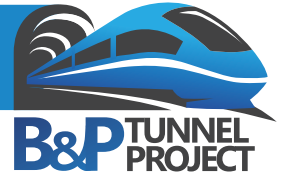


Appendix D



Agency Correspondence



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Wendi W. Peters, Secretary
Ewing McDowell, Deputy Secretary

November 23, 2016

Mr. Ryan Snyder, AICP
Associate Planner
RK&K Engineers
81 W. Mosher Street
Baltimore, MD 21217

STATE CLEARINGHOUSE REVIEW PROCESS

State Application Identifier: MD20161123-0967

Reply Due Date: 12/28/2016

Project Description: Final Environmental Impact Statement for the Baltimore & Potomac (B&P) Tunnel: Rehabilitation or Replacement of a 1.4-mile Long Rail Tunnel along the Northeast Corridor in Balto.: 3B Preferred Alternative - Provides less Residential, Business, and Facility Displacements (Prior: MD20151222-1081)

Project Location: Baltimore City

Clearinghouse Contact: Myra Barnes

Dear Mr. Snyder:

Thank you for submitting your project for intergovernmental review. Your participation in the Maryland Intergovernmental Review and Coordination (MIRC) process helps to ensure that your project will be consistent with the plans, programs, and objectives of State agencies and local governments.

We have forwarded your project to the following agencies and/or jurisdictions for their review and comments: the Maryland Department(s) of Natural Resources, the Environment; the Regional Agency(ies) of Baltimore Metropolitan Council; and the Maryland Department of Planning; including Maryland Historical Trust. A composite review and recommendation letter will be sent to you by the reply due date. Your project has been assigned a unique State Application Identifier that you should use on all documents and correspondence.

Please be assured that we will expeditiously process your project. The issues resolved through the MIRC process enhance the opportunities for project funding and minimize delays during project implementation.

If you need assistance or have questions, contact the State Clearinghouse staff noted above at 410-767-4490 or through e-mail at myra.barnes@maryland.gov. Thank you for your cooperation with the MIRC process.

Sincerely,

Myra Barnes, Lead Clearinghouse Coordinator

MB:MB

cc: Jaime Cramer - BCIT
16-0967_NRR.NEW.doc



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

December 27, 2016

Ms. Michelle Fishburne, PE
Environmental Protection Specialist
Office of Railroad Policy and Development
USDOT Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Subject: Final Environmental Impact Statement (FEIS) & Section 4(f) Evaluation Baltimore & Potomac Tunnel Project CEQ #20160276

Dear Ms. Fishbourne:

In accordance with Section 102(2) (c) of the National Environmental Policy Act (NEPA), 42 U.S.C. § 4332(2) (c), Section 309 of the Clean Air Act, 42 U.S.C. § 7609, and the Council on Environmental Quality (CEQ) regulations, 40 CFR Parts 1500-1508, the U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) and the Section 4(f) evaluation for the Baltimore & Potomac Tunnel Project prepared by the Federal Railroad Administration (FRA).

As you are aware, the FEIS provides assessment of the potential environmental impacts (social, cultural and natural) of the alternatives to rehabilitate or replace the existing Baltimore and Potomac Tunnel. The FEIS provides the detailed environment assessment of the Preferred Alternative and a description of the potential mitigation of the impacts. On February 26, 2016, EPA provided comments of the Draft Environmental Impact Statement (DEIS) and rated the alternatives as EC-2 (Environmental Concern/Insufficient Information). EPA's concerns included:

- Soil/debris and hazardous material handling
- Intermediate ventilation plant site selection
- Air quality concerns
- Climate Change resiliency/Green House Gas emissions estimates
- Environmental Justice
- Cultural Resources

In Appendix I of the FEIS, the FRA provided responses to EPA's concerns. EPA appreciates the clarification and the commitments identified in FRA's responses. The FRA should continue to work with the Maryland Historical Trust in developing a Programmatic Agreement addressing the potential



adverse effects to historic properties. When the agreement is finalized, please reference or include it in the project's Record of Decision (ROD). Further, the FRA should include in the Architectural Historic Properties Effect Assessment Report with the NEPA environmental documentation.

