

1. Introduction

In accordance with the Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU), the Federal Highway Administration (FHWA) and the Maryland Transportation Authority (Authority)¹, in their capacity as joint lead agencies for the Governor Harry W. Nice Memorial Bridge Improvement Project (Nice Bridge Project), have developed the following Interagency Coordination Plan. This plan seeks to establish the responsibilities of the lead agencies in complying with the various aspects of the environmental review process and the anticipated schedule for the Nice Bridge Project. It also seeks to establish the lead agencies' plan for providing opportunities for other agencies and the public to provide input on the project. The plan identifies specific points of coordination; the persons, agencies, or organizations that should be included at each point of coordination; the input required from each agency; and the methods employed to obtain the required input. Furthermore, the plan establishes timeframes for the agencies to provide the requested input.

2. DEFINITION OF LEAD AGENCY RESPONSIBILITIES

The environmental review process is defined as the project development process followed when preparing a document required under National Environmental Policy Act (NEPA) regulations for a transportation project. The environmental review process also includes the process for, and completion of, any environmental permit, approval, review, or study required for the transportation project under any federal law other than NEPA. The lead agencies will divide responsibilities for compliance with the various aspects of the environmental review process according to the following plan.

The Authority and FHWA will share the responsibility for identifying the roles and responsibilities of other agencies in this project. This will involve identifying potential cooperating and participating agencies. The Authority will be responsible for developing and sending the Project Initiation Notification Letter to the FHWA Division Administrator. The Authority will also be responsible for issuing invitation letters to all state and local agencies identified as potential cooperating or participating agencies. FHWA will be responsible for sending invitations to federal agencies identified as potential cooperating or participating agencies.

The Authority and FHWA will share the responsibility for developing the project purpose and need statement and for providing the cooperating and participating agencies and the public with the opportunity to provide input on the purpose and need. The Authority will provide appropriate support data to demonstrate the stated transportation needs. FHWA is responsible for approving the purpose and need.

The Authority and FHWA will share the responsibility for the alternates analysis portion of the environmental review process. The Authority will assume primary responsibility for the development of the range of reasonable alternates. FHWA will provide input on the alternates developed by the Authority. The Authority and FHWA will also share the responsibility for providing the cooperating and participating agencies, as well as the public, with the opportunity to provide input on the range of alternates.

¹ It is assumed in this document that the term "Maryland Transportation Authority" and the term "Authority" refer collectively to the Maryland Transportation Authority and its consultants.

The Authority will be responsible for determining the level of detail necessary for impact analyses and for developing impact assessment methodologies to be utilized in the project. FHWA will provide input on the level of detail and methodologies. The Authority will assume primary responsibility for providing the level of detail and methodologies to the participating agencies for their review and comment.

The Authority will prepare the draft and final NEPA document, allow for FHWA to provide input, and revise each document accordingly. However, approval of both the draft and final NEPA documents lies solely with FHWA. At this time, the NEPA document classification has not been determined. The Authority will follow Section 6002 of SAFETEA-LU in preparing an Environmental Impact Statement (EIS) and will follow a process modeled on Section 6002 in preparing an Environmental Assessment (EA). If an EIS is prepared, two additional coordination points would be needed that would not be required for an EA. These include issuing a Notice of Intent and the completing a Record of Decision document.

FHWA will be responsible for the identification of the preferred alternate. FHWA will consider the analysis conducted in the draft environmental document as well as input received from agencies and the public on those analyses in its identification of a preferred alternate.

FHWA will also be responsible for formal consultation with the U.S. Department of the Interior in regard to the Section 4(f) Evaluation.

Similar to the draft and final NEPA documents, the Authority will prepare the ROD document (if one is required), allow for FHWA to provide input, and revise the document. However, FHWA will ultimately approve the document.

3. COOPERATING AND PARTICIPATING AGENCY ROLES AND RESPONSIBILITIES

As stated previously, the Authority and FHWA will be responsible for identifying potential cooperating and participating agencies. Participating agencies are agencies that have an interest in the project. Cooperating agencies, which are a subset of participating agencies, are agencies with jurisdiction by law or special expertise with respect to the project or its impacts. In addition, cooperating agencies are permitted to assume, by request of the lead agency, responsibility for developing information and preparing environmental analyses for topics about which the cooperating agency has special expertise. Furthermore, cooperating agencies may adopt, without re-circulating, the NEPA document of a lead agency when, after an independent review of the document, the cooperating agency concludes that its comments and suggestions have been satisfied.

The responsibilities of cooperating and participating agencies include the following:

- Participating in the NEPA process starting at the earliest possible time, especially with regard to the development of the purpose and need, range of alternates, methodologies, and the level of detail for the analysis of alternates
- Identifying as early as possible any issues of concern regarding the project's potential environmental or socioeconomic impacts

- Providing meaningful and timely input on unresolved issues within established timeframes
- Participating in the scoping process

For the Nice Bridge Project, the Authority and FHWA have identified cooperating and participating agencies as shown on **Table 1**.

