



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor
C. Ronald Franks, Secretary

September 19, 2006

Ms. Melissa Williams
Maryland Transportation Authority
Division of Capital Planning
2310 Broening Highway, Suite 150
Baltimore, Maryland 21224

Dear Ms. Williams:

This letter is in response to your letter of request, dated September 12, 2006, requesting information relative to the preliminary environmental inventory for the Governor Harry W. Nice Memorial Bridge Improvement Study. After reviewing the information provided with your request we offer the following items that we believe should be included in the subject study report:

Chesapeake Bay Critical Area

Portions of the study area are located within the Chesapeake Bay Critical Area. The study report should address requirements to meet all applicable State and local Critical Area regulations. These regulations include provisions for stormwater management, protection of certain resources (i.e. threatened and endangered species, anadromous fish, Forest Interior Dwelling Bird habitat, plant and wildlife habitat), additional setback requirements, and in some instances (lands with a Critical Area designation of Limited Development Area or Resource Conservation Area), also include limits on impervious surfaces and forest clearing. If the Critical Area designation is Intensely Developed Area, then the project will be required to meet the 10% Pollutant Reduction Rule. For more information on Critical Area requirements please contact Lisa Hoerger of the Critical Area Commission at 410-260-3478.

Forests and Roadside Trees

The Forest Conservation Act requires that before the issuance of a grading or sediment control permit, the applicant shall have an approved Forest Conservation Plan and Forest Stand Delineation (Nat. Res. Art. 5-1601-5-1613, Annotated Code of Maryland). The Act provides for the retention of forested areas in sensitive areas on the subject property.

Any tree that originates within a public road right-of-way is considered a roadside tree under the Maryland Roadside Tree Care Law (NRA 5-406) and Regulations (COMAR 08.07.02) and any plans to remove, trim, or plant trees within the public right-of-way are required to obtain a permit from the Maryland Department of Natural Resources Forest Service.

Please contact Marian Honeczky, 410-260-8511
Maryland Forest Conservation Act Coordinator

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410.260.8DNR or toll free in Maryland 877.620.8DNR • www.dnr.maryland.gov • TTY users call via Maryland Relay

DNR-Forest Service, 580 Taylor Avenue, Tawes State Office Building,
Annapolis, Maryland 21401

Rare, Threatened and Endangered Species

The Department's Wildlife and Heritage Service has records for Federal or State rare, threatened or endangered plants or animals within the subject study area. For further information on the presence of rare, threatened or endangered species within the subject site please contact Ms. Lori A. Byrne of our Wildlife and Heritage Service at 410-260-8573.

Department of Natural Resources Land

The applicant should include in the study an evaluation of potential impacts to Department of Natural Resources owned land within the study area. The study area map indicates that the Zekiah Swamp Natural Environmental Area is within the study area. For additional information concerning DNR lands please contact Arnold Norden of the Department's Public Lands Policy and Planning Unit at 410-260-8406.

Forest Interior Dwelling Bird Habitat

The forested areas within the study area could contain Forest Interior Dwelling Bird habitat. Populations of many Forest Interior Dwelling Bird Species (FIDS) are declining in Maryland and throughout the eastern United States. The conservation of this habitat is strongly encouraged by the Department of Natural Resources. For more information on FIDS habitat please contact Lori A. Byrne of our Wildlife and Heritage Service at 410-260-8573.

Historic Waterfowl Concentration Areas

The subject study area includes an area designated as a Historic Waterfowl Concentration Area under the State's Critical Area law. Potential impacts to this area should be included in the study report. For more information on Waterfowl Concentration Areas please contact Lori A. Byrne of our Wildlife and Heritage Service at 410-260-8573.

Anadromous Fish Spawning Areas

Potential impacts to fishery resources should be addressed within the study document. The subject study area is within the drainage area of the Lower Potomac River and contains several tributaries to the Potomac River including Popes Creek, Clifton Creek, Pasquhanza Creek, Waverly Creek and Allens Fresh Run. Our Fisheries Service has documented anadromous fish species spawning in many of these streams within the study area including: 1/ yellow perch (*Perca flavescens*); 2/ white perch (*Morone americana*); and herring species (*Alosa sp.*). Striped Bass and herring species have also been documented spawning in the Potomac River mainstem within the study area. Additionally, Table F3-3 (attached) lists fish species documented in the Lower Potomac River Basin by our Maryland Biological Stream Survey Program. Many of these species could be present in the Potomac River and tributaries within the study area.

Generally, no instream work is permitted in anadromous fish spawning streams during the period of March 1 through June 15, inclusive, during any year (expanded to February 15th where yellow perch are known to

APPENDIX B: AGENCY CORRESPONDENCE

spawn). The spawning periods for fish species likely to be found in the study area should be adequately protected by the instream work time restriction stated above, sediment and erosion control methods, and other Best Management Practices typically used for protection of stream resources are utilized.

Natural Oyster Bars

From the information provided with your request it appears that the Potomac River, within the study area, includes several natural oyster bars (NOB's) including Pascahanza, Lower Cedar Point and Lower Cedar Point Addition. The area within the boundaries of NOB's is specifically established, reserved, and protected from activities and impacts considered detrimental to oyster populations or destruction of the bottom. Oysters spawn and subsequently set their spat during the period June through September in estuarine sections of rivers and the Bay. During this period, dredge units can entrain and destroy oyster eggs and larvae. In addition, sediments resuspended by dredging activities may affect oysters. Potentially, larval oysters could be starved by ingesting sediment particles which are the same size as prey organisms. Larval oysters could also delay metamorphosis to spat because the substrate is covered with loose sediments and is therefore unsuitable. Oysters also become inactive during the colder months of the year and are more liable to burial (inability to clear themselves of deposited sediment) during this period of reduced activity.

The study report should address potential impacts to natural oyster bars within the study area. For additional information on natural oyster bars please contact Chris Judy of our Fisheries Service at 410-260-8259.

Submerged Aquatic Vegetation

The Virginia Institute of Marine Science (VIMS) Submerged Aquatic Vegetation (SAV) Mapping for 2005 indicates that SAV is present along the shoreline of the Lower Potomac River in the area between Lower Cedar Point and Waverly Point, and also in Allens Fresh, Pasquahanza Creek and Waverly Creek. The study report should address potential impacts to SAV within the study area.

Green Infrastructure

While it is important to look at threatened and endangered species, wetlands, forests, Critical Areas, etc. separately, the Department has spearheaded efforts to take all such factors into account for their collective interrelationships especially as necessary to sustain the irreplaceable natural biodiversity in the State. This integrated look at the complex natural relationships as they engage on the landscape has become known nationally as Green Infrastructure (GI).

Due to persistent development pressure, large contiguous blocks of natural lands are being fragmented. Studies have conclusively shown that there is a measurable direct relationship between increased isolation of natural areas and biodiversity lost within them. When forested areas, for example, become disconnected from others, Forest Interior Dwelling Species (FIDS) are not able to sustain their populations. Both the size of natural "Hubs" on the landscape and their interconnectivity via natural "Corridors" that species can traverse, are now known to be crucial to sustain biologically diverse natural populations.

Maryland's Green Infrastructure Assessment (GIA), an analysis which identifies the State's ecological hub and corridor network, also provides an ecological ranking system or "Eco-Rank" at a 30 meter resolution over the Maryland landscape. This ranking system quantifies the relative ecological values of the natural

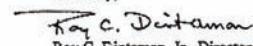
resources, both for their specific ecological features and for their value to the regional ecological hub and corridor network. Every feasible effort should be made to preserve the cohesive quality of these natural areas as well as efforts to preserve their interconnectedness.

The study document should consider Green Infrastructure resources. Impacts should consider issues such as reducing the size of hubs, breaking corridor linkages, fragmenting forest and wetland blocks into isolated features and increasing edge habitat relative to interior habitat conditions. Mitigation approaches should consider conservation of unprotected green infrastructure resources in response to any losses or degradation of the existing green infrastructure resource. Additionally, restoration should be targeted to enhance and expand existing green infrastructure resources.

We recognize the ongoing tension between the needs for development and the impacts on the natural landscape. We can provide data, as well as analysis tools and concepts to increase awareness of the sensitivities that we have lightly touched on in this response in relation to the State's Green Infrastructure resources. You may find more information at the following website: <http://www.dnr.state.md.us/greenenv/gi/gi.html>. For more information on the State's Green Infrastructure you may contact Christine Conn of our Watershed Services' Ecosystem Analysis Center at 410-260-8785.

Thank you for the opportunity to review and comment on the Governor Harry W. Nice Memorial Bridge Improvement Study Scoping. If you should have any questions concerning these comments you may contact me at 410-260-8331 or by email at rdintaman@dnr.state.md.us.

Sincerely,



Ray C. Dintaman, Jr., Director
Environmental Review Unit

Attachment

APPENDIX B: AGENCY CORRESPONDENCE

Table F3-3. Species found in 1995 MBSS Study vs Qualitative Study, Lower Potomac Basin

Species Found in 1995 MBSS Study vs Qualitative Study
By Basin

----- BASIN=LOWER POTOMAC -----

Species	in MBSS Study	in Qual. Study
LEAST BROOK LAMPREY	X	X
SEA LAMPREY	X	X
AMERICAN EEL	X	X
CHAIN PICKEREL	X	X
RODFIN PICKEREL	X	X
EASTERN HOOKFINNOM	X	X
BLACKNOSE DACE	X	X
COMMON SHINER	X	X
CREEK CRUB	X	X
EASTERN SILVERY MINNOW	X	X
FALLFISH	X	X
FATHEAD MINNOW	X	X
GOLDEN SHINER	X	X
SPONGEHEAD SHINER	X	X
ROTSIDE DACE	X	X
SATINFIS SHINER	X	X
SPOTTAIL SHINER	X	X
SWALLOWTAIL SHINER	X	X
CREEK CHUBSUCKER	X	X
WHITE SUCKER	X	X
BROWN BULLHEAD	X	X
HARDYHEAD MADTOM	X	X
TADPOLE MADTOM	X	X
YELLOW BULLHEAD	X	X
PIRATE PERCH	X	X
BANDED KILLIFISH	X	X
MUMMICHOG	X	X
NOBITOPFISH	X	X
WHITE PERCH	X	X
BLACK CRAPPIE	X	X
BLUEGILL	X	X
BLUESPOTTED SUNFISH	X	X
FLYER	X	X
GREEN SUNFISH	X	X
LARGEMOUTH BASS	X	X
PUMPKINSEED	X	X
ROSBREAST SUNFISH	X	X
WARMBOUTH	X	X
LEPOMIS HYBRID	X	X
SWAMP DARTER	X	X
TESSELLATED DARTER	X	X
YELLOW PERCH	X	X

F-111



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

September 26, 2006

Melissa Williams
Planning Manager
Maryland Transportation Authority
2310 Broening Highway
Suit 150
Baltimore, MD 21224

RE: Project Planning Study for the Governor Harry W. Nice Memorial Bridge

Dear Ms. Williams,

This responds to your letter, received August 16, 2006, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the above referenced project area. We have reviewed the information you enclosed and are providing comments in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

The federally threatened bald eagle (*Haliaeetus leucocephalus*) nests within the project area or within the vicinity of the project. For further information regarding activity at this nest, Glenn Therres of the Maryland Wildlife and Heritage Division should be contacted at (410) 260-8572. Any construction or forest clearing activities within one-quarter mile of an active nest may impact bald eagles. If such impacts may occur, further section 7 consultation with the U.S. Fish and Wildlife Service may be required.

Except for occasional transient individuals, no other federally proposed or listed endangered or threatened species are known to exist within the area. Should additional information on the distribution of listed or proposed species become available, this determination may be reconsidered.

This response relates only to federally-protected threatened or endangered species under our jurisdiction. For information on the presence of other rare species, you should contact Lori Byrne of the Maryland Wildlife and Heritage Division at (410) 260-8573.

An additional concern of the Service is wetlands protection. Federal and state partners of the Chesapeake Bay Program have adopted an interim goal of no overall net loss of the basin's remaining wetlands, and the long term of increasing the quality and quantity of the basin's wetlands resource base. Because of this policy and the functions and values wetlands perform,

the Service recommends avoiding wetland impacts. All wetlands within the project area should be identified, and if construction in wetlands proposed, the U.S. Army Corps of Engineers, Baltimore District should be contacted for permit requirements. They can be reached at (410) 962-3670.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interest in these resources. If you have any questions or need further assistance, please contact Craig Koppie (410) 573-4534.

Sincerely,



Mary J. Ratnaswamy, Ph.D.
Program Supervisor, Threatened and Endangered Species

cc: Lori Byrne, Maryland Wildlife and Heritage Division, Annapolis, MD

Sacchet, Kerri

From: ProjectReview ProjectReview [ProjectReview.Richmond_PO.DGIF@dgif.virginia.gov]
Sent: Friday, September 29, 2006 3:51 PM
To: gsmith2@mcta.state.md.us; Sacchet, Kerri
Cc: Jeff Cooper; John Kauffman; trevor_clark@fws.gov
Subject: ESSLog# 22977_Nice Memorial Bridge Improvement Study and Scoping Meeting

Attachments: JPEG; EagleGuidelines.pdf



22977_eagles.jpg
(131 KB)



EagleGuidelines.pdf
(41 KB)

We have reviewed the subject project to study alternatives for improving traffic flow and volume on the Nice Bridge in King George County, VA and Charles County, MD. The Virginia Department of Game and Inland Fisheries (VDGIF), as the Commonwealth's wildlife and freshwater fish management agency, exercises enforcement and regulatory jurisdiction over those resources, inclusive of state or federally endangered or threatened species, but excluding listed insects. We are a consulting agency under the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and we provide environmental analysis of projects or permit applications coordinated through the Virginia Department of Environmental Quality, the Virginia Marine Resources Commission, the Virginia Department of Transportation, the U. S. Army Corps of Engineers, the Federal Energy Regulatory Commission, and other state or federal agencies. Our role in these procedures is to determine likely impacts upon fish and wildlife resources and habitats, and to recommend appropriate measures to avoid, reduce, or compensate for those impacts.

According to our records, Federal Threatened State Threatened bald eagle has been documented in the project area. Documentation of this species in the study area includes bald eagle nesting locations and the Potomac River Winter Concentration Zone (see attached .jpg*). Until a work plan is proposed, we are unable to determine what, if any, impacts upon this species may result from this project. Due to the proximity of this project to known eagle locations, we recommend further coordination with this agency for recommendations as to how to avoid, reduce or compensate for impacts upon this listed species. Further, we recommend coordination with Trevor Clark in the US Fish and Wildlife Service's Annapolis, MD office at 410-573-4527 or trevor_clark@fws.gov. We have attached the "Bald Eagle Protection Guidelines for Virginia" for your review. This document outlines what recommendations may be made by this agency and/or the USFWS regarding protection of this species during this project. Recommendations may include activity restrictions/modifications, time of year restrictions and/or other conservation recommendations we believe are warranted to protect bald eagle resources from harm.

The Potomac River and its tributaries in the study area have been designated Anadromous Fish Use Areas. Again, until we have further information, we are unable to determine what, if any impacts, upon this resource may result from this project. Further coordination with this Agency is recommended to protect this resource. We may recommend time of year restrictions on instream work, particular work methods or other conservation recommendations.

Amy Martin, VDGIF Environmental Services Biologist, will attend the October 12th meeting to provide input as well as gather information related to this project. As the project moves forward and greater detail on the type of work proposed, we will be able to provide more detailed comments regarding the protection of wildlife resources in the project area. Please contact Amy at 804-367-2211 or amy.martin@dgif.virginia.gov if you need further assistance.

*The attached map contains sensitive information on the location of bald eagles within the study area. This map and/or the data contained within it should not be reproduced or distributed for any reason other than Nice Memorial Bridge Improvement Study scoping without prior approval from VDGIF.

Thank you

Amy Martin

Virginia Department of Game and Inland Fisheries Environmental Services Section



COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

Department of Historic Resources
2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

October 5, 2006

Ms Melissa Williams
Maryland Transportation Authority
2310 Broening Highway
Suite 150
Baltimore, Maryland 21224

Re: Governor Harry W. Nice Memorial Bridge Improvement Project
King George County, Virginia
DHR File # 2006-1393

Dear Ms Williams:

We have received your invitation to the scoping meeting for the above referenced project. It is our understanding that the Maryland Transportation Authority and the Virginia Department of Transportation (VDOT) proposes to conduct improvements to the Governor Harry W. Nice Memorial Bridge which carries US Route 301 across the Potomac River between Charles County, Maryland, and King George County, Virginia. We apologize for not being able to attend the scoping meeting for this project. However, please do not let our absence be construed as disinterest. The undertaking has the potential to affect historic properties in Virginia. Due to its location on the banks of the Potomac River, we anticipate there may be archaeological resources present. We look forward to continued consultation between your office, VDOT, and the Department of Historic Resources (DHR).

If you have any questions regarding our comments, please call me at (804) 367-2323, Ext. 114.

Sincerely,



Marc Holma, Architectural Historian
Office of Review and Compliance

Cc: Ms Helen Ross, VDOT

Administrative Services
1 Courthouse Avenue
Richmond, VA 23803
Tel: (804) 363-1624
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Ave.
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Tidewater Region Office
14415 Old Courthouse Way, 2nd Floor
Newport News, VA 23608
Tel: (757) 886-2897
Fax: (757) 886-2888

Roanoke Region Office
1030 Penmar Ave., SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Winchester Region Office
107 N. Kent Street, Suite 203
Winchester, VA 22601
Tel: (540) 723-3427
Fax: (540) 723-7535



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor
C. Ronald Franks, Secretary

October 11, 2006

Ms. Melissa Williams
Capital Planning Division
Maryland Transportation Authority
2310 Broening Highway, Suite 150
Baltimore, MD 21224

RE: Environmental Review for Governor Harry W. Nice Memorial Bridge, Project Planning
Study from North of Route 234 to Dahlgren, VA area, Charles County, Maryland.