As the Baltimore and Potomac project moves forward, EPA suggests the following measures to protect, minimize and mitigate for any potential environmental impacts:

1. The assignment of an environmental monitor to oversee all of the potential environment issues including but not limited to, erosion and sediment, stormwater management, construction debris and hazardous waste handling and disposal, air emissions, noise and vibrations, community relations and cultural resources.
2. Insure and highlight provisions in the Request for Proposal (bidding process) that waste materials handling (soil, construction debris, hazardous waste) be properly disposed of in accordance all applicable regulation.
3. Use of low volatile organic compound (VOC) and/or sustainable architectural materials and supply equipment.
4. Incorporation of energy-efficient supplies whenever feasible.
5. Consideration of a Leadership in Energy and Environmental Design (LEED) approach to tunnel design.
6. Continue to engage the community on project planning, construction sequencing, and traffic pattern changes.
7. Continue to investigate additional measures to reduce noise and vibration levels during construction and operations of the tunnel.
8. Consideration of the use of Green Infrastructure in tunnel surface design as well as streetscaping, park and recreational areas in the affected communities.
9. Commitment in the ROD to Environmental Justice mitigation measures including funding for community development within the affected area, maintaining and improvement to publically owned parks and recreational areas.

Thank you for the opportunity to review this project. If you have questions regarding these comments, the staff contact for this project is Kevin Magerr; he can be reached at 215-814-5724 or Magerr.kevin@epa.gov

Sincerely,



Barbara Rudnick
NEPA Team Leader
Office of Environmental Programs





Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Wendi W. Peters, Secretary
Ewing McDowell, Deputy Secretary

December 28, 2016

Mr. Ryan Snyder, AICP
Associate Planner
RK&K Engineers
81 W. Mosher Street
Baltimore, MD 21217

STATE CLEARINGHOUSE RECOMMENDATION

State Application Identifier: MD20161123-0967

Applicant: RK&K Engineers

Project Description: Final Environmental Impact Statement for the Baltimore & Potomac (B&P) Tunnel: Rehabilitation or Replacement of a 1.4-mile Long Rail Tunnel along the Northeast Corridor in Balto.: 3B Preferred Alternative - Provides less Residential, Business, and Facility Displacements (Prior: MD20151222-1081)

Project Location: Baltimore City

Approving Authority: U.S. Department of Transportation DOT/FRA

Recommendation: **Consistent with Qualifying Comment(s) and Contingent Upon Certain Action(s)**

Dear Mr. Snyder:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 34.02.01.04-.06, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the State process review and recommendation based upon comments received to date. This recommendation is valid for a period of three years from the date of this letter.

Review comments were requested from the Maryland Department(s) of Natural Resources, the Environment; Baltimore Metropolitan Council; and the Maryland Department of Planning, including the Maryland Historical Trust. As of this date, the Maryland Department of Natural Resources has not submitted comments. **This recommendation is contingent upon the applicant considering and addressing any problems or conditions that may be identified by their review. Any comments received will be forwarded.**

The Baltimore Metropolitan Council stated that, while the Baltimore Regional Transportation Board (BRTB) has been briefed on the proposed project and the general project goals are supported by the BRTB. The BRTB has no comment on the selected alternative.

Our Department (Planning) found this project to be consistent with their plans, programs, and objectives.

Planning indicated that it supports the Baltimore and Potomac Tunnel's Preferred alternative 3B since it meets the projects purpose while minimizing impacts to local businesses, residences and historic structures. Alternative 3B permits reconstruction of the West Baltimore MARC station in its existing location, which alleviates increased Right-of-Way (ROW) requirements.

Mr. Ryan Snyder, AICP

December 28, 2016

Page 2

State Application Identifier: **MD20161123-0967**

The Baltimore and Potomac Tunnel project will allow for efficient and safe passenger and freight rail operations through the northeast corridor and will accommodate double-stacked containers benefitting the Port of Baltimore.

The Maryland Department of Environment (MDE) found this project to be generally consistent with their plans, programs, and objectives, but included certain qualifying comments summarized below.