4. AGENCY AND PUBLIC COORDINATION PLAN

The lead agencies will provide the opportunity for input from the cooperating and participating agencies, as well as the general public, in accordance with SAFETEA-LU, NEPA and other applicable laws, regulations, and policies, including Section 106 of the National Historic Preservation Act (Section 106). The opportunities occur at various points throughout the environmental review process and are often used to meet the requirements of multiple laws, regulations, and policies.

4.1 Agency and Public Coordination Plan for the NEPA and Section 106 Processes

This portion of the plan establishes the specific points throughout the NEPA and Section 106 processes at which opportunities for agency and public input will be provided. The points at which coordination will occur include the following:

- Project Initiation and Scoping
- Development of Purpose and Need
- Initial Section 106 Coordination
- Identification of Range of Alternates
- Notice of Intent Publication (if necessary)
- Section 106 Eligibility and Historic Boundary Determinations
- Alternates Retained for Detailed Study
- Collaboration of Impact Assessment Level of Detail and Methodologies
- Section 106 Effect Determinations
- Completion of the Draft EIS or EA/Draft Section 4(f) Evaluation
- Preferred Alternate and Conceptual Mitigation (PACM) Package
- Section 106 Memorandum of Agreement
- Completion of the Final EIS or FONSI
- Completion of the Final Section 4(f) Evaluation
- Completion of the Record of Decision (if necessary)

TABLE 1: SUMMARY OF AGENCY ROLES

Agency Role	Federal Agencies	State Agencies		Local Agencies	
		Maryland	Virginia	Maryland	Virginia
Lead Agencies	<ul style="list-style-type: none"> Federal Highway Administration (FHWA) 	<ul style="list-style-type: none"> Maryland Transportation Authority (Authority) 	N/A	N/A	N/A
Cooperating Agencies	<ul style="list-style-type: none"> U.S. Coast Guard (USCG) U.S. Army Corps of Engineers (USACE) NOAA- National Marine Fisheries Service (NMFS) U.S. Environmental Protection Agency (EPA) 	<ul style="list-style-type: none"> Maryland Department of the Environment (MDE) 	<ul style="list-style-type: none"> Virginia Department of Transportation (VDOT) Virginia Department of Environmental Quality (DEQ) 	N/A	N/A
Participating Agencies	<ul style="list-style-type: none"> U.S. Department of the Interior (DOI) <ul style="list-style-type: none"> U.S. Fish and Wildlife Service (USFWS) National Park Service (NPS) U.S. Department of Agriculture - Natural Resource Conservation Service (NRCS) U.S. Navy (USN) 	<ul style="list-style-type: none"> Maryland Historical Trust (MHT/MD SHPO) Maryland Department of Natural Resources (DNR) Maryland DNR Critical Area Commission (CAC) Maryland Department of Transportation (MDOT) Maryland State Highway Administration (SHA) Maryland Department of Planning (MDP) 	<ul style="list-style-type: none"> Virginia Department of Conservation and Recreation (DCR) Virginia Department of Historic Resources (VA SHPO) Virginia Marine Resources Commission (MRC) Virginia Department of Agriculture and Consumer Services Virginia Department of Game and Inland Fisheries Virginia Outdoors Foundation Virginia Department of Mines, Minerals, and Energy Virginia Department of Forestry 	<ul style="list-style-type: none"> Charles County Department of Planning and Growth Management 	<ul style="list-style-type: none"> King George County Planning Commission

