Natural Resources Correspondence

Maryland Department of Transportation
The Secretary's Office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

James T. Smith, Jr.
Secretary

February 14, 2014

Mr. Ren Serey
Executive Director
Critical Area Commission
580 Taylor Avenue
Annapolis MD 21401

RE: Susquehanna River Bridge Reconstruction and Expansion Project
Harford and Cecil Counties, Maryland

Dear Mr. Serey:

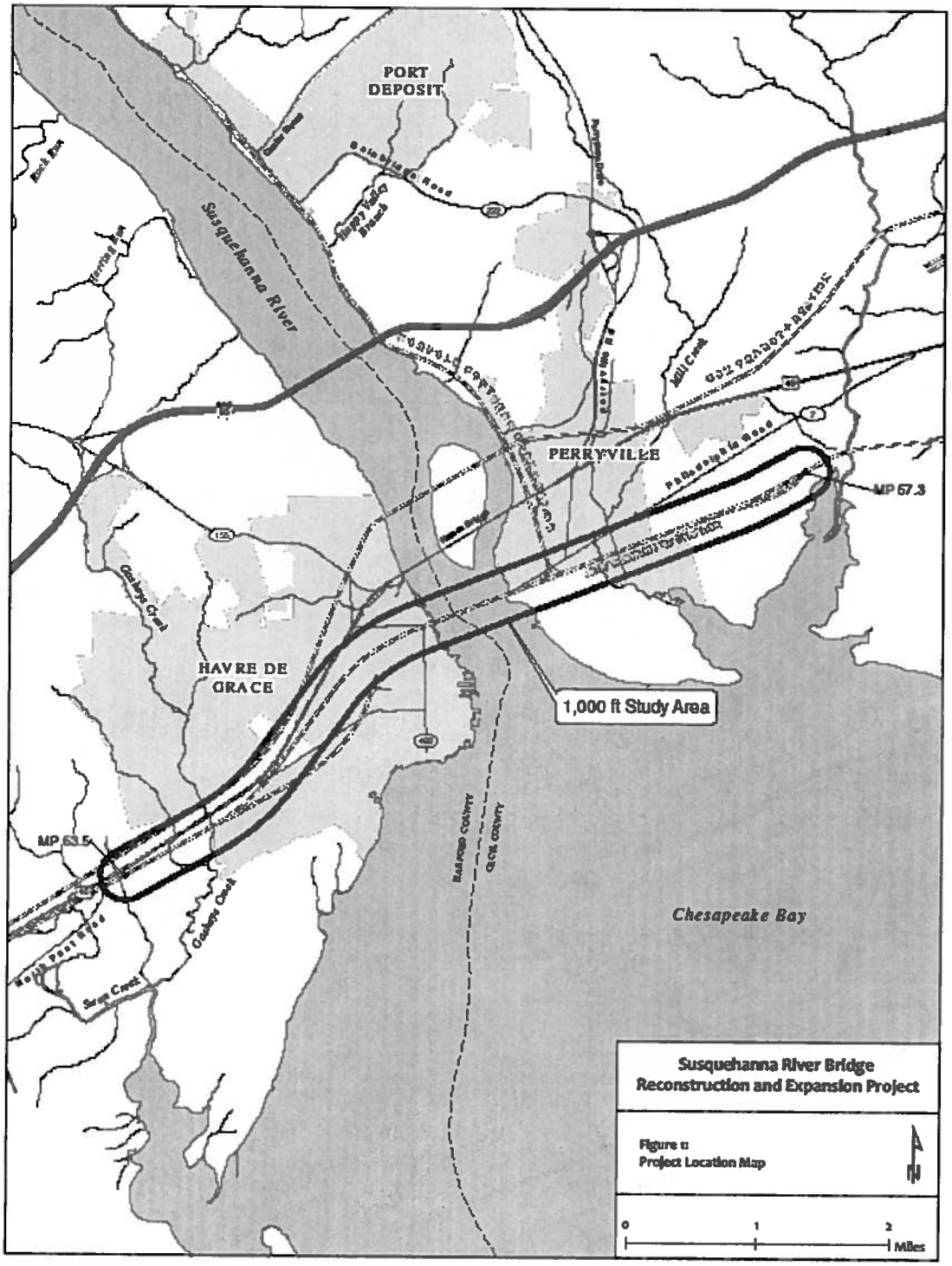
The Maryland Department of Transportation (MDOT) has received a grant from the Federal Railroad Administration (FRA) to to support Preliminary Engineering and Environmental Documentation to expand and reconstruct Amtrak's Susquehanna River Bridge, which is carries passenger and freight rail traffic on two electrified tracks along an integral part of the Northeast Corridor (NEC). Due to the bridge's age, condition, and increases in rail traffic, it is expected that rehabilitation, replacement, and/or expansion will be necessary. The Susquehanna River Bridge Project proposes new and/or rehabilitated structures with up to four-track total capacity crossing the river. The project may also improve the navigation channel for marine users. A project location map is attached for your reference.

The Project team has initiated conceptual engineering and preliminary environmental studies. Agency coordination is ongoing, including plans to present current project efforts at the February 19, 2014 Interagency Review Meeting (IRM) at the Maryland State Highway Administration (SHA) Headquarters in Baltimore. A public information session is planned for early spring 2014. The project team will continue to coordinate with the Critical Area Commission as more detailed environmental and engineering studies are developed. Please feel free to share any input or Critical Area information that pertains to the proposed project. If you have any questions or need additional information, please contact me at 410-684-7063 or at hromano@mdot.state.md.us.

Sincerely,

Harry Romano
Rail Program and Policy Manager
Office of Freight and Multimodalism

cc: Mr. Adam Denton, Federal Railroad Administration
Ms. Michelle Fishburne, Federal Railroad Administration
Ms. Amrita Hill, Amtrak
Ms. Lisa Hoerger, CAC Regulations and Mapping Coordinator, Harford County
Ms. Julie Roberts, CAC Natural Resources Planner, Cecil County
Mr. Craig Rolwood, Amtrak
Ms. Angela Willis, Maryland Transit Administration


PORT DEPOSIT
Susquehanna River
PERRYVILLE
MP 67.3
HAVRE DE GRACE
1,000 ft Study Area
MP 63.5
Chesapeake Bay
Susquehanna River Bridge
Reconstruction and Expansion Project
Figure 1:
Project Location Map
0
1
2
Miles

Maryland Department of Transportation
The Secretary's Office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

James T. Smith, Jr.
Secretary

February 14, 2014

Mr. Bob Rosenbush
Maryland Department of Planning
Clearinghouse and Plan Review Unit
301 W Preston Street
Baltimore MD 21201

RE: Susquehanna River Bridge Reconstruction and Expansion Project
Harford and Cecil Counties, Maryland

Dear Mr. Rosenbush:

The Maryland Department of Transportation (MDOT) has received a grant from the Federal Railroad Administration (FRA) to support Preliminary Engineering and Environmental Documentation to expand and reconstruct Amtrak's Susquehanna River Bridge, which carries passenger and freight rail traffic on two electrified tracks along an integral part of the Northeast Corridor (NEC). Due to the bridge's age, condition, and increases in rail traffic, it is expected that rehabilitation, replacement, and/or expansion will be necessary. The Susquehanna River Bridge Project proposes new and/or rehabilitated structures with up to four-track total capacity crossing the river. The project may also improve the navigation channel for marine users. A project location map is attached for your reference.

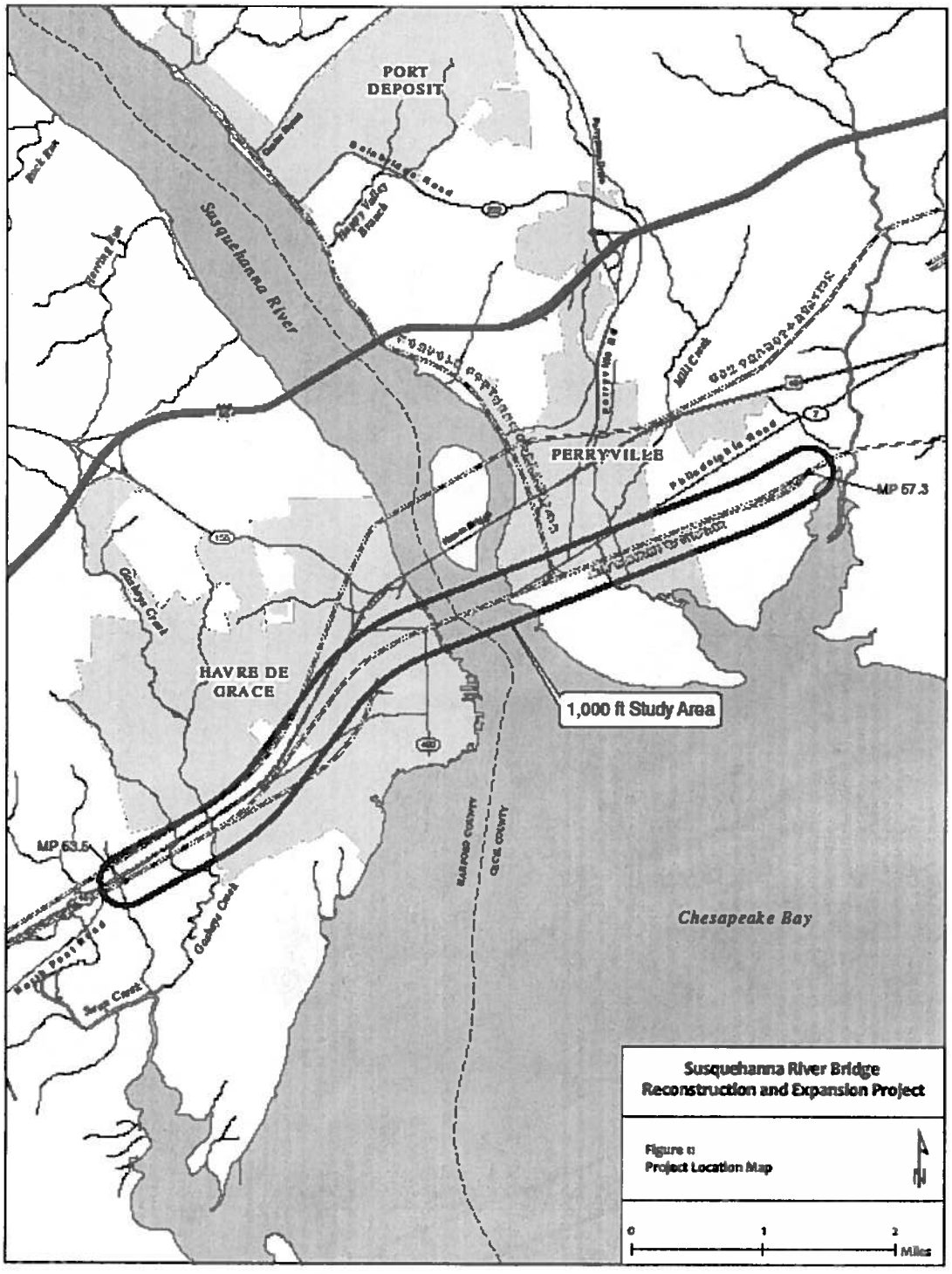
The Project team has initiated conceptual engineering and preliminary environmental studies. Agency coordination is ongoing, including plans to present current project efforts at the February 19, 2014 Interagency Review Meeting (IRM) at the Maryland State Highway Administration (SHA) Headquarters in Baltimore. A public information session is planned for early spring 2014. With the Project in the preliminary planning phase, we request that the Clearinghouse distribute this letter to member agencies for initial comment. If you require additional information, please contact me at 410-684-7063 or hromano@mdot.state.md.us. Thank you for your assistance.

