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June 26, 2024

Mr. Jake Holness
Maryland Department of the Environment
Water Management Division
1800 Washington Boulevard
Baltimore, MD 21230

Attn: Jennifer Bird, KCI
Matthew Hynson, USACE

RE: I-95 Express Toll Lanes (ETL) Northbound Extension Section 200 Phase II
Harford County, MD
Joint Permit Application to Modify Permit No. 19-NT-0150/201960846 and CENAB-
OPR-MN 2019-60846-M48

Dear Mr. Holness:

The Maryland Transportation Authority (MDTA) is pleased to submit this Joint Permit Application (JPA) for the Alteration of Any Floodplain, Waterway, Tidal or Non-Tidal Wetland in Maryland to modify permits previously received for Section 200 Phase II of the I-95 Express Toll Lanes (ETL) Northbound Extension Project in Harford County, Maryland. The Maryland Department of the Environment (MDE) previously issued Nontidal Wetlands and Waterways Permit No. 19-NT-0150/201960846 on February 21, 2020, and the US Army Corps of Engineers (USACE) issued Individual Permit No. CENAB-OPR-MN 2019-60846-M48 on April 24, 2020. The MDE permit was modified on February 24, 2022; January 3, 2023; February 1, 2024; and June 14&27, 2024. The USACE permit was modified on February 28, 2022; January 26, 2023; February 8, 2024; and June 20, 2024.

Since the most recent modifications were issued, several changes to impacts have occurred under certain contracts that necessitate an additional modification; MDTA anticipates that this will be the final modification for this program. These changes can be summarized as follows:

- KH-3043: Impacts associated with MD 152 Park and Ride Relocation were not included in past JPAs due to ongoing coordination with Maryland Transit Administration regarding acceptable design for bus access. This contract has now reached Final Review stage and impacts are not anticipated to change further.

- KH-3022: During as-built impact verification, a slope failure was observed that resulted in impacts to an additional length of ephemeral stream. This impact was reported to MDE and USACE in January 2023 and has been stabilized. The plates and impact table have been updated to reflect the as-built impacts.
- KH-3038: As-built impact plates have been created for Eccleston Mitigation Site. Impacts were updated to reflect the installed location of the deer exclusion fence at the site.
- KH-3019, KH-3023, KH-3031, KH-3038: Where impacts calculated for past JPAs are inconsistent with GIS-derived impacts from the Quarterly Update impact tracking process, the impact plates and table have been revised to match the GIS-derived impacts. The GIS impacts are considered more accurate than the Microstation-derived impacts since they have a lower likelihood of human error. This discrepancy correction will allow MDTA to continue using the GIS-based Quarterly Update system throughout the remainder of the Phase II project. Please note that these changes are not associated with design changes.

Discussion of individual impact changes is included in the attached Tables of Impact Changes and the KH-3043 avoidance and minimization memorandum. Included in the table are columns tracking whether an impact change is due to a design change and whether an impact change is included in the Public Notice. Per previous direction from Jennifer Bird, only increases in impacts due to a design change require inclusion in the Public Notice. Since many of the Phase II contracts have completed construction, and all adjacent property owners were previously notified under past Public Notices, only those property owners adjacent to newly increased impacts associated with design changes will be sent notification letters.

Overall, permanent stream, wetland, wetland buffer, and floodplain impacts have increased while temporary impacts to those resources have decreased. The stream and wetland mitigation need has increased since the last permit modifications; while wetland mitigation need has also increased compared to the original permit, stream mitigation need remains less than originally permitted.

The following items are included with this JPA:

- JPA form
- Revised roadway improvement and Eccleston Mitigation Site vicinity maps
- Impact summary charts
 - Wetlands and Waterways Impact Summary Tables summarize impacts associated with the Section 200 Phase II project as a whole and account for overlapping impacts between contracts.
 - The Impact Changes Over Time Table compares the current impacts against all previous permit and permit modification impact totals.
 - The Mitigation Need Table provides a summary of impacts requiring mitigation, mitigation ratios, and resulting mitigation needs. Per previous coordination,

culverted streams, ephemeral streams, and streams being replaced on-site, in-kind or stabilized are shown as not requiring mitigation.

- The Tables of Impact Changes list all resources which have had revised impacts since the previous modification as well as high-level explanations for the impact changes.
- The above tables plus the USACE Impact Summary Table are also provided in Excel workbook format for the convenience of the agency reviewers. The USACE Impact Summary Table tallies impacts to resources regulated by USACE in a format that can be easily copied into the USACE impact tracking database.
- Impact plates
 - KH-3019, KH-3023, and KH-3031 impact plates have been revised to match Quarterly Update impacts; no design changes have occurred.
 - KH-3022
 - KH-3038
 - KH-3043
- Avoidance and minimization memorandum for KH-3043.
- CMP: The CMP has been revised to reflect the updated mitigation need totals. The text of the main report has been revised, and impacted resources in Appendix B have been revised. No other portions of the CMP have changed.
- Agency Coordination Letters
- Adjacent Property Owner Notifications, including:
 - Roadway adjacent property maps and table
 - Eccleston Mitigation Site adjacent property map and table
 - Example property owner, elected official, and interested party letters for the roadway and Eccleston Mitigation Site impacts
 - Address label PDF files for all notified individuals

Per direction from Jennifer Bird, this JPA submittal is being completed via email, with attachments available via the Sharepoint link below. Upon request, physical copies of the application package can be printed and delivered to MDE.

Attachment location:

<https://jmt365.sharepoint.com/:f:/r/sites/17-10674-001/Shared%20Documents/03%20-%20Client%20Deliverables/05%20-%20Phase%20II%20JPA/June%202024%20Modification?csf=1&web=1&e=y3iqrl>

Mr. Jake Holness

June 26, 2024

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If you have any questions regarding this submittal, please contact me directly at bwolfe3@mdta.state.md.us or 410-537-8200.

Sincerely,

A handwritten signature in blue ink that reads "Brian Wolfe for".

Brian Wolfe, P.E.

Director of Project Development

Enclosures

cc: Joseph DaVia, USACE
Martha Stauss, MDNR
Erin Markel, JMT
Steve Swarr, JMT
Michael Rothenheber, P.E., Project Manager, JMT
Carl Chamberlin, MDTA
Tigstu Mekonnen, P.E., MDTA
Julie McCarthy, MDTA
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Jennifer Rohrer, MDTA Consultant