Alternatives Analysis
- Supplemental Documentation:
 - Section 200 Alternatives Analysis
 - Design Plans for KH-3019, KH-3021, KH-3022, KH-3023, KH-3027, KH-3029

If you have any questions regarding this submittal, please contact me directly at bwolfe3@mdta.state.md.us or (410) 931-0808.

Sincerely,


Brian Wolfe, P.E.

Acting Director of Project Development

Enclosures

cc: Carl Chamberlin, Division of Planning and Program Development, MDTA
Joseph DaVia, USACE
Steve Elinsky, USACE
David Greenwood, P.E., Project Manager, Project Office, MDTA
Leyla Lange, Environmental Manager, JMT
Kelly Neff, MDE
Jennifer Rohrer, Consultant Reviewer, MDTA
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