TABLE 2: AGENCY AND PUBLIC COORDINATION PLAN: NEPA PROCESS

Coordination Point	Approximate Schedule	Persons, Agencies & Organizations Involved	Input Required	Method Used to Obtain Input	Timeframe
Project Initiation Scoping Activities	Fall 2006	<ul style="list-style-type: none"> All Agencies 	<ul style="list-style-type: none"> Agency response accepting or declining invitation role of participating agency Identification of issues associated with the project 	<ul style="list-style-type: none"> Letter Meeting; Field Tour 	30 days 30 days
Development of Purpose and Need	Spring 2007	<ul style="list-style-type: none"> All Participating Agencies; General Public ACOE; USCG; EPA; MDE; DEQ 	<ul style="list-style-type: none"> Comments on project Purpose and Need Concurrence on Purpose and Need 	<ul style="list-style-type: none"> Public Workshop; Project Website Letter 	30 days
Identification of Range of Alternates	Spring 2007	<ul style="list-style-type: none"> All Participating Agencies; General Public 	<ul style="list-style-type: none"> Comments on Preliminary Alternate Concepts 	<ul style="list-style-type: none"> Public Workshop; Project Website 	30 days
Notice of Intent Publication (NOI) (if necessary)	Spring 2007	<ul style="list-style-type: none"> Authority FHWA 	<ul style="list-style-type: none"> Authority will prepare draft NOI FHWA will approve and publish NOI 	N/A	N/A
Initial Section 106 Coordination	Summer 2007	<ul style="list-style-type: none"> MHT/MD SHPO; VA SHPO 	<ul style="list-style-type: none"> Comments regarding known historic sites and Area of Potential Effects 	<ul style="list-style-type: none"> Letter 	30 days
Alternates Retained for Detailed Study	Fall 2007	<ul style="list-style-type: none"> All Other Participating Agencies ACOE; USCG; EPA, MDE; DEQ 	<ul style="list-style-type: none"> Comments on Alternates Retained for Detailed Study Concurrence on Alternates Retained for Detailed Study 	<ul style="list-style-type: none"> Meeting Letter 	30 days 30 days
Collaboration of Impact Assessment Level of Detail and Methodologies	Fall 2007	<ul style="list-style-type: none"> All Appropriate Participating Agencies¹ 	<ul style="list-style-type: none"> Comments on Impact Assessment Level of Detail and Methodology Agreement on Impact Assessment Level of Detail and Methodology 	<ul style="list-style-type: none"> Meeting Letter 	30 days 30 days
Section 106 Eligibility and Historic Boundary Determinations	Winter 2007	<ul style="list-style-type: none"> MHT/MD SHPO; VA SHPO 	<ul style="list-style-type: none"> Concurrence/comments regarding proposed eligibility determinations and historic boundaries 	<ul style="list-style-type: none"> Letter 	30 days
Section 106 Effect Determinations	Spring 2008	<ul style="list-style-type: none"> MHT/MD SHPO; VA SHPO 	<ul style="list-style-type: none"> Concurrence/comments regarding proposed effects determinations 	<ul style="list-style-type: none"> Letter 	30 days
Completion of the Draft EIS or EA/Draft Section 4(f) Evaluation	Summer 2008	<ul style="list-style-type: none"> All Participating Agencies; General Public 	<ul style="list-style-type: none"> Comments on Draft NEPA document 	<ul style="list-style-type: none"> Public Hearing; Project Website; Letter 	30 days (45 days for an EIS)
Preferred Alternate and Conceptual Mitigation (PACM) Package	Winter 2009	<ul style="list-style-type: none"> All Participating Agencies ACOE; USCG; EPA, MDE; DEQ 	<ul style="list-style-type: none"> Comments on PACM package Concurrence on PACM package 	<ul style="list-style-type: none"> Meeting Letter 	30 days 30 days
Section 106 Memorandum of Agreement (MOA)	Spring 2009	<ul style="list-style-type: none"> MHT/MD SHPO; VA SHPO 	<ul style="list-style-type: none"> Signature on MOA 	<ul style="list-style-type: none"> Letter 	N/A
Completion of Final EIS or FONSI/Final Section 4(f) Evaluation	Spring 2009	<ul style="list-style-type: none"> All Participating Agencies; General Public USDOJ 	<ul style="list-style-type: none"> Comments on Final NEPA document Section 4(f) Consultation 	<ul style="list-style-type: none"> Project Website; Letter Letter 	30 days 45 days
Completion of the Record of Decision (ROD) (if necessary)	Summer 2009	<ul style="list-style-type: none"> All Participating Agencies 	<ul style="list-style-type: none"> Comments on Draft ROD 	<ul style="list-style-type: none"> Letter 	30 days

¹ The determination of which agencies will agree on specific impact assessment methodologies will be made on a resource-by-resource basis. Agreement will be reached only with agencies that have appropriate jurisdiction or expertise specific to each resource and associated assessment methodology.

A description of the activities involved at each coordination point, the approximate point in the project schedule that the coordination will occur, the input requested, the method by which input will be obtained, and the timeframes in which the agencies and the public will be expected to provide their input, are described in detail below and are summarized in *Table 2*.

4.1.1 Project Initiation and Scoping

The Authority will undertake project scoping activities, which will involve coordination with federal, state, and local agencies in Fall 2006. These activities will be focused on introducing the project to the agencies, identifying potential issues associated with the project, making requests for data from the agencies, and determining the agencies' roles in the project (i.e., participating, cooperating, or non-participating).

A project scoping meeting and field tour will be held with the agencies to introduce the project and identify any immediately known issues associated with the project. Agencies will be provided background information on the project and be asked to attend the meeting and field tour.

Additional coordination with certain agencies will also occur separately from the scoping meeting. Letters will be sent by the Authority to specific agencies with requests for data on the location and nature of environmental resources within the project's study area. The agencies would be expected to respond to the Authority providing, if possible, the data requested within 30 days.

After the project has been introduced and the agencies have become familiar with known project issues, additional letters will be sent by the Authority or FHWA, in accordance with Section 6002 of SAFETEA-LU, formally inviting each agency to assume a role in the project as a participating agency. Some agencies will also be asked to assume a role as a cooperating agency. The agencies would be asked to respond in writing to the Authority or FHWA and either accept or decline the invitation within 30 days. In the case of federal agencies choosing to decline the invitation, the agency's response must include a statement that the agency:

- Has no jurisdiction or authority with respect to the project;
- Has no expertise or information relevant to the project; and
- Does not intend to submit comments on the project.