Sincerely,

H Romano

Harry Romano
Rail Program and Policy Manager
Office of Freight and Multimodalism

cc: Mr. Adam Denton, Federal Railroad Administration
Ms. Michelle Fishburne, Federal Railroad Administration
Ms. Amrita Hill, Amtrak
Mr. Craig Rolwood, Amtrak
Ms. Angela Willis, Maryland Transit Administration


PORT DEPOSIT
Susquehanna River
PERRYVILLE
MP 57.3
HAVRE DE GRACE
1,000 ft Study Area
MP 63.5
Chesapeake Bay
Susquehanna River Bridge
Reconstruction and Expansion Project
Figure 1:
Project Location Map
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Miles

Maryland Department of Transportation
The Secretary's Office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

James T. Smith, Jr.
Secretary

February 14, 2014

Mr. Tony Redman
Integrated Policy Review Unit
Department of Natural Resources
Tawes State Office Building, C-3
580 Taylor Avenue
Annapolis MD 21401

RE: Susquehanna River Bridge Reconstruction and Expansion Project
Harford and Cecil Counties, Maryland

Dear Mr. Redman:

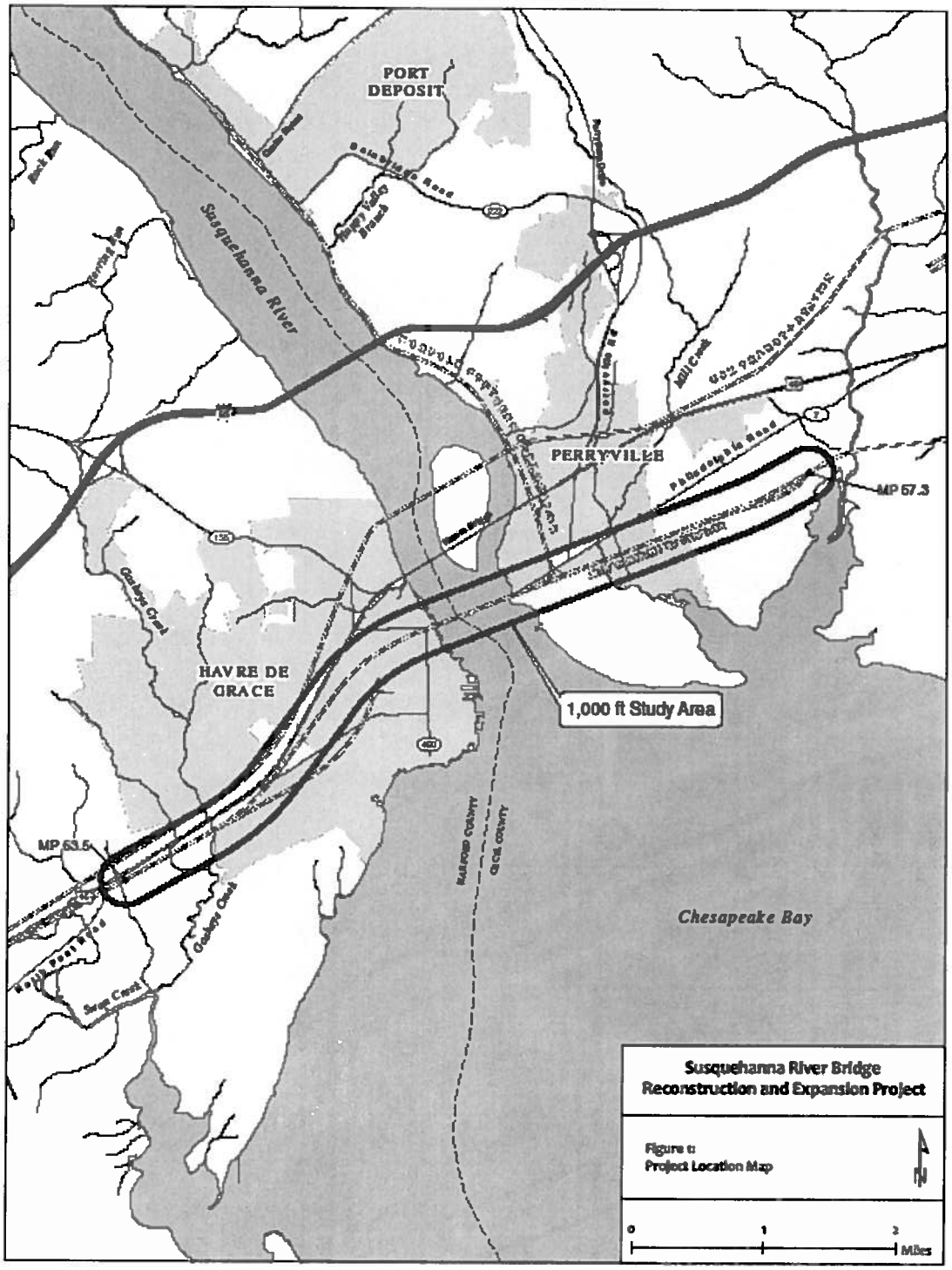
The Maryland Department of Transportation (MDOT) has received a grant from the Federal Railroad Administration (FRA) to support Preliminary Engineering and Environmental Documentation to expand and reconstruct Amtrak's Susquehanna River Bridge, carries passenger and freight rail traffic on two electrified tracks along an integral part of the Northeast Corridor (NEC). Due to the bridge's age, condition, and increases in rail traffic, it is expected that rehabilitation, replacement, and/or expansion will be necessary. The Susquehanna River Bridge Reconstruction and Expansion Project proposes new and/or rehabilitated structures carrying up to four tracks across the river. The Project may also improve the navigation channel for marine users.

We request any information concerning state-listed threatened or endangered species and/or any unique habitat that may occur in the study area as shown in the attached map. If you have any questions or need additional information regarding this request, please contact me at 410-684-7063 or hromano@mdot.state.md.us. You may also contact Ms. Leslie Mesnick-Uretsky at 646-388-9756 or lmesnick@akrf.com. Thank you for your assistance.

Sincerely,

Harry J. Romano
Rail Program and Policy Manager
Office of Freight and Multimodalism

cc: Mr. Adam Denton, Federal Railroad Administration
Mr. Michelle Fishburne, Federal Railroad Administration
Ms. Amrita Hill, Amtrak
Mr. Craig Rolwood, Amtrak
Ms. Angela Willis, Maryland Transit Administration


PORT DEPOSIT
Susquehanna River
PERRYVILLE
MP 57.3
HAVRE DE GRACE
1,000 ft Study Area
MP 53.5
Chesapeake Bay
Susquehanna River Bridge
Reconstruction and Expansion Project
Figure 1:
Project Location Map
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Maryland Department of Transportation
The Secretary's Office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

James T. Smith, Jr.
Secretary

February 14, 2014

Ms. Lori Byrne
Environmental Review Specialist
Wildlife and Heritage Division
Department of Natural Resources
Tawes State Office Building, E-1
580 Taylor Avenue
Annapolis MD 21401

RE: Susquehanna River Bridge Reconstruction and Expansion Project
Harford and Cecil Counties, Maryland

Dear Ms. Byrne:

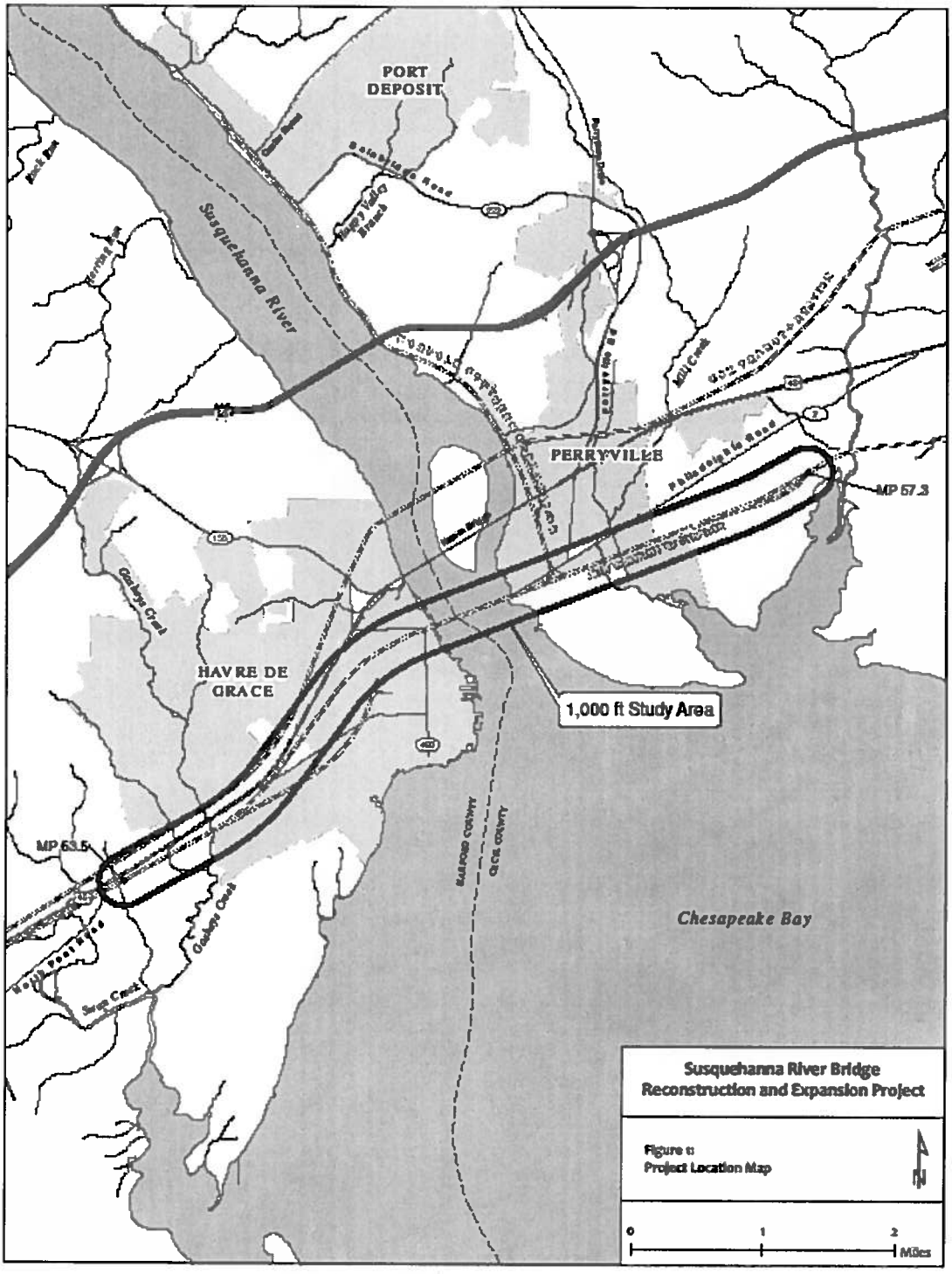
The Maryland Department of Transportation (MDOT) has received a grant from the Federal Railroad Administration (FRA) to support Preliminary Engineering and Environmental Documentation to expand and reconstruct Amtrak's Susquehanna River Bridge, carries passenger and freight rail traffic on two electrified tracks along an integral part of the Northeast Corridor (NEC). Due to the bridge's age, condition, and increases in rail traffic, it is expected that rehabilitation, replacement, and/or expansion will be necessary. The Susquehanna River Bridge Reconstruction and Expansion Project proposes new and/or rehabilitated structures carrying up to four tracks across the river. The Project may also improve the navigation channel for marine users.

We request any information concerning state-listed threatened or endangered species and/or any unique habitat that may occur in the study area as shown in the attached map. If you have any questions or need additional information regarding this request, please contact me at 410-684-7063 or hromano@mdot.state.md.us. You may also contact Ms. Leslie Mesnick-Uretsky at 646-388-9756 or lmesnick@akrf.com. Thank you for your assistance.

Sincerely,

Harry J. Romano
Rail Program and Policy Manager
Office of Freight and Multimodalism

cc: Mr. Adam Denton, Federal Railroad Administration
Mr. Michelle Fishburne, Federal Railroad Administration
Ms. Amrita Hill, Amtrak
Mr. Craig Rolwood, Amtrak
Ms. Angela Willis, Maryland Transit Administration


PORT DEPOSIT
Susquehanna River
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MP 57.3
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Susquehanna River Bridge
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Maryland Department of Transportation
The Secretary's Office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

James T. Smith, Jr.
Secretary

February 14, 2014

Ms. Mary Colligan
National Marine Fisheries Service
Northeast Regional Office
Protected Resources Division
55 Great Republic Drive
Gloucester MA 01930

RE: Susquehanna River Bridge Reconstruction and Expansion Project
Harford and Cecil Counties, Maryland

Dear Ms. Colligan:

The Maryland Department of Transportation (MDOT) has received a grant from the Federal Railroad Administration (FRA) to support Preliminary Engineering and Environmental Documentation to expand and reconstruct Amtrak's Susquehanna River Bridge, carries passenger and freight rail traffic on two electrified tracks along an integral part of the Northeast Corridor (NEC). Due to the bridge's age, condition, and increases in rail traffic, it is expected that rehabilitation, replacement, and/or expansion will be necessary. The Susquehanna River Bridge Reconstruction and Expansion Project proposes new and/or rehabilitated structures carrying up to four tracks across the river. The Project may also improve the navigation channel for marine users.