Dear Ms. Williams:

The Wildlife and Heritage Service (WHS) database indicates that there are the following records for rare, threatened or endangered plants and animals and protected habitats known to occur on, or in close proximity to, the study area within its Maryland portion.

Bald Eagle nests

The WHS has records for four Bald Eagle nests within the study area, known to be recently active. The approximate locations of these nests are indicated on the attached map. The bald eagle is listed as a threatened species by the state and the federal government. State law requires that appropriate protection measures be incorporated into actions by state agencies. To protect these nest sites the following guidelines should be implemented:

1. Establish a protection area of ¼-mile radius around the nest tree. Within this area, establish three zones of protection: Zone 1 extends from the nest tree to a radius of 330 feet, Zone 2 extends from 330 feet to 660 feet in radius, and Zone 3 extends from 660 feet to ¼-mile (1320 ft.)
2. No land use changes, including development or timber harvesting should occur in Zone 1.
3. Construction activities, including clearing, grading, building, etc., should not occur within Zones 1 and 2 and ideally no closer than 750 feet from the nest.
4. No construction or timber harvesting activities should occur within the 1/4 mile protection zone during the eagle nesting season, which is from December 15 through June 15.

These general guidelines are used by our biologists for bald eagle nest site protection. Specific protection measures depend on the site conditions, planned activities, nest history and other factors. For more specific technical assistance regarding your project relative to bald eagle protection contact the WHS.

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Natural Heritage Areas

There is a Natural Heritage Area (NHA) known as Allen's Fresh NHA occurring partially within the study area. Activities within NHAs are regulated so that the structure and species composition of the area are maintained. This NHA is known to support state-listed endangered Long's Bittercress (*Cardamine longii*), and Deciduous Holly (*Ilex decidua*) and Spongy Lophocarpus (*Sagittaria calycina*), both state rare species. In addition, the wetlands at Allen's Fresh are designated in state regulations as Wetlands of Special State Concern (WSSCs). WSSCs are regulated by Maryland Department of the Environment (MDE), and therefore your project may need review by MDE for any permits associated with this WSSC.

Another NHA that occurs in the study area is the Popes Creek NHA. Activities within NHAs are regulated so that the structure and species composition of the area are maintained. The Popes Creek NHA is designated as such for the presence of exemplary wetlands communities, known Forest Interior Dwelling Birds (FIDS) habitat, and because it supports nesting Bald Eagles. Popes Creek itself is also designated in state regulations as a Wetland of Special State Concern, along with its tributaries which also occur on the study area, including: Huckleberry Branch, Glasva Branch, Drinks Run and Ellenboro Hill Run. WSSCs are regulated by MDE, and therefore your project may need review by MDE for any permits associated with this WSSC.

RT&E Animal Records

In Mill Run (draining to Piccowaxen Creek) in the study area, the WHS has a record for the state-listed threatened Flier (*Centrarchus macropterus*). This record indicates that in 1994 this site had the highest number of individuals found during that year's survey efforts for the Flier. This fish species could still occur here or in other areas of appropriate habitat in the study area.

The WHS database also has records for the state-listed endangered Rainbow Snake (*Farancia erythrogramma*) known to occur in the vicinity of the study area. This species could potentially occur in the study area, in areas of appropriate habitat.

Waterfowl Concentration Areas

The open waters that are part of the study area, to the north and to the south of the existing Nice Bridge on the Maryland side of the Potomac River, are known historic waterfowl concentration areas. For further technical assistance regarding waterfowl concentration areas, please contact Larry Hindman of the WHS at (410) 221-8838.

Colonial Waterbirds

WHS records indicate that there is a waterbird colony located under the existing Nice Bridge during the breeding season. Double-crested Cormorants have been documented as nesting here. Waterbird colonies in the Chesapeake Bay Critical Area are generally protected during their breeding season within a ¼-mile radius of their colony location.

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October 12, 2006

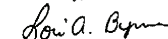
Forest Interior Dwelling Bird Habitat

Our analysis of the information provided suggests that the forested area on or adjacent to the project site contains Forest Interior Dwelling Bird habitat. Populations of many Forest Interior Dwelling Bird Species (FIDS) are declining in Maryland and throughout the eastern United States. The conservation of FIDS habitat is strongly encouraged by the Department of Natural Resources. The following guidelines will help minimize the project's impacts on FIDS and other native forest plants and wildlife:

1. Avoid placement of new roads or related construction in the forest interior. If forest loss or disturbance is absolutely unavoidable, restrict development to the perimeter of the forest (i.e., within 300 feet of the existing forest edge), and avoid road placement in areas of high quality FIDS habitat (e.g., old-growth forest). Maximize the amount of remaining contiguous forested habitat.
2. Do not remove or disturb forest habitat during May-August, the breeding season for most FIDS. This seasonal restriction may be expanded to February-August if certain early nesting FIDS (e.g., Barred Owl) are present.
3. Maintain forest habitat as close as possible to the road, and maintain canopy closure where possible.
4. Maintain grass height at least 10" during the breeding season (May-August).

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER #2006.2049.ch
Cc: K. McCarthy, DNR
L. Hoerger, CAC
Brian Bernstein, KCI Technologies Inc.
Attachment

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 10009, Richmond, Virginia 23240
Fax (804) 698-4500 TDD (804) 698-4021
www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

October 16, 2006

Mr. Dennis Simpson
Division of Capital Planning,
Suite 150
2310 Broening Highway
Baltimore, MD 21224

RE: Governor Harry W. Nice Memorial Bridge Improvement Study

Dear Mr. Simpson:

Thank you for giving VDEQ's Division of Air Program Coordination the opportunity to review the above-referenced project. King George county is currently in attainment with the ozone and particulate matter national ambient air quality standards. State air pollution regulations which may be applicable to the construction of the project are listed below.

- Fugitive Dust and Emission Control (9 VAC 5-50-60 et seq.)
- Open Burning Restrictions (9 VAC 5-40-5600 et seq.)

Please feel free to contact me at (804) 698-4407 with any additional questions.

Sincerely,

Sonya Lewis-Cheatham
Office of Air Data Analysis

CHARLES COUNTY GOVERNMENT

Department of Public Facilities

MICHAEL T. MUDD, Director



October 17, 2006

Dennis N. Simpson
Maryland Transportation Authority
2310 Broening Highway
Suite 150
Baltimore, Maryland 21224

Subject: Harry W. Nice Memorial Bridge
Improvement Study

Dear Mr. Simpson:

As per your request, we have reviewed MTA's study area for the Nice Bridge improvement project. Currently, Charles County Government/ Department of Public Facilities does not have a public park or recreation facilities within the study area.

Should your office have any specific questions, please feel free to contact our office directly at 301-932-3470.

Sincerely,

Tom Roland
Chief of Parks & Grounds

TCR/bdd/simpson

Sacchet, Kerri

From: Glen Smith [gsmith2@mdia.state.md.us]
Sent: Monday, October 23, 2006 10:24 AM
To: Dennis Simpson; Barnstein, Brian; Jen Lozinak; Sacchet, Kerri; Malmon, Bob; Shawn Burnett
Subject: FW: Nice Memorial Bridge Scoping Review

FYI

From: Rayfield, Bettina [mailto:brayfield@dcq.virginia.gov]
Sent: Monday, October 23, 2006 10:17 AM
To: Glen Smith
Cc: Nicholas.Nies@vdot.virginia.gov
Subject: Nice Memorial Bridge Scoping Review

October 23, 2006

Mr. Dennis N. Simpson
Deputy Director
Division of Capital Planning
Maryland Transportation Authority
2310 Broening Highway
Suite 150
Baltimore, Maryland 21224

Re: Nice Memorial Bridge Improvement Study

Dear Mr. Simpson:

Virginia has permitting authority for activities covered by a Virginia Water Protection (VWP) Permit for activities landward of the low water line in accordance with *Virginia v. Maryland*, No. 129, Orig. and Guidance Memorandum 02-2016.

Based on the National Wetland Inventory (NWI) maps, wetlands and streams are located within your Study Area. Impacts to wetlands or streams, including filling, excavating, or altering, within Virginia may require a VWP permit. NWI maps do not substitute onsite surface water delineations. Virginia requires that delineations shall be conducted in accordance with the USACE "Wetland Delineation Manual, Technical Report Y-87-1, January 1987, Final Report" (Federal Manual).

One stream/estuary within the study area is identified as a Virginia Impaired Waters (Williams Creek). One stream/estuary within the study area is identified as a shellfish water (Jambo Creek) and has a current Virginia Department of Health (VDH) Shellfish Consumption.

The Virginia Department of Transportation has vast experience with the application and management of VWP permits. DCQ recommends that you use their expertise and administrative procedures (Inter-Agency Coordination Meetings) in obtaining a VWP permit.

If you should have any questions, or need additional information, please feel free to contact me at 804.698.4204 or brayfield@dcq.virginia.gov.

Sincerely,

10/23/2006


Bettina Rayfield
Environmental Specialist II

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10/23/2006

OCT. -27' 06 (PRI) 08:07 DVME/MIN RESOURCES TELS: 434 951 6366 P. 001

GEORGE P. MILLIG
ACTING DIRECTOR



COMMONWEALTH OF VIRGINIA
Department of Mines, Minerals and Energy
Division of Mineral Resources
Fontaine Research Park
900 Natural Resources Drive, Suite 500
Charlottesville, Virginia 22903-0667
(434) 351-6341
www.dmmr.virginia.gov

BY ORDER OF BOARD OF MINERAL RECLAMATION
MINERAL MNG
MINERAL RESOURCES
MINE ADMINISTRATION

October 26, 2006

Maryland Transportation Authority
2310 Broening Highway, Suite 150
Baltimore, Maryland 21224
Attention: Denis Simpson


Re: Harry W. Nice Memorial Bridge Project
King George County, Virginia

Dear Mr. Simpson:

The Virginia Department of Mines, Minerals and Energy has reviewed the map and letter that you provided for the above-referenced project. Based on a review of regional geologic mapping, it appears that the Virginia side of the project site is principally underlain by unconsolidated silt, clay, sand and gravel of the Sedgewick member of the Tabb formation. A recent study suggests that this formation has the potential to become acid upon exposure at the surface, creating low pH runoff and causing premature failure of concrete and metal structures. As a result, a site-specific evaluation may be warranted to determine the potential for problems for your project. Our records show two inactive sand and gravel pits in the vicinity. For additional information regarding one of these operations (#90179AA), please call our Division of Mineral Mining at (434) 351-6310. Similar mineral resources may exist in the area.

Please contact me if further information is required.

Sincerely,




Matt Heiler, P.G.
Geologist Manager

EQUAL OPPORTUNITY EMPLOYER
TDD (800) 828-1120 -- Virginia Relay Center

RECEIVED

APR 09 2006

DIVISION OF CAPITAL PLANNING



COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

Marine Resources Commission
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607

Steven G. Bowman
Commissioner

April 5, 2007

Mr. Dennis N. Simpson
Maryland Transportation Authority
Division of Capital Planning
2310 Broening Highway
Suite 150
Baltimore, Maryland 21224

Re: Nice Bridge Improvement Project

Dear Mr. Simpson:


We are in receipt of your letter dated March 19, 2007, inviting the Virginia Marine Resources Commission (VMRC) to act as a participating agency in the NEPA planning process for the Governor Harry W. Nice Memorial Bridge Improvement Project.

Please be advised that the Virginia Marine Resources Commission, pursuant to Section 28.2-101 of the Code of Virginia, has regulatory authority over any encroachments upon the Potomac River, appurtenant to the shore of the Commonwealth of Virginia. Accordingly, since your planned improvements to the Nice Bridge will likely require a permit from our agency, the VMRC accepts your invitation to participate in the NEPA review process.

Although your letter was specifically addressed to Mr. Jay Woodward of the VMRC, please note that I will be serving as your point-of-contact.

Should you have any questions regarding this matter, please feel free to contact me at (757) 247-8028 or ben.mcginis@mrc.virginia.gov.

Sincerely,



Benjamin A. McGinnis
Environmental Engineer

BAM/moj
HM
cc: Mr. Jay Woodward

An Agency of the Natural Resources Secretariat
Web Address: www.mrc.virginia.gov
Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD



Preston Bryant, Jr.
Secretary of Natural Resources

Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION
203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-6124

April 19, 2007

Dennis Smith
2310 Broening Highway
Suite 150
Baltimore, MD 21224

RE: DCR 07-066: Governor Harry W. Nice Memorial Bridge Improvement Project

Dear Mr. Smith:

The Department of Conservation and Recreation (DCR) among its many functions, administers the Virginia Scenic Rivers and the Virginia Byways programs. Additionally, DCR is responsible for developing the Virginia Outdoors Plan (VOP), the state's comprehensive outdoor recreation and open space plan. Further, DCR administers the Land & Water Conservation Fund, in Virginia, for the U.S. Department of the Interior, National Park Service.

According to the information currently in our files, the Barnesfield Park in King George County, Virginia is a Land & Water Conservation Fund (LWCF) protected park. The Land and Water Conservation Fund Program was established in 1965 for the purpose of the acquisition and development of outdoor recreation areas to be maintained in perpetuity in accordance with Section 6 (f) (3) of the Land and Water Conservation Fund Act of 1965, as amended. Section 6 (f) (3) states that No property acquired or developed with assistance under this section shall, without the approval of the Secretary [of Interior], be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide comprehensive outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. The conversion process allows for flexibility within the Land and Water Conservation Program. However, conversions are not a standard practice or a vested right in the program. Conversions are remedies to situations that have no other feasible alternative. Therefore, every reasonable effort should be made to avoid impacting the metes and bounds area of Barnesfield Park. Be aware that the Secretary of the Interior can reject any conversion request and/or proposed replacement property. The metes and bounds map that is submitted and approved by both the Virginia Department of Conservation and Recreation and the National Park Service serves as the basis for determining the area protected under the 6 (f) (3) Provision. If a conversion process is needed for the Harry W. Nice Bridge Improvement Project, note that 1) King George County must contact DCR for instructions regarding the conversion process, 2) suitable replacement property must be found that is satisfactory to the Department of Conservation and Recreation and the National Park Service. In addition, I also advised that King George County should be contacted for information regarding other existing and/or proposed recreation facilities within the Study

State Parks • Soil and Water Conservation • Natural Heritage • Outdoor Recreation Planning
Chesapeake Bay Local Assistance • Dam Safety and Floodplain Management • Land Conservation

Area. Be aware that the LWCF program is an active program and properties will continue to be added and placed in protection through future grant rounds.

Further, DCR's Division of Natural Heritage has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in our files, a bald eagle concentration zone (*Haliaeetus leucocephalus*, G5/S2S3B,S3N/LT/LT) has been documented in the project area. Bald eagles are often found in the midst of large wooded areas near marshes or other bodies of water (Byrd, 1991). Bald eagles feed on fish, waterfowl, seabirds (Campbell et. al., 1990), various mammals and carrion (Terres, 1980). Threats to this species include human disturbance of nest sites (Byrd, 1991), habitat loss, biocide contamination, decreasing food supply and illegal shooting (Herkert, 1992). Please note that this species is currently classified as threatened by the United States Fish and Wildlife Service (USFWS) and the Virginia Department of Game and Inland Fisheries (VDGIF). Due to the legal status of bald eagle, DCR recommends coordination with USFWS and VDGIF to ensure compliance with protected species legislation.

Under a Memorandum of Agreement, DCR represents the Virginia Department of Agriculture and Consumer Services (VDACS) in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

Additionally, our files do not indicate the presence of any State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

An absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

The Virginia Department of Game and Inland Fisheries maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters, that may contain information not documented in this letter. Their database may be accessed from http://www.dgif.virginia.gov/wildlife/info_map/index.html, or contact Shiri Dressler at (804) 367-6913.

In closing, DCR would like to be included in the NEPA process for this project. Thank you for the opportunity to comment on this project.

Best Regards,

Robert S. Munson
Planning Bureau Manager
DCR-DPRR

Literature Cited

Byrd, M.A. 1991. Bald eagle. In Virginia's Endangered Species: Proceedings of a Symposium. K. Terwilliger ed. The McDonald and Woodward Publishing Company, Blacksburg, Virginia. Pp. 499-501.

Campbell, R.W., N.K. Dawe, I. McTaggart-Cowan, J.M. Cooper, G.W. Kaiser, and M.C.E. McNall. 1990. The Birds of British Columbia. Vol. 1. Nonpasserines: Introduction and loons through waterfowl. Royal British Columbia Museum, Victoria, British Columbia, Canada.

Herkert, J. R., editor. 1992. Endangered and threatened species of Illinois: status and distribution. Vol. 2: Animals. Illinois Endangered Species Protection Board. iv + 142 pp.

Terres, J.K. 1980. The Audubon Society encyclopedia of North American birds. Alfred A. Knopf, New York.

Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair
Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

November 5, 2007

Ms. Megan Blum
Maryland Transportation Authority
2310 Broening Highway Suite 150
Baltimore, MD 21224

Re: Nice Bridge Improvement Project Purpose and Needs Study


Dear Ms. Blum,

Thank you for forwarding the draft combined Purpose and Need (P&N) / Alternates Retained for Detailed Study (ARDS) package for the Nice Bridge Improvement Project. As the Environmental Resources section of the ARDS indicates, it is anticipated that 10.1 to 14.0 acres within the Critical Area will be impacted by the build alternates, which includes areas noted for the presence of Federal and State listed species and a waterbird colony. In addition, there are aquatic resources including submerged aquatic vegetation (SAV), anadromous fish species, and natural oyster bars that may be impacted by the proposal.