4.1.2 Purpose and Need

The Authority, in coordination with FHWA, will develop the Draft Purpose and Need Statement for the Nice Bridge Project. Participating agencies and the general public will have the opportunity for involvement in the development of the project's Purpose and Need. The Purpose and Need document will be made available to participating agencies at the project scoping meeting. The document will also be made available through the project website and at the Alternates Public Workshop scheduled in Spring 2007. If the participating agencies have comments on the Purpose and Need, they would be asked to provide them to the Authority within 30 days of the Alternates Public Workshop. The Authority will address any agency comments and respond in writing to each agency that provides comments. Once all comments on the Purpose and Need are addressed, the Authority will send a letter transmitting the Final

Purpose and Need document to ACOE, USCG, EPA, MDE, and DEQ. These agencies will be asked to concur in writing on the Purpose and Need within 30 days of this letter.

4.1.3 Range of Alternates

The Authority, in coordination with FHWA, will identify preliminary alternate concepts and will meet with the participating agencies to present them. Based on preliminary assessment of the alternate concepts and agency input, the lead agencies will determine the range of alternates to be evaluated in the NEPA document. The range of alternates will be made available to the participating agencies and the general public through the project website and at the Alternates Public Workshop in Spring 2007. If the participating agencies have comments on the range of alternates, they would be asked to provide them to the Authority within 30 days of the Alternates Public Workshop. The Authority will address any agency comments and respond in writing to each agency that provides comments.

4.1.4 Notice of Intent

Publication of a Notice of Intent (NOI) for the Nice Bridge Project is only required if an EIS is to be prepared. If FHWA determines that the appropriate level of documentation for this project is an EA, a NOI is unnecessary at this stage of the project. If it is deemed necessary, the Authority will prepare the draft NOI on FHWA's behalf. FHWA will publish the NOI in the Federal Register. This is expected to occur in Spring 2007 and is intended to inform the participating agencies and the general public of FHWA's intent to prepare an EIS. No response will be expected from the participating agencies.

4.1.5 Initial Section 106 Coordination

In accordance with Section 106, the Authority will coordinate with MHT/MD SHPO and VA SHPO to obtain concurrence on the Area of Potential Effects (APE) and the architectural survey research design. The Authority will prepare two technical memoranda documenting the proposed APE and architectural survey research design: one for Maryland and one for Virginia. The technical memoranda will be submitted to MHT/MD SHPO and VA SHPO, respectively. MHT/MD SHPO and VA SHPO will offer comments or concur with the Authority's findings. If MHT/MD SHPO and VA SHPO offer comments, the Authority will address them as part of the Determination of Eligibility Report.

4.1.6 Alternates Retained for Detailed Study

The Authority, in coordination with FHWA, will identify the Alternates Retained for Detailed Study (ARDS). The identification of the ARDS will be based upon the Authority's analyses of the preliminary alternate concepts with consideration given to comments and suggestions received from the participating agencies and the general public. The draft ARDS document will be prepared by the lead agencies and distributed to the participating agencies for review approximately 30 days prior to a Fall 2007 meeting at which the participating agencies will provide their comments on the ARDS. Following this meeting, the lead agencies will address the participating agencies' comments. The ARDS document will then be redistributed to the participating agencies along with a summary of the comments received and the lead agencies' responses. Agencies including the ACOE, USCG, EPA, MDE, and DEQ will be asked to concur in writing on the ARDS within 30 days.

4.1.7 Collaboration of Impact Assessment Level of Detail and Methodology

Based upon the findings of the Authority's preliminary environmental inventory and the issues and concern raised by the participating agencies during the scoping process, the lead agencies will identify the anticipated level of detail necessary to adequately address potential impacts to environmental resources. The level of detail necessary will be determined on a resource-by-resource basis based upon the severity of the anticipated impacts. A corresponding methodology for assessing impacts that is commensurate with the anticipated level of detail needed will also be developed for each resource.

For each individual resource, the level of detail and methodology for the impact assessment will be coordinated with those agencies that have jurisdiction or expertise relevant to that resource. **Table 3** lists the agencies with whom the Authority will coordinate for each resource.

The Authority will provide each appropriate agency the level of detail and methodology as part of the draft ARDS package (described in Section 4.1.5 above). This will be provided to the agencies 30 days prior to the meeting that is expected to be held in Fall 2007 to discuss comments on the ARDS package. At this meeting, each agency would be expected to provide comments on the level of detail and methodology to the Authority. The Authority will make revisions to the level of detail and methodology for each resource based on comments from participating agencies. The Authority will send a letter to each agency transmitting the revised level of detail and methodology to the appropriate agencies as part of the revised ARDS package and seeking agreement from each appropriate agency involved within 30 days of this letter.

4.1.8 Section 106 Eligibility and Historic Boundary Determinations

The Authority will evaluate all properties fifty years of age or older within the APE by using the architectural survey research design. The Authority will recommend whether each site is eligible for listing in the National Register of Historic Places as well as the historic boundaries of each site. The Authority will develop an eligibility report and submit it to MHT/MD SHPO and VA SHPO. MHT/MD SHPO and VA SHPO will concur with the Authority's findings or will disagree with one or more the eligibility or boundary determinations. If MHT/MD SHPO and VA SHPO disagree, the Authority will coordinate with the MHT/MD SHPO and/or the VA SHPO to attempt to reach agreement. If agreement cannot be reached, MHT/MD SHPO and/or the VA SHPO will forward the matter to the Advisory Council on Historic Preservation (ACHP) and ACHP will make the final determination.