1. If the proposed project involves demolition – Any above ground or underground petroleum storage tanks that may be on site must have contents and tanks along with any contamination removed. Please contact the Oil Control Program at (410) 537-3442 for additional information.
2. Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3315 for additional information regarding solid waste activities and contact the Waste Diversion and Utilization Program at (410) 537-3314 for additional information regarding recycling activities.
3. The Waste Diversion and Utilization Program should be contacted directly at (410) 537-3314 by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.
4. The proposed project may involve rehabilitation, redevelopment, revitalization, or property acquisition of commercial, industrial property. Accordingly, MDE's Brownfields Site Assessment and Voluntary Cleanup Programs (VCP) may provide valuable assistance to you in this project. These programs involve environmental site assessment in accordance with accepted industry and financial institution standards for property transfer. For specific information about these programs and eligibility, please contact the Land Restoration Program at (410) 537-3437.

The Maryland Historical Trust stated that their finding of consistency is contingent upon the applicant taking the action(s) summarized below.

The Maryland Historical Trust (Trust) stated that the undertaking will have an adverse effect on historic properties. The Trust is actively working directly with the Federal Railroad Administration (FRA) and all consulting parties to execute a Section 106 programmatic agreement that will mitigate the project's adverse effects and conclude the Section 106 review process.

Any statement of consideration given to the comments should be submitted to the approving authority, with a copy to the State Clearinghouse. The State Application Identifier Number must be placed on any correspondence pertaining to this project. The State Clearinghouse must be kept informed if the approving authority cannot accommodate the recommendation.

Please remember, you must comply with all applicable state and local laws and regulations. If you need assistance or have questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at myra.barnes@maryland.gov. **Also please complete the attached form and return it to the State Clearinghouse as soon as the status of the project is known. Any substitutions of this form must include the State Application Identifier Number. This will ensure that our files are complete.**

Mr. Ryan Snyder, AICP

December 28, 2016

Page 3

State Application Identifier: **MD20161123-0967**

Thank you for your cooperation with the MIRC process.

Sincerely,



Myra Barnes, Lead Clearinghouse Coordinator

MB:MB

Enclosure(s)

cc: Jaime Cramer - BCIT

Greg Golden - DNR

Amanda Degen - MDE

Todd Lang - BMC

Bihui Xu - MDPI-T

Chuck Boyd - MDPL

Beth Cole - MHT

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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JAN - 9 2017

ER.15/0695

Mr. Brandon Bratcher
Office of Railroad Policy and Development
U.S. DOT Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Subject: Northeast Corridor Baltimore and Potomac Tunnel Project Final EIS/Section 4(f)

Dear Mr. Bratcher:

The Department of the Interior (Department) has reviewed the Final EIS and Section 4(f) Evaluation prepared by the Federal Railroad Administration (FRA) for the Northeast Corridor (NEC) Baltimore and Potomac (B&P) Tunnel Project in Baltimore, MD.

The purpose of the Project is to address the structural and operational deficiencies of the existing B&P Tunnel and to accommodate future high-performance intercity passenger rail service goals for the NEC, including to: reduce travel time through the B&P Tunnel and along the NEC; accommodate existing and projected travel demand for intercity and commuter passenger services; eliminate impediments to existing and projected operations along the NEC; and provide operational reliability, while accounting for the value of the existing tunnel as an important element of Baltimore's rail infrastructure. We offer the following comments on this project for your consideration.

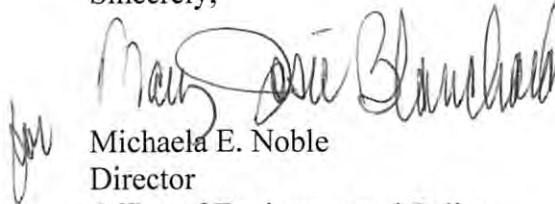
Section 4(f) Evaluation Comments

The Department concurs that the Preferred Alternative has less severe impacts to Section 4(f) resources compared to Alternative 3C and meets the project purpose and need to a greater degree than Alternative 3A. Moreover, the substantial mitigation measures included in the Preferred Alternative, developed in consultation with project consulting parties and Maryland Historical Trust and included in the draft Section 106 Programmatic Agreement, will help to

mitigate the impacts to Section 4(f) resources resulting from the Preferred Alternative. Though the Preferred Alternative requires greater use of Section 4(f) resources compared to Alternative 3A, the benefits of meeting the purpose and need to a greater degree outweighs the remaining harm, after mitigation, to Section 4(f) resources.

We appreciate the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Michaela E. Noble". The signature is written in a cursive style and is positioned above the printed name.

Michaela E. Noble
Director
Office of Environmental Policy
and Compliance

cc: info@bptunnel.com