Please be advised that under COMAR 27.02, development in the Critical Area resulting from state and local agency programs must be reviewed and approved by the Critical Area Commission. As the project moves into Stage 2, please be in contact with me regarding our review and approval process. I am including our checklist of items that will need to be secured and forwarded to us prior to Commission review.

I look forward to working with you as the project progresses. Please contact me with any questions at 410-260-3476.

Sincerely,


Julie Roberts
Natural Resources Planner

Cc: 59-07

Enclosure

TTY for the Deaf
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

**Critical Area Commission
Project Application Checklist**

State Agency Actions Resulting in Development
on State-Owned Lands in the Critical Area
(COMAR 27.02.05)

General Instructions

The following checklist contains a list of items for consideration by the Critical Area Commission during its review of each State project affecting the Critical Area. While some items will not apply to the project of concern, the responsible Agency should review and be able to discuss aspects of each relevant item. This checklist should be completed and sent, with all other completed information, to the Critical Area Commission staff contact prior to Commission review. Please be aware of the following general guidelines:

- (1) The completed checklist, maps, and all other pertinent project materials must be submitted to Critical Area staff contact at least 1 month prior to scheduled review by the Project Subcommittee at the Critical Area Commission's monthly meeting.
- (2) The sediment and erosion control plan must be finalized prior to scheduling the project for review by the Project Subcommittee.
- (3) All other resource/environmental permits and other release documents must be obtained or must be in their final stages (i.e., public comment period completed, permit conditions in final form) prior to scheduling the project for review by the Project Subcommittee.

If there are any questions with any aspect of this form or with the Commission's review process, please do not hesitate to call the Commission staff contact at (410) 260-3460.

General Mapping Features

Please include the following features on all site plans:

- | | |
|--|---|
| <input type="checkbox"/> Vicinity map | <input type="checkbox"/> Project boundary/Limits of disturbance |
| <input type="checkbox"/> Scale | <input type="checkbox"/> Orientation |
| <input type="checkbox"/> Project Name and Location | <input type="checkbox"/> Tract or lot lines |
| <input type="checkbox"/> Critical Area boundary | <input type="checkbox"/> Development area boundaries (Intensely Developed Areas - IDAs, Limited Development Areas - LDAs, Resource Conservation Areas - RCAs if information is available) |

- | | |
|---|---|
| <input type="checkbox"/> One hundred-year floodplain boundary | <input type="checkbox"/> Agricultural lands |
| <input type="checkbox"/> Dredging activity and spoil site | <input type="checkbox"/> Surface mining sites and wash plants |
| <input type="checkbox"/> Topography | |
| <input type="checkbox"/> Vegetative cover: | <input type="checkbox"/> Soil: |
| <input type="checkbox"/> Existing forest | <input type="checkbox"/> Type |
| <input type="checkbox"/> Forest clearing | <input type="checkbox"/> Area of hydric soils |
| <input type="checkbox"/> Afforestation/reforestation areas | <input type="checkbox"/> Area of highly erodible soils |
| <input type="checkbox"/> Mitigation areas (Buffer impacts) | |
| <input type="checkbox"/> Existing and proposed structures (buildings, roads, other paved or impervious areas, parking lots, lots, storm drains, septic, stormwater management systems, shore erosion control structures). | |
| <input type="checkbox"/> Natural parks | |

Habitat Protection and other Sensitive Area Mapping Features

Please show the following Habitat Protection Area features on all site plans, if relevant to the particular project site:

- | | |
|---|--|
| <input type="checkbox"/> Buffers: | |
| <input type="checkbox"/> Minimum 100 ft. from tidal waters, tidal wetlands and tributary streams | |
| <input type="checkbox"/> Expanded Buffer to include 15% slopes, hydric soils and highly erodible soils | |
| <input type="checkbox"/> 25 ft. from nontidal wetlands | |
| <input type="checkbox"/> Plant and Wildlife Habitat (Colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forest, forest interior dwelling bird habitat, areas of state or local significance, and natural heritage areas) | |
| <input type="checkbox"/> Tidal Wetlands | |
| <input type="checkbox"/> Nontidal Wetlands | |
| <input type="checkbox"/> Plant and Wildlife Habitats (same as above) | |
| <input type="checkbox"/> Threatened and Endangered Species (including species in need of conservation) | |
| <input type="checkbox"/> Anadromous Fish Propagation Waters | |

APPENDIX B: AGENCY CORRESPONDENCE

General Project Information

Please include the following text information, if applicable to the site, in the project application materials. This information may be included in the form of letters, reports, or site plan notes.

- | | |
|--|---|
| <input type="checkbox"/> Project name and location

<input type="checkbox"/> Project description
(brief narrative including project type, i.e. industrial, port-related, etc.)

<input type="checkbox"/> Total acreage in Critical Area

<input type="checkbox"/> Total forest area cleared

<input type="checkbox"/> 10% calculations (Please enclose worksheet) or impervious surface information

<input type="checkbox"/> Mitigation required for clearing of forest area (1:1 ratio outside the 100-foot Buffer, 1.5:1 if between 20%-30% clearing, and 3:1 ratio inside the 100-foot Buffer or if above 30% clearing)

<input type="checkbox"/> Afforested area (site must have a minimum of 15% forest cover if not IDA) | <input type="checkbox"/> State agency sponsoring project

<input type="checkbox"/> Anticipated timeline
(Include project milestones, approximate start and completion dates)

<input type="checkbox"/> Whether project is on State-owned land, locally-owned land or privately-owned land

<input type="checkbox"/> Method of stormwater control

<input type="checkbox"/> Soil erosion and sediment control measures and implementation strategy |
|--|---|

Minimum Documentation Requirements

The following permits and documents should be secured or must be in their final stages (i.e., public comment period completed, permit conditions in final form), if applicable to the site, prior to scheduling the project for review by the Project Subcommittee:

-
- Maryland Department of the Environment (MDE)**
- Stormwater Management
 - Sediment and erosion control plan *
 - Tidal wetlands permits
 - Nontidal wetlands permits
 - Water Quality Certification
-
- Army Corps of Engineers (ACOE) Tidal Wetlands Permit (404)**

* All applicants are required to obtain their sediment and erosion control plans from MDE prior to review by the CBCAC.

State / Federal Agency Recommendations

Review and comment from the appropriate MDE, DNR, and ACOE units shall be provided, if applicable to the site, for the following resources and habitats:

- | | |
|--|---|
| <input type="checkbox"/> Threatened and Endangered Species

<input type="checkbox"/> Riparian Forests

<input type="checkbox"/> Natural Heritage Areas

<input type="checkbox"/> Submerged Aquatic Vegetation

<input type="checkbox"/> Other Aquatic Species (Shellfish, etc.) | <input type="checkbox"/> Plant and Wildlife Habitat

<input type="checkbox"/> Forest Interior Dwelling Birds (FIDs)

<input type="checkbox"/> Colonial water birds

<input type="checkbox"/> Anadromous Fish Propagation Waters

<input type="checkbox"/> Historic Waterfowl Staging and Concentration Areas |
|--|---|

Site Visits

Site visits should be arranged by the responsible agency in advance of Commission review. At a minimum, the site visit should include the Commission staff contact.

PLEASE MAIL OR FAX THE ABOVE INFORMATION TO:

**CRITICAL AREA COMMISSION
1804 WEST STREET, SUITE 100
ANNAPOLIS, MARYLAND 21401
(410) 260-3460
Fax (410) 974-5338**



COMMONWEALTH of VIRGINIA

L. Preston Fryant, Jr.
Secretary of Natural Resources

Department of Historic Resources
2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kalpatnick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

November 19, 2007

Ms Megan Blum
Maryland Transportation Authority
2310 Broening Highway
Suite 150
Baltimore, Maryland 21224

Re: Purpose and Need/Alternatives Study for the Governor Harry W. Nice Memorial Bridge Improvement Project
King George County, Virginia
DHR File # 2006-1393

Dear Ms Blum:

We have received the above information for our consideration. The Department of Historic Resources (DHR), which in Virginia is the State Historic Preservation Office (SHPO), looks forward to working with the Federal Highway Administration (FHWA), Maryland Transportation Authority, and other federal, state, and private consulting parties on this undertaking pursuant to Section 106 of the National Historic Preservation Act, as amended, and its implementing regulation 36 CFR Part 800.

We want to take this opportunity to remind you that although Virginia does not have any resident federally recognized Indian tribes, there are federal tribes outside of the Commonwealth that claim areas of the state as their ancestral territory and still maintain cultural affiliation. Therefore, in accordance with 36 CFR Part 800.2(c)(2) it is necessary to identify federally recognized tribes outside of Virginia that may be interested in the undertaking and invite them to participate in consultation. In recognition of the special government to government relationship, outreach to the tribes should be done by FHWA.

If you have any questions regarding our comments, please call me at (804) 367-2323, Ext. 114.

Sincerely,

Marc Holma, Architectural Historian
Office of Review and Compliance

Administrative Services
10 Courthouse Avenue
Petersburg, VA 23803
Tel: (804) 863-1624
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Ave.
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Tidewater Region Office
14415 Old Courthouse Way, 2nd Floor
Newport News, VA 23608
Tel: (757) 886-2807
Fax: (757) 886-2808

Roanoke Region Office
1030 Penmar Ave., SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7031
Fax: (540) 868-7033

Megan Blum

From: Heller, Matthew [matt.heller@dmme.virginia.gov]
Sent: Monday, November 19, 2007 9:46 AM
To: Megan Blum
Subject: Nice Memorial Bridge Project

Follow Up Flag: Follow up
Flag Status: Red

Attachments: nice bridge.doc



nice bridge.doc
(127 KB)

Hi Megan,

Please consider our earlier comments (electronic copy of letter attached) related to this project. I have no additional comments based on the October 2007 draft.

Sincerely,
Matt Heller

<<nice bridge.doc>>

Matthew J. Heller, P.G.
Manager, Geologic Mapping
Virginia Department of Mines, Minerals and Energy Division of Mineral Resources 900
Natural Resources Drive, Suite 500 Charlottesville, Virginia, 22903
Phone: (434) 951-6351
Fax: (434) 951-6366

<<http://www.dmme.virginia.gov/divisionmineralresources.shtml>>

Please fill out our customer survey at:
> <<http://www.dmme.virginia.gov/DmrQualitySurvey>>
>
>

APPENDIX B: AGENCY CORRESPONDENCE

L. Preston Bryant, Jr.
Secretary of Natural Resources




Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-6124

MEMORANDUM

DATE: November 20, 2007
TO: Megan Blum, Maryland Transportation Authority
FROM: Robert S. Munson, Planning Bureau Manager, DCR-DPRR 
Subject: DCR 07-157: Maryland Transportation Authority, Harry W. Nice Bridge Improvement Project

Division of Planning and Recreational Resources

The Department of Conservation and Recreation's (DCR) Division of Planning and Recreational Resources has previously commented on this project with both the consultants and MTA regarding the LWCF Conversion process. However, we will briefly reiterate that information for your use:

Barnesfield Park in King George County, Virginia is a Land & Water Conservation Fund (LWCF) protected park. Therefore any alternative that impacts the 6(f) boundary of Barnesfield Park in King George County will constitute a conversion of use under the Land & Water Conservation Act.

The Land and Water Conservation Fund Program was established in 1965 for the purpose of the acquisition and development of outdoor recreation areas to be maintained in perpetuity in accordance with Section 6 (f) (3) of the Land and Water Conservation Fund Act of 1965, as amended. Section 6 (f) (3) states that No property acquired or developed with assistance under this section shall, without the approval of the Secretary [of Interior], be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide comprehensive outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. The conversion process allows for flexibility within the Land and Water Conservation Program. However, conversions are not a standard practice or a vested right in the program. Conversions are remedies to situations that have no other feasible alternative. Therefore, every reasonable effort should be made to avoid impacting the metes and bounds area of Barnesfield Park. Be aware that the Secretary of the Interior can reject any conversion request and/or proposed replacement property. Conversions must be approved prior to any land disturbing activities. The metes and bounds map that is submitted and approved by both the Virginia Department of Conservation and Recreation and the National Park Service at the time of Project grant award serves as the basis for determining the area protected under the 6 (f) (3) Provision. If a conversion process is needed for the Harry W. Nice Bridge Improvement Project, note that 1) King George County must agree to going through a conversion process, 2) King George County must request (not VDOT or MTA) the conversion

*State Parks • Soil and Water Conservation • Natural Heritage • Outdoor Recreation Planning
Chesapeake Bay Local Assistance • Dam Safety and Floodplain Management • Land Conservation*

from the Department of Conservation and Recreation, 3) suitable replacement property must be found that is satisfactory to the Department of Conservation and Recreation and the National Park Service.

Division of Natural Heritage

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in our files, a bald eagle concentration zone (*Haliaeetus leucocephalus*, G5/S2S3B,S3/NL/LT) has been documented in the project area. Bald eagles are often found in the midst of large wooded areas near marshes or other bodies of water (Byrd, 1991). Bald eagles feed on fish, waterfowl, seabirds (Campbell et. al., 1990), various mammals and carrion (Terres, 1980). Threats to this species include human disturbance of nest sites (Byrd, 1991), habitat loss, biocide contamination, decreasing food supply and illegal shooting (Herkert, 1992). Please note that this species is currently classified as threatened by the Virginia Department of Game and Inland Fisheries (VDGIF). Due to the legal status of bald eagle, DCR recommends coordination with VDGIF to ensure compliance with protected species legislation.

Under a Memorandum of Agreement, DCR represents the Virginia Department of Agriculture and Consumer Services (VDACS) in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

Additionally, our files do not indicate the presence of any State Natural Area Preserves under DCR 's jurisdiction in the project vicinity.

Any absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

The Virginia Department of Game and Inland Fisheries maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters, that may contain information not documented in this letter. Their database may be accessed from http://www.dgif.virginia.gov/wildlife/info_map/index.html , or contact Shirl Dressler at (804) 367-6913.

Division of the Chesapeake Bay Local Assistance

Public roads and their appurtenant structures are conditionally exempt from the *Chesapeake Bay Preservation Area Designation and Management Regulations* provided they are constructed in accordance with (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (§10.1-560 et seq. of the Code of Virginia) and the Stormwater Management Act (§10.1-603.1 et seq of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or (iii) local water quality protection criteria at least as stringent as the above requirements.

The exemption of public roads is further conditioned on the following:

Optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize encroachment into Resource Protection Areas and adverse effects on water quality; and

Local governments may choose to exempt all public roads as defined in §9 VAC 10-20-40 of the *Chesapeake Bay Preservation Area Designation and Management Regulations* or only those public roads constructed by the Virginia Department of Transportation.

The Bay Act regulations are implemented at the local level. As such, the Bay Act and the *Chesapeake Bay Preservation Area Designation and Management Regulations* (§9 VAC 10-20-110), strictly control land disturbance in Resource Protection Area (RPA) and Resource Management Areas (RMA).

The RPA includes tidal wetlands, tidal shores, non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or perennial water bodies, and a 100-foot vegetated buffer area located adjacent to and landward of the aforementioned features and along both sides of any water body with perennial flow. These areas are subject to local Bay Act requirements to minimize land disturbance, preserve indigenous vegetation, minimize impervious surfaces, control stormwater runoff and implement erosion and sediment control plans for land disturbances greater than 2,500 square feet. Activities in the RPA are further restricted to water dependent or redevelopment related activities.

Provided the above requirements are adhered to, the project would be consistent with the Chesapeake Bay Preservation Act and Regulations.

Division of Soil and Water

Projects involving land-disturbing activities equal to or greater than 10,000 square feet, or equal to or greater than 2,500 square feet in all areas subject to the Chesapeake Bay Preservation Act, must comply with the Virginia Erosion and Sediment Control Law and all applicable regulations adopted in accordance with that law. Projects involving land-disturbing activities equal to or greater than one acre, or equal to or greater than 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations adopted pursuant to the Chesapeake Bay Preservation Act, must comply with the Virginia Stormwater Management Act and all applicable regulations adopted in accordance with that law. If you have project specific questions please contact the Virginia Department of Conservation Tappahannock Regional Office at (804) 443-6752.

Virginia Erosion and Sediment Control Law and Regulations:

http://www.dcr.virginia.gov/soil_&_water/documents/eslawrgrs.pdf

Virginia Stormwater Management Act:

http://www.dcr.virginia.gov/soil_&_water/documents/vaswmlaw.pdf

Virginia Stormwater Management Program (VSMP) Permit Regulations:

http://www.dcr.virginia.gov/soil_&_water/documents/vaswmregs.pdf

The remaining DCR divisions have no comments regarding the scope of this project. Thank you for the opportunity to comment.

cc: Amy Ewing, VDGIF

Literature Cited

Byrd, M.A. 1991. Bald eagle. In *Virginia's Endangered Species: Proceedings of a Symposium*. K. Terwilliger ed. The McDonald and Woodward Publishing Company, Blacksburg, Virginia. pp. 499-501.

Campbell, R.W., N.K. Dawe, I. McTaggart-Cowan, J.M. Cooper, G.W. Kaiser, and M.C.E. McNall. 1990. *The Birds of British Columbia. Vol. 1. Nonpasserines: Introduction and loons through waterfowl*. Royal British Columbia Museum, Victoria, British Columbia, Canada.

Herkert, J. R., editor. 1992. *Endangered and threatened species of Illinois: status and distribution. Vol. 2: Animals*. Illinois Endangered Species Protection Board. iv + 142 pp.

Terres, J.K. 1980. *The Audubon Society encyclopedia of North American birds*. Alfred A. Knopf, New York.