4.1.9 Section 106 Effect Determinations

The Authority will evaluate all historic properties within the APE in accordance with National Register effects criteria. The Authority will recommend the effect that each of the ARDS would have on each site (i.e., No Effect, No Adverse Effect, Adverse Effect). The Authority will develop an effects report and submit it to MHT/MD SHPO and VA SHPO. MHT/MD SHPO and VA SHPO will concur with the Authority's findings or will disagree with one or more of the effect determinations. If MHT/MD SHPO and/or VA SHPO disagree, the Authority will coordinate with the MHT/MD SHPO and/or the VA SHPO to attempt to reach agreement. If

TABLE 3
IMPACT ASSESSMENT LEVEL OF DETAIL AND METHODOLOGY COORDINATION

Resource	Appropriate Agency(s) to Provide Input
Communities	Charles County Department of Planning and Growth Management; King George County Planning Commission
Businesses	Charles County Department of Planning and Growth Management; King George County Planning Commission
Parkland	NPS; DNR; DCR; King George County
Land Use	MDP; Charles County Department of Planning and Growth Management; King George County Planning Commission
Historic Sites	MHT/MDSHPO; VA SHPO
Archaeological Sites	MHT/MDSHPO; VA SHPO
Soils	NRCS
Surface Water	USACE; MDE; DEQ
Ground Water	USACE; MDE; DEQ
Floodplains	USACE; MDE; DEQ
Wildlife Habitat	USFWS; DNR; Virginia Department of Game and Inland Fisheries, Virginia Department Forestry
Aquatic Habitat	USFWS; DNR; Virginia Department of Game and Inland Fisheries
Wetlands	USACE; MDE; DEQ
Rare, Threatened, & Endangered Species	USFWS; DNR; Virginia Department of Game and Inland Fisheries
Noise	FHWA
Air Quality	EPA
Hazardous Materials	EPA

agreement cannot be reached, MHT/MD SHPO and/or the VA SHPO will forward the matter to the Advisory Council on Historic Preservation (ACHP) and ACHP will make the final determination.

4.1.10 Draft EIS/Draft Section 4(f) Evaluation or Final EA/Draft Section 4(f) Evaluation

The lead agencies will complete the draft NEPA document (either a Draft EIS/Draft Section 4(f) Evaluation or a Final EA/Draft Section 4(f) Evaluation) in Summer 2008. The Authority will prepare a Notice of Availability (NOA) for the document on FHWA's behalf and FHWA will publish the NOA in the Federal Register. The draft NEPA document will be distributed to the participating agencies and will also be made available for review on the project website and at local public repositories.

Participating agencies, as well as the general public, will be expected to submit comments to the lead agencies within the legally required comment period (within 30 days of the publication of the NOA in the Federal Register if a Final EA/Draft Section 4(f) Evaluation is prepared and within 45 days if a Draft EIS/Draft Section 4(f) Evaluation is prepared). Comments can be submitted in a letter to the lead agencies or through the project website, although participating agencies would typically be expected to submit comments in a letter. In addition, a public

hearing will be held during the comment period on the draft NEPA document. At the public hearing, both participating agencies and the general public would have the opportunity to give testimony on the document for the public record or submit comments orally or in writing.

4.1.11 Preferred Alternate Conceptual Mitigation (PACM) Package

Based upon the analysis contained in the Draft NEPA document with consideration given to the comments received from the participating agencies and the general public, the lead agencies will identify the Preferred Alternate. The Authority will prepare a PACM package that describes the Preferred Alternate, the justification for identifying that alternate as the Preferred Alternate, and conceptual mitigation for the anticipated impacts of the Preferred Alternate. The PACM package will be distributed to the participating agencies for review approximately 30 days prior to a meeting in Winter 2009 at which the participating agencies will be expected to provide comments on the document. The Authority will revise the PACM package and redistribute the document to the participating agencies along with a record of comments received and the lead agencies' responses. In addition, the ACOE, USCG, EPA, MDE, and DEQ will be asked to concur on the preferred alternate within 30 days.

4.1.12 Section 106 Memorandum of Agreement

If the project is determined to have an adverse effect on one or more listed or eligible properties, the Authority will develop a draft Memorandum of Agreement describing the effects on historic sites and proposed mitigation for any adverse effects. The draft memorandum will be submitted for signature to FHWA, the MHT/MD SHPO, and the VA SHPO.

4.1.13 Final EIS/Final Section 4(f) Evaluation or FONSI/Final Section 4(f) Evaluation

The lead agencies will complete the final NEPA document (either a Final EIS/Final Section 4(f) Evaluation or a FONSI/Final Section 4(f) Evaluation) in Spring 2009. The Authority will prepare a Notice of Availability (NOA) for the document on FHWA's behalf and FHWA will publish the NOA in the Federal Register. The final NEPA document will be distributed to the participating agencies and will also be made available for review on the project website and at local public repositories.

If a Final EIS/Final Section 4(f) Evaluation is prepared, the participating agencies, as well as the general public, will be expected to submit comments to the lead agencies within the legally required comment period (within 30 days of the publication of the NOA in the Federal Register). Comments can be submitted in a letter to the lead agencies or through the project website, although participating agencies would typically be expected to submit comments in a letter.