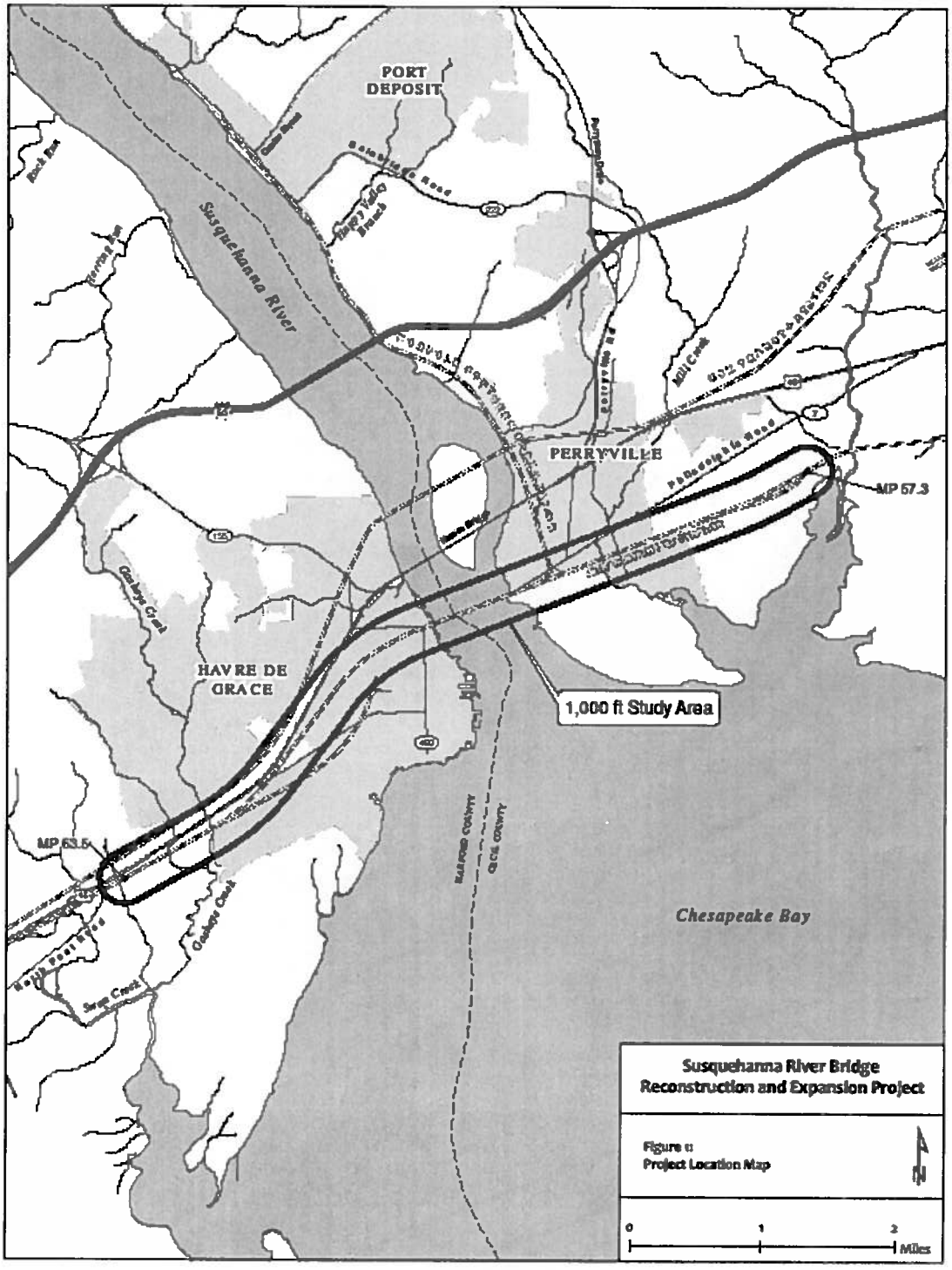
We request any information concerning federally-listed threatened or endangered species and/or any unique habitat that may occur in the study area as shown in the attached map. If you have any questions or need additional information regarding this request, please contact me at 410-684-7063 or hromano@mdot.state.md.us. You may also contact Ms. Leslie Mesnick-Uretsky at 646-388-9756 or lmesnick@akrf.com. Thank you for your assistance.

Sincerely,

/Hromano

Harry J. Romano
Rail Program and Policy Manager
Office of Freight and Multimodalism

cc: Mr. Adam Denton, Federal Railroad Administration
Mr. Michelle Fishburne, Federal Railroad Administration
Ms. Amrita Hill, Amtrak
Mr. John Nichols, NMFS Chesapeake Bay Office
Mr. Craig Rolwood, Amtrak
Ms. Angela Willis, Maryland Transit Administration


PORT DEPOSIT
Susquehanna River
PERRYVILLE
MP 57.3
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MP 63.5
Chesapeake Bay
Susquehanna River Bridge Reconstruction and Expansion Project
Figure 1:
Project Location Map
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Miles

Maryland Department of Transportation
The Secretary's Office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

James T. Smith, Jr.
Secretary

February 14, 2014

Mr. Trevor Clark
U.S. Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis MD 21401

RE: Susquehanna River Bridge Reconstruction and Expansion Project
Harford and Cecil Counties, Maryland

Dear Mr. Clark:

The Maryland Department of Transportation (MDOT) has received a grant from the Federal Railroad Administration (FRA) to support Preliminary Engineering and Environmental Documentation to expand and reconstruct Amtrak's Susquehanna River Bridge, carries passenger and freight rail traffic on two electrified tracks along an integral part of the Northeast Corridor (NEC). Due to the bridge's age, condition, and increases in rail traffic, it is expected that rehabilitation, replacement, and/or expansion will be necessary. The Susquehanna River Bridge Reconstruction and Expansion Project proposes new and/or rehabilitated structures carrying up to four tracks across the river. The Project may also improve the navigation channel for marine users.

We request any information concerning federally-listed threatened or endangered species and/or any unique habitat that may occur in the study area as shown on the first page of the attached Natural Resources of Concern database forms. If you have any questions or need additional information regarding this request, please contact me at 410-684-7063 or hromano@mdot.state.md.us. You may also contact Ms. Leslie Mesnick-Uretsky at 646-388-9756 or lmesnick@akrf.com. Thank you for your assistance.

Sincerely,

/Hromano

Harry J. Romano
Rail Program and Policy Manager
Office of Freight and Multimodalism

cc: Mr. Adam Denton, Federal Railroad Administration
Mr. Michelle Fishburne, Federal Railroad Administration
Ms. Amrita Hill, Amtrak
Mr. Craig Rolwood, Amtrak
Ms. Angela Willis, Maryland Transit Administration

U.S. Fish and Wildlife Service

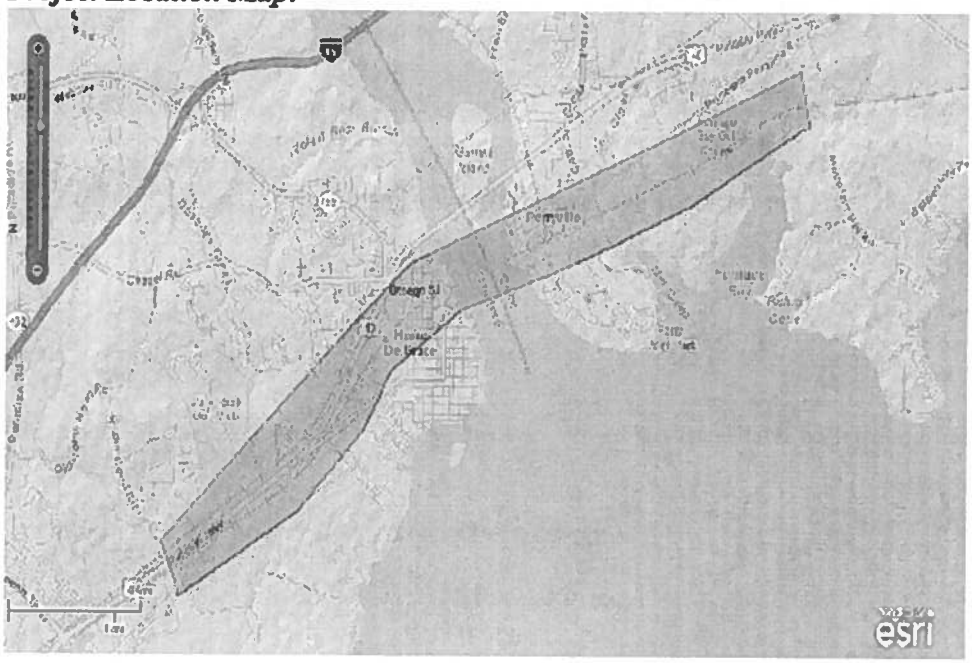
Natural Resources of Concern

This resource list is to be used for planning purposes only — it is not an official species list.

Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:

CHESAPEAKE BAY ECOLOGICAL SERVICES FIELD OFFICE
177 ADMIRAL COCHRANE DRIVE
ANNAPOLIS, MD 21401
(410) 573-4500

Project Location Map:



U.S. Fish and Wildlife Service

Natural Resources of Concern

Project Counties:

Cecil, MD | Harford, MD

Geographic coordinates (Open Geospatial Consortium Well-Known Text, NAD83):

MULTIPOLYGON (((-76.1412395 39.5261442, -76.1096622 39.547731, -76.0973026 39.5556726, -76.0506107 39.5691711, -76.0281231 39.5760518, -76.0265781 39.5702364, -76.0281231 39.5698394, -76.0473491 39.5618928, -76.0629703 39.557135, -76.0722316 39.5546062, -76.0881962 39.5507744, -76.1005558 39.5442818, -76.105534 39.5379342, -76.1170353 39.5293286, -76.1381496 39.520318, -76.1386646 39.5217746, -76.1412395 39.5261442)))

Project Type:

Bridge Construction / Maintenance

Endangered Species Act Species List (USFWS Endangered Species Program).

There are no listed species found within the vicinity of your project.

Critical habitats within your project area: (View all critical habitats within your project area on one map)

The following critical habitats lie fully or partially within your project area.

Fishes	Critical Habitat Type
Maryland darter (*Etheostoma sellare*) Population: Entire	Final designated critical habitat

FWS National Wildlife Refuges (USFWS National Wildlife Refuges Program).

There are no refuges found within the vicinity of your project.

FWS Migratory Birds (USFWS Migratory Bird Program).

Most species of birds, including eagles and other raptors, are protected under the Migratory Bird Treaty Act (16 U.S.C. 703). Bald eagles and golden eagles receive additional protection under the Bald and Golden Eagle Protection Act (16 U.S.C. 668). The Service's Birds of Conservation Concern (2008) report

identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

Migratory bird information is not available for your project location.

NWI Wetlands (USFWS National Wetlands Inventory).

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate U.S. Army Corps of Engineers District.

The following wetlands intersect your project area:

Wetland Type	NWI Classification Code	Approximate Acres
Freshwater Forested/Shrub Wetland	PFO1B	3.980198
Freshwater Forested/Shrub Wetland	PFO1A	4.402948
Freshwater Pond	PUBHx	5.296552
Freshwater Forested/Shrub Wetland	PFO1B	0.42387
Freshwater Pond	PUBHx	0.116829
Freshwater Emergent Wetland	PEM1C	3.628137
Estuarine and Marine Wetland	E2EMIN6	0.50204
Freshwater Pond	PABF	5.872225
Freshwater Pond	PUBHx	0.793017
Estuarine and Marine Wetland	E2EMIN6	0.32087
Estuarine and Marine Wetland	E2SS1P6	4.779318
Freshwater Pond	PUBHx	0.755149
Estuarine and Marine Wetland	E2SS1P6	1.046289
Freshwater Forested/Shrub Wetland	PFO1B	53.565359
Freshwater Forested/Shrub Wetland	PFO1C	9.943223

Natural Resources of Concern

Freshwater Forested/Shrub Wetland	PFO1S	5.838008
Freshwater Pond	PABHSSIF	3.811766
Freshwater Pond	PUBVx	0.872615
Freshwater Emergent Wetland	PEMIJSSIR	2.239942
Freshwater Pond	PUBF	0.148728
Estuarine and Marine Wetland	P2EM1Px	2.015682
Freshwater Forested/Shrub Wetland	PSSIC	2.497754
Freshwater Pond	PUBHx	1.16406
Riverine	R1UBV	4.512323
Freshwater Forested/Shrub Wetland	PFO1S	5.160478
Freshwater Pond	PUBHx	0.382299
Estuarine and Marine Deepwater	E1UBLA	84038.389972
Riverine	R1UBV	2750.665558
Freshwater Pond	PUBVx	0.692103
Freshwater Forested/Shrub Wetland	PFO1B	8.081289
Freshwater Pond	PUBFx	0.029632
Freshwater Forested/Shrub Wetland	PFO1C	7.894979
Estuarine and Marine Wetland	P2EM1/SS1Px	4.45843
Estuarine and Marine Wetland	P2EM1Nx	1.392153
Riverine	R2UBH	23.478455

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/

February 18, 2014

Harry Romano
Rail Program and Policy Manager
Office of Freight and Multimodalism
MD Department of Transportation
7201 Corporate Center Drive
Hanover, MD 21076

Re: Susquehanna River Bridge Reconstruction and Expansion Project
Harford and Cecil Counties, Maryland

Dear Mr. Romano,

Thank you for forwarding your letter via email regarding the above referenced project. The Maryland Department of Transportation (MDOT) is seeking comments on a potential bridge replacement, rehabilitation, and/or expansion. I understand that you will be coordinating with us as the project concept becomes more defined. From the map submitted and depending on the extent of the potential reconstruction, it appears that there will be impacts in the Critical Area that may be considered significant.

From this limited information, it appears that a full Critical Area Commission review may be required. Please coordinate with our office as the project becomes more defined and I will provide further information about the materials which will need to be submitted once we have a greater understanding of the impacts associated with the bridge work.

Thank you for coordinating with our office early in the process. I can be reached at 410-260-3476 with any further questions.

Sincerely,

Julie Roberts
Natural Resources Planner

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

MAR - 5 2014

Harry J. Romano
Rail Program and Policy Manager
Office of Freight and Multimodalism
Maryland Dept of Transportation
7201 Corporate Center Drive
Hanover, MD 21076

Re: Susquehanna River Bridge Reconstruction and Expansion Project, Harford and Cecil Counties, Maryland

Dear Mr. Romano,

We received your letter on February 24, 2014 regarding the proposed expansion and reconstruction of Amtrak's Susquehanna River Bridge located in Harford and Cecil Counties, Maryland.

The following endangered species may occur within the waters (i.e., Chesapeake Bay and mouth of the Susquehanna River) of the proposed action: Shortnose sturgeon (*Acipenser brevirostrum*), Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) (Distinct Population Segments [DPS]: New York Bight, Chesapeake Bay, Carolina, South Atlantic), Kemp's ridley sea turtle (*Lepidochelys kempi*), green sea turtle (*Chelonia mydas*), and leatherback turtle (*Dermochelys coriacea*).

The following threatened species may occur within the waters (i.e., Chesapeake Bay and mouth of the Susquehanna River) of the proposed action: Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) (Distinct Population Segments [DPS]: Gulf of Maine), and Northwest Atlantic Ocean DPS of loggerhead sea turtle (*Caretta caretta*).

To facilitate efficient project review, we have compiled information about the presence of our listed species in the project area and in related Maryland waters that may be helpful in planning your project.