APPENDIX B: AGENCY CORRESPONDENCE

12/04/2007 18:20 FAX 4102953154

NOAA FISHERIES


002



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Habitat Conservation Division
Chesapeake Bay Program Office
410 Severn Ave., Suite 107A
Annapolis, Maryland 21403

November 20, 2007

MEMORANDUM TO: Megan Blam
Division of Capital Planning
Maryland Transportation Authority

FROM: John Nichols 

SUBJECT: Nice Memorial Bridge Improvement Project

National Marine Fisheries Service (NMFS) has reviewed the draft Combined Purpose and Need; and, Alternates Retained for Detailed Study (ARDS) package, dated October 2007, for the Governor Harry W. Nice Memorial Bridge Improvement Study, located in Charles County, Maryland, and King George County, Virginia. We offer our concurrence on the ARDS package, with the following comments pertaining to the Environmental Overview & Impact Assessment section of the package.

Essential Fish Habitat (EFH)

The Environmental Overview & Impact Assessment section for the ARDS package makes no mention of consultation responsibilities under the Magnuson-Stevens Fishery Conservation & Management Act (MSA) for this project. MSA consultation responsibilities were explained by myself to a Federal Highway Administration (FHWA) representative during the October 12, 2006 Scoping Meeting for this proposal. I will summarize these responsibilities again in the following paragraphs.

Section 305(b)(2) of the MSA requires all federal agencies to consult with NMFS on any action authorized, funded, or undertaken by that agency that may adversely affect EFH. Included in this consultation process is the preparation of an EFH assessment. In the case of the subject proposal, either the FHWA, or the Corps of Engineers should be identified as the action agency, and that agency will be responsible for submitting an EFH assessment to NMFS for our review. MSA allows the action agency to delegate preparation of the EFH assessment to an alternate agency, or an environmental consulting firm, with relevant expertise. MSA also allows the action agency to combine EFH consultation with an existing regulatory review process (e.g., NEPA review). An EFH assessment prepared under NEPA review may be incorporated into the environmental document (e.g., Environmental Impact Statement (EIS), or Environmental Assessment (EA)), provided the EFH assessment is clearly presented as a separate and distinct section of the EIS/EA.

During our phone conversation of November 20, 2007, I gave you a brief overview of the EFH consultation process, and indicated that an Individual EFH Consultation is appropriate for this project. I facsimiled a package to you containing information on EFH consultation, including an EFH Summary Designation for the Potomac River estuary. Also, additional information on MSA and EFH is available on the NMFS Northeast Region Habitat Web Site, <http://www.neto.noaa.gov/hcd>.

The Potomac River EFH Summary Designation indicates those federally managed species which have designated EFH for the tidal Potomac River, including the project site. Based on the ecology and salinity tolerances of those species, only juvenile and adult summer flounder, and juvenile bluefish are likely to occur in the project area. The latter species should be the primary focus of the EFH assessment prepared for this project. Also note that there are numerous important prey species in the project area which are consumed by summer flounder and bluefish, including anadromous species such as alewife, blueback herring, American shad, and white perch (Lippson et al., 1978). Impacts to these prey species should also be covered in the assessment.



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NOAA FISHERIES

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Once the action agency has submitted the EFH assessment for this project, NMFS has 30 days in which to review and provide comments on the assessment. If NMFS provides EFH Conservation Recommendations as a result of our review, the action agency must provide NMFS with a detailed written response to these recommendations, including a description of the measures adopted for avoiding, mitigating, or offsetting the impact of the project on EFH. In the case of a response that is inconsistent with NMFS' recommendations, the action agency must explain its reasons for not following the recommendations, including scientific justification for any disagreements with NMFS over the anticipated effects of the proposed action, and the measures needed to avoid, minimize, or offset such effects.

Finally, the EFH Worksheet provided with the facsimiled package addresses many of the issues and questions pertinent to making EFH determinations, and should be helpful in the preparation of the EFH assessment for this project.

BRIDGE CONSTRUCTION ISSUES

NMFS is concerned about the potential use of large-diameter hollow steel piles for support of a new or expanded bridge, or other temporary structures, particularly with regard to shock-waves that are produced from power-driving such pilings into position. Power-driving of larger-diameter hollow steel piles produces high energy shock waves that can kill or seriously injure finfish in the immediate vicinity of the pile driving activity. Use of such pilings may be necessary for securing adequate support of a structure where thick overlying layers of fine-grain and/or unconsolidated sediments occur.

Fish mortality from power-driving of hollow steel piles has been documented for other projects, such as the Woodrow Wilson Bridge Project in Alexandria, Virginia. Fish mortality observed during Wilson Bridge construction operations occurred during driving of piles with a 66-inch, or greater diameter, which generated a maximum force of 360,000 ft-lbs. Highest shock wave levels occurred within 150 feet of the driving operation. Power-driving of hollow steel piles under 66-inch diameter (e.g., down to 48-inch diameter) was also treated with concern, although maximum driving force was one-half that generated for piles exceeding 66-inch bore.

Protecting of finfish during pile-driving operations should be required for this project if large-diameter hollow steel piles are used, particularly during the migratory period for anadromous fish (i.e., February 15 - June 15). We recommend that your staff consult methods used during the Wilson Bridge construction operations for mitigating the effects of shock waves from power-driving of large hollow steel piles. Such methods include the use of a large hollow steel pile, or "can", to encase the pile being driven, coupled with a compressed air bubble curtain, also contained within the "can". The combination of the "can" and bubble curtain was found to reduce shock wave levels up to 95% immediately outside the "can", to levels well below those lethal to fish (i.e., from 55 psi to 1 psi). Additional information on these measures can be obtained from the following references.

- 1) Potomac Crossing Consultants
6711A Oxon Hill Road
Oxon Hill, MD 20745
Mike Baker, Cell Phone # (202) 438-7499; or, bakerm@wvbgc.com
- 2) Potomac Crossing Consultants, January 2003. Supplemental Shortnose Sturgeon Biological Assessment, Woodrow Wilson Bridge Project. Prepared for: Section 7, Endangered Species Act Consultation with National Marine Fisheries Service

Shock wave mitigating measures, as described above, should be used for power-driving any hollow steel piles with diameters of 48 inches or greater, to provide conservative protection for migratory and resident finfish.

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NOAA FISHERIES

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Shock waves from subaqueous blasting during demolition operations can also result in significant fish mortality. If subaqueous blasting may be used for demolition purposes during this project, measures should be employed to mitigate the effects of resulting shock waves on finfish. Again, we recommend that you consult with procedures used during Woodrow Wilson Bridge demolition operations to determine appropriate measures which should be used for this project.

SECTION 7 CONSULTATION

NMFS has determined that the endangered shortnose sturgeon (*Acipenser brevirostrum*) is present in the tidal Potomac River, including project area. The project area may be used by this species for foraging, over-wintering, or pre-spawning activities. You should contact Julie Crocker of our Protected Resources Division in Gloucester, MA; (978) 281-9328, ext. 6530, or Julie.Crocker@NOAA.GOV, for determining Section 7 Consultation responsibilities under the Endangered Species Act for this project.

If you have any additional questions, contact me at (410) 267-5675; or, John.Nichols@NOAA.GOV.

Lippton, Alice J., M.S. Haire, A.F. Holland, F. Jacobs, J. Jensen, R.L. Moran-Johnson, T.T. Polgar, and W.A. Riechkus. 1978. Environmental Atlas of the Potomac Estuary. Martin Marietta Corporation. Prepared for: Power Plant Siting Program, MD Department of Natural Resources. Chap. 8: Fishes.

Page 1 of 2

Megan Blum

From: Amy.Ewing@dgif.virginia.gov
Sent: Tuesday, November 20, 2007 11:32 AM
To: Megan Blum
Cc: Jeff.Cooper@dgif.virginia.gov; Bob.Greenlee@dgif.virginia.gov; Scott.Herrmann@dgif.virginia.gov
Subject: ESSLog# 22977_Nice Memorial Bridge
Follow Up Flag: Follow up
Flag Status: Red
Attachments: 22977_Nice_Memorial_Bridge_11202007.pdf

We have reviewed the alternatives analysis for the proposed Nice Memorial Bridge (Route 301) improvements across the Potomac River in King George County. There are currently 7 alternatives being evaluated. These range from the addition of a 2-lane bridge to the north or south of the existing bridge and rehabbing the existing bridge for continued use to building an entirely new 4 lane bridge and abandoning use of the existing bridge all together.

According to our records, a number of state threatened bald eagle nests as well as a concentration zone are known from the project area. We recommend no construction activities within 1,320 feet of a nest from December 15 through July 15 of any year. Any impacts within this buffer zone should be coordinated with us whether they are proposed to occur during this time period (breeding season) or not. We recommend that no permanent habitat impacts occur within this buffer zone at any time of year. Further, we recommend no construction activities or habitat impacts within 750 feet of the Potomac River shoreline that is designated a concentration zone at any time during the year. We have attached a map of these resources for your review. This map contains sensitive data and should not be reproduced or distributed without our consent.

The Potomac River and Gambo Creek have been designated Anadromous Fish Use Areas. We recommend no instream impacts in these waters and/or their tributaries from February 15 through June 30 of any year. We recommend conducting any in-stream activities during low or no-flow conditions, using non-erodible cofferdams to isolate the construction area, blocking no more than 50% of the streamflow at any given time, stockpiling excavated material in a manner that prevents reentry into the stream, restoring original streambed and streambank contours, revegetating barren areas with native vegetation, and implementing strict erosion and sediment control measures. Due to future maintenance costs associated with culverts, and the loss of riparian and aquatic habitat, we prefer stream crossings to be constructed via clear-span bridges. However, if this is not possible, we recommend countersinking any culverts below the streambed at least 6 inches, or the use of bottomless culverts, to allow passage of aquatic organisms. We also recommend the installation of floodplain culverts to carry bankfull discharges. We recommend close coordination with our agency regarding building a new bridge across the Potomac. We will need to better understand the proposed construction methods and instream impacts in order to make final recommendations regarding the protection of this important fishery resource. Our recommendations, in addition to the time of year restriction, may include use of turbidity curtains during pile driving, monitoring of fish behavior and/or mortalities, development of a contingency plan to address adverse impacts upon species known from the Potomac, and other conservation measures.

To minimize overall impacts to wildlife and our natural resources, we offer the following comments about development activities: We recommend that the applicant avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable. Avoidance and minimization of impact may include relocating stream channels as opposed to filling or channelizing as well as using, and incorporating into the development plan, a natural stream channel design and wooded buffers. We recommend maintaining undisturbed wooded buffers of at least 100 feet in width around all on-site wetlands and on both sides of all perennial and intermittent streams. We recommend maintaining wooded lots to the fullest extent possible. We generally do not support proposals to mitigate wetland impacts through the construction of stormwater management ponds, nor do we support the creation of in-stream stormwater management ponds. We are willing to assist the applicant in developing a plan that includes open-space, wildlife habitat, and natural stream channels which retain their wooded buffers.

12/28/2007

Page 2 of 2

We recommend that the stormwater controls for this project be designed to replicate and maintain the hydrographic condition of the site prior to the change in landscape. This should include, but not be limited to, utilizing bioretention areas, and minimizing the use of curb and gutter in favor of grassed swales. Bioretention areas (also called rain gardens) and grass swales are components of Low Impact Development (LID). They are designed to capture stormwater runoff as close to the source as possible and allow it to slowly infiltrate into the surrounding soil. They benefit natural resources by filtering pollutants and decreasing downstream runoff volumes.

We recommend that the preferred alternative be one that avoids impacts upon eagles and anadromous fish use areas to the greatest extent possible. We support an alternative that reduces the number of instream piers or support structures. This may include recommendations to remove the current structure if it is deemed no longer in service. Additionally, we recommend that future documentation reference coordination with our agency, the Virginia Department of Game and Inland Fisheries, with respect to the assessment of and coordination about impacts upon wildlife in Virginia. We noticed that the current document neither references the anadromous fish resources or coordination with our agency.

Thank you

Amy M. Ewing
Environmental Services Biologist
Virginia Dept. of Game and Inland Fisheries
4010 West Broad Street
Richmond, VA 23230
804-367-2211
amy.ewing@dgif.virginia.gov

12/28/2007

Page 1 of 1

Megan Blum

From: Monez, Jordan (VOF) [jmonez@vofonline.org]
Sent: Tuesday, November 20, 2007 4:33 PM
To: Megan Blum
Cc: Thomas, Estie (VOF); Little, Martha (VOF); Peters, John (VOF); Hutcherson, Kerry (VOF)
Subject: VOF Comments for Nice Bridge Project
Follow Up Flag: Follow up
Flag Status: Red

Hello,

Here are the comments from Virginia Outdoors Foundation for this project:

The Virginia Outdoors Foundation is currently working on an easement proposal on a 238 acre property within the Transportation Authority's proposed study area (indicated on the October 2007 map sent to VOF by MDTA). The proposals recommended for the project most likely will not approach the vicinity of the proposed easement. However, the Transportation Authority's Alternate 8 could very likely affect the easement by moving the road a significant distance from the existing alignment. It is noted that your team has recommended that Alternate 8 be dropped from the Alternates Retained for Detailed Studies.

If you would like more information, if you would like a map of the proposed VOF easement location, if you think that the project may extend significantly past the shoreline along Route 301 or if Alternate 8 may be an option, please contact me.

Thank you,

Jordan West Monez
Virginia Outdoors Foundation
www.virginiaoutdoorsfoundation.org
101 N. 14th Street, 17th Floor
Richmond, VA 23221
804.786.9603_phone
804.786.9604_fax

12/28/2007

APPENDIX B: AGENCY CORRESPONDENCE

Megan Blum

From: Dan Bacon [Dan.Bacon@mrc.virginia.gov]
Sent: Wednesday, November 28, 2007 10:29 AM
To: Megan Blum
Subject: Nice Bridge

Follow Up Flag: Follow up
Flag Status: Red

Just in case you didn't receive the comments from VMRC:

Please be advised that the Marine Resources Commission, pursuant to Section 28.2-1200 et seq of the Code of Virginia, has jurisdiction over any encroachments in, on, or over the beds of the bays, ocean, rivers, streams, or creeks which are the property of the Commonwealth. Accordingly, if any portion of the subject project involves any encroachments channelward of ordinary high water along natural rivers and streams above the fall line or mean low water below the fall line, a permit may be required from our agency. Any jurisdictional impacts will be reviewed by VMRC during the Joint Permit Application process. Thank you for the opportunity to comment.

Megan Blum

From: Rudnick.Barbara@epamail.epa.gov
Sent: Thursday, November 29, 2007 4:25 PM
To: Megan Blum
Subject: Re: Nice Bridge Purpose and Need/Alternates Retained for Detailed Study Comments Due

Megan,

Thanks for the reminder. I reviewed the document, and have a few comments. In general, I think the range of alternatives is adequate, though inclusion of some of the TSM/TDM is recommended.

Table 17: I like the idea of the overview table, but think a couple of the criteria do not lend themselves well to H, M, L (without explanation). This includes: under P&N, Improve safety, ability to maintain 2-way traffic; under socio, consistent with local plans (Y/N instead?); under structural factors, it is unclear if L is negative or positive (the table generally uses L as low impact, therefore a positive)

Page III-8: It would be helpful if the reference to Table 18 included that the table in on page IV-8

Page IV-4: I suggest that it is premature to state that "It is anticipated that the build alternatives will not substantially impact SAV..." The EIS should do a complete analysis, without the prejudice of an expected outcome. SAV is a critical resource.

Table 18: I am uncertain why the table uses "0" in all columns for SAV. If it is unknown, there should be a different symbol. Construction and shading is likely to have some impact.

Inclusion of any TSM/TDM (such as van-pooling, park and rides, traveler information services) that could be combined with a build alternative, and implemented with cooperation of major employment centers such as Dehlgren, can be included in the alternatives analysis. As the traffic surveys showed that the majority (80%) of travel during the weekday was local, between home and work, there may be some ability to reduce the "bottleneck" by reducing the number of vehicles, through promoting or facilitating a ride-share program (road signage, employer websites).

Barbara
 ^^^
 Barbara Rudnick
 US EPA Region III (3RA30)
 1650 Arch Street, Phila, PA 19103
 (215) 814-3322/ Fax: (215) 814-2783

"Megan
 Blum"
 <mblum1@md.ta.state.md.us>
 11/28/2007
 09:21 AM

To

<STEVE.HARMAN@usace.army.mil>, Barbara Rudnick/R3/USEPA/US@EPA, William Arguto/R3/USEPA/US@EPA, <bob.zeppe@fw.gov>, <bill.schultz@fws.gov>, <Lloyd.Chapman@nps.gov>, <Jacki.Katzmire@nps.gov>, <John.Nichols@noaa.gov>, <rdintaman@dnr.state.md.us>, <ggolden@dnr.state.md.us>, <eghiarelli@md.state.md.us>, "B Cole" <BCole@mdp.state.md.us>, "T Tamburrino" <TTamburrino@mdp.state.md.us>, <bXu@mdp.state.md.us>,"

<jon.hall@e.usda.gov>,
<gary.s.heyer@uscg.mil>,
<Waverly.W.Gregory@uscg.mil>,
<alhardwick@deq.virginia.gov>,
<eirons@deq.virginia.gov>,
<dean.cumbia@dof.virginia.gov>,
<dennis.gaston@dof.virginia.gov>,
<karen.snape@dof.virginia.gov>,
<Dan.Bacon@rc.virginia.gov>,
<John.Simkins@fhwa.dot.gov>,
<KENNETH.MYERS@DOT.GOV>,
<YOLONDA.JORDAN@FHWA.DOT.GOV>,
<Keith.Tignor@vdacs.virginia.gov>,
<Beallc@charlescounty.org>,
<GrothJ@charlescounty.org>,
<eckelst@nswc.navy.mil>

cc

"Glen Smith"
<gsmith2@mdta.state.md.us>, "Melissa
Williams"
<mwilliams9@mdta.state.md.us>,
"Cavanaugh, Ian"
<Ian.Cavanaugh@fhwa.dot.gov>, "King,
Denise" <Denise.King@fhwa.dot.gov>,
<Earl.Robb@VDOT.Virginia.gov>, "Nies,
Nick M."
<Nicholas.Nies@VDOT.Virginia.gov>,
<David.Ogles@VDOT.Virginia.gov>,
"Bernstein, Brian"
<BBernstein@ccormicktaylor.com>,
"Shawn Burnett" <sburnett@tbco.com>
Subject
Nice Bridge Purpose and Need/Alternates
Retained for Detailed Study Comments
Due

Good afternoon,

This is a friendly reminder that comments on the Maryland Transportation Authority's Nice Bridge Improvement Project combined Purpose and Need/Alternates Retained for Detailed Study package were due on November 20, 2007. To date, we have received comments from several agencies. For those agencies that would still like to comment, please send your comments to me via email (mblum1@mdta.state.md.us), fax (410-537-5653), or mail (Maryland Transportation Authority-Point Breeze, 2310 Broening Highway, Suite 125, Baltimore, Maryland 21224) by the close of business on Friday, November 30, 2007.