The publication of the Final Section 4(f) Evaluation along with either a Final EIS or FONSI will fulfill FHWA's legal obligation to coordinate with the USDOJ. From the date of the Federal Register publication of the NOA, USDOJ will be expected to provide comments in writing on the Final Section 4(f) Evaluation within the legally required 45-day comment period.

4.1.14 Record of Decision

Publication of a Record of Decision (ROD) for the Nice Bridge Project is only required if an EIS is to be prepared. If FHWA determines that the appropriate level of documentation for this project is an EA and the findings of the EA allow for a FONSI, the FONSI would be the decision document and, therefore, a ROD is unnecessary. If it is deemed necessary, the lead agencies will

prepare the draft ROD and distribute the document to the participating agencies for review in Summer 2009. The participating agencies will be expected to provide comments in writing on the draft ROD within 30 days.

4.2 Agency and Public Coordination Plan for Post NEPA Activities

This portion of the plan identifies all agency actions that may be required following the completion of the NEPA process. These actions include the issuing of permits, licenses, approvals, and other coordination that may be necessary to construct the selected alternate identified in the Record of Decision or FONSI. Since the alternatives and impacts have not been determined at this stage of the project, it is possible that one or more of these actions would ultimately not be required. However, the coordination activities involved in each action are described below and are summarized in **Table 4**. Furthermore, the project schedule has not yet been determined for post-NEPA activities. Therefore, this plan does not specify approximate time frames for these activities.

4.2.1 Section 404 Permit

Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Proposed activities are regulated through a permit review process. An “individual permit” is required for potentially significant impacts. An individual permit involves evaluation of individual, project specific applications in what can be considered three steps: pre-application consultation, formal project review, and decision making. During the pre-application consultation, the Authority will meet with the USACE district staff, interested resource agencies (federal, state, or local), and sometimes the interested public. The Authority and attending parties will partake in informal discussions about the pros and cons of the project before the Authority makes irreversible commitments of resources (funds, detailed designs, etc.). Once the complete application is received by the USACE, the formal review process will begin. The USACE project manager will prepare a public notice, evaluate the impacts of the project and all comments received, negotiate necessary modifications of the project (if required), and oversee drafting of appropriate documentation to support a recommended permit decision. At this time, the Authority will be responsible for preparing the permit decision document, which includes a discussion of the environmental impacts of the project, the findings of the public interest review process, and any special evaluation required by the project. During the decision making process, the USACE will evaluate public benefits and detriments of all factors relevant to the project are carefully evaluated and balanced.

4.2.2 Coast Guard Bridge Permit

In accordance with Section 9 of the Rivers and Harbors Act of 1899 and the General Bridge Act of 1946, the Authority must obtain a bridge construction permit prior to the construction of a build alternate for this project. The Authority will prepare an application for a Coast Guard Bridge Permit in accordance with the requirements defined under 33 CFR §§ 114-115. The application will be submitted to the USCG District Commander along with the completed NEPA document, the State Water Quality Certification, and the Coastal Zone Management Certification. The USCG District Commander will make a determination of whether the application is complete and will either issue the permit, deny the permit, or forward the application (along with a recommendation to issue or deny the permit) to USCG Headquarters

for review. If the application is forwarded to USCG Headquarters, the USCG Commandant will be responsible for issuing or denying the permit.

4.2.3 Approval for the Conversion of Section 6(f) Land

If the Selected Alternative for the Nice Bridge Project requires the conversion of land from Barnesfield Park, which is protected under Section 6(f)(3) of the Land and Water Conservation Fund (LWCF) Act, the project will require approval from the DCR, which administers the LWCF in Virginia, and the Regional Director of the NPS before it can be constructed. The Authority will, on the behalf of the King George County Parks and Recreation Department, need to demonstrate that there is no feasible alternative to converting land from Barnesfield Park and to locate a suitable replacement property as determined by the NPS. To demonstrate that there is no feasible alternative to the conversion of land from Barnesfield Park, the Authority will coordinate with the King George County Parks and Recreation Department to develop the following items, which King George County is required to submit to DCR:

- Written description of all practical alternatives to conversion²
- Analysis and evaluation of each alternative and why it was rejected²
- Analysis and evaluation demonstrating the conversion is the most feasible course of action.²

To demonstrate that the proposed replacement property is suitable, the Authority will also work with the King George County Parks and Recreation Department to provide DCR with the following information:

- Appraisals to the Uniformed Appraisal Standards for Federal Land Acquisition on both the land to be converted and the replacement property by a state certified appraiser.
- Evidence that shows the replacement property meets eligibility requirements for LWCF assisted acquisition.
- Evidence that shows the replacement property is of reasonably equivalent or greater usefulness and location as that of the property being converted.
- Evidence that shows the proposed replacement property can constitute or is part of a viable recreation area.
- A complete environmental analysis in accordance with NEPA.
- Evidence that shows the Authority will obtain title or adequate control of the replacement property and assure protection of the replacement property in accordance with Section 6(f)(3) of the LWCF.
- Metes and bounds map showing the area of Barnesfield Park to be converted and a metes and bounds map of the replacement property.