Shortnose Sturgeon
The U.S. Fish and Wildlife Service's (FWS) sturgeon reward program began in 1996. As of 2008, a total of 80 individual shortnose sturgeon had been captured, via commercial or recreational fishery, in Chesapeake Bay and its tributaries as a result of this program. Most of the shortnose sturgeon documented in the reward program have been caught in the upper Bay, from Kent Island to the mouth of the Susquehanna River and the C&D Canal, in Fishing Bay and around Hoopers Island in the middle Bay, and in the Potomac River.

Research on shortnose sturgeon indicates that this species typically spawns just below the limit of upstream passage. In unimpeded rivers systems, spawning typically occurs 200 km or more upstream. In dammed rivers, spawning often occurs at the base of the first dam. Studies indicate

that spawning occurred at daily mean temperatures of 6.5-14.7°C in water depths of 1-5 meters with a peak at 1.5-1.9m. Bottom water velocity at the spawning site was a mean of 70cm/s with the greatest usage of 75-125 cm/s. The only substrate type females used was cobble/rubble (101-300 mm diameter). Substrate and flow are consistent in all areas where shortnose sturgeon spawning has been confirmed.

Several Chesapeake Bay tributaries have habitat characteristics such as hard bottom substrate and areas of high flow that may be suitable for spawning. These include the Gunpowder, James, York and Susquehanna Rivers. Adult shortnose sturgeon have been documented in the Susquehanna River in February, April and June, which is consistent with the time of year when spawning adults would be present. However, it is unknown if adequate spawning or nursery habitat occurs in the area below the Conowingo Dam, which is the first barrier to upstream passage. Telemetry data indicates that shortnose sturgeon move between the upper Chesapeake Bay and Delaware River via the C and D canal. These movements did not follow a specific pattern indicative of spawning migrations. Evidence suggests that shortnose sturgeon do not move into smaller creeks and tributaries of the large rivers connected to the Chesapeake Bay.

Although we do not have specific information on shortnose sturgeon movements in the Susquehanna, information gathered from the Potomac may be applicable. Twelve shortnose sturgeon have been captured in the Potomac River since 1996. These shortnose sturgeon were captured in the Potomac River and reported via the FWS reward program and were documented in the following locations: six at the mouth of the river one at the mouth of the Saint Mary's River; one at the mouth of Potomac Creek; one at rkm 63; one at rkm 57 (Cobb Bar); and, one at rkm 48. Additionally, one adult female was captured by U.S. Geological Service (USGS) and National Park Service (NPS) researchers within the Potomac River (at rkm 103) in September 2005.

From 2004-2008 the USGS and NPS conducted a tagging and telemetry study of shortnose sturgeon in the Potomac River (Kynard 2007). Three of the shortnose sturgeon mentioned above have been tagged with Combined Acoustic and Radio Transmitting (CART) tags. Tracking has demonstrated that the two females spent the majority of the year in a 79-km reach between river km 141–63. One female upstream in spring 2006 to a 2-km reach (river km 187–185) containing habitat determined to be suitable for spawning (Kynard et al. 2007). Remote and manual tracking showed a female arrived at the Fletchers Marina (River km 184.5) and remained within a 2-km reach (river km 187-185) for 6 days. During this time, mean daily river temperatures were 12.0–16.0°C and mean daily river discharge was 157–178 m^3/s. However, no sturgeon ELS were captured (Kynard et al. 2007).

During the years when fish were tracked, the two females spent the summer-fall in a 78-km reach (river km 63–141). Most of this area was in tidal freshwater, however, the downstream section of the range experiences tidal salinity. The fish used depths between 4.1–21.3 m, but most locations (89.2%) were in the channel. Throughout the summer and winter, fish used a wide range of water temperature (1.8–32.0°C), DO (4.8–14.6 mg/L) and salinity (0.1–5.6 ppt; Kynard et al. 2007). Substrate measured at fish locations were mud (80.7%), sand/mud (15.8%), and

gravel-mud (3.5%). This area is also characterized by prolific tracts of submerged aquatic vegetation and algae blooms.

Atlantic Sturgeon

Atlantic sturgeon spawn in their natal river, with spawning migrations generally occurring during April-May in Mid-Atlantic systems. Young remain in the river/estuary until approximately age 2 and at lengths of 30-36 inches before emigrating to open ocean as subadults. After emigration from the natal river/estuary, subadults and adult Atlantic sturgeon travel within the marine environment, typically in waters between 16 to 164 feet in depth, using coastal bays, sounds, and marine waters. The distribution of Atlantic sturgeon is strongly associated with prey availability, and as a result, Atlantic sturgeon may occur where suitable forage (e.g., benthic invertebrates such as mollusks and crustaceans) and appropriate habitat conditions are present (e.g., areas of submerged aquatic vegetation (SAV). Individuals from any DPS may be found in suitable habitat areas within coastal, marine, or riverine habitat, including tidal creeks greater than 3.3 feet deep, any large or small tributaries of the Chesapeake Bay, coastal embayments where suitable habitat exists, and offshore of Maryland in marine habitat. Currently, Chesapeake Bay DPS Atlantic sturgeon are known to spawn in the James River in Virginia; historic spawning habitat is thought to exist in the Potomac River. Atlantic sturgeon have been recorded at the mouth of the Susquehanna River in recent years.

Sea Turtles

Several species of sea turtles are known to be present in the Chesapeake Bay and off the Atlantic coast of Maryland. Leatherback sea turtles (*Dermochelys coriacea*) are present off the Maryland coast but are predominantly pelagic. Loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempi*), and green sea turtles (*Chelonia mydas*) are present in the Chesapeake Bay area mainly during late spring, summer and early fall when water temperatures are relatively warm. Sea turtles are expected to be present in the Chesapeake Bay between April 1 and November 30. Satellite tracking studies of sea turtles has found that foraging turtles mainly occurred in areas where the water depth was between approximately 16 and 49 feet. This depth was interpreted not to be as much an upper physiological depth limit for turtles, as a natural limiting depth where light and food are most suitable for foraging turtles. In Maryland waters of the Chesapeake Bay, sea turtles are most often documented in marine and estuarine waters and are not likely to be present in upper reaches of major tributaries because of salinity and prey availability requirements.

Conclusions

As listed species of sea turtles and sturgeon may occur at the mouth of the Susquehanna River and Chesapeake Bay, and thus, within the vicinity of your proposed project, any in-water work, such as excavation, blasting, pile driving, and dredging, has the potential to impact these species. As project details become finalized, a consultation, pursuant to section 7 of the Endangered Species Act (ESA) of 1973, as amended, may be necessary as any discretionary federal action, such as the approval or funding of a project by a federal agency, that may affect a listed species must undergo consultation pursuant to section 7 of the ESA of 1973, as amended. If the proposed project has the potential to affect listed species, and it is being approved, permitted, or funded by a Federal agency, the lead Federal agency, or their designated non-Federal representative, is

responsible for determining whether the proposed action is likely to affect the listed species. The Federal agency would submit their determination along with justification for their determination and a request for concurrence, to the attention of the ESA Section 7 Coordinator, NMFS Northeast Regional Office, Protected Resources Division, 55 Great Republic Drive, Gloucester, MA 01930. After reviewing this information, NMFS would then be able to conduct a consultation under section 7 of the ESA. Should you have any questions about these comments or about the section 7 consultation process in general, please contact Jennifer Goebel at 978-281-6373 or jennifer.goebel@noaa.gov).

Essential Fish Habitat

The location of the proposed Susquehanna River Bridge Reconstruction and Expansion Project is located above the estuarine mixing zone in tidal fresh water and is not designated as essential fish habitat (EFH) for federally managed species. However, the Susquehanna River is an important migration corridor for numerous diadromous species including American shad, alewife, blueback herring, striped bass, hickory shad, gizzard shad, and American eel. Significant efforts are underway to restore the populations of several anadromous species to healthy levels. Therefore, in-water construction activities including but not limited to excavation, blasting, pile driving, and dredging may require time of year restrictions (TOYR) or other mitigative measures for these activities to help protect diadromous species migration and spawning. If you have any questions or need additional information regarding fisheries resources in the project area please contact David O'Brien, NOAA Fisheries Service, Habitat Conservation Division (david.l.o'brien@noaa.gov, 804-684-7828).

Sincerely,

for Mary A. Colligan
Assistant Regional Administrator
for Protected Resources

EC: Goebel, O'Brien
File Code: Section 7/Nonfisheries/MD DOT/Susquehanna River Bridge_species present

MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*
Joseph P. Gill, *Secretary*
Frank W. Dawson III, *Deputy Secretary*

March 20, 2014

Mr. Harry J. Romano
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, MD 21076

RE: Environmental Review for Susquehanna River Bridge Reconstruction and Expansion, Amtrak Rail Bridge, Harford and Cecil Counties, Maryland.

Dear Mr. Romano:

The Wildlife and Heritage Service has determined that there are the following areas of potential concern within the boundaries of the study area as delineated:

The south side of the project route may overlap with Swan Creek which is designated in state regulations as a Nontidal Wetland of Special State Concern (NTWSSC), and is regulated by Maryland Department of the Environment as an NTWSSC, along with its 100-foot upland buffers. Your project may need review by Maryland Department of the Environment for any necessary permits associated with the Swan Creek NTWSSC.

The open waters of the Susquehanna River that are included in the study area have been identified as historic waterfowl concentration and staging areas. If there is to be any construction of water-dependent facilities please contact Larry Hindman of the Wildlife and Heritage Service at (410) 221-8838 ext. 105 for further technical assistance regarding waterfowl.

Just west of Principio Creek and south of the project route is the Furnace Bay site, which supports records of state-listed endangered Water Horsetail (*Equisetum fluviatile*) and Vetchling (*Lathyrus plaustris*). Given that these are aquatic species, we would encourage the applicant to adhere stringently to all appropriate best management practices for sediment and erosion control during all work near this site.

Our analysis of the information provided also 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, and is mandated within the Chesapeake Bay Critical Area. The following guidelines could be incorporated to 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 April-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 (April-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

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

ER# 2014.0271.ha/ce
Cc: D. Brinker, DNR
K. Charbonneau, CAC

MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*
Joseph P. Gill, *Secretary*
Frank W. Dawson III, *Deputy Secretary*

14-MIS-162

October 22, 2014

Harry Romano
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, MD 21076

Subject: Fisheries Information for the Proposed Susquehanna River Bridge Reconstruction and Expansion Project, in Harford and Cecil Counties, Maryland.

Dear Mr. Romano:

The above referenced project has been reviewed to determine fisheries species and aquatic resources in the vicinity of the proposed project. The proposed activities include the Susquehanna River Bridge Reconstruction and Expansion Project, in Harford and Cecil Counties, Maryland. Note that Maryland Department of Natural Resources is actively involved in the review and interagency coordination on this project, and that this response is only for the fisheries information coordination, and contains no other project analysis or comments.

Gasheys Creek and Mill Creek (Bush River Basin) and tributaries near the site are classified as Use I streams (Water Contact Recreation, and Protection of Aquatic Life). Susquehanna River (Lower Susquehanna River Basin) mainstem and tidal tributary reaches near the site are classified as Use II streams (with sub-designations within the segment for migratory fish spawning and nursery use, shallow water submerged aquatic vegetation, and open water fish and shellfish use).

Yellow perch, white perch, herring species, and shad species have been documented spawning near and/or migrating through the project study area. Where the presence of yellow perch has been documented along with these other anadromous fish species, generally no instream work is permitted in Use I streams during the period of February 15 through June 15, inclusive, during any year. Instream work in Use II waters that would suspend sediments in the water column, move sediments along the bottom, or create disturbances from sound or pressure waves should also not occur during the same period, February 15 through June 15, inclusive, of any year.

Principio Creek (Elk River Basin) and tributaries near the site are classified as Use III streams (Natural Trout Waters). Generally, no instream work is permitted in Use III streams during the period of October 1 through April 30, inclusive, during any year. Several very small tributaries to the Susquehanna River on the Cecil County side have been documented to support wild trout, either consistently, or occasionally. Survey work is ongoing in this region. Two new Use III stream designations in this area include Happy Valley Branch and all tributaries above US 222 in Cecil County, and an unnamed tributary to Susquehanna River crossing Frenchtown Road in

Cecil County (our attached map does not yet show these two new designations). As the bridge study proceeds, we will coordinate further on these small trout tributaries, based on determinations of potential impact areas for the project. If small tributaries may be impacted for approach work or infrastructure related to the bridge, additional coordination will be necessary for evaluating potential trout presence in the tributaries in this vicinity, and for setting Best Management Practices including instream work time of year restrictions.

The site is also near Submerged Aquatic Vegetation (SAV) beds in the Susquehanna River; no instream work that would suspend sediments in the water column or significantly disturb the bottom should occur from April 15 through October 15, inclusive, during any year, within 500 yards of documented SAV beds. Exact locations of current, recent, and historic SAV beds can be further coordinated during the project review. Field work will eventually be required to survey and map SAV beds in and near the work area.

Some of the streams near the site are listed as Tier II High Quality Waters, and may require additional restrictions or Best Management Practices. Please refer to the attached map for the location of Tier II streams and Use Classifications.

The smaller streams in the study area support many resident fish species documented by our Maryland Biological Stream Survey. MBSS data can be accessed via the MDDNR web page at http://www.dnr.state.md.us/map_template/streamhealth/index.html, allowing access to resource surveys in neighboring tributaries.

The Susquehanna River mainstem supports populations of several gamefish species, including striped bass, catfish species, walleye, and black bass. These species and other gamefish in the area spawn during the spring season referenced above for anadromous fish species, and should also be protected by the referenced corresponding instream work restriction period. Fishing activities for these species can occur year around.