After we address all of the comments, we will resubmit the package to the concurring agencies (FHWA, VDOT, USACE, US RPA, USCG, US FWS, NMPS, MDE, and VA DEQ) for their signature. We hope to have this package out the week of December 17, 2007, depending on the comments we receive.

If you would like the Final Purpose and Need/Alternates Retained for Detailed Study for your files (anticipated being available in January 2008), please let me know. We will also have it available on the project website (www.mdtransportationauthority.com, Capital Projects link, Nice Bridge Improvement Project, Alternates tab) as soon as it is available. The final document will include an errata sheet with all comments received from all agencies.

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If you have any questions or comments regarding this email or any other matter regarding the Nice Bridge Improvement Project, please feel free to contact me.

Thank you,
Megan

Megan W. Blum
Environmental Manager, Capital Planning Division Maryland Transportation Authority-Point
Breeze 2310 Broening Highway, Suite 125 Baltimore, MD 21224
(p) 410-537-1060
(f) 410-537-5653
mblum1@mdta.state.md.us

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APPENDIX B: AGENCY CORRESPONDENCE

Page 1 of 2

Megan Blum

From: Hawtof, Steven I. [shawtof@GFNET.com]
Sent: Thursday, December 06, 2007 2:59 PM
To: Megan Blum
Subject: Combined P/N and Ards package

Megan,

I didn't find anything significant to comment on. I found some spelling and formatting things that have probably been corrected already.

I will say what they are below. Let me know if you need something formal and I will put it in a letter.

1. Page ES-4 delete comma after the word need in the second line in the Alternate 3 description
2. Page ES-4 include the word "meets" in the second line in the Alternate 5 between the words as it meets the
3. Page ES-5 There should be a space between the last sentence in Alternate 9 the heading for Alternate 10
4. Page II-1 In the first paragraph, three lines from the end of the paragraph, the word indicate should be indicates
5. Page II-2 first sentence at the top of the page, include the word "designations" between STRAHNET and indicate
6. Page II-7 first sentence in the first full paragraph, modify the sentence by removing the words "most of the" and replacing with "on a"
7. Page II-10 last sentence of only paragraph on the sheet, the word Bridge should not be capitalized. It should be bridge
8. Page II-14 third to last line in the first paragraph, place a comma after the word time/attention"
9. Page II-15 second line on "Crashes on the Bridge" section, place comma after crashes
10. Page II-17 first full paragraph, remove commas from the 4th line after the word "delays" and on the 5th line after the word "diverted" Remove the word "also" in the second to last line. It is redundant.
11. Page II-17 first sentence under part 4. Transportation Significance, the word indicate should be indicates and the next line could be reworded to say "transportation element for both the public..."
12. Page II-17 last line, change the word affects to effects
13. Page II-18 second line in the first full paragraph, need comma after the word "closure" and before which
14. Page II-18 last line on the page, insert the word "and" between maintenance and rehabilitation
15. Page III-1 second paragraph, need a parenthesis after the word islands
16. Page III-1 second line of the last paragraph, US 301 should have a space
17. Page III-2 first bullet under Build Alternates 2 to 14, fifth line down, the word advantages should be singular
18. Page III-8 second bullet, second line, Parenthesis for See Figure 7 should not be underlined
19. Page IV-4 eighth bullet down, do not capitalize Striped Bass
20. Page IV-5 under 3. Chesapeake Bay Areas, second paragraph, it should read "Similarly, a portion..."
21. Page V-5 under project webpage, list what the webpage is

Megan, as you can see, all in all, not much substance. Let me know if this is sufficient or you want a letter.

S

Steven Hawtof
Gannett Fleming, Inc.
4701 Mount Hope Drive

12/28/2007



DEPARTMENT OF THE NAVY
NAVAL SUPPORT ACTIVITY SOUTH POTOMAC
6539 SAMPSON ROAD
DAHLGREN, VIRGINIA 22448-5105

IN REPLY REFER TO

5700
Ser 00/309
10 Dec 07

Ms. Megan Blum
Environmental Manager
Maryland Transportation Authority
2310 Broening Highway, Suite 150
Baltimore, MD 21224

Dear Ms. Blum,

Thank you for the opportunity to comment on Maryland Transportation Authority's draft combined Purpose and Need (P&N)/Alternatives Retained for Detailed Study (ARDS) for the Nice Bridge Improvement Project. We also appreciate the extension on the comment period, which we requested in order to permit a thorough review of your document by both my staff, as well as the Naval Surface Warfare Center Dahlgren Division (NSWCDD). NSWCDD is the largest supported command at Naval Support Facility (NSF) Dahlgren, and the command that would be most affected by proposals outlined in the draft P&N/ARDS.

After carefully reviewing the Alternates Retained for Detailed Study, we strongly urge the Maryland Transportation Authority to remove from further consideration Alternates 2, 3 and 6, which propose construction of either a new two-lane bridge or a new four-lane bridge to the south of the current Nice Bridge span. We have determined that any of these alternates, which would require an easement of approximately 100-200 feet on Navy property adjacent to the south side of Hwy. 301, would impact NSWCDD mission critical safety and security zones. Most significantly, the mission for the Chemical Biological Research and Testing Lab would be compromised, as well as safety and security for the Warfare Systems Department Building 1490 facilities and employees.

In addition, physical security issues would be increased for employees of all commands at NSF Dahlgren due to closer drive-by traffic access along a new fence line, and shoreline security concerns would be generated from a closer bridge position. Environmental, safety and security issues have also been raised by potential movement and relocation of facilities.

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10 Dec 07

Finally, future growth or expansion of critical mission areas at the northeastern sector of Naval Support Facility Dahlgren could be severely inhibited.

In carefully weighing the potential impact of an expansion to the Nice Bridge to critical national defense programs supported by Navy and Joint commands at Dahlgren, we cannot support proposals that would require an easement on Navy property at this installation.

Sincerely,



J. L. SMITH
Commanding Officer

2



Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary
Matthew J. Power
Deputy Secretary

December 11, 2007

Ms. Megan Blum
Environmental Manager
Division of Capital Planning
Maryland Transportation Authority
2310 Broening Highway
Suite 150
Baltimore, MD 21124

**Re: The Governor Harry W. Nice Memorial Bridge Improvement Project,
Combined Purpose and Need & Alternates Retained for Detailed Study**

Dear Ms. Blum,

Thank you for providing the Maryland Department of Planning (MDP) with the opportunity to comment on the Combined Purpose and Need & Alternates Retained for Detailed Study (ARDS) for the Governor Harry W. Nice Memorial Bridge Project. We have reviewed the document and would like to offer the following comments for your consideration.

The recommended alternates retained for detailed study, except the no-build alternate provided as a baseline for comparison, would widen the existing two-lane bridge to four lanes to accommodate the projected 2030 travel demand and improve geometric compatibility and other bridge elements to meet the purpose and need of the project. While recognizing the purpose and need of the project, MDP encourages MdTA to evaluate potential traffic impacts on US 301 and pros and cons of the growth implications of the project and to study measures to mitigate the negative impacts. All build alternates retained for detailed study would improve travel efficiency for interstate traffic as well as the regional/local commuting between Southern Maryland and the Fredericksburg region of Virginia, two fast growing areas of both states. Strategies should be studied to help to damp growth pressures in both states' rural areas (e.g., by using Toll mechanisms effectively) and to encourage non-single-occupancy-vehicle (SOV) travel.

As alternatives to SOV travel, Transportation Demand Management (TDM) strategies should be part of the alternates retained for detailed study. For instance, in coordination with related agencies, MdTA may assess the need for Park and Ride lots along US 301 to encourage van-carpooling and transit if it would be feasible in the future. MdTA may also consider enhancing pedestrian/bicycle accommodation for the proposed new bridge, e.g., including sidewalks, a safety barrier between the curb-lane and the walkway/bikeway. Among all build alternates

retained for detailed study, Alternate 2 and Alternate 4 are the least pedestrian/bicycle friendly alternates since both alternates' new one direction two-lane bridge would provide only one 12-foot outside shoulder that presumably could be used by bicycles and pedestrians. To safely and friendly accommodate bicycle and pedestrian travels, Alternate 2 and 4 should include enhanced pedestrian/bicycle accommodation designs.

Although current law prohibits direct pedestrian/bicycle access onto MdTA's facilities, such law could be changed in the future so that MdTA could consider pedestrian/bicycle access to its facilities on a case-by-base basis. Governor Nice Bridge provides the only one connection opportunity between Southern Maryland and Virginia for bicyclists and pedestrians. The proposed bridge improvements should not preclude more bicycle/pedestrian friendly designs to better accommodate bicycles and pedestrians.

Thank you for consideration of these comments and we look forward to continued participation in the Nice Bridge project NEPA planning process. Should you have any questions with regard to the above comments, please do not hesitate to contact me at 410-767-4567 or by email, bxu@mdp.state.md.us.

Sincerely,



Bihui Xu, AICP
Manager
Transportation Planning

cc: Dennis N Simpson, Deputy Director, DCP, MdTA
Glen Smith, Project Manager, MdTA
Michael Jackson, Bicycle/Pedestrian Director, MDOT
Pat Goucher, Director, Infrastructure Planning, MDP
David Whitaker, Deputy Director, Infrastructure Planning, MDP



Maryland Department of Planning
Maryland Historical Trust

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary

Matthew J. Pover
Deputy Secretary

December 12, 2007

Ms. Megan Blum
Environmental Manager
Division of Capital Planning
Maryland Transportation Authority
2310 Broening Highway
Suite 150
Baltimore, MD 21124

Re: The Governor Harry W. Nice Memorial Bridge Improvement Project,
Combined Purpose and Need & Alternates Retained for Detailed Study
Charles County, Maryland and King George County, Virginia

Dear Ms. Blum,

Thank you for providing the Maryland Historical Trust (MHT) with a copy of the draft *Combined Purpose and Need & Alternates Retained for Detailed Study Package*. We have reviewed the documentation in accordance with Section 106 of the National Historic Preservation Act, as amended, and offer the following comments.

As you know the Governor Harry W. Nice Memorial Bridge was determined eligible for listing in the National Register of Historic Places in 2001. The bridge was constructed between 1938 and 1940 as part of the state's Primary Bridge Program that also included the construction of the Chesapeake Bay Bridge, the first Baltimore Harbor Tunnel, and the Susquehanna River Bridge at Havre de Grace. Perhaps more important, the Governor Harry W. Nice Memorial Bridge is the only known bridge in Maryland to have employed a cantilever system. Thus, the Governor Harry W. Nice Memorial Bridge is significant as a major example (perhaps Maryland's only example) of modern cantilevered bridge engineering, and is also important because of its strategic economic usefulness as part of the successful Primary Bridge Program of the Maryland State Roads Commission.

We are encouraged that the Alternates Retained for Detailed Study (ARDS) includes two alternatives that retain and rehabilitate the historic bridge to ensure its continued viable use within the highway system. Alternatives 2 and 4 rehabilitate the existing structure and supplement it with a new 2-lane bridge. Under Alternatives 6 and 7, all traffic is redirected onto a new 4-lane bridge and the historic bridge is taken out of service but may be retained. For all other build alternatives the historic bridge will be demolished.

We trust that the Maryland Transportation Authority (MdTA) will carefully examine all prudent and feasible alternatives that avoid adverse effects on historic properties and enable the viable use of this significant transportation resource. We look forward to working with the MdTA to achieve a safe and efficient crossing that effectively balances project needs and historic preservation issues.

Ms. Megan Blum
The Governor Harry W. Nice Memorial Bridge Improvement Project
Combined Purpose and Need & Alternates Retained for Detailed Study
December 12, 2007

If you have any questions, please do not hesitate to contact me at ttamburrino@mdp.state.md.us / 410-514-7637.

Sincerely,



Tim Tamburrino
Preservation Officer

TJT
200703697

cc: Dan Johnson (FHWA)
Julie Schablisky (SHA)
Paul Wetlaufer (COE)
Joshua D. Phillips (Preservation Maryland)

CHARLES COUNTY GOVERNMENT
Planning and Growth Management

MELVIN C. BEALL, JR., P.E., *Director*



January 7, 2008

Megan Blum, Environmental Manager
MTA Capital Planning Division
2310 Broening Highway, Suite 125
Baltimore, Maryland 21224

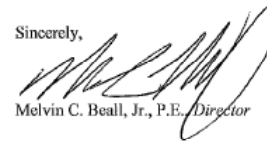
Re: Harry W. Nice Bridge – Alternates Retained for Detailed Study

Dear Ms. Blum,

Thank you for the opportunity to allow Charles County to review and comment the Harry W. Nice Bridge – Alternates Retained for Detailed Study. The Harry W. Nice Bridge is an integral part of our transportation network and is crucial in meeting our longterm planning goals. The Department of Planning & Growth Management – Planning Division, reviewed the submitted study and have no comments. We have determined the study is consistent with the Joint Resolution between the Charles County Commissioners and the King George County Board of Supervisors signed on August 28, 2006, specifically regarding the immediate need to move forward with this project.

We look forward to working with you on the future steps of the review process. If you have any questions or if you need to contact me, I can be reached at beallc@charlescounty.org or (301) 885-1324.

Sincerely,



Melvin C. Beall, Jr., P.E. *Director*

cc: Jason Groth – PGM
reading file

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plant to address adverse impacts upon species known from the Potomac, and other conservation measures.

To minimize overall impacts to wildlife and our natural resources, we offer the following comments about development activities. We recommend that the applicant avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable. Avoidance and minimization of impact may include relocating stream channels as opposed to filling or channelizing as well as using, and incorporating into the development plan, a natural stream channel design and wooded buffers. We recommend maintaining undisturbed wooded buffers of at least 100 feet in width around all on-site wetlands and on both sides of all perennial and intermittent streams. We recommend maintaining wooded lots to the fullest extent possible. We generally do not support proposals to mitigate wetland impacts through the construction of stormwater management ponds, nor do we support the creation of in-stream stormwater management ponds. We are willing to assist the applicant in developing a plan that includes open-space, wildlife habitat, and natural stream channels which retain their wooded buffers.

We recommend that the stormwater controls for this project be designed to replicate and maintain the hydrographic condition of the site prior to the change in landscape. This should include, but not be limited to, utilizing bioretention areas, and minimizing the use of curb and gutter in favor of grassed swales. Bioretention areas (also called rain gardens) and grass swales are components of Low Impact Development (LID). They are designed to capture stormwater runoff as close to the source as possible and allow it to slowly infiltrate into the surrounding soil. They benefit natural resources by filtering pollutants and decreasing downstream runoff volumes.

We recommend that the preferred alternative be one that avoids impacts upon eagles and anadromous fish use areas to the greatest extent possible. We support an alternative that reduces the number of in-stream piers or support structures. This may include recommendations to remove the current structure if it is deemed no longer in service. Additionally, we recommend that future documentation reference coordination with our agency, the Virginia Department of Game and Inland Fisheries, with respect to the assessment of and coordination about impacts upon wildlife in Virginia. We noticed that the current document neither references the anadromous fish resources or coordination with our agency.

Thank you

Amy M. Ewing
Environmental Services Biologist
Virginia Dept. of Game and Inland Fisheries
4010 West Broad Street
Richmond, VA 23230
804-367-2211
amewing@dgif.virginia.gov

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Maryland Department of Planning
Maryland Historical Trust

Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary
Matthew J. Power
Deputy Secretary

March 12, 2008

Ms. Megan W. Blum, Environmental Manager
Division of Capital Planning
Maryland Transportation Authority
2310 Broening Highway
Suite 150
Baltimore, MD 21224

Re: US 301 / Governor Harry W. Nice Memorial Bridge over the Potomac River
Charles County, Maryland

Dear Ms. Blum:

Thank you for your recent letter requesting concurrence with the Maryland Transportation Authority's (MdTA) delineation of the Area of Potential Effects (APE) and proposed survey treatments for the above-referenced project. The Maryland Historical Trust (Trust) reviewed the submitted materials pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended and the Maryland Historical Trust Act of 1985 as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland. We offer the following comments:

Trust staff examined the following documents provided with your submittal:

- *Archeological Phase IA Technical Memorandum, Governor Harry W. Nice Bridge Improvement Project (MdTA 2008)* and
- *Historic Structures Technical Memorandum, Governor Harry W. Nice Bridge Improvement Project (MdTA 2008)*.

The Trust generally agrees with the defined study area, designated archeological sensitivity zones, and proposed survey strategies. However, we note the following key issues that need to be addressed and resolved as project planning and Section 106 consultation proceeds for this undertaking.