The King George County Parks and Recreation Department will submit two copies of the above-mentioned items to DCR for review. Once DCR is satisfied with the required documentation and proposed replacement property, the conversion request will be forwarded by the DCR to the NPS for final review and approval. The NPS will notify the DCR in writing of their decision to

² At the time these items will be submitted to DCR, they will already exist as part of the completed Final Section 4(f) Evaluation.

approve or deny the conversion request. The DCR will then notify King George County Parks and Recreation Department in writing of the NPS's decision.

4.2.4 Permanent Easement for the Use of Property from the Naval Support Facility Dahlgren

The Authority will take the lead in obtaining a perpetual easement on Naval Support Facility (NSF) Dahlgren property. The Authority will develop a Memorandum of Understanding (MOU) with the NSF Dahlgren and appropriate parties.

4.2.5 Surface Water & Groundwater Discharge Permits

Pursuant to the Federal Clean Water Act, (MDE Environment Article, Title 9, Subtitle 3; COMAR 26.08.01 through 26.08.04 and COMAR 26.08.07-08) the Authority, prior to final design, will obtain a surface water and/or groundwater discharge permit. This permit is a combined state and federal permit under the National Pollutant Discharge Elimination System (NPDES) which is designed to meet federal effluent guidelines when applicable and also to ensure the discharge satisfies state water quality standards. The groundwater discharge permit will contain the limitations and requirements deemed necessary to protect public health and protect ground water quality. The Authority will submit a completed application form (the permit application) triggering MDE to publish a "notice of application" and provide an opportunity for an informational meeting. Following the informational meeting, MDE will publish a notice of tentative determination, and, if no adverse comments are received, issue the permit. However; if adverse comments are received, a final determination will be necessary and an additional notice will be provided allowing citizens an additional 15 days to request a contested case hearing. MDE will then issue the permit if the final determination is not contested. If, contested administrative procedure for the appeal process is followed.

4.2.6 Tidal Wetlands Licenses and Permits/Non-tidal Wetlands and Waterways Permit

The Authority is required to demonstrate that proposed impacts to tidal and non-tidal wetlands are necessary and unavoidable (Environment Article Title 16; COMAR 26.24; Environment Article Title 5, Subtitle 5-901 through 5-911; Annotated Code of Maryland; COMAR 26.23). The Authority is responsible for first eliminating (wherever possible), then reducing impacts through avoidance and minimization. Wetland mitigation may be required for authorized impacts. Wetland mitigation monitoring may be required, under the discretion of MDE, and may extend beyond construction of an approved mitigation project. The Authority will initiate these activities early in the planning process, typically before the permit application is submitted.

The Authority will complete a *Joint Federal/State Application for the Alteration of any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland* and forward to MDE, Regulatory Services Coordination Office (RSC) for review. Upon receipt of the application package, the RSC will determine what type of permit is necessary and will forward the application to the appropriate governmental agencies. MDE may advise that the project and tidal permit be advertised for comment and allow the opportunity for a public informational hearing. The Authority will be responsible for notifying adjacent property owners of the proposed action and the filing of the tidal wetland permit. At the conclusion of the review process, MDE will make a decision on the application. The Authority will be responsible for providing final construction plans to MDE. Upon receipt of final construction plans, a permit or license is issued by MDE.

4.2.7 Erosion and Sediment Control and Stormwater Management Plan Approvals/ General Permit for Construction Activity

The Authority will identify a concept for the management and/or mitigation of stormwater runoff in the planning phase of the project. The management of runoff associated with new and redeveloped impervious surfaces resulting from the project will be in accordance with the most current MDE stormwater management guidelines. A preliminary stormwater management (SWM) report identifying existing and proposed hydrology, and management concepts will be developed by the Authority and submitted to MDE Plan Review Division for review around the 30 percent design stage. Following an approximate 30-day MDE review period, which may be shortened by the use of an MDE-approved Expedited Reviewer, concurrence of, and/or comments related to the SWM report will be received by the Authority for their use in revising and developing the final SWM design approach.

Plans for Erosion and Sediment Control (ESC Plans) during project construction will be developed by the Authority and submitted to MDE for review and comment around the 60 percent design stage; this may occur concurrently with subsequent SWM submissions. MDE Plan Review Division will issue comments related to the ESC plans in a similar manner to the SWM design. The Authority will make iterative submissions of SWM and ESC plans with supporting computations, waiver forms, etc., addressing MDE comments with a point-by-point response letter, until all MDE comments and concerns have been addressed. At this time, the Authority will submit a Notice of Intent form to MDE Compliance Division for the project. Upon receipt of the Notice of Intent form, the MDE Compliance Division will issue to the Authority a General Permit for Construction Activity and MDE Plan Review Division will issue a Stormwater Management and Sediment Control Approval for the project.

