

APPENDIX G PRE-APPLICATION MEETING MINUTES





I-95 Express Toll Lanes Northbound Extension Project – Phase II Review of Wetland and Waters of the US Delineations Monday, March 11, 2019 8:00 am – 11:45 am Revised

cchamberlin@mdta.state.md.us

Attendees:

<u>Name</u>

E-mail address

Carl Chamberlin, MDTA Jen Rohrer, MDTA Dave Greenwood, CDM Smith/MDTA Michael Rothenheber, JMT/GEC Jeremy Koser, JMT/GEC Leyla Lange, JMT/GEC Erin Markel, JMT/GEC Steve Elinsky, USACE Jennifer Bird, KCI/MDE Emily Dolbin, MTA/MDE Heather Tatone, CRI Ignamara Petrowicz, WTB Dennis Santeufemio, GF Jeff Lomax, WRA

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Attendance

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Office Meeting:

- 1.0 Self-introductions were made.
- 2.0 Erin Markel began the meeting by reviewing the agenda and the systems to be visited. During the morning session in the field, the Park and Ride location at Maryland 24/924 will be reviewed for determinations as to which systems will require authorization, as well as whether potential exists for wetland expansion, restoration of a perennial stream channel, and on-site, in-kind mitigation through relocation of an intermittent system to the new toe of slope. In addition, the group will review the bridge design of I-95 over Winters Run and evaluate the mitigation potential at Winters Run.
- 3.0 Steve Elinsky clarified that as this is not an approved Jurisdictional Determination; USACE will be advising MDTA on what impacts require authorization. Determinations of jurisdictionality will not be provided. Steve inquired as to when authorization is required to be in hand and Mike Rothenheber responded that authorization is needed by September-October of 2019.

- 4.0 Steve Elinsky inquired about Delaware Nation, section 7 Endangered Species Act, and Essential Fish Habitat coordination. Jen Rohrer indicated that she was coordinating with FHWA regarding the Delaware Nation. However, this coordination may ultimately be handled by USACE. Leyla Lange indicated that Endangered Species Act coordination has been completed through the on-line mapper as well as by running IPaC inquiries. Essential Fish Habitat coordination will occur through completion of the On-line Verification Form as had been done for Phase I. Steve indicated that deforestation of more than 17 contiguous acres of forest would need US Fish and Wildlife Service coordination for the Indiana and Northern Long-eared Bat. Leyla indicated that this level of deforestation is not anticipated for the project; however, if it were to occur, FHWA typically coordinates under the Final 4(d) rule and by completion of the Self-Certification letter.
- 5.0 Steve Elinsky asked whether any of the Phase I contracts had started construction. Mike Rothenheber indicated that Bradshaw Road had started, and the bridge closure is anticipated to occur as of today. Mike also indicated that the Old Joppa Road project had been awarded but is currently under protest by one of the bidders. One other project has been advertised. Leyla Lange stated that a ProjectWise folder had been set up and shared with MDE and USACE so they could review design plans as they became available, per a Special Condition of the Phase I authorizations. If no response is made by the agencies it will be assumed that there is no concern over the proposed designs.
- 6.0 The group briefly discussed potential mitigation options. Excess wetland creation/enhancement credits will be utilized from Whitemarsh Run to meet compensatory mitigation requirements for unavoidable nontidal wetland impacts. For Waters of the US compensatory mitigation, options previously discussed include the Izaak Walton League, Winters Run and removal of a concrete lined channel (WUS 25B), as well as some of the future Phases of Lilly Run. Steve Elinsky asked about Waters of the US 14E and Grays Run that were identified in the PACM during the NEPA Phase of Section 200; Leyla Lange explained that these were being reserved as they could be impacted by future I-95 ETL Northbound Extension Phases. JMT reached out to Christine Buckley with Harford County, who provided the County's Small Watershed Area Plans, which did not have many suitable sites as most were on private property or very limited with respect to linear footage of stream restoration. JMT also reached out to Mark Staley with Maryland DNR and was provided a site near Sykesville (Howard County) that could potentially provide over 7,000 linear feet of compensatory stream mitigation on the mainstem of Piney Run. Additional potential for compensatory mitigation could be realized on the intermittent and perennial tributaries that contribute hydrology to the mainstem.
- 7.0 A smaller group travelled to the field at approximately 9:10 am.