Study limits: The overall study limits identified in the technical reports differ for archeology and architecture. For archeology, the study area illustrated in Figures 1 and 5 begins on US 301 just north of the intersection with MD 234 and continues to the east bank of the Potomac River. For historic structures, the study area illustrated on Figure 1 begins at the intersection of US 301 and MD 257 and extends to the west bank of the Potomac River. While the associated APE for archeology and architecture may differ to account for areas that may have visual effects, the basic study limits should be the same for both types of resources. The documents should be revised to reflect the same study limits, otherwise it appears that a substantial section of the area along US 301 between MD 257 and MD 234 has been eliminated from historic structures consideration.

Underwater archeological resources: Since the study area within Maryland includes the Potomac River crossing, the identification of historic properties must also address the potential of the APE to contain submerged archeological resources that may be affected by this project. The *Archeological Technical Memorandum* should be revised to include the Potomac River as part of the study area and add sections discussing the historic background, archeological sensitivity, and proposed survey strategy for identifying submerged archeological resources in the APE.

APPENDIX B: AGENCY CORRESPONDENCE

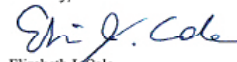
Megan W. Blum
US 301 / Gov. Harry Nice Memorial Bridge
March 12, 2008
Page 2

Historic Properties in Virginia: We assume that MdTA is also coordinating with the Virginia State Historic Preservation Office to seek their comments on the delineation of the APE, identification of historic and archeological properties, and input on potential interested parties for resources located in Virginia that may be affected by the undertaking. We would appreciate receiving copies of any correspondence related to historic preservation issues in Virginia, for our project records.

Interested Parties: MdTA's letter requested information regarding potential parties that may have an interest in the project's cultural resources issues and Section 106 consultation. Attachment A contains contact information for several local government, non-profit, and other organizations that may wish to be notified and/or involved in the consultation for this undertaking.

If you have questions or need further assistance, please contact Tim Tamburrino at 410-514-7637 / ttamburrino@mdp.state.md.us or me at 410-514-7631 / bccole@mdp.state.md.us. Thank you for providing us this opportunity to comment.

Sincerely,



Elizabeth J. Cole
Administrator, Project Review and Compliance

EJC/TJT/200800277

Attachment A – List of Potential Interested Parties

cc: Dennis Simpson (MdTA)
Melissa Williams (MdTA)
Glen Smith (MdTA)
Marc Holma (VA SHPO)

Megan W. Blum
US 301 / Gov. Harry Nice Memorial Bridge
March 12, 2008
Page 3

ATTACHMENT A CONTACT INFORMATION FOR PARTIES

Charles County Department of Planning and Growth Management

Cathy Hardy, Historic Preservation Planner
Department of Planning and Growth Management
Charles County Government
200 Baltimore Street
La Plata, MD 20646
301-396-5815
Fax 301-645-0638
E-mail: hardyc@charlescounty.org

Southern Maryland Heritage Area

Ms. Roz Racanello, Executive Director
Southern Maryland Heritage Area Consortium
Tri-County Council of Southern Maryland
PO Box 745
Hughesville, MD 20637
301-274-4083
301-274-1924 (fax)
E-mail: SoMdHeritage@tccsmd.org
Web page: www.SouthernMDisfun.com

The mission of the Southern Maryland Heritage Area Consortium (SMHAC) is to enhance the economic activity of Southern Maryland through combining quality heritage tourism and small business development with preservation, cultural & natural resource conservation and education.

Maryland Commission on Indian Affairs - Maryland Department of Human Resources

E. Keith Colston, Executive Director
311 W. Saratoga Street, Room 273
Baltimore, Maryland 21201
(410) 767-7631
1(800) 714-8813
E-mail: kecolston@dhr.state.md.us

The Maryland Commission on Indian Affairs (MCIA) serves as the official statewide agency for American Indians and initiates and supports a wide range of activities that promote the welfare of Maryland's Indian people and further the understanding of American Indian history and culture. The MCIA also provides a forum for the concerns of Maryland's Indian communities and operates as a vital liaison between these communities and the State and Federal governments. For further information about MCIA, visit the website at <http://www.gcia.sailorsite.net/index.htm>.

Megan W. Blum
US 301 / Gov. Harry Nice Memorial Bridge
March 12, 2008
Page 4

Preservation Maryland
24 W. Saratoga Street
Baltimore, MD 21201
Contact: Tyler Gearhart, Executive Director
410-685-2886
FAX: 410-539-2182
E-mail: PM@preservemd.org

Preservation Maryland, founded in 1931, is the state's oldest historic preservation organization. Its early activities were dedicated to preserving historic properties associated with well known people and events in Maryland's history. More recently, Preservation Maryland has concentrated on assisting with various preservation efforts at both the local and state levels through advocacy, outreach, and funding programs.

Charles County Heritage Commission

c/o Southern Maryland Studies Center
Charles County Community College
P.O. Box 910
La Plata, MD 20646-0910
Contact: Sally Barley
301-934-0642

The Charles County Heritage Commission is responsible for the development of archival collections for Southern Maryland. These collections are housed at the Charles County Community College.

Charles County Historical Trust, Inc.

Box 11430 Edgehill Road
Newberg, MD 20664
Contact: David Rose
301-259-4393

The Charles County Historical Trust, Inc. assists the Maryland Historical Trust in promoting and monitoring historic preservation activities in Charles County in its role as a county advisory organization.

Potomac River Heritage

c/o Accokeek Foundation
3400 Bryan Point Road
Accokeek, MD 20607
Contact: Susan Van Buren
301-283-2113
Fax: 301-238-2049

An organization dedicated to preserving the history and natural beauty of the Potomac River Heritage Area. A candidate heritage area.



COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

Department of Historic Resources
2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

17 March 2008

Ms Megan Blum
Maryland Transportation Authority
2310 Broening Highway
Suite 130
Baltimore, Maryland 21224

Re: Preliminary Cultural Resource Studies for the Governor Harry W. Nice Memorial Bridge Improvement Project
King George County, Virginia
DHR File # 2006-1393

Dear Ms Blum:

We have received your letter of 21 February 2008 discussing the preliminary results of the cultural resource studies for the replacement of the Governor Harry W. Nice Memorial Bridge. In your correspondence you mentioned that the Maryland Transportation Authority (MTA) is working with Patricia Albert, Naval Surface Warfare Center's (Dahlgren) NEPA and Cultural Resource Manager, in order to identify any further survey that may be required for architectural properties. It should be noted that the Department of Historic Resources (DHR) and Dahlgren have not agreed on appropriate National Register of Historic Places boundaries for the non-residential historic district there. Further consultation is necessary on this issue.

With respect to archaeological resources, we do not understand why the MTA proposes to limit archaeological investigations to the north of Route 301 while, in our opinion, it is just as likely that the south side of Route 301 has the potential for sites as well. We would recommend conducting archaeological survey south of Route 301 in addition to the planned survey work to the north of the roadway.

We would like to remind the Federal Highway Administration (FHWA) and MTA that although Virginia does not have any resident federally recognized Indian tribes, there are tribes outside of our borders that claim Virginia as part of their ancestral lands. Therefore, please ensure that a good faith effort is made to identify and contact such tribes about this undertaking pursuant to the requirements of Section 106 of the National Historic Preservation Act.

If you have any questions regarding our comments, please call me at (804) 367-2323, Ext. 114.

Sincerely,

Wafar Holma, Manager
Office of Review and Compliance

Administrative Services
10 Courthouse Avenue
Petersburg, VA 23803
Tel: (804) 863-1624
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Ave.
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Tidewater Region Office
14415 Old Courthouse Way, 2nd Floor
Newport News, VA 23608
Tel: (757) 886-2807
Fax: (757) 886-2808

Roanoke Region Office
1030 Penmar Ave., SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7031
Fax: (540) 868-7033



Rex W. Coffey
Sheriff

Office of the Sheriff

Charles County, Maryland

Headquarters
6915 Crain Hwy - P.O. Box 189
La Plata, Maryland 20646-0189
301-609-6400



May 5, 2008

Glen Smith, Project Manager
Division of Capital Planning
Maryland Transportation Authority
2310 Broening Highway, Suite 150
Baltimore, MD 21224

Dear Mr. Smith:

I would like to thank you for the opportunity to comment on the expansion or replacement of the Harry W. Nice Bridge.

Our expertise is not the creation or upgrading of our transportation infrastructure. With that said, as public servants we do hear the comments of our citizens about the bridge and the frustration sometimes felt by the lack of expansion over the years. Honestly, with few exceptions from time to time, the bridge serves our citizens and public safety well. There are times, generally in the summer months and particularly on Sunday afternoons and evenings, you do not want to depend on the bridge traveling northbound into Maryland because of the hour or two wait to cross the bridge.

Of course, since September 11, 2001, a lot of time, effort, and planning have been done to prepare for the possible evacuation of the Metropolitan area of Washington, D.C. The traffic capacity of the bridge has been a large obstacle. Fortunately, the Sheriff's Office has a great working relationship with the Transportation Authority Police assigned to the Harry W. Nice Bridge.

In closing, our comments regarding which option should be chosen are made in the broadest terms because of our lack of expertise. Alternate 6 and Alternate 7 appear to be most beneficial to the citizens of Charles County mainly because of the possibility of leaving the current bridge for recreational purposes. When a decision has been made by the Transportation Authority, we would be pleased to assist in any way possible to implement and proceed through the construction phase of the new infrastructure.

Once again, I would like to thank you and the Maryland Transportation Authority for allowing us to comment on this project. We wish you tremendous success and look forward to being a part of the final project in the future.

Sincerely,

Rex W. Coffey, Sheriff
Charles County, Maryland

Indian Head District Station
301-743-2222 (Metro) 301-763-8200

La Plata District Station
301-932-2222 (Metro) 301-670-3232

Waldorf District Station
301-932-7777 (Metro) 301-870-6060

King George County, Virginia



DEPARTMENT OF EMERGENCY SERVICES
OPERATIONS DIVISION
8122 Kings Highway
King George, Virginia 22485
Telephone: (540) 775-4584
Fax: (540) 775-9060
www.king-george.va.us

DAVID W. MOODY,
FIRE/RESCUE CHIEF
dmoo@co.kinggeorge.va.us

STEVEN D. BASHAM
DEPUTY FIRE/RESCUE CHIEF
sbasham@co.kinggeorge.va.us

SHAWN M. McDERMOTT
CAPTAIN / OPERATIONS OFFICER
smcdermott@co.kinggeorge.va.us

May 16, 2008

Mr. Glen Smith
Project Manager, Division of Capital Planning
Maryland Transportation Authority
2310 Broening Highway
Suite 150
Baltimore, MD 21224

RE: Nice Bridge Improvement Project Alternates

Dear Glen Smith,

After reviewing your letter dated April 28, 2008, which outlines each alternate under consideration for the Nice Bridge Improvement Project, I am in favor of any one of the alternates listed in regards to emergency services, with the exception of Alternate #1 which is to do nothing. In my opinion, any upgrades and/or improvements that are completed would be substantially better than what currently exists and would improve the response effectiveness of emergency vehicles during an emergency. It is important to note that during any phase of construction or re-routing of traffic, it will be important to ensure that necessary actions are taken to ensure that emergency equipment from both Maryland and Virginia have appropriate accessibility during emergencies.

If you have any questions or concerns, please feel free to contact me at (540) 775-4584.

Sincerely,

David W. Moody
Fire/Rescue Chief



CHARLES COUNTY GOVERNMENT
Department of Emergency Services

Charles County Commissioners
Wayne Cooper, President
Edith J. Patterson, Ed. B., V.P.
Reuben B. Collins, II
Samuel N. Graves, Jr.
Gary V. Hodge

Paul W. Comfort, Esq.
County Administrator

William D. Stephens,
Interim Director

911 Fire EMS
Communications

Animal Control

Emergency Medical
Services

False Alarm Reduction Unit
(FARU)

Homeland Security

Tactical Response Team

May 19, 2008

Mr. Glen Smith
Project Manager
Division of Capital Planning
Maryland Transportation Authority
2310 Broening Highway, Suite 150
Baltimore, Maryland 21224

Re: Nice Bridge Improvement Project

Dear Mr. Smith:

Thank you for the opportunity to review and comment on the various build alternates outlined in your letter of April 28, 2008.

While any improvement to the design and capacity of the Nice Bridge can only work to improve traffic flow and serviceability of the span, I am not professionally qualified to judge as to whether it is more appropriate to rehabilitate the existing bridge or take that span out of service. Therefore, I will limit my comments in that regard, and instead address issues that are critical to the delivery of public safety services in terms of improved emergency surface road and aviation access, as well as timely and efficient movement of the public during emergencies.

The Nice Bridge is considered by Charles County to be a part of our critical infrastructure in that it serves as a major travel route for both the provision and receipt of Fire/EMS mutual aid, and serves as a major north/south evacuation route in response to a wide variety of emergencies or disasters. In recognition of that usage, I ask that your agency work closely with our department during

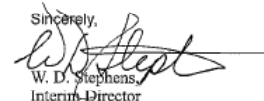
May 19, 2008
Nice Bridge

page 2

the project design and construction phases to identify factors potentially affecting vehicular and aviation access, and to develop contingency plans facilitating both emergency access and evacuation considerations throughout the projects life.

Please contact me if you have any questions, or if you need additional information.

Sincerely,



W. D. Stephens,
Interim Director

Cc: Mr. Paul Comfort, County Administrator
Mr. Chuck Beall, Director, Planning and Growth Management
Mr. Duane Svites, Volunteer County Fire Chief

WDS/wds



COMMONWEALTH of VIRGINIA

Colonel W. S. (Steve) Flaherty
Superintendent
(804) 674-2000

DEPARTMENT OF STATE POLICE

9300 Brook Road, Glen Allen, Virginia 23060

June 3, 2008

Mr. Glen Smith, Project Manager
Division of Capital Planning
Maryland Transportation Authority
2310 Broening Highway, Suite 150
Baltimore, Maryland 21224

Ref: Nice Bridge Improvement Project

Dear Mr. Smith:

Let me start by sending my sincerest thanks to you and your staff for allowing the Virginia State Police and the key public service agencies, impacted by the planned renovations of the Nice Bridge, to provide feedback on proposed construction alternatives. It is always a pleasure to work with agencies that value the input of organizations that deliver services to the motoring public. Your initiation of this open dialogue speaks volumes to the degree of professionalism of you and your staff, as well as that of the Maryland Transportation Authority.

As the Commander of Division One, I requested First Sergeant William C. Blydenburgh, Area Commander of the State Police Office that patrols both Caroline County and King George County, to research this matter and to discuss the proposed construction options with local emergency services representatives. This was completed and based on the information gleaned it would appear that while all concurred that bridge work was needed, there was a consensus that any type of construction would most certainly disrupt the traffic flow in and along the Nice Bridge corridor. However, all players concurred that whatever option is

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TDD 1-800-553-3144

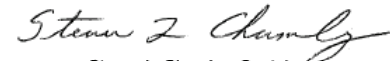
Nice Bridge Improvement Project
Page 2

chosen that the residual effects can be circumvented through advanced notice and planning. Additionally, those polled agreed the most viable option was Alternate 6 or Alternate 7, as this would alleviate the need to tie in the existing bridge and once completed would provide for better ingress and egress on both the Virginia side, as well as that of Maryland. I should mention here that to fully comprehend the potential impact on traffic this matter will need further research and it is my understanding, based on our earlier conversation, that this is being completed by the Virginia Department of Transportation. It is the suggestion of this office, and all involved, that you maintain contact with this agency, as well as VDOT, to develop a contingency plan that will ensure that delivery of emergency services is not disrupted by whatever construction option your agency chooses.

In closing, I have requested that First Sergeant Blydenburgh maintain continued contact with the individuals polled above as well as the local Virginia Department of Transportation representative so that any and all issues or perceived issues can be addressed either by this office or passed along to you.

I look forward to working with you on this very important endeavor and would like to extend the offer for you or any of your staff to feel free to contact this office at (804) 553-3457 or First Sergeant Blydenburgh at (804) 633-6799 if you should have any questions or need further assistance regarding this matter.

Sincerely,



Steven L. Chumley, Captain
Commander, Division One

SLC/jlb

Cc: First Sergeant William C. Blydenburgh

APPENDIX B: AGENCY CORRESPONDENCE



Maryland Department of Planning
Maryland Historical Trust

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Richard Echebert Hall
Secretary

Matthew J. Power
Deputy Secretary

August 29, 2008

Ms. Megan Blum
Environmental Manager
Division of Capital Planning
Maryland Transportation Authority
2310 Broening Highway, Suite 150
Baltimore, MD 21124

Re: The Governor Harry W. Nice Memorial Bridge Improvement Project,
Historic Resources Survey and Determination of Eligibility
Charles County, Maryland

Dear Ms. Blum,

Thank you for providing the Maryland Historical Trust (Trust) with a copy of the *Maryland Historic Resources Survey and Determination of Eligibility Report (Volumes I and II)*. We have reviewed the documentation and are writing to provide comments in accordance with Section 106 of the National Historic Preservation Act and the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland.

Volume I of the report provides a project description, discusses the project's research design and includes a thorough historic context. Volume II presents information on the historic resources located within the area of potential effects (APE). Five (5) resources were documented using Determination of Eligibility (DOE) forms, while six (6) resources received DOE Short Forms. An additional ten (10) resources had previous determinations of eligibility within the APE. As a result of the investigations, four (4) resources are eligible for listing in the National Register of Historic Places. Below we present our specific comments on the results of the historic resources survey.

The following resources are **eligible** for listing in the National Register of Historic Places:

- The Governor Harry W. Nice Memorial Bridge (MIHP No. CH-376);
- Potomac River Bridge Administration Building (a contributing resource to MIHP No. CH-376);
- Raven's Crest (MIHP No. CH-164);
- Marshall's Rest (MIHP No. CH-140).