4.2.8 Chesapeake Bay Critical Areas Commission Approval

Due to the location of the Nice Bridge project, it is anticipated that the approval of the CAC will be required before the project can be constructed. Coordination between the Authority and the CAC, as a participating agency in the project will occur throughout the NEPA process as describe in Section 4.1 of this plan. This coordination will constitute the official consultation with the CAC to determine the possible or likely effects of the project on Critical Areas and the CAC will be expected to provide comments on the project to the Authority within the specified timeframes. Following the NEPA process, the Authority will submit to the Commission a notice and description of the project (which reflects the selected alternate) and findings that the project is consistent with the criteria for development in the Critical Area resulting from state and local agency programs as defined in COMAR 27.02.05.03 - 14. The CAC will review the findings and either approve, deny, or request modifications to the project based on an assessment of the extent to which the project conforms with the above-mentioned criteria.

4.2.9 Virginia Permits

The Authority will prepare documents and supplemental information required in order to obtain project authorizations which may include permits and any other approvals required by the regulatory review agencies in Virginia. The Authority will attend regulatory agency field reviews and other meetings with the regulatory agencies as appropriate to develop regulatory concurrence.

A *Joint Permit Application* will be prepared specifically for the Virginia agencies. The completed application, along with various graphics/permit plates, including plan, profile, and cross-section views of proposed conditions, limits of disturbance, cut and fill calculations, waterway construction details, H&H design report, and impact calculations, will be submitted to the MRC who will be responsible for submitting copies to the DEQ and the USACE.

Each agency will review the application and will send individual responses and approved permits to the Authority within 45 days of receipt of the complete permit application. The Norfolk District will respond in writing stating that they will be working with the USACE Baltimore District to issue a permit (see *Section 4.2.1* above). Permits which may be issued through this Joint Permit Application process, depending on the final design of the project, include a Subaqueous or Bottomlands Permit, Tidal Wetlands Permit, or Coastal Primary Sand Dunes Permit from the MRC or a Virginia Pollutant Abatement Permit, Surface and Ground Water Withdrawal Permit or Virginia Water Protection Permit from the DEQ.

In order to comply with the Virginia Pollutant Discharge Elimination System Permit from the DCR, the Authority must complete a registration form two days prior to construction.

Chesapeake Bay Preservation Act Approval

In accordance with Virginia's Chesapeake Bay Preservation Act, the Authority will coordinate with the King George County Zoning Administrator to obtain approval for the construction of the Nice Bridge project across any Resource Protection Areas (RPAs). Article 8 of King George County's Zoning Ordinance, entitled Chesapeake Bay Preservation Overlay District, was enacted under the authority of Section 10.1-2100, et seq. (The Chesapeake Bay Preservation Act) and Section 15.2-2283 of the Code of Virginia. According to this ordinance, roads and driveways may be constructed in or across RPAs if each of the following conditions is met:

- The Zoning Administrator makes a finding that there are no reasonable alternatives to aligning the road or driveway in or across the RPA;
- The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize encroachment of the RPA and adverse effects of on water quality;
- The design and construction of the road or driveway satisfy all applicable criteria of this Ordinance, including submission of a water quality impact assessment;
- The Zoning Administrator reviews the plan for the road or driveway proposed in or across the RPA in coordination with other local government, state, federal requirements and development approvals.

If a build alternative is selected, the Authority will provide all appropriate documentation to the Zoning Administrator to demonstrate that there are no reasonable alternatives to aligning the roadway across the RPA, the alignment and design of the roadway are optimized, and the design and construction of the roadway satisfy all applicable criteria. The Zoning Administrator will review the plan for the roadway and, if all requirements are met, will approve the project.

TABLE 4
AGENCY AND PUBLIC COORDINATION PLAN: POST NEPA ACTIONS

Coordination Point	Approximate Schedule	Persons, Agencies & Organizations Involved	Permits, Licenses, or Approvals Required
Completion of Permits, Licenses, or Approvals After the EA/FONSI or ROD	Summer 2009	USACE	<ul style="list-style-type: none"> • Section 404 Permit
		USCG	<ul style="list-style-type: none"> • Coast Guard Bridge Permit
		DOI	<ul style="list-style-type: none"> • Approval for conversion of Section 6(f) land
		USN	<ul style="list-style-type: none"> • Permanent Easement for the Use of Property from NSF Dahlgren
		MDE	<ul style="list-style-type: none"> • Surface Water Discharge Permit
			<ul style="list-style-type: none"> • Tidal Wetlands Licenses and Permits/Nontidal Wetland and Waterways Permit
			<ul style="list-style-type: none"> • Erosion/Sediment Control and Stormwater Management Plan Approvals/General Permit for Construction Activity
		CAC	<ul style="list-style-type: none"> • Chesapeake Bay Critical Areas Commission Approval
		MRC	<ul style="list-style-type: none"> • Subaqueous or Bottomlands Permit
			<ul style="list-style-type: none"> • Tidal Wetlands Permit
			<ul style="list-style-type: none"> • Coastal Primary Sand Dunes Permit
		DEQ	<ul style="list-style-type: none"> • Virginia Pollution Abatement Permit
<ul style="list-style-type: none"> • Surface and Ground Water Withdrawal Permit 			
<ul style="list-style-type: none"> • Virginia Water Protection Permit 			
DCR	<ul style="list-style-type: none"> • Virginia Pollutant Discharge Elimination System Permit 		