Field Meeting:

1.0 The group reviewed delineated systems at the proposed MD 24/924 Park and Ride site and Izaak Walton League Property. The following was noted:

Wetland F-3: Stormwater Management Facility Outfall – authorization will be required by USACE; Jenn Bird to check on whether MDE authorization will be required.

Waters of the US F-2: Authorization will be required by USACE and MDE for intermittent stream impact; however, if replaced in kind at new toe of slope, no mitigation will be required. Approximately 30 linear feet of culvert under the proposed roadway will not require mitigation, since this will essentially be a relocation of the existing culvert.

Wetland F-7: No authorization required by either USACE or MDE.

Wetland F-5: Authorization required by USACE and MDE.

Wetland F-2: Authorization required by USACE and MDE.

Wetland F-4: Authorization required by USACE and MDE. Conveyance exists between wetland and Waters of the US F-1, which USACE stated could be reflected on the impact plates; however, this would not be required, since under the 2015 Clean Water Rule, WET F-4 will be considered adjacent to WUS F-1. No authorization is required for impacts to the conveyance between the two resources.

Waters of the US F-1: Authorization required by USACE and MDE. Upper portion is considered intermittent; downstream of culvert beneath primary access driveway is perennial with subterranean flow beneath filled area. USACE and GEC believe the fill placed within the stream dates back to before the Clean Water Act. Mitigation for removal of fill and stabilization in this area would be granted at 1:1. Culvert removal on secondary access point over WUS F-1 may not be viable due to presence of sewer line underneath abandoned driveway and above culvert. Potential mitigation credit exists upstream for stabilization of eroded banks.

Waters of the US F-4: No authorization required by either USACE or MDE.

Wetland F-1: Bisected by secondary access to Izaak Walton League property. High water table provides hydrology to wetland as well as surface runoff. Mitigation credit could be sought for removing concrete driveway and expanding wetland; however, a water budget would be required to demonstrate sufficient hydrology. Presence of sewer utilities may not make expansion of this wetland feasible. Impacts would require authorization by both USACE and MDE.

Wetland F-8: Authorization required by USACE and MDE.

It was discussed that systems that don't require authorization will be shown with a different line type in the report and will not be shown on the impact plates.

2.0 The group travelled to Winters Run to discuss the bridge design/potential impacts and review the mitigation potential at the site.

WRA is responsible for the design of the widening of the northbound bridge span. The existing northbound bridge will be re-decked, with no impacts proposed underneath the structure. However, the northbound span will be widened approximately 50 feet through construction of an additional structure

immediately adjacent. Since the original span is being kept in place, the new piers associated with the expansion will need to keep the existing alignment. Ordinary high-water is located at the top of the crash wall that surrounds the existing piers. WTB is responsible for the widening of the southbound bridge span by approximately 55 feet. The Southbound widening will include a complete replacement of the deck; however, a study will also be made to determine whether or not the existing piers and abutments will be replaced as well. The options for pier placement and substructure relocation are limited to the results of the study.

USACE prefers that the existing solid concrete wall on the river banks be replaced as much as feasible with imbricated riprap, and that any concrete located within the stream channel be removed. USACE will award mitigation credit for this work. Concrete removal was primarily requested on the eastern bank; the western bank is not immediately adjacent to the stream and is also constrained by the presence of Winters Run Road. USACE also prefers that new solid concrete wall not be added along the stream bank for the bridge expansion, and that imbricated riprap be used instead.

WRA and WTB indicated that replacement of the concrete slabs with imbricated riprap could be considered. USACE requested that this concept be considered for as much length as possible. This would provide interstitial spaces, enhancing the habitat. Mitigation credit for replacement of concrete slabs with imbricated riprap would be granted at a ratio greater than 1:1. Armoring of the stream for widening with concrete slabs or non-imbricated riprap would require compensatory mitigation; however, armoring with imbricated riprap would not require compensatory mitigation. Mitigation credit will be provided for removal of concrete slabs that have come to rest on the stream bed. Designers will also further explore incorporation of a vegetated bench above the high-water mark, stabilized with woody species. Hydraulic modelling would need to be performed to determine scour potential. The designers will have a follow up meeting with the GEC in mid-April to discuss the concepts being developed.