While we agree with the Maryland Transportation Authority (MdTA) that the Raven's Crest property is eligible for listing in the National Register of Historic Places, we are unable to concur with the historic resource boundary. The boundary suggested by MdTA was an arbitrary 0.50 acre lot centered on the dwelling and excluded all other structures and landscape features. We have determined that the entire 155-acre parcel should be considered the historic resource boundary until an appropriate and justified refinement of the boundary can be completed. The larger boundary encompasses the significant riverside setting and conveys the relationship between the farmhouse, fields and Potomac River. The boundary also includes the smokehouse, crib barn, agricultural fields and at least one additional barn not identified in the survey form. For the purposes of MdTA's undertaking, we can proceed with the entire 155-acre boundary through the project planning process.

190 Community Place • Crownsville, Maryland 21032-2023
Telephone: 410.514.7600 • Fax: 410.987.4071 • Toll Free: 1.800.756.0119 • TTY Users: Maryland Relay
Internet: www.marylandhistoricaltrust.net

Ms. Megan Blum
The Governor Harry W. Nice Memorial Bridge Improvement Project,
Historic Resources Survey and Determination of Eligibility
Page 2

Also, your documentation lists the Lee Graves (MIHP No. CH-181) as eligible for listing in the National Register of Historic Places. Please note that Lee Graves was determined **Not Eligible** for listing in the National Register of Historic Places in 1999 as part of the US 301 South Corridor Transportation Study.

We agree with MdTA that the following resources are **not eligible** for listing in the National Register of Historic Places:

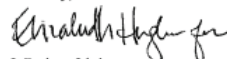
- Lower Cedar Point (MIHP No. CH-204);
- Conrad Posey Property (MIHP No. CH-746);
- Old Cedar Point Subdivision (CH-1001);
- Commercial Property at 12165 Rock Point Road;
- Commercial Property at 12179 Rock Point Road;
- Residence at 12155 Crain Highway (US 301);
- Commercial Property at 12190 Crain Highway (US 301);
- Agricultural Outbuilding at 12250 Crain Highway (US 301);

We have not made a determination of eligibility for the Wolleston Manor Historical Marker, for which MdTA prepared a Short Form DOE. As a marker to commemorate the people, events and places of special significance to the State, the Trust does not assess the National Register eligibility of the roadside signage itself. If the undertaking requires the relocation of the historical marker, please contact Nancy Kurtz, administrator of the roadside marker program at nkurtz@mdp.state.md.us or 410-514-7648.

As project planning progresses, please coordinate with our office to assess the effect of the undertaking on historic resources. We trust that the MdTA will carefully examine all prudent and feasible alternatives that avoid adverse effects on historic properties and enable the viable use of the historically significant Harry W. Nice Memorial Bridge. We look forward to working with the MdTA to achieve a safe and efficient crossing that effectively balances project needs and historic preservation issues.

We thank you for your cooperation and assistance and we look forward to assisting you to complete your historic preservation responsibilities for this undertaking. If you have questions or require additional information, please contact Tim Tamburrino at 410-514-7637 or ttamburrino@mdp.state.md.us. Thank you for providing us this opportunity to comment.

Sincerely,



J. Rodney Little
Director/State Historic Preservation Officer

JRL/TJT
200801408

cc: Dennis Simpson (MdTA)
Melissa Williams (MdTA)
Glen Smith (MdTA)
Mare Holma (VA SHPO)
Cathy Hardy (Charles County Department of Planning)

WAYNE COOPER, President
EDITH A. PATTERSON, Ph.D., Vice President
REUBEN B. COLLINS, II
SAMUEL N. GRAVES, Jr.
GARY V. HODGE



PALL-VI COMFORT, Esq.
County Administrator
JOYCE A. SCHMIDT
Chief of Staff

County Commissioners of Charles County

P.O. BOX 2150 • LA PLATA, MARYLAND 20646
WWW.CHARLESCOUNTY.MD
(301) 645-3000 • METRO 870-3000 • TOLL FREE (877) 807-8700
TDD 1-800-786-3268 or 7-1-1 • FAX (301) 645-0900

September 16, 2008

The Honorable John D. Poyant
Secretary
Maryland Department of Transportation
7201 Corporate Center Drive
P.O. Box 548, Mail Stop 200
Hanover, MD 21076

Dear Secretary Poyant:

We appreciate the opportunity to present Charles County's transportation priorities for fiscal year 2010, in anticipation of our annual tour meeting with you on October 8, 2008. During the past year we have been working closely with the Maryland Department of Transportation and your modal administrations, and with our elected colleagues from neighboring jurisdictions through the Tri-County Council for Southern Maryland and the Commission to Study Southern Maryland Transportation Needs, to address our significant regional priorities.

In 2007 the Charles County Commissioners conducted a comprehensive review of our transportation needs, resulting in our adoption of the following, which remain the County's highest transportation priorities:

- Construction of a western Bypass of Waldorf, with controlled access, selecting the alignment with the least possible environmental impact on the Mattawoman Creek watershed;

"Celebrating 350 Years"
1658 - 2008

RAY NO TO DRUGS - EQUAL OPPORTUNITY COUNTY

Secretary Poyant
September 16, 2008
Page Two

- Construction of a Limited Upgrade of US Route 301 to facilitate traffic flow and relieve congestion at the most critical filling intersections, while minimizing the displacement of existing businesses along the highway; and
- Accelerated Mass Transit Improvements in the U.S. 301/MD 5 corridor, progressing from the definition of a transit corridor alignment and right-of-way preservation, and enhanced commuter bus service, to implementation of feasible high-capacity transit options such as Bus Rapid Transit (exclusive bus lanes and grade separation) or Light Rail Transit, and submitting in the establishment of a fixed-rail transit system from Waldorf-White Plains to the Branch Avenue Metrorail Station in Prince George's County.

These remain the top priority transportation projects of Charles County, and have been endorsed by the Tri-County Council for Southern Maryland and the Commission to Study Southern Maryland Transportation Needs. In addition to our top priorities, we have attached a list of the County's additional priorities for the upcoming year, which are presented in categories that correspond to the divisions of MDOT that oversee these activities. These projects are needed to facilitate the ongoing implementation of our long-range comprehensive and sub-area plans. We request your commitment to these transportation system improvements.

The Charles County Commissioners support a comprehensive approach that integrates transportation and land use policy. Through the implementation of the 2006 Comprehensive Plan and the Waldorf Sub-Area Plan, we are working to encourage higher density, transit-oriented, pedestrian-friendly, mixed-use development in the urban core of the Development District that will enable us to focus future growth in Waldorf, and reduce sprawl and suburban development pressures in the County's rural areas. These policies will also support future investment in high capacity public transit. Our planned residential and commercial development densities have been designed to support future rail transit, as well as other alternative modes, including pedestrians and bicycles.

We have initiated a Waldorf Urban Design Study which will provide us with zoning and implementation tools to accomplish these land use objectives. We believe that only by coordinating our transportation priorities with land use decisions in a comprehensive and integrated strategy can we successfully meet our transportation needs for the next generation.

Thank you for your continued cooperation and support. We look forward to working with you and your staff. If you have any questions, please do not hesitate to contact Mr. Chuck Beall, Director of the Department of Planning & Growth Management, at 301-645-0324, or by E-Mail at beallc@charlescounty.org.

Secretary Pusari
September 16, 2008
Page Three

Very Truly,

CHARLES COUNTY DELEGATION
TO THE MARYLAND GENERAL
ASSEMBLY

Thomas M. Middleton
Senator, District 28

Sally Johnson
Delegata, District 28

Murray D. Levy
Delegate, District 28

Peter Murphy
Delegate, District 28

Roy P. Dyson
Senator, District 29

John F. Wood
Delegata, District 29A

Attachment

cc: Mr. Neil Pederson, SEA
Mr. Paul J. Wiedefeld, MTA
Mr. Glen Smith, MDT
Mr. Wayne Clark, Tid County Council
Mr. Ray Hancock, Charles County
Mr. Chuck Beall, Charles County
Mr. Jason Groth, Charles County
Ms. Lisa Quill, Charles County

COUNTY COMMISSIONERS
OF CHARLES COUNTY
MARYLAND

Wayne Cooper, President

Edith J. Peterson, Vice President

Reuben B. Collins, II

Samuel N. Graves, Jr.

Gary V. Jindge

Mayor Osea Ambrogio, Town of La Plata
Mr. Daniel Meza, Town of La Plata
Mayor Dennis Schaeffer, Town of Indian Head
Mr. Ryan Hicks, Town of Indian Head

ATTACHMENT 1

Additional Priority Transportation Improvement Projects

STATE HIGHWAY ADMINISTRATION

Project Planning Priorities

1. Initiate a project planning study for the Maryland Route 6 Connector in the Town of La Plata, now that SHA has completed its feasibility study for this project. This roadway would connect existing MD 6 at Willow Lane to U.S. 301, providing additional congestion relief within the Town of La Plata. This project is identified in the U.S. 301 Transportation Study Task Force's Final Report, supported by the U.S. 301 Policy Oversight Committee and included in the ongoing U.S. 301 South Corridor Study. The Maryland Route 6 Connector project has been placed as the County's top project planning study with the understanding that the U.S. Route 301 Waldorf Transportation Project (Waldorf Upgrade/Bypass), is already funded and included in the CIP program.
2. In coordination with Calvert County, we seek the widening of MD 231 to ease increasing levels of congestion. The need for this project is identified as a recommended State highway project in the County's 2006 Comprehensive Plan (Page 5-18). Also, the Maryland 231 project is on the regional transportation priority list prepared by the Regional Infrastructure Advisory Committee of the Tri-County Council for Southern Maryland. We understand that MD 231 is in the National Highway System. It is the only highway linking Charles County with Calvert County.
3. One of the implementation strategies for the 2001 Bryans Road/Indian Head Sub-Area Plan is the development of a new "Town Center" in the vicinity of MD Route 227 and Matthews Road to serve as the centerpiece of a proposed pedestrian-friendly town center for the Bryans Road community. Additional improvements include streetscape enhancements to MD Route 210 within the proposed Town Center. The County is seeking assistance with planning and implementation for this project, both in terms of technical design assistance and project funding.

SEA District 5 Priorities

4. Complete planning and design for a streetscape on MD 5 Business in Hughesville, inside the limits of the Hughesville Bypass. The County has completed a Revitalization Plan for the Village of Hughesville and the streetscape is a key element of the revitalization strategy. This streetscape will enhance the revitalization of the village and provide roadway and pedestrian enhancements.
5. Traffic congestion along Leonardtown Road (MD Business Route 5) between U.S. Route 301 and Post Office Road continues to inhibit the efficient movement of vehicles through this section of highway. Gridlock conditions occur during peak hours in this area. We request a re-evaluation of the turning movement queues at the U.S. 301 intersection to better coordinate traffic flows onto eastbound (southeast) Leonardtown Road. Eastbound traffic regularly backs up into the U.S. Route 301 intersection. We also ask that you re-evaluate the traffic signal timing synchronization of the traffic signals between Post Office Road and U.S. Route 301 to ensure maximum efficiency of traffic flows through these intersections. We are currently working with Mr. Dennis Gerwan and his project

APPENDIX B: AGENCY CORRESPONDENCE

team for a Community Enhancement project along MD 925 corridor. We appreciate SHA's assistance as we revitalize and improve this corridor of Waldorf.

Also, we are currently working with Mr. Greg Walker, District Engineer to pursue the addition of a turn lane from west-bound MD 5 Business onto northbound MD 925 (Old Washington Road). The property on this corner is currently vacant and would provide a much needed turn lane, further alleviating congestion at Leonardtown Road and Old Washington Road.

- An additional travel lane is needed, in each direction, to relieve increasing congestion along U.S. 301 from south of Smallwood Drive to south of MD 227. This taper of the 6-lane section of U.S. 301 to 4 lanes south of Smallwood Drive creates increasing back-ups during peak and certain off-peak hours. Evaluation of the synchronization of the four U.S. 301 traffic signals in White Plains may also reduce congestion. These intersections are Billingsley Road, DeMarr Road, Theodore Green Boulevard, and MD 227.

MARYLAND TRANSPORTATION AUTHORITY (MTA)

- An expansion of the Governor Harry Nice Bridge to 4 lanes, consistent with the southbound and northbound approaches of U.S. 301 to the bridge, is necessary to reduce traffic congestion. This bridge is also a major limiting factor in the path of evacuation from Washington D.C. to points south. Should a natural disaster or an issue of Homeland Security arise, this bridge would create a major bottleneck, with the current two-lane capacity limitation. The County's 2006 Comprehensive Plan recommends increasing the capacity of the bridge to address this issue. Increased traffic capacity of the bridge would improve traffic flow, alleviate congestion, and provide an evacuation route of greater capacity. The Maryland Transportation Authority should accelerate construction of a new bridge as a toll facility, expedite selection of a 4-lane alternate, resolve right-of-way issues in cooperation with the State of Virginia, King George County, and the United States Navy, and start the project engineering phase of the project.

MARYLAND TRANSIT ADMINISTRATION

- The County continues to seek funding for a transfer station for the County's VanGO service needed at the U.S. 301/Smallwood Drive Park and Ride facility. The transfer pavilion would facilitate transfer operations for the local transit system, minimizing confusion for passengers and providing an area for information services and convenience facilities for drivers. Additionally, the separation of local transfer operations from park and ride vehicles will improve safety and coordination between the two transit systems. We also continue to seek an increase of State funding to sustain existing operations.
- Provide funding for new VanGo service in the Indian Head/Bryens Road area. Additional service frequency and coverage is required to minimize ride durations and make public transit a feasible alternative for individuals without access to an automobile who are seeking employment and transportation to work.
- Provide funding for GPS systems on the transit vehicles to help track and monitor operations and provide greater responsiveness and service to riders.
- Continue to implement the recommendations of the "MD 5/ US301/ MD228 Corridors Park and Ride Feasibility Study-Site Identification Report," October 2001. This report identifies locations for new park and ride facilities. New facilities in proximity to proposed transit stations and existing rail lines within Charles County are necessary to meet the growing demand for VanGO and commuter bus

service parking. In an effort to secure additional Park and Ride Facilities, Charles County is working with developers to secure additional Park and Ride lots through the Transit Oriented Development (TOD) Zone in the northern portion of Waldorf, fronting US 301. A portion of this site may also serve as a future light rail station.

Charles County eagerly anticipates the construction of the MD 925/Old Washington Road/Smallwood Drive Park and Ride facility to alleviate overcrowded conditions at the US 301/Smallwood Drive Park and Ride lot. In addition to this planned new facility, the County continues to seek additional Park and Ride facilities to accommodate our growing number of commuter bus riders, as well as potential future rail station locations. As the fastest growing commuter bus system in the State, and realizing the escalating price of fuel, we continue to seek additional Park and Ride lots to facilitate the growth of this vital transit service.

- As a result of the growth of the MTA Commuter Bus System and the associated issues raised by the riders, the Charles County Commissioners formed a Commuter Bus Advisory Group in early 2007. The Advisory Group conducted a bus rider survey of all bus routes in Southern Maryland to identify and evaluate the needs and concerns of passengers utilizing the service. Based on the overwhelming response to the survey, the predominant concern was the need for more commuter bus services, including more buses, more trips per day, and an expansion of the routes. The Advisory Group is currently finalizing their report, which we intend to share with MTA upon completion. The Commissioners wish to work cooperatively with MTA to enhance this rapidly growing service, and promote transit services through our forthcoming land use policies that seek to increase density in the urban core of Waldorf.
- Charles County also seeks accelerated implementation of MTA's "Transit Service Staging Plan," the identification of a transit alignment in the U.S. 301/MD 5 corridor, and the preservation of right-of-way in the defined transit corridor. The Tri-County Council for Southern Maryland, the Commission to Study Southern Maryland Transportation Needs, the Prince George's County Council, and the Boards of County Commissioners of the three Southern Maryland counties have all endorsed the accelerated implementation of high-capacity transit services in the U.S. 301/MD 5 corridor, from White Plains to the Branch Avenue Metrolink Station. The Tri-County Council for Southern Maryland has identified this project as a top regional priority. We support light rail transit as a long-standing priority of the County and the region, and look forward to working with MTA to implement transit solutions for Charles County and Southern Maryland.



COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

Department of Historic Resources
2801 Kensington Avenue, Richmond, Virginia 23221-0311

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

17 September 2008

Ms Megan Blum
Maryland Transportation Authority
2310 Broening Highway
Suite 150
Baltimore, Maryland 21224

Re: Archaeological Phase IA Memorandum for the Governor Harry W. Nice Memorial Bridge Improvement Project
King George County, Virginia
DHR File # 2006-1393

Dear Ms Blum:

We have received for our review and comment the report titled "Governor Harry W. Nice Memorial Bridge Improvement Project, Virginia Archeological Phase IA Memorandum" prepared by A.D. Marble & Company and the Maryland Transportation Authority.

Due to the potential for intact subsurface remains, we recommend that a Phase I archaeological survey be conducted for the preferred alignment to include areas of construction-related activities such as buried utilities, staging areas, and borrow sites. The survey must be conducted by a qualified archaeologist in accordance with the *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44716-42) and the Virginia SHPO's *Guidelines for Conducting Cultural Resource Survey in Virginia* (rev. 2003) or subsequent revisions and changes to this document. Two bound archival copies of the resulting report should be submitted to our office for review and approval prior to any ground disturbance. Once we have the results of the survey, we will be able to advise you whether any further investigations are warranted.

If you have any questions regarding our comments, please call me at (804) 367-2323, Ext. 114.

Sincerely,

Marc Holma, Manager
Office of Review and Compliance

Administrative Services
10 Courthouse Avenue
Petersburg, VA 23803
Tel: (804) 863-1624
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Ave.
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Tidewater Region Office
14415 Old Courthouse Way, 2nd Floor
Newport News, VA 23608
Tel: (757) 886-2807
Fax: (757) 886-2808

Roanoke Region Office
1030 Penmar Ave., SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7031
Fax: (540) 868-7033



Maryland Department of Planning
Maryland Historical Trust

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary

Matthew J. Power
Deputy Secretary

November 14, 2008

Ms. Megan W. Blum, Environmental Manager
Capital Planning Division
Maryland Transportation Authority
2310 Broening Highway
Suite 150
Baltimore, MD 21224

Re: US 301 / Governor Harry W. Nice Memorial Bridge Improvement Project
Charles County, Maryland

Dear Ms. Blum:

Thank you for your recent letter, dated 16 October 2008 and received by the Maryland Historical Trust (Trust) on 17 October 2008, regarding the above-referenced project. The letter included revised copies of the Maryland Transportation Authority's (MdTA) *Maryland Archeological Phase IA Memorandum*. The Trust reviewed the submitted materials pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended and the Maryland Historical Trust Act of 1985 as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland. We offer the following comments

Trust staff examined the following technical memorandum provided with your submittal: *Maryland Archeological Phase IA Memorandum, Governor Harry W. Nice Bridge Improvement Project, Charles County, Maryland, King George County, Virginia* [MdTA October 2008 (Revised)]. The revised document adequately addresses the Trust's comments (dated 12 March 2008) on the draft memorandum and we concur with its conclusions and recommendations. We await further coordination with MdTA regarding the schedule for conducting the archeological studies and request copies of the scope(s) of work for the terrestrial and underwater surveys for review and comment, as project planning proceeds. For the underwater work, the Trust typically recommends a fifty foot lane spacing and use of side-scan sonar, magnetometer, and sub bottom profiler to ensure adequate survey coverage. We understand that the archeological work will need to be coordinated with appropriate investigations to address unexploded ordinance issues in the survey areas.

If you have questions or need further assistance, please contact Tim Tamburrino at 410-514-7637 / ttamburrino@mdp.state.md.us or me at 410-514-7631 / bccole@mdp.state.md.us. Thank you for providing us this opportunity to comment.

Sincerely,



Beth Cole
Administrator, Project Review and Compliance

EJC/ 200803506

100 Community Place • Crownsville, Maryland 21032-2023
Telephone: 410.514.7600 • Fax: 410.987.4071 • Toll Free: 1.800.756.0119 • TTY Users: Maryland Relay
Internet: www.marylandhistoricaltrust.net

APPENDIX B:
AGENCY CORRESPONDENCE

CHARLES COUNTY GOVERNMENT
Planning and Growth Management



MELVIN C. BEALL, JR., P.E., Director

June 6, 2008

Ms. Megan Blum
Environmental Manager
Division of Capital Planning
Maryland Transportation Authority
2310 Broening Highway
Suite 150
Baltimore, MD 21224

Dear Ms. Blum,

Our office received your May 5th, 2008 letter and materials regarding the Nice Bridge Improvement Project. We would like to thank you for the opportunity to review and comment on this project.

We have reviewed Volume I and II of the Maryland Historical Resources Survey and Determination of Eligibility Report and concur with the determinations of eligibility for the historic resources mentioned in the report. However, Pasquahanza (CH-32), one of the four previously identified properties has not been evaluated for eligibility for listing on the National Register of Historic Places. Charles County Planning Staff feels that this site may be eligible for listing on the National Register of Historic Places. Therefore, we would like to request that this site be formally evaluated to determine if it is eligible for listing on the National Register.

Thank you again for the opportunity to review and comment on this project. We look forward to working with you to ensure that Charles County historic resources are minimally impacted by this project.

Sincerely,

Cathy Hardy
Community Planning Program Manager

cc: Beth Cole, Maryland Historical Trust

SAY NO TO DRUGS
Post Office Box 2150 • La Plata, Maryland 20646
Administration: (301) 645-0627 • Capital Services: (301) 645-0621 • Development Services: (301) 645-0618 / (301) 870-3937
Permits: (301) 645-0692 / (301) 870-3935 • Planning: (301) 645-0689 / (301) 645-0540 / (301) 870-3896
TDD Transfer Number for the Hearing Impaired: 1-800-735-2258
www.charlescounty.org/gpm
EQUAL OPPORTUNITY COUNTY

Apr 14, 2008, 8:38AM Town of Colonial Beach

No. 5618 P. 2, 2

Nice Bridge Improvement Project
Charles County, Maryland
King George County, Virginia
Section 106 Consulting Party Response Form

TO: Maryland Transportation Authority
2310 Broening Highway, Suite 125
Baltimore MD 21224
Attention: Ms. Megan Blum, Environmental Manager

FROM: ~~Mayer George W. Bone, Jr.~~

TOWN OF COLONIAL BEACH

18 N. Irving Avenue
Colonial Beach, VA 22443

Telephone/Fax Numbers: ~~804-224-7181~~
~~804-224-7185~~

Yes, my organization would like to be a consulting party in the Section 106 process for the Nice Bridge Improvement Project. My organization, ~~TOWN OF COLONIAL BEACH~~ will be represented by ~~LINDA GRANDELL~~. (Please indicate below the mailing address and phone number of the representative if different than the above.)

No, my organization does not wish to participate as a consulting party for the Nice Bridge Improvement Project.

Individual's or Organization's Demonstrated Interest
Please Check Appropriate Box(es)

1. legal interest
 2. economic interest
 3. historic property(s) concerns

Do you know of another potential consulting party for this project?
Please list name and phone number below.

Received Time Apr 11, 9:29AM

APPENDIX B: AGENCY CORRESPONDENCE

Nice Bridge Improvement Project
Charles County, Maryland
King George County, Virginia
Section 106 Consulting Party Response Form

TO: Maryland Transportation Authority
2310 Broening Highway, Suite 125
Baltimore MD 21224
Attention: Ms. Megan Blum, Environmental Manager

FROM: STEVE WALKER
P.O. Box 89
COLES POINT, VA 22442

Telephone/Fax Numbers: 804 472 3291

Yes, my organization would like to be a consulting party in the Section 106 process for the Nice Bridge Improvement Project. My organization, NORTHERN NEGL OF VIRGINIA HISTORICAL SOC. will be represented by STEVE WALKER. (Please indicate below the mailing address and phone number of the representative if different than the above.)

No, my organization does not wish to participate as a consulting party for the Nice Bridge Improvement Project.

Individual's or Organization's Demonstrated Interest

Please Check Appropriate Box(es)

1. legal interest
 2. economic interest (TOURISM)
 3. historic property(s) concerns

Do you know of another potential consulting party for this project?
Please list name and phone number below.

Nice Bridge Improvement Project
Charles County, Maryland
King George County, Virginia
Section 106 Consulting Party Response Form

TO: Maryland Transportation Authority
2310 Broening Highway, Suite 125
Baltimore MD 21224
Attention: Ms. Megan Blum, Environmental Manager

FROM: Maryland Commission on Indian Affairs
301 W. Preston Street, Suite 1500
Baltimore, MD 21201

Telephone/Fax Numbers: 410-767-7631
410-333-7142

Yes, my organization would like to be a consulting party in the Section 106 process for the Nice Bridge Improvement Project. My organization, MCI A will be represented by E. Keith Cebitan. (Please indicate below the mailing address and phone number of the representative if different than the above.)

No, my organization does not wish to participate as a consulting party for the Nice Bridge Improvement Project.

Individual's or Organization's Demonstrated Interest

Please Check Appropriate Box(es)

1. legal interest
 2. economic interest
 3. historic property(s) concerns

Do you know of another potential consulting party for this project?
Please list name and phone number below.

APPENDIX B:
AGENCY CORRESPONDENCE

Nice Bridge Improvement Project
Charles County, Maryland
King George County, Virginia
Section 106 Consulting Party Response Form

TO: Maryland Transportation Authority
2310 Broening Highway, Suite 125
Baltimore MD 21224
Attention: Ms. Megan Blum, Environmental Manager

FROM: Beth Clark
Planner II, Community Planning
Charles Co. Govt.

Telephone/Fax Numbers: T: 301-645-0684
F: 301-645-0638

Yes, my organization would like to be a consulting party in the Section 106 process for the Nice Bridge Improvement Project. My organization, Charles County Planning will be represented by Cathy Hardy (Please indicate below the mailing address and phone number of the representative if different than the above.)

No, my organization does not wish to participate as a consulting party for the Nice Bridge Improvement Project.

Individual's or Organization's Demonstrated Interest

Please Check Appropriate Box(es)

1. legal interest
 2. economic interest
 3. historic property(s) concerns

Do you know of another potential consulting party for this project?
Please list name and phone number below.

* Cathy Hardy, Community Planning Program Manager
Department of Planning & Growth Management
P.O. Box 2150
La Plata, MD 20646
301-396-5815
hardy@charlescountymd.com

Nice Bridge Improvement Project
Charles County, Maryland
King George County, Virginia
Section 106 Consulting Party Response Form

TO: Maryland Transportation Authority
2310 Broening Highway, Suite 125
Baltimore MD 21224
Attention: Ms. Megan Blum, Environmental Manager

FROM: King George County Planning Commission
c/o Jack Green, AICP
Director of Community Development
10459 Cant House Drive, 104
King George, VA 22485

Telephone/Fax Numbers: 540 775 7111
540 775 3129

Yes, my organization would like to be a consulting party in the Section 106 process for the Nice Bridge Improvement Project. My organization, King George County Planning will be represented by JACK GREEN (Please indicate below the mailing address and phone number of the representative if different than the above.)

No, my organization does not wish to participate as a consulting party for the Nice Bridge Improvement Project.

Individual's or Organization's Demonstrated Interest

Please Check Appropriate Box(es)

1. legal interest
 2. economic interest
 3. historic property(s) concerns

Do you know of another potential consulting party for this project?
Please list name and phone number below.

APPENDIX B:
AGENCY CORRESPONDENCE



April 2, 2008

Dear Ms. Blum,

I received a letter from you dated March 27, 2008 extending an invitation to participate as a consulting party in the section 106 process for the project referenced above. I hereby make that request.

My professional background, involvement with the Maryland Historic Trust, in addition to owning a historic home near the project site, provides me with the experience and interest that will positively enhance the development process of this needed improvement.

In addition to participating with the Maryland Historic Trust for the past 20 years, I own a company, Planck, Inc., that is contracted with Charles County government. Planck provides plan review services for the issuance of building permits in Charles County. Additionally, we provide inspection services for Charles County to verify compliance with the buildings codes - residential and commercial. We have performed these services to Charles County since 1994. Prior to that venture, my wife and I operated an Architectural firm in the county.

My personal residence, Edge Hill Farm, is a property listed in the Maryland Historic Trust. Edge Hill Farm is located near the project site.

Please advise me of your decision in this matter in a timely manner so that I may adjust my schedule accordingly.

Thank you, for extending this offer to me and I look forward to hearing from you.

Sincerely,

David Rose, president
Planck, Inc.,

Former President - Charles County Chapter of the Maryland Historic Trust

301-870-8710 / 240-210-4872

PLANCK, INC.
6C Industrial Park Drive
Waldorf, MD 20602 • 301-645-3302

Nice Bridge Improvement Project
Charles County, Maryland
King George County, Virginia
Section 106 Consulting Party Response

Theresa Givinn 4/17
Sec. 106
ECON DEV't AUTH
(for B. David)
monitor
was into their cones
out of the group
but don't need to
participate directly
510-775-8524

TO: Maryland Transportation Authority
2310 Broening Highway, Suite 125
Baltimore MD 21224
Attention: Ms. Megan Blum, Environmental Ma

FROM: King George County Planning Comm
c/o Jack Green, AICP
Director of Community Development
10459 Cant House Drive, 104
King George, VA 22485

Telephone/Fax Numbers: 540 775 7111
540 775 3129

Yes, my organization would like to be a consulting party in the Section 106 process for the Nice Bridge Improvement Project. My organization, King George County Planning will be represented by Jack Green. (Please indicate below the mailing address and phone number of the representative if different than the above.)

No, my organization does not wish to participate as a consulting party for the Nice Bridge Improvement Project.

Individual's or Organization's Demonstrated Interest

Please Check Appropriate Box(es)

- 1. legal interest
- 2. economic interest
- 3. historic property(s) concerns

Do you know of another potential consulting party for this project?
Please list name and phone number below.

APPENDIX B: AGENCY CORRESPONDENCE



DEPARTMENT OF THE NAVY
NAVAL SUPPORT ACTIVITY SOUTH POTOMAC
6509 SAMPSON ROAD STE 217
DAHLGREN, VIRGINIA 22448-5108

IN REPLY REFER TO
5090
Ser 00/084
APR 03 2009

Ms. Megan Blum
Capital Planning Division
Maryland Transportation Authority
2310 Broening Highway, Suite 125
Baltimore, MD 21224

Dear Ms. Blum:

This letter is to follow up the meeting minutes of February 17, 2009 and to provide additional comments for the Maryland Transportation Authority's (Authority's) preliminary Environmental Assessment/Section 4(f) Evaluation for the Governor Harry W. Nice Memorial Bridge (Nice Bridge) Improvement Project. Additional information in support of previous comments provided by Navy to the Authority (Letter Ser 00/268 dtd 17 Dec 08) is presented below for inclusion into the Environmental Assessment:

1. Comment: *c. Page S-6, Section E.2: The impacts to "property owned by the Federal Government (Naval Support Facility Dahlgren)" from Alternates 2, 3, and 6 are mentioned without elaboration.*

Comment: *(1) Unique and essential national and defense research capabilities are housed in an exclusive building adjacent to the proposed Nice Bridge Expansion. The fence line may not be moved closer to these operations without jeopardizing this military mission. Relocating these unique mission capabilities is not practicable.*

Additional Information: The Navy performs research, development, test and evaluation (RDT&E) operations critical to the defense of Sailors, ships, facilities and infrastructure. The unique mission capabilities located at Naval Support Facility (NSF) Dahlgren, VA and operated by the Naval Surface Warfare Center Dahlgren Division (NSWCDD) must meet or exceed requirements provided in the Balanced Survivability Assessment (BSA) criteria. These assessments are conducted by the Defense Threat Reduction Agency (DTRA). An assessment utilizing the BSA criteria emphasizes the standoff distance between the Nice Bridge and the multiple unique and critical facilities located at NSF Dahlgren cannot be decreased.

5090
Ser 00/084
APR 03 2009

Also, an assessment states that NSWCDD must work with the installation host command, Naval Support Activity South Potomac, to avoid future encroachment on the site of these unique and critical facilities.

Special facilities and equipment critical to the Navy's mission may not be encroached upon and are not able to be replicated or relocated at NSF Dahlgren.

Any relocation of the existing installation perimeter fence line south of its current position will significantly reduce the safe standoff distance for nine major operational, test and administrative facilities and approximately 1,300 employees who work in this area of the installation. The easiest and least costly opportunity for achieving the appropriate levels of protection for military facilities against external threats is to incorporate sufficient standoff distance from the installation perimeter fence line.

2. Comment: *f. Page III-1a/II, Military Facilities: States that Alternate 6, the largest footprint for construction, would require 5.42 acres of ROW from NSF Dahlgren. Alternates 2 and 3 would require less than 5 acres of ROW. The last sentence in the second paragraph states, "None of these alternates would impact any buildings associated with this facility, however, each would impact circulation roads and fencing located within the base." The EA incorrectly concludes that none of the three alternates would impact NSF buildings.*

The fact is that the required ROW for Alternates 2, 3 and 6 would reduce the existing clear zone and bring Building 1480 that much closer to a public right of way. The EA must recognize the diminution of the security zone resulting from Alternates 2, 3 and 6 as a substantial and direct impact on the NSF Dahlgren community, and consider the impacts on building, personnel, supportive infrastructure/facilities and operations relative to the de minimis impact on neighboring Section 4(f) resources - Barnesfield and Wayside Parks. Additionally, please refer to impacts described in c. paragraph (1) above.

Additional Information: The Navy performs research, development, test and evaluation (RDT&E) operations critical to the defense of Sailors, ships, facilities and infrastructure.

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Special facilities and equipment critical to the Navy's mission may not be encroached upon and are not able to be replicated or relocated at NSF Dahlgren.

3. Comment: (2) Direct Effects: During construction, Alternates 2, 3 and 6 would place construction workers and equipment closer to the installation fence line and property than would Alternates 4, 5 and 7. The EA should recognize and weigh this security issue.

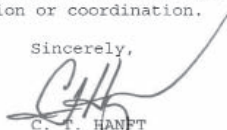
Additional Information: See first comment.

4. 1. Page V-16, Section 4(f) Evaluation: The first paragraph discusses possible land use impacts from relocating US 301 south of existing bridge: "Land use is less likely to be impacted in Virginia because the relocated portion of US 301 would pass through Naval Support Facility Dahlgren." Though relocation is not considered feasible, hence not in the ARDS, the statement appears to suggest that land use impacts on a military installation are weighed less than similar impacts on other communities. Recommend the statement above be deleted or modified consistent with fourth paragraph conclusion that impact on NSF Dahlgren would be "extraordinary."

Additional Information: See first comment.

We remain available for further discussion regarding the Nice Bridge improvement project and potential impacts to NSF Dahlgren's infrastructure and mission capabilities. Feel free to contact my Public Affairs Officer, Mr. Gary Wagner, at (540) 653-8153 for further information or coordination.

Sincerely,


C. F. HANFT
Captain, U.S. Navy
Commanding Officer

Copy to:
Commandant, Naval District Washington