Other important fisheries resources in this area include American eel presence, and potential presence of sturgeon (shortnose and Atlantic). American eels migrate upstream through this region to smaller streams where they grow to adult stages. Some eels may reside within the project study area long term. Their spawning runs then take them back through this area as they migrate downstream as adults to a specific region of the Atlantic Ocean to spawn. Special attention has been given to American eel management in recent years, due to their ecological and economic importance, and their declining numbers. The two sturgeon species are protected species, and have specific management requirements and efforts by National Marine Fisheries Service and US Fish and Wildlife Service, and cooperation with MD DNR. Further coordination with these three agencies will be required for these sturgeon species for this project.

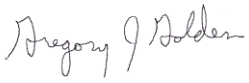
Freshwater mussels are a category of aquatic species with growing focus, management effort, and protection methods. Some freshwater mussels are State listed as threatened or endangered. Our Wildlife and Heritage Service is the State lead for State listed freshwater mussel species. Since new field data is constantly being developed on freshwater mussels, and there is potential for these species to be found within the project area, further coordination will be necessary on

potential mussel presence and Best Management Practices for protection as the project study continues.

As the above information demonstrates, this is a region and area very rich and diverse in fisheries and aquatic resources. This letter serves as an overall view for these resources, and MD DNR will remain available for further coordination on project and resource specifics as the study continues.

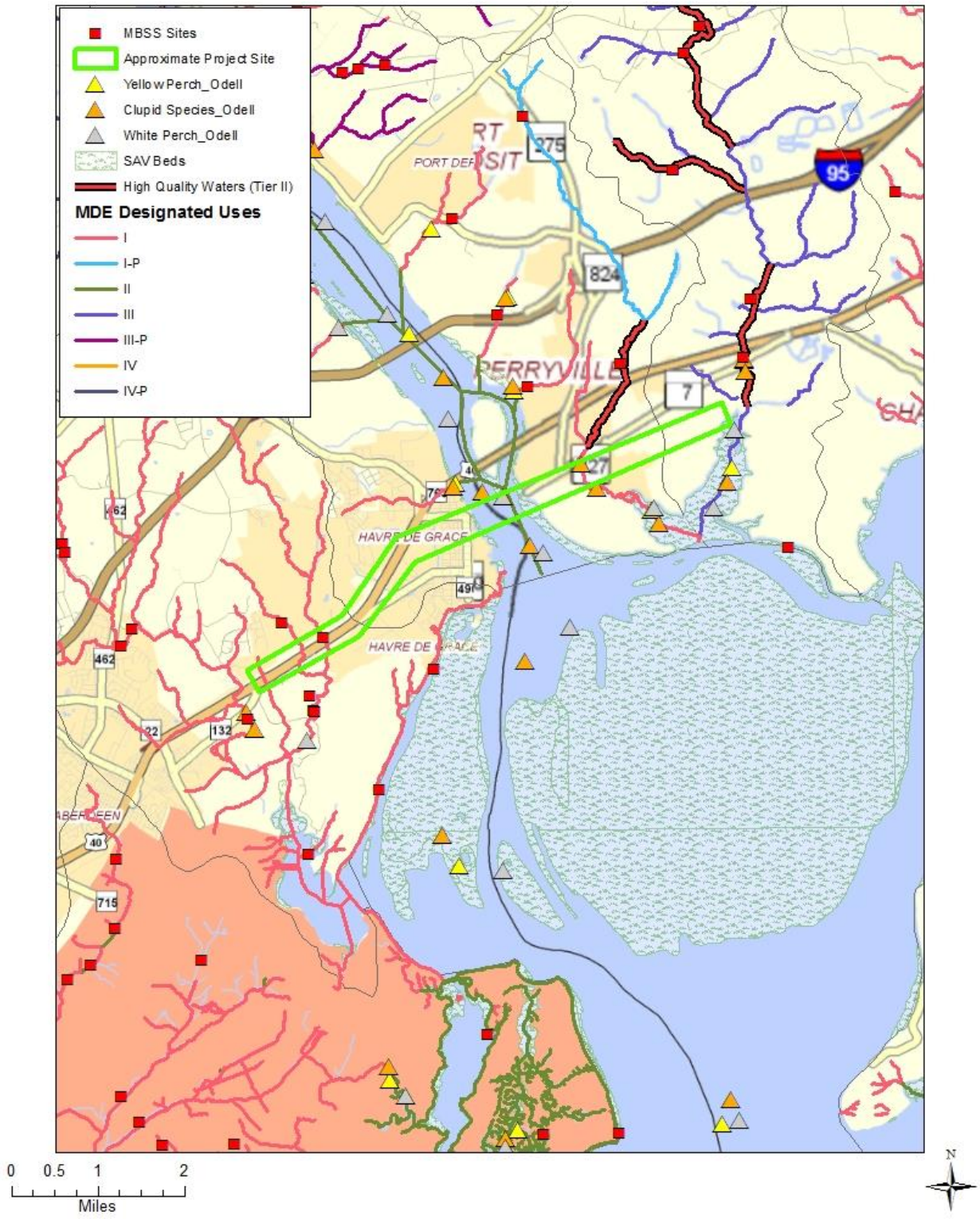
If you have further questions, please contact me at your convenience at 410-260-8331, or greg.golden@maryland.gov

Sincerely,



Greg Golden
Project Review Division
Integrated Policy and Review Unit

cc: Lori Byrne, WHS, DNR


MBSS Sites
Approximate Project Site
Yellow Perch_Odell
Clupid Species_Odell
White Perch_Odell
SAV Beds
High Quality Waters (Tier II)
MDE Designated Uses
I
I-P
II
III
III-P
IV
IV-P
95
7
462
40
715
132
HAVRE DE GRACE
0 0.5 1 2
Miles
N

MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Larry Hogan, *Governor*
Boyd K. Rutherford, *Lt. Governor*
Mark J. Belton, *Secretary*
Mark L. Hoffman, *Acting Deputy Secretary*

September 1, 2015

Ms. Angela Willis
Maryland Transit Administration
6 St. Paul Street
Baltimore, MD 21202-1614

RE: Update to Environmental Review for Susquehanna River Bridge Reconstruction and Expansion, Amtrak Rail Bridge, Harford and Cecil Counties, Maryland.

Dear Ms. Willis:

The Wildlife and Heritage Service has determined that there are the following areas of potential concern within the boundaries of the study area as delineated:

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The open waters of the Susquehanna River that are included in the study area have been identified as historic waterfowl concentration and staging areas. If there is to be any construction of water-dependent facilities please contact Larry Hindman of the Wildlife and Heritage Service at (410) 221-8838 ext. 105 for further technical assistance regarding waterfowl.

Recent data indicates that there have been observations of the state-listed endangered Northern Map Turtle (*Graptemys geographica*) in this portion of the Susquehanna River. It is possible that this species could be impacted by work associated with this bridge replacement. Map Turtles utilize both the riverine and shoreline habitats in the area. Specific protection measurements can be developed as project details become available.

Just west of Principio Creek and south of the project route is the Furnace Bay site, which supports records of state-listed endangered Water Horsetail (*Equisetum fluviatile*) and Vetchling (*Lathyrus plaustris*). Given that these are aquatic species, we would encourage the applicant to adhere stringently to all appropriate best management practices for sediment and erosion control during all work near this site.

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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 (April-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

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

ER# 2015.0456.ha/ce
Cc: S. Smith, DNR
D. Brinker, DNR
G. Golden, DNR
K. Charbonneau, CAC

Julianne Yee <jyee@akrf.com>

Fwd: Susquehanna Bridge and Critical Area Commission

Leslie Mesnick <lmesnick@akrf.com> Thu, Oct 22, 2015 at 4:04 PM
To: Julianne Yee <jyee@akrf.com>

---------- Forwarded message ----------
From: **Dan Reagle** <DReagle1@mta.maryland.gov>
Date: Tue, Oct 20, 2015 at 2:17 PM
Subject: Susquehanna Bridge and Critical Area Commission
To: Wesley Mitchell <WMitchell@sha.state.md.us>, Leslie Mesnick <lmesnick@akrf.com>
Cc: Jacqueline Thorne <jthorne@mdot.state.md.us>, "Decker_Bradley@bah.com" <Decker_Bradley@bah.com>, "Michelle.Fishburne@dot.gov" <Michelle.Fishburne@dot.gov>, "(sarahw@coastal-resources.net)" <sarahw@coastal-resources.net>

All,

I spoke to Julie Roberts of the CAC. It is still too early to engage them in a field visit. The analysis of impacts to the CA in the EA and tech documents should be based on the readily available CA boundary. Julie indicated once we share the plans and NEPA document with the resource agencies she will evaluate the project and the best way to proceed.

Thank you,

Dan Reagle

Environmental Planner

Maryland Transit Administration
Environmental Planning Division
6 St. Paul Street, 9th Floor, Baltimore, MD 21202
Office: 410-767-3771 Fax: 410-333-0489
DReagle1@mta.maryland.gov

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September 1, 2015

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Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2015.0456.ha/ce
Cc: S. Smith, DNR
D. Brinker, DNR
G. Golden, DNR
K. Charbonneau, CAC

Julianne Yee <jyee@akrf.com>

Fwd: Susquehanna Bridge and Critical Area Commission

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Environmental Planner

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Environmental Planning Division
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DReagle1@mta.maryland.gov

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 ADMIRAL COCHRANE DRIVE
ANNAPOLIS, MD 21401
PHONE: (410)573-4599 FAX: (410)266-9127

Consultation Code: 05E2CB00-2016-SLI-0378 December 18, 2015
Event Code: 05E2CB00-2016-E-00367
Project Name: Susquehanna Rail Bridge Project

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having

similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment

United States Department of Interior
Fish and Wildlife Service

Project name: Susquehanna Rail Bridge Project

Preliminary Species list

Provided by:

Chesapeake Bay Ecological Services Field Office
177 ADMIRAL COCHRANE DRIVE
ANNAPOLIS, MD 21401
(410) 573-4599

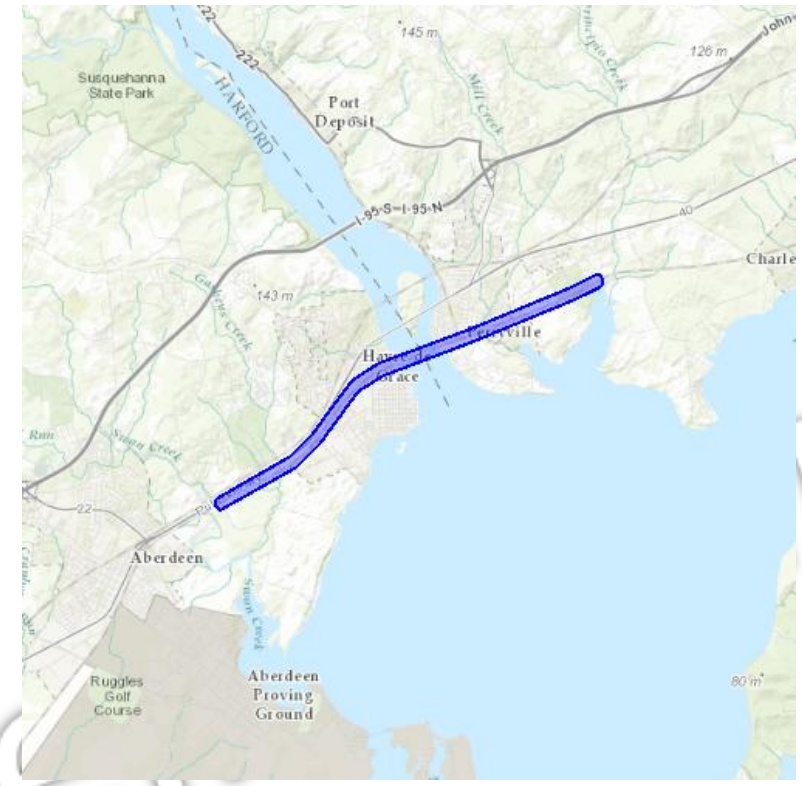
Consultation Code: 05E2CB00-2016-SLI-0378
Event Code: 05E2CB00-2016-E-00367

Project Type: TRANSPORTATION

Project Name: Susquehanna Rail Bridge Project
Project Description: The project includes replacing the 106-year old bridge with a new bridge with 4 tracks. The existing bridge is located at Milepost 60 along the Northeast Corridor (NEC). The project would span between approximately Oak Interlocking at Milepost 63.5 in the south to Prince Interlocking at Milepost 57.3 to the north. The project is funded by a grant from the Federal Railroad Administration to the Maryland Dept. of Transportation and Amtrak is the owner of the railroad corridor and bridge.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.

Project Location Map:



Project Coordinates: The coordinates are too numerous to display here.

Project Counties: Cecil, MD | Harford, MD

Endangered Species Act Species List

There are a total of 1 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Mammals	Status	Has Critical Habitat	Condition(s)
Northern long-eared Bat *(Myotis septentrionalis)*	Threatened		

Critical habitats that lie within your project area

There are no critical habitats within your project area.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, Maryland 21401
http://www.fws.gov/chesapeakebay

January 15, 2016

Mr. Dan Reagle
STATE OF MARYLAND
Maryland Transit Administration, Office of Planning
6 St. Paul Street, 9th Floor
Baltimore, Maryland 21202

RE: "Not Likely to Adversely Affect" northern long-eared bat determination; Susquehanna Rail Bridge Project in Cecil and Harford Counties, MD

Dear Mr. Reagle:

The U.S. Fish and Wildlife Service (Service) has reviewed your project information from the Service's Information for Planning and Conservation (IPaC) online system dated December 18, 2015. The Service has evaluated the potential effects of this project to the threatened northern long-eared bat (*Myotis septentrionalis*). The comments provided below are in accordance with Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

This project is within the range of the northern long-eared bat, a federally listed threatened species. The northern long-eared bat is a temperate, insectivorous migratory bat that hibernates in mines and caves in the winter and summers in wooded areas. Since the forest clearing for this proposed project is minimal, and there are no current records of northern long-eared bats in the project vicinity, this project as proposed is "not likely to adversely affect" the northern long-eared bat, therefore, there are no time of year restrictions on forest clearing.

Except for occasional transient individuals, no other Federal proposed or listed endangered or threatened species under our jurisdiction are known to exist within the project impact area. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

We appreciate the opportunity to provide information relevant to threatened and endangered fish and wildlife resources. This Endangered Species Act determination does not exempt this project from obtaining all permits and approvals that may be required by other State or Federal agencies.

If you have any questions or concerns regarding this letter, please contact Trevor Clark of my Endangered Species staff at (410) 573-4527 or by email at Trevor_Clark@fws.gov.

Sincerely,

G. LaRouche

Genevieve LaRouche
Supervisor

April 7, 2016

Ms. Lori A. Byrne
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Dear Ms. Byrne:

Thank you for the response letter dated September 1, 2015 that identified potential rare, threatened, and endangered (RTE) species or species of statewide importance that could occur within the study area for the Susquehanna River Rail Bridge project. The letter identified the presence of a Wetland of Special State Concern (WSSC) located within the Swan Creek drainage just south of the Amtrak right-of-way at the western end of the study area. At the eastern end of the study area, Department of Natural Resources (DNR) identified the presence of a known site within the Furnace Bay wetlands that supports a population of state-listed endangered Water Horsetail (*Equisetum fluviatile*) and Vetchling (*Lathyrus palustris*). Both plant species are found in aquatic habitats. In addition, the state-listed endangered Northern Map Turtle (*Graptemys geographica*) is documented in the project area. The presence of historic waterfowl concentration within the study area and staging areas within the Susquehanna River was also referenced in the September 2015 letter. No other state-listed species were documented by the DNR as potentially occurring within the study area.

We wish to provide the following response/clarification for each of the resources/species listed above based upon conceptual engineering

Nontidal Wetland of Special State Concern (NTWSSC)
The wetland system associated with the NTWSSC is a large palustrine forested/scrub shrub wetland that lies south and east of Williams Drive and is associated with the headwaters of unnamed tributaries to Swan Creek and Gashey's Creek. Neither of the proposed Build Alternatives (Alternative 9A and 9B) would impact this wetland system and therefore no impacts to NTWSCC would result from the project (**Attachment 1**).

Historic Waterfowl Concentration and Staging Areas
Two waterfowl areas occur within the study area — one in the Susquehanna River crossed by the existing Susquehanna River Rail Bridge and the other within Furnace Bay at the extreme eastern end of the study area (**Attachment 1**). These are historic waterfowl staging areas and wintering sites for waterfowl, such as diving ducks, swans, and geese that forage on fish and shellfish near the mouth of the Susquehanna River and within Furnace Bay. The boundary of the waterfowl area within the Susquehanna River lies primarily within Cecil County, from the US 40 Bridge to the mouth of the river. The Furnace Bay waterfowl area lies outside of the

proposed project limits of disturbance. Although waterfowl will not be permanently impacted by either Build Alternative, they may be temporarily displaced from the active construction area. By this letter the project team is initiating coordination with Mr. Larry Hindman of the Wildlife and Heritage Service and seeking additional information.

State-listed Endangered Water Horsetail and Vetchling

Both state-listed species, the Water Horsetail (*Equisetum fluviatile*) and Vetchling (*Lathyrus plaustris*) documented in the September 2015 are located within the Furnace Bay wetlands that lie over a mile and a half east of the project limits for both Build Alternatives (**Attachment 1**). Therefore, no impacts to these species are anticipated to result from the proposed project.

State-listed Endangered Map Turtle

The state-listed endangered Northern Map Turtle (*Graptemys geographica*) is documented in the project study area both within and along the banks of the Susquehanna River. The shores of the Susquehanna River are used by the Northern Map Turtle for habitat, nesting, and foraging and the turtles hibernate on the river bottom in winter.

As part of both of the Build Alternatives, operation of the replacement bridges in place of the existing bridge would not have permanent effects on water quality or other habitat characteristics that would alter the biological community present (including Northern Map Turtle) within the project area. Although permanent impacts to the Map Turtle are not anticipated, they may be temporarily displaced from active construction. As the project moves into final design and more project details become available, the project team will work with DNR to develop specific protection measures. We understand these protection measures may include, but not be limited to: conducting nesting surveys during the nesting season to identify the presence/absence of nests within a project area, in-stream time-of-year restrictions, and/or removal of turtles from the work zone using trained scuba divers.

Forest Interior Dwelling Species (FIDS)

One large, contiguous forest habitat is located within the study area and occurs southeast of the Amtrak right-of-way (ROW) at the southwestern end of the study area. The FIDS habitat occurs outside the limit of disturbance (LOD) for both Build Alternatives and no impacts to this forest are anticipated (**Attachment 1**). However, should any potential impacts to this forest become identified in the future, the following techniques, would be implemented to avoid/minimize them:

- 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.
- Do not remove or disturb forest habitat during April-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.

- Maintain forest habitat as close as possible to the road, and maintain canopy closure where possible.
- Maintain grass height at least 10" during the breeding season (April-August)

Based on the information provided above, please inform the project team if DNR requires any additional information or if any other follow-up coordination is required at this time. If you have any questions, please contact me at 410-767-3771 or via email at DReagle1@mta.maryland.gov. We appreciate your cooperation and prompt attention to this matter.

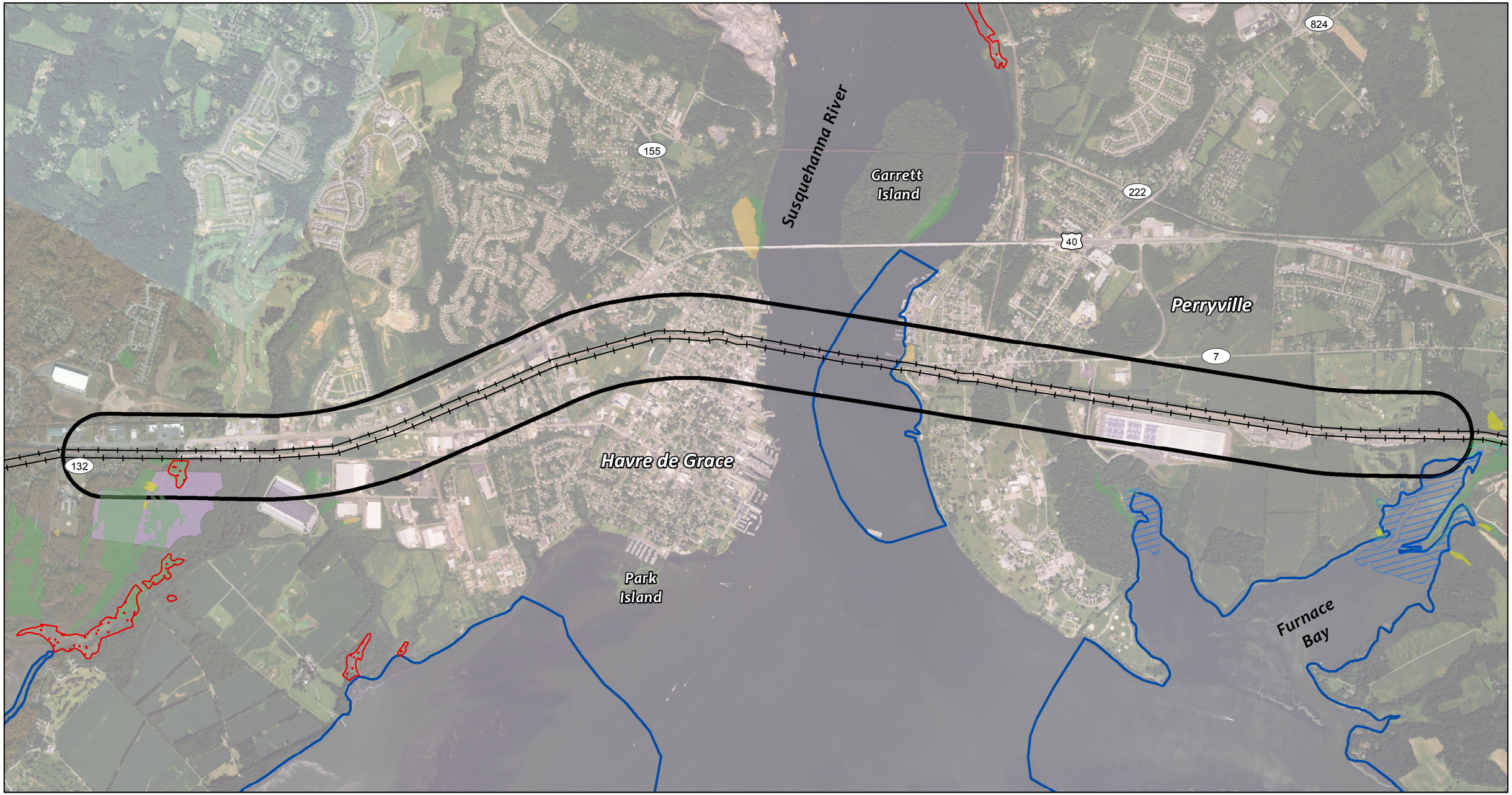
Sincerely,

Dan Reagle

Dan Reagle
Environmental Planning Division
Maryland Transit Administration
6 St. Paul Street, 9th Floor
Baltimore, MD 21202

Enclosure

cc: Ms. Amrita Hill, AMTRAK
Mr. Larry Hindman, DNR
Ms. Jacqueline Thorne, MDOT



Legend

- Esturarine Intertidal Scrub-Shrub
- Esturarine Intertidal Unconsolidated Shore
- Palustrine Emergent
- Palustrine Forested
- Palustrine Scrub-Shrub
- Wetlands of Special State Concern
- Historic Waterfowl Concentration and Staging Area
- Forest Interior Dwelling Species (FIDS)
- 1,000 ft Study Area

Data Sources

Wetlands, Waterfowl, and FIDS:
Maryland Department of Natural Resources, 2015

0 0.25 0.5 Miles

Susquehanna River Rail Bridge Project

Attachment 1

Environmental Resources

From:	Julie Roberts -DNR-
To:	Dan Reagle
Subject:	Re: April 20th MDOT Interagency Review Meeting - MDOT Presentations and summaries
Date:	Thursday, April 28, 2016 4:10:12 PM

Dan,

My only comments at this time are that we will need to know the exact numbers in terms of disturbance in the Critical Area (I saw it is in the 6 acre range for both alternatives). We would need the breakdown of:

--Forest/developed woodland clearing inside and outside of any Buffers;
--Square footage of disturbance of any Buffers;
--Any impact to HPAs (that might have been in the report--I'll recheck);
--Designation of CA lands;
--Stormwater management if the lands are in the IDA

And just one comment on the draft report: it would be really helpful if the table of contents included page numbers, considering how large it is. Not sure if we'll be reviewing that again, so maybe it doesn't matter at this point.

Thanks! Julie

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

Dan Reagle
Environmental Planner
Maryland Transit Administration
Environmental Planning Division
6 St. Paul Street, 9th Floor, Baltimore, MD 21202

Re: Susquehanna River Rail Bridge Project
Draft Natural Resources Technical Report (NETR)

Dear Mr. Reagle:

Thank you for providing us with your Draft Natural Resources Technical Report (NETR) on April 8, 2016, and for coordinating with the resource and coordinating agencies at the Maryland Department of Transportation Interagency Review Meetings (IRM). The Maryland Department of Transportation (MDOT), project sponsor, is proposing to improve the Susquehanna River Rail Bridge between the City of Havre de Grace, Harford County, Maryland and the Town of Perryville, Cecil County, Maryland in order to provide continued rail connectivity along the Northeast Corridor (NEC).

The NETR evaluates the potential effects on natural resources from Alternative 9A and Alternative 9B. Both Alternative 9A and Alternative 9B would construct:

- a new two-track bridge accommodating train speeds of up to 90 miles per hour (mph) to the west of the existing bridge, and
- a second new two-track bridge along the existing alignment.

The second new bridge would accommodate speeds of up to 160 mph for Alternative 9A and up to 150 mph for Alternative 9B. The bridge to the west of the existing bridge would be constructed first. Once that bridge is completed, the existing bridge would be taken out of service, demolished, and replaced. A new high-speed passenger bridge would be built in the center of the right-of-way of the existing bridge alignment. This bridge would reduce the curve in Havre de Grace and allow for either 160 mph speeds for Alternative 9A or 150 mph speeds for Alternative 9B. All impact analyses and assessments included in the NETR are based on the girder approach / arch main span bridge design.

Both alternatives would impact tidal and non-tidal wetlands, streams (including an unnamed tributary to Swan Creek, an unnamed tributary to Gashey's Creek, Gashey's Creek, an unnamed tributary to Lily Run, Lily Run, Mill Creek, and Principio Creek), and the Susquehanna riverbed, including submerged aquatic vegetation (SAV). Impacts to Waters of the U.S. from the build

alternatives would total less than an acre of wetlands and more than 3,000 linear feet of streams. Overall, the proposed new alignments would occur within and immediately adjacent to the existing rail alignment where wetlands and streams that are potentially affected by the proposed project have been historically altered for the construction and maintenance of the existing alignment.

Alternative 9B follows the same alignment as Alternative 9A in Cecil County, but has a slightly reduced footprint relative to Alternative 9A within Harford County. As a result, overall wetland and stream impacts are slightly less for Alternative 9B. Alternative 9B would cross the same streams as Alternative 9A, but total stream impacts would be slightly less resulting from a narrower crossing of Lily Run and unnamed tributaries of Lily Run. Bridge pier impacts within the Susquehanna River would be the same for Alternative 9B as for Alternative 9A.

Proposed minimization and mitigation:

- To ensure that floodwater impacts due to rail construction are minimized, drainage structures would be required to maintain the current flow regime and prevent associated flooding (COMAR 26.17.04). At the proposed Lily Run crossing, a new bottomless culvert may be installed to increase the hydraulic capacity, resulting in desirable flood relief for the area of Havre de Grace upstream of the rail project.

- Construction of the culvert extensions, or replacements as needed, would include the minimum extent necessary to provide support for the additional rail tracks. The necessary extensions or replacements will use bottomless culverts to provide for a more natural stream bed through the culvert.

- Demolition of the existing bridge and remnant piers would allow approximately 0.5 acre of river bottom to return to benthic habitat, thereby more than offsetting losses from the construction of the replacement bridges.

- Maryland Department of Environment (MDE) time of year restrictions listed in the NETR include closure periods:
    - For work within designated SAV areas is from April 1 through October 15.
    - In Use I Streams from March 1 through June 15 for fish spawning and migration.
    - In Use II Streams from June 1 through September 30 and December 16 through March 14 for fish spawning and migration.

- A preliminary mitigation site search was conducted in the Lower Susquehanna River and Swan Creek watersheds to address the potential need for off-site mitigation, and potential wetland and stream mitigation sites were identified. On-site investigations will require a property owner notification process to seek permissions for accessing properties. This step will occur following the 30% design/NEPA evaluation stage during future design stages of the project.

Anadromous fish

The proposed project is located above the estuarine mixing zone in tidal fresh water and is not designated as essential fish habitat (EFH) for federally managed species. However, as you describe in your NETR, semi-anadromous and anadromous species have been documented as spawning near and/or migrating through the study area, including: yellow perch (*Perca flavescens*), white perch (*Morone americana*), blueback herring (*Alosa aestivalis*), alewife (*Alosa pseudoharengus*), and American shad (*Alosa sapidissima*). We generally recommend that in-water construction activities that could impact the migration or spawning of these species be avoided from February 15 through June 15. Although the minimization efforts you describe in the NETR focus more on avoiding injury or mortality to fish in the area, e.g. from shock waves resulting from impact hammering, this time of year restriction is also recommended to minimize impacts to behavior of migrating or spawning fish. We recognize that multiple, overlapping time of year restrictions make construction timelines difficult, and we will be happy to work with you to develop a timeline of what activities would be restricted at what times of year, similar to what was done for the Woodrow Wilson Bridge, to assist in planning purposes.

The low-speed vibratory drilling method that would be used to install the 5 to 6-foot diameter piles for the replacement bridge piers would not generate impulse noise underwater. Any underwater noise produced during the installation of these piles is expected to be below both the physical and behavioral effect thresholds of 206 dB re: 1 µPa SPL peak and 150 dB re: 1 µPa sound pressure level (SPL) root mean square (RMS), respectively, established by the Fisheries Hydroacoustic Working Group. The smaller, 18 to 24 inch piles that would support the temporary finger piers would be installed by impact hammering. Following best management practices (BMP) for pile installation (NOAA 2008), noise from the driving of the finger pier piles would be minimized by first allowing piles to sink into the sediment under their own weight before impact hammering the remainder of the pile. The duration of impact pile driving is expected to be less than 15 to 20 minutes per pile; less if a vibratory driver was first used to drive the pile to resistance. In addition, impact hammering would begin with a series of light taps of gradually increasing strength to avoid sudden disturbances to fish and provide them with an opportunity to move away from the site (FHWA 2003).

Demolition of the existing bridge piers and remnant piers would be largely achieved through the use of mechanical means and methods (e.g., barge cranes, wire saws). Methods such as turbidity curtains, cofferdams, and deck shielding would be implemented as necessary to contain debris. Divers with wire saws would cut bridge piers two feet below the mudline and the pier would be removed using a barge crane. Blasting is not anticipated; however removal of the existing and remnant bridge piers may require the use of blasting techniques as per the contractor's means and methods. If blasting occurs, it would be conducted in such a manner as to minimize the potential for fish mortalities. In the event that blasting is proposed, a number of protective measures would be implemented, including using blast mats and conducting blasting within steel sheet pile cofferdams. Because demolition methods could result in increased turbidity and impact submerged aquatic vegetation (SAV) in the area and migrating and spawning anadromous fish, we would recommend time of year restrictions for these activities, as described above.

On page E-54 of the NETR, you state that "because the spacing of the new bridges' piers would be closer together than the existing bridge's piers, water velocity and scouring between the piers would potentially increase, but would be expected to be minimal and would not significantly alter the hydrological properties of the river within, upstream, or downstream of the proposed project site and would not alter the site bathymetry." It does not appear that the potential impacts to migrating anadromous fish resulting from the potential increase in water velocity were considered in the NETR. Further evaluation should be undertaken to assess the potential effects the closer piers would have on migrating anadromous fish.

Submerged Aquatic Vegetation (SAV)

Alternative 9A and Alternative 9B would each have the same number of bridge piers in the Susquehanna River. Both alternatives appear to include four bridge piers that would impact SAV habitat in slightly different amounts and locations. Based on the preliminary engineering drawings, two bridge piers for the new west bridge would fall within the mapped SAV area along the Cecil County shoreline. One pier for the new east bridge would also potentially impact a portion of the SAV bed just downstream of the existing bridge alignment. Permanent cofferdam bridge pier design is proposed immediately adjacent to the two shorelines. The permanent impacts to SAV for the girder approach / arch main span bridge design would total approximately 3,357 square feet (0.08 acre) under both Alternative 9A and Alternative 9B.

We typically recommend a compensation ratio for SAV impacts of 3:1, as you note in the NETR. You estimate that for permanent impacts to SAV from either of the two selected alternatives, replacement of at least 0.24 acre would be required. However, you state in the NETR that finger pier construction would result in temporary SAV impacts totaling approximately 0.48 acre. As we discussed at the April 20, 2016, IRM, given the length of time the finger piers would be in place (3+ years), the SAV is unlikely to recover when the finger piers are removed. As a result, these impacts should be considered permanent and you should re-calculate your total mitigation requirements to account for them.

You state in the NETR that "[s]uccessful in-kind compensation for SAV impacts has proven extremely difficult within the Chesapeake Bay area (Submerged Aquatic Vegetation Workgroup 1995), and out-of-kind compensation in the form of water quality or stream habitat improvements is typically accepted by the regulatory agencies." While we recognize the challenges involved in successful replanting of SAV, the U.S. Environmental Protection Agency has designated SAV as a special aquatic site under Section 404(b)(1) of the federal Clean Water Act, due to its important role in the marine ecosystem for nesting, spawning, nursery cover, and forage areas for fish and wildlife, and SAV is a priority habitat for NOAA. Because of the ecological value of SAV, we recommend that if impacts cannot be avoided that in-kind mitigation be undertaken unless it can be demonstrated that the planting of SAV is not practicable.

SAV and their associated epiphytes are highly productive, produce a structural matrix on which many other species depend, improve water quality and stabilize sediments. Seagrasses are among the most productive ecosystems in the world and perform a number of irreplaceable ecological functions which range from chemical cycling and physical modification of the water

column and sediments to providing food and shelter for commercial, recreational, as well as economically important organisms. The replacement bridges would result in an increase in shading, and scouring and sedimentation would initially shift upon replacement of the existing bridge outside of its current alignment. Because there is successful SAV in the area now, and you will not be changing the depth or sediment type in the project area, we recommend that after removing the finger piers you:

(1) allow the sediment to settle;
(2) re-plant the area for the following growing season to restore existing conditions;
(3) mitigate for the temporal loss of SAV habitat by planting additional SAV at a 3:1 ratio, preferably in locations where SAV has been successful in the past but has disappeared or has minimal density; and
(4) monitor the entire project site for five years to determine if there are additional SAV losses resulting from the proposed project that require mitigation and to determine the success of re-planting. If SAV growth has not been documented by year three, a second round of planting may be necessary.

We appreciate the efforts you have made to avoid and minimize impacts early in the planning of your proposed project, and the efforts that you have made to coordinate with the regulatory and resource agencies at the Maryland Department of Transportation Interagency Review Meetings and at site visits. We look forward to continued coordination with you on this project as it moves forward. If you have questions or would like to discuss this further, please contact Kristy Beard at (410) 573-4542 or kristy.beard@noaa.gov.

Sincerely,

Karen Greene
Mid-Atlantic Field Offices Supervisor
Habitat Conservation Division

Cc: Golden (MDNR)
DaVia (ACOE)
Li (USFWS)
Vaccaro (NMFS PRD)

References:

Federal Highway Administration (FHWA). 2003. Woodrow Wilson Bridge Project, Shortnose Sturgeon Biological Assessment Supplement, January 2003. 19 pp.

National Oceanic and Atmospheric Administration (NOAA). 2008. Impacts to Marine Fisheries Habitat from Nonfishing Activities in the Northeastern United States. NOAA Technical Memorandum NMFS-NE-209, US Department of Commerce, NOAA, National Marine Fisheries Service, Northeast Regional Office, Gloucester, Massachusetts.

May 9, 2016

Mr. Dan Reagle
Maryland Transit Administration
6 St. Paul Street
Baltimore, Maryland 21202-1614

RE: Follow – up to Environmental Review for Susquehanna River Bridge Reconstruction and Expansion, Amtrak Rail Bridge, Harford and Cecil Counties, Maryland.

Dear Mr. Reagle:

Thank you for providing us with the additional information regarding resources of concern mentioned in our September 1, 2015 letter for this project site.

The Gasheys Run Nontidal Wetland of Special State Concern is regulated by Maryland Department of the Environment as an NTWSSC, along with its 100-foot upland buffers. While the Wildlife and Heritage Service has no concerns for rare species in this NTWSSC at this time, you may want to check with Maryland Department of the Environment.

The open waters of the Susquehanna River that are included in the study area have been identified as historic waterfowl concentration and staging areas. We generally only have concerns for disturbance to wintering waterfowl from construction of water-dependent facilities along the shoreline and adjacent open waters. The new contact person for waterfowl is Josh Homyack of the Wildlife and Heritage Service at (410) 928-3650 or josh.homyack@maryland.gov.

Recent data indicates that there have been observations of the state-listed endangered Northern Map Turtle (*Graptemys geographica*) in this portion of the Susquehanna River. It is possible that this species could be impacted by work associated with this bridge replacement. Map Turtles utilize both the riverine and shoreline habitats in the area. Any specific protection measures should be coordinated with Scott Smith of the Wildlife and Heritage Service, as soon as details become available, at (410) 827-8612 or scott.smith@maryland.gov.

Just west of Principio Creek and south of the project route is the Furnace Bay site, which supports records of state-listed endangered Water Horsetail (*Equisetum fluviatile*) and Vetchling (*Lathyrus plaustris*). Given that these are aquatic species, we would encourage the applicant to adhere stringently to all appropriate best management practices for sediment and erosion control during all work near this site.

According to our records, this site is adjacent to the study area shown on your map, rather than over a mile away as you had suggested, making the need for best management practices all the more important.

Our analysis of the information provided also 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, and is mandated within the Chesapeake Bay Critical Area. The following guidelines could be incorporated to 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 April-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 (April-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

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

ER# 2016.0496.ha/ce
Cc: S. Smith, DNR
D. Brinker, DNR
G. Golden, DNR
K. Charbonneau, CAC

From:	Greg Golden -DNR-
To:	Dan Reagle
Cc:	Kristy Beard - NOAA Federal; Ray Li; Joseph.DaVia@usace.army.mil; Jon Stewart -MDE-
Subject:	MD DNR comments on Susquehanna River Rail Bridge Draft NETR document
Date:	Monday, May 09, 2016 7:28:29 PM

Dan:

I have to be rather informal in my response formatting here, for the opportunity to review the Draft document, in order to make the commenting deadline you requested. I have looked through each topic, section, and page. Obviously though, there are some sections which will require significant additional interagency review coordination and project detail development and review discussion over time, especially for the core subjects associated with wetland and waterway permitting review, including, avoidance, minimization, and compensatory mitigation topics. This would especially be true as design details, and construction and demolition methods, are further developed. I have listed several topics below where we are interested in more detailed participation, but I did not attempt to list each separate category where we will benefit and wish to participate further.

In general, the document was well put together, and included imported content and analysis, and also added value even when discussing certain topics where some agency correspondence already did occur. This is a very good start to the documentation of some very important natural resource protection issues for the project as planning continues, and is then followed by construction.

Individual comments, in very brief format:

1. Be sure to include and incorporate additional DNR Wildlife and Heritage Service (WHS) comments and guidance on State listed Rare, Threatened, and Endangered species as planning and documentation continue. We will continue to participate through the DNR Project Review Division participation as well, but direct WHS content shoudl continue to be updated in the NETR and other future documents.

2. There should be continued interagency discussion of the shade effects of the bridges, piers, and construction related piers (E-55, E-56).

3. TIme of Year restrictions for instream work. The draft document references in several places a Use I restriction of March 1 through June 15. Note that for this project, it will be extended for presence of yellow perch (and also possibly walleye) as our fisheries coordination letter stated, so please plan for a fish spawning protection restriction from February 15 through June 15, for acitivities that could suspend sediments, disturb substrate, or create sound or pressure waves. I believe this is consistent with the NMFS comment. Please DISREGARD for now the Use II restriction periods as referenced (E-57 and E-65, 6/1 to 9/30 and 12/16 to 3/14). Those appear to be an oyster restriction for the simplified older Use II designation. We will now focus in tidal Use II waters for this location on the fisheries period of Feb. 15 to June 15, and also the SAV restriction as well, and any rare species recommendations from WHS or USFWS. In most large bridge project reviews, final restriction periods are often determined by evaluating specific activities, their likelihood to suspend or disturb sediments, their likelihood to create sound or pressure waves, and overall required project timelines and applied BMPs. In other words, rather than blanket restriction periods for an entire large bridge project, they sometimes will need to be evaluated and applied activity by activity. Let's coordinate this with the agencies together, but as an

example, some minor activities might be allowable during a fish or SAV restriction, while other significant activities would not. Note also, our review interests to protect SAVs are for activities within 500 yards of documentedSAV beds, and in some cases, additional surveys might be beneficial, and requested.

4. SAV impact assessment and mitigation efforts and opportunities should be reviewed in detail within the interagency group, as there may be additional knowledge, or agency-specific criteria and policies, to share within the group.

5. Page E-62 - The State program should always be listed as State designated Scenic and Wild Rivers (word "Scenic" first for MD State program, word "Wild" first for Federal). or....(There are no) designated rivers in the State Scenic and Wild Rivers Program. State and Federal programs are completely separate. The NETR draft tends to blend the two. I know it is somewhat difficult to address both together in writing in a single section. Use the two suggestions above, or have a drafter or editor contact me for further guidance for the State references.

6. Sections on pile installation (low-speed vibratory drilling method or other): noise and vibration should be further coordinated with the resource commenting and regulatory agencies in an interagency setting. This is a complex issue that is best coordinated together as planning continues. If ever in doubt, or close to potential impact thresholds, a large tidal project is wise to have contingency plans and equipment available if any pile driving or pile work unexpectedly causes a fish kill at the work area (this did happen on Woodrow Wilson Bridge, although for activities which were later realized to be significant from the start).

7. Likewise, we would like to review matters related to collection of demolition debris in the group setting, since bottom disturbances are very possible. Woodrow Wilson Bridge had extensive coordination and collaboration on this topic.

8. Note: some demolition debris may be valuable for use in fish reef programs within the Bay - please plan to work early with the resource agencies on this possibility. Also, is the nearby set of unused piers from a past crossing still planned for demolition and removal as well?

9. Page E-67, please coordinate details and timing of any aquatic blasting with MD DNR also, through MDE or directly

10. DNR is interested to participate directly in compensatory mitigation review discussions for wetlands and waterways

Thank you for the opportunity to review and comment on the draft NETR document. If you have any questions on the comments above, please contact me at your convenience. I am not certain of the designated MDE and Corps reviewers, and have cc:ed regional managers for those two agencies, to forward as necessary.

Greg Golden
Project Review Division
Integrated Policy and Review Unit
MD Department of Natural Resources
410-260-8331
please note my new email address: greg.golden@maryland.gov

U.S. Department
of Transportation

**Federal Railroad
Administration**

MAY 10 2016

1200 New Jersey Avenue, SE.
Washington, D.C. 20590

Kim Damon-Randall, Assistant Regional Administrator
NOAA National Marine Fisheries Service
Protected Resources Division
55 Great Republic Drive
Gloucester, MA 01930-2276

Via regular mail and email to Kimberly.Damon-Randall@noaa.gov

Re: Request for Informal Consultation under Section 7 of the Endangered Species Act

Dear Ms. Damon-Randall:

The Maryland Department of Transportation (MDOT) is proposing to improve the Susquehanna River Rail Bridge between the City of Havre de Grace in Harford County, Maryland and the Town of Perryville in Cecil County, Maryland. The Federal Railroad Administration (FRA) and MDOT are preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) to evaluate the potential environmental impacts of the Susquehanna River Rail Bridge Project (the "Proposed Project"). The National Passenger Railroad Corporation (Amtrak), as bridge owner and operator, is providing conceptual and preliminary engineering designs in coordination with MDOT and FRA. The existing Susquehanna River Rail Bridge is located along Amtrak's Northeast Corridor (NEC). Two build alternatives are under consideration in the EA: Alternative 9A and Alternative 9B. Both alternatives would construct two new two-track bridges—one along the existing alignment and one along a new western alignment. Both alternatives would entail the decommissioning and removal of the existing bridge.

The FRA is transmitting a draft Natural Resources Technical Report (NETR) to initiate informal consultation under Section 7(a)(2) of the Endangered Species Act (ESA). As described in the report, the proposed action may affect, but is not likely to adversely affect shortnose sturgeon (*Acipenser brevirostrum)* or any of the Distinct Population Segments of Atlantic sturgeon (*Acipenser oxyrinchus)* that may be present in the project area. The FRA has evaluated potential impacts to sea turtles in the NETR and has determined that the proposed action will have no effect on leatherback sea turtle (*Dermochelys coriacea*), loggerhead sea turtle

(*Caretta caretta*), Kemp's ridley sea turtle (*Lepidochelys kempi*), or green sea turtle (*Chelonia mydas*) because these species are not expected to occur north of Baltimore and therefore would not be present in the project area. In addition, no critical habitat has been designated for sea turtles within the project area.

We request your concurrence with our determinations for these species, and hereby request informal consultation under Section 7 of the ESA. Please contact Dan Reagle, MTA Environmental Planner at 410-767-3771 or by email at DReagle1@mta.maryland.gov.

Thank you for your assistance with this project.

Sincerely,

Michael Johnsen
Acting Division Chief
Environmental and Rail Planning Division

Enclosure

Cc: Dan Reagle, Maryland Transit Administration
Jacqueline Thorne, Maryland Department of Transportation
Paul DelSignore, Amtrak
Amrita Hill, Amtrak

June 14, 2016

Ms. Lori A. Byrne
Environmental Review Coordinator
Wildlife and Heritage Service
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Dear Ms. Byrne:

Thank you for the response letter dated May 9, 2016 that provided additional clarification regarding the Furnace Bay site, which supports records of the state-listed Water Horsetail (*Equisetum fluviatile*) and Vetchling (*Lathyrus palustris*). Our technical studies and associated documentation has been updated to reflect that it is not over a mile away from the study area, but still remains outside the much narrower limit of disturbance (LOD) for the project. Please see the updated mapping which shows the study area (outlined in black) and the project LOD (outlined in yellow and purple) and its distance from the Furnace Bay site (Attachment 1). It should also be noted that best management practices for sediment and erosion control will be strictly adhered to during construction throughout the entire project limits.

Also with regards to your response letter, we have undertaken the following additional actions:

1. We have noted your concerns about Forest Interior Dwelling Bird (FIDS) habitat. No FIDS habitat occurs within the project LOD, but the project will seek to minimize impacts to forest habitat and wildlife.

2. Given that the state-listed endangered Northern Map Turtle (*Graptemys geographica*) may also be impacted by work associated with the bridge replacement, as this species utilizes both the riverine and shoreline habitats within the study area, we have copied on this letter Mr. Scott Smith for additional information regarding appropriate protection measures to avoid negative effects on map turtles during construction.

3. We are also copying on this letter Mr. Josh Homyack for additional information regarding potential disturbances to wintering waterfowl along the shorelines and open waters of the Susquehanna. Waterfowl will not be permanently impacted by bridge construction, but may be temporarily displaced from the active construction area. Therefore, we are requesting additional information from Mr. Homyack regarding appropriate protection measures and other relevant information regarding waterfowl within the study area.

4. Maryland Department of the Environment has not commented on potential effects to the Gasheys Run Nontidal Wetland of Special State Concern (NTSSC), but best management practices for sediment and erosion control will be strictly adhered to during construction to minimize any indirect impacts.

If you have any questions, please contact me at 410-767-3771 or via email at DReagle1@mta.maryland.gov. We appreciate your continued coordination regarding this project.

Sincerely,

Dan Reagle
Environmental Planning Division
Maryland Transit Administration
6 St. Paul Street, 9th Floor
Baltimore, MD 21202

Attachment

cc: Mr. Greg Golden, DNR
Ms. Amrita Hill, AMTRAK
Mr. Larry Hindman, DNR
Mr. Josh Homyack, DNR
Mr. Scott Smith, DNR
Ms. Jacqueline Thorne, Maryland Department of Transportation

Legend

- LOD 9A Calculation Area
- LOD 9B Calculation Area
- Estuarine Intertidal Scrub-Shrub
- Estuarine Intertidal Unconsolidated Shore
- Palustrine Emergent
- Palustrine Forested
- Palustrine Scrub-Shrub
- Wetlands of Special State Concern
- Historic Waterfowl Concentration and Staging Area
- Forest Interior Dwelling Species (FIDS)
- Streams
- 1,000 ft Study Area

Data Sources

Wetlands, Waterfowl, and FIDS:
Maryland Department of Natural Resources, 2015

0 0.25 0.5 Miles

Susquehanna River Rail Bridge Project

Attachment 1

Environmental Resources

U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

November 28, 2016

NOAA's National Marine Fisheries Service
Protected Resources Division
55 Great Republic Drive
Gloucester, MA 01930

Attn: Mrs. Kimberly Damon-Randall

Re: Request for Informal Consultation under Section 7 of the Endangered Species Act (ESA) for the Susquehanna River Rail Bridge Project

Dear Mrs. Kimberly Damon-Randall,

This letter is to request informal consultation under Section 7(a)(2) of the Endangered Species Act (ESA) for the activities proposed to construct the Susquehanna River Rail Bridge Project (an earlier, brief letter request was submitted on May 10, 2016). The Federal Railroad Administration (FRA), as part of the project team with Maryland Department of Transportation (MDOT) and Amtrak, has determined that the proposed activity may affect, but is not likely to adversely affect, listed species under jurisdiction of the NMFS, as defined in the 1973 Endangered Species Act (ESA). Additionally, we have determined the project is not likely to adversely affect critical habitat – existing or proposed. We request NMFS concurrence with these determinations.

The Project Team is transmitting a Natural Resources Technical Report (NETR) for your review and to initiate informal consultation. Detailed project activities and supporting analysis are provided in the referenced electronic copy of the NETR. A summary is provided below.

Proposed Project

The Maryland Department of Transportation (MDOT) is proposing to replace the Susquehanna River Rail Bridge between the City of Havre de Grace in Harford County, Maryland and the Town of Perryville in Cecil County, Maryland.

FRA and MDOT are preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) to evaluate the potential environmental impacts of the Susquehanna River Rail Bridge Project (the "Proposed Project"). FRA is funding preliminary engineering and NEPA analysis for the project. The National Passenger Railroad Corporation (Amtrak), as bridge owner and operator, is providing conceptual and preliminary engineering designs in coordination with MDOT and FRA.

Currently, the Proposed Project is not funded for construction. Should the Proposed Project receive future federal funding for construction, the intent is that FRA or another lead federal agency could rely on the environmental analysis that has been conducted at this preliminary engineering stage, i.e., that the future construction project would be "NEPA ready."

The existing Susquehanna River Rail Bridge is located along Amtrak's Northeast Corridor (NEC). The Preferred Build Alternative 9A would construct two new bridges with two tracks each—one along the existing alignment and one along a new western alignment. The bridge to the west of the existing alignment would allow speeds of up to 90 miles per hour (mph). The new bridge along the existing alignment would allow speeds of up to 160 mph. The Preferred Alternative would entail the decommissioning and removal of the existing bridge as well as the removal of remnant piers from an earlier bridge structure slightly downstream.

The existing bridge is 110 years old, has functionally-obsolete and aging infrastructure, speed and capacity constraints, operational inflexibility, maintenance difficulties, and presents conflicts with maritime uses.

Based on the work that needs to be completed prior to the contractor procurement, the Proposed Project schedule assumes that contracted construction would commence in 2019, subject to project funding. The schedule for the Proposed Project would include in-water restrictions, and other limitations likely to be required by permits. Anticipated stream closure periods prohibit in-stream work from February 15 through June 15 for protection of fish spawning or migration in tidal Use II streams and April 1 through October 15 within designated SAV areas. With these potential schedule limitations, the FRA and MDOT anticipate that construction work for the project could be completed over five-years.

Construction would require in-water work with the potential to re-suspend bottom sediment, resulting in minimal, temporary, and localized effects on water quality of the Susquehanna River in the vicinity of the Proposed Project site. These activities include the following:

Construction of temporary finger piers. Finger piers would be used to connect to access roads for optimum movement of equipment, as well as to avoid the need for dredging. These temporary piers would remain for the majority of the construction period (3 to 5 years). Construction of the proposed temporary finger piers would eliminate the need for dredging that would otherwise be required for construction barges to access the Proposed Project site, and would thereby avoid the more substantial disturbance to river sediments that would be caused by dredging. Finger piers would likely be supported by up to 180 small (18 to 24 inches) steel pipe piles. Following best management practices (BMPs) for pile installation (NOAA 2008), noise from the driving of the finger pier piles would be minimized by first allowing piles to sink into the sediment under their own weight before using a vibratory driver to advance the piles to resistance. Piles would be impact driven to their final elevation. The project team anticipates duration of