 I-95 Express Toll Lanes Northbound Extension Project – Phase II Review of Wetland and Waters of the US Delineations Monday, March 11, 2019 12:00 pm – 2:30 pm

Attendees:

<u>Name</u>

Leyla Lange, JMT/GEC Erin Markel, JMT/GEC Steve Elinsky, USACE Jennifer Bird, KCI/MDE Will Twupack, CEM

Office Meeting:

1.0 Self-introductions were made.

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<u>Attendance</u>

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- 2.0 Erin Markel began the meeting by reviewing the agenda and the systems to be visited. During the afternoon session in the field, the Park and Ride location at MD 152 and Franklinville Road will be reviewed for determinations as to which systems will require authorization. In addition, the group will review delineations from the MD 24 Interchange project, focusing on systems adjacent to I-95 directly south of the Abingdon Road overpass.
- 3.0 The group reviewed resource delineation mapping. The group discussed the layout of the proposed Park and Ride located at MD 152 and Franklinville Road. Jennifer Bird will confirm if there is an extended buffer on vernal pools. Datasheets for Waters of the US C-7 and C-9 will be revised to clarify that the systems are not culverted beneath the highway but instead fed by drainage piped from underneath the highway. Waters of the US C-11 and C-12 will be revised to connect to the boundary of Wetland C-3 if appropriate.
- 4.0 The group travelled to the field at approximately 12:20 pm.

Field Meeting:

1.0 The group reviewed delineated systems at the proposed Park and Ride at MD 152 and Franklinville Road. The following was noted:

Wetland E-4: Authorization will be required by USACE and MDE. USACE requested that piping of systems be minimized and to consider bisecting the proposed lot to achieve this. USACE asked if the parcel across MD 152 was reviewed and Leyla Lange said yes but there was an extensive wetland there and the Origin and Destination Study did not support location of a facility on that side of MD 152. USACE asked if sites off of MD 7 were considered and Leyla said that the Origin and Destination Study did not support location of a facility on that side of ND 152.

2.0 The group reviewed MD 24 interchange delineated systems adjacent to northbound I-95 directly south of Abingdon Road. The following was noted:

The open-ended wetland delineated by Stantec for Abingdon Road Overpass, Wetland D-1, is openended at the boundary between the two projects. CEM should extend this wetland into their study area and reflect it as occurring on both sides of the right-of-way fence.

A previously undelineated Waters of the US upslope of Wetland C-4 will be connected to Wetland C-4. Additionally, Wetland C-4 will be connected to Waters of the US C-18.

Waters of the US C-17 is to be reclassified from ephemeral to intermittent above its confluence with Waters of the US C-23. The area of the confluence of Waters of the US C-17 and C-23 is to be converted to a wetland that extends to Waters of the US C-18 and downslope approximately halfway to the confluence with Waters of the US C-21. Waters of the US C-23 will be reclassified from ephemeral to intermittent between the newly delineated wetland and its confluence with Waters of the US C-21 (where it becomes channelized). Where Waters of the US C-17 and Waters of the US C-23 lose definition and appear to be more drainage patterns within the new wetland than stream channels, they can be incorporated into the wetland.

Wetland C-8 will be elongated and tied in to Waters of the US C-21.

Wetland C-6 will be extended out of the study area.

Wetland C-5 will be extended so the boundary abuts the edge of Waters of the US C-18.

Waters of the US C-19 will be extended to the pipe outfall.



I-95 Express Toll Lanes Northbound Extension Project – Phase II Review of Wetland and Waters of the US Delineations Monday, March 18, 2019 8:00 am – 12:15 pm

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Attendance

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Attendees:

<u>Name</u>

E-mail address

Carl Chamberlin, MDTA Jen Rohrer, MDTA Michael Rothenheber, JMT/GEC Adriene Metzbower, JMT Leyla Lange, JMT/GEC Steve Hurt, McCormick Taylor/MDE Ed Tinney, RKK Erin Markel, JMT/GEC Steve Elinsky, USACE Jennifer Bird, KCI/MDE Karen Bowman, CEI Chris Johnson, JMT

Office Meeting:

- 1.0 Self-introductions were made.
- 2.0 Erin Markel began the meeting by reviewing the agenda and the systems to be visited. During the morning discussion, the MD 152 Interchange and MD 24 Noise Wall locations were discussed and will be reviewed for determinations as to which systems will require authorization as well as potential for restoration and on-site, in-kind mitigation. It should be noted that the systems associated with the MD 24 Noise Wall location will not be impacted by this stage of the project but were still discussed and investigated by the agencies for future phases and potential impacts.
- 3.0 The soils for Wetland A-16, which occurs within the MD 152 Interchange area, were discussed. The soils within the sample plot do not meet a hydric soil indicator but do show evidence of iron reduction due to a positive alpha-alpha-dipyridyl test within the upper four inches. Ed Tinney explained that this area of the wetland is very disturbed, and that other areas further from the road show a clear F3 indicator. Therefore, he felt that the soils within this portion of the wetland would meet hydric indicators if left undisturbed. It was decided that this resource would be reviewed in the field.
- 4.0 The correct cover type classification for wetlands that are located under tree canopy, but which do not have trees within the actual wetland, was discussed. Steve Elinsky stated that tree canopy should be taken

into consideration. If a wetland is located under a canopy dominated by FAC or wetter species and lacks an herbaceous layer, it should be considered a PFO. If it is under a canopy dominated by FAC or wetter species but does have an herbaceous layer, it should be called PFO/PEM. If the canopy is dominated by upland species it can be considered PEM or PSS as appropriate, with the trees disregarded. All delineators are to review their delineated wetlands and revise cover type as necessary.

Steve Hurt also stated that the delineator must be aware of the hydrologic conditions as well. If the wetland is too inundated for trees to survive, then the wetland may be considered a vernal pool, and thus, may be mitigated at a higher ratio. If a wetland may qualify as a vernal pool, this should be noted in the comments column in the summary table.

5.0 The following discussions took place both in the office and later in the field that affect delineated resource maps and impact plates.

Wetlands that appear isolated because they are located near the edge of the Study Area, but actually flow into a stream or are located within 100 feet of a stream outside of the Study Area, should be marked with a note on the impact plates to make it clear they are still regulated by the USACE. The note should indicate "[Wetland] continues outside of the Study Area and [is adjacent to/flows into] a tributary of xx system." In addition to the notes, the agencies would also like to see flow arrows on impact plates for streams.

USACE and MDE would like to see all streams within culverts reflected both on the plates and in the wetland maps. Please note that if no work is proposed within a culvert, the culverted stream should not be hatched for impacts on the plate even if it is within the LOD.

Field Meeting:

1.0 The group reviewed delineated resources at the proposed MD 152 interchange. The following was noted:

Waters of the US A-17: This stream was delineated as part of WUS 26A in 2007 (original Section 200 delineation), but was not included as part of WUS 26A in the Phase I delineation report.

Ed Tinney discussed the proposed MD 152 interchange prior to reviewing the delineated resources. Ed Tinney noted that the roadway embankment adjacent to WUS A-17 will be completely shifted and that the existing roadway ditch will need to be relocated. It was also mentioned that the design cannot be within the existing 108" water line easement, which pushes the proposed design further south. WUS A-17 was previously delineated as WUS 26A during the Section 200 delineation.

Ed Tinney asked whether WUS A-17 should be extended 85 feet upslope beyond the current and previous delineation's extents. Steve Elinsky reviewed this area and determined the additional 85 feet of channel did not have sufficient definition to require authorization.

Wetland A-16: Ed Tinney mentioned that the proposed roadway embankment will be shifted, impacting a portion of the wetland, but hydrology to the rest of the wetland will be maintained. The wetland boundary was confirmed, and authorization for impacts to this system be required by USACE and MDE.

Waters of the US A-19: Intermittent channel confirmed, authorization for impacts to this system will be required by USACE and MDE.

Waters of the US A-18: Change stream classification from perennial to intermittent, authorization for impacts to this system will be required by USACE and MDE.

Wetland M/WUS A-10: Ed Tinney mentioned that bioretention areas will be abutting Wetland M. The wetland characteristics were discussed by Steve Elinsky, Steve Hurt, and Erin Markel. Steve Hurt indicated that the wetland does not contain any vegetation and appears to have water moving through the channel frequently. The resource will be reclassified as an intermittent stream and will be renamed WUS A-10. Authorization for impacts to this system will be required by USACE and MDE.

Waters of the US 25A: Ed Tinney mentioned that proposed stormwater management facilities will be installed in this area, necessitating relocation of the waterway. These stormwater management facilities cannot be built elsewhere due to design and constructability restraints. Steve Elinsky mentioned on behalf of the USACE that he would like the engineers to revisit the design in this area to avoid the stream as much as possible. Steve Elinsky also suggested that any proposed straightening of the stream should be avoided where possible and more meanders should be incorporated into the design. However, given the instability of the stream in its current location, relocation and stabilization of the existing stream channel will be considered self-mitigating.

Wetland A-10: Authorization required by USACE and MDE.

Wetland A-14: Ed Tinney stated that a large bioretention facility is proposed adjacent to Wetland A-14. The actual facility will not be within the wetland, but the footprint of the berm will impact the wetland buffer and potentially the wetland itself. Ed Tinney stated that the design and water treatment must be in this location in order to make space for the future proposed southbound widening. Steve Elinsky stated that USACE would likely not permit these impacts, since the stormwater facility location is being designed around a future, unfunded project that is not guaranteed to occur. Authorization for any impacts to this system will be required by USACE and MDE.

Waters of the US 25B: The group reviewed this 250-foot long trapezoidal concrete channel. It is classified as perennial and is a tributary to Winters Run. Removal of concrete within this system is proposed as stream mitigation; no other impacts are proposed in this location. Steve Elinsky stated that this system should be lower priority for mitigation, given how far upstream it is from Winters Run, and how few fish species are likely to be present. USACE would prefer that design include as much sinuousity as possible. Steve Hurt stated that grade controls measures, such as step pools, would be acceptable. Both reviewers stated that replacing the concrete channel with a riprap-lined channel would not be acceptable for mitigation credit. Steve Elinksy stated that mitigation in this location would likely be worth a 1:1 credit ratio. Authorization for impacts to this system will be required by USACE and MDE.

Wetland 18A: During Phase I, several wetland polygons were delineated as Wetland 18A. During the Phase I field review, Steve Elinsky had stated that the delineation would need to be revised when impacts were proposed to Wetland 18A. As part of Phase II, impacts are now proposed to the easternmost forested polygon of WET 18A. This area was visited and was not found to meet the definition of a wetland. This polygon is to be removed from the delineation. If the other forested polygons of WET 18A are proposed to be impacted in the future, those delineations should be revisited at that time, and possibly revised.

2.0 The group reviewed delineated resources near the proposed MD 24 Noise Wall. The following was noted:

Although this area was reviewed by the agencies, impacts to natural resources will be avoided during this phase of the project.

Waters of the US 16C: During the Section 200 delineation, WUS 16C extended further east, connecting with Wetland 7C and what is now WUS I-3. It appears that since this time, WUS I-3 has developed a different channel, causing WUS 16C to become a short ephemeral channel. WUS 16C is to be reclassified as ephemeral instead of intermittent. Authorization for impacts to this system will be required by USACE.

Wetland I-1: Century Engineering to revise the classification from PEM to PFO per USACE and MDE comments.



I-95 Express Toll Lanes Northbound Extension Project – Phase II Review of Wetland and Waters of the US Delineations Monday, March 18, 2019 12:15 pm – 4:00 pm

Attendees:

E-mail address Attendance Name smhurt@mccormicktaylor.com Office and Field Steve Hurt, McCormick Taylor/MDE Steve Elinsky, USACE steve.elinskly@usace.army.mil Office and Field Jennifer Bird, KCI/MDE jennifer.bird@kci.com Office and Field Erin Markel, JMT/GEC emarkel@jmt.com Office and Field Chris Johnson, JMT cjohnson2@jmt.com Office and Field Brett Schrader, Stantec brett.schrader@stantec.com Office and Field Office and Field Amy Gelb, WSP amy.gelb@wsp.com Ben Spencer, WSP benjamin.spencer@wsp.com Office and Field mrothenheber@jmt.com Michael Rothenheber, JMT/GEC Office only

Office Meeting:

- 1.0 Self-introductions were made.
- 2.0 Erin Markel began the meeting by reviewing the agenda and the systems to be visited. During the afternoon discussion, the I-95 Extension to Bynum Run and Noise Wall South of Calvary Road were discussed and will be reviewed for determinations as to which systems will require authorization as well as potential for restoration and on-site, in-kind mitigation.
- 3.0 While still in the office, several items were discussed. Erin Markel informed the regulators that the designers for the MD 152 Park and Ride wanted to coordinate with MDE and DNR about their proposed stormwater management. The site presents many constraints and is within a Use III watershed. Steve Elinsky stated that USACE also needed to be part of the conversation and suggested that the stormwater management be discussed at the next IRM meeting. Mike Rothenheber stated that this would be arranged.
- 4.0 Ben Spencer and Amy Gelb discussed several delineated features that are located in the median with the regulators. Wetlands G-7 and G-8 are roadside ditch wetlands that appear to have been created in uplands and are fed only by roadside runoff. USACE and MDE stated that these resources would not require authorization.

Wetland G-6A and G-6B were also discussed. They are located in an area of the median that may have been constructed as stormwater management. This wetland complex is fed by two streams (WUS G-21 and WUS G-20) that are currently defined as intermittent but may only be fed by stormwater. The soil profile within WET G-6B also does not meet the thickness requirement of F3. However, Steve Hurt pointed out that photos of WET G-6B show black willow within the wetland, indicating the wetland is very wet and may have intercepted groundwater. USACE and MDE stated that they did not need to visit this site in the field. The delineators should reconsider these resources and determine whether, in their best professional judgement, they seem likely to have intercepted groundwater. In addition, it was recommended by the agencies that Chapter 5 problematic soils (persistent standing water) may apply within WET G-6B.

Field Meeting:

1.0 The group reviewed delineated resources at the I-95 NB ETL Extension to Bynum Run. The following was noted:

Waters of the US G2: It was determined by the agencies that this channel does not have sufficiently defined bed and bank characteristics. No authorization required.

Wetland G-2: Authorization for impacts to this system will be required by MDE but not by USACE. Classification is to remain PSS.

Waters of the US G-3: Change stream classification from ephemeral to intermittent. Authorization for impacts to this system will be required by USACE and MDE.

Waters of the US 1-D: Change stream classification from ephemeral to intermittent. It may still be ephemeral upstream of the confluence with WUS G-3. Authorization for impacts to this system will be required by USACE and MDE.

Waters of the US G-8 and G-10: The agencies reviewed the two systems and confirmed the drainage divide between the waterways. Authorization for impacts to this system will be required by USACE and MDE.

Waters of the US G-9: No authorization required.

Water of the US G-15: This system contains an inlet within the channel, approximately 20 feet northeast from the head of the channel. If this inlet connects to a delineated resource that requires authorization by USACE, then this section of WUS G-15 will require authorization by USACE. Downslope of the inlet, the remainder of WUS G-15 lacks definition and does not require authorization. WSP will research the inlet's possible connectivity to other resources.

Waters of the US G-16: The agencies would like WSP to confirm the soil series associated with this channel. If the soil series is upland, WUS G-16 would be a roadside ditch created in uplands, draining only uplands, and therefore would not require authorization.

Waters of the US G-17: No authorization required.

Waters of the US G-19: This was discussed but not reviewed in the field. Based on delineator description, Steve Elinsky considers it likely that WUS G-19 has a subsurface connection to Bynum Run, providing connectivity to downstream TNWs. Authorization for impacts to this system will be required by USACE and MDE. (Please confirm)

2.0 The group reviewed delineated resources at the proposed I-95 SB noise wall south of Calvary Road. The following was noted:

Waters of the US 5D: This stream was previously delineated as part of the Section 200 delineation but was considered non-jurisdictional at that time. However, flow was observed originating from the Northbound side of I-95 and flowing under the Northbound and Southbound lanes, outfalling as an intermittent stream. USACE and MDE confirmed that authorization for impacts to this system will be required. WSP will add the culverted portion of the channel to their mapping.

Waters of the US 6D: This stream was previously delineated as part of the Section 200 delineation but was considered non-jurisdictional at that time. However, authorization for impacts to this system will now be required by USACE and MDE.

Waters of the US H-1: Concrete-lined channel with groundwater observed seeping between concrete blocks. Intermittent classification confirmed, authorization for impacts to this system will be required by USACE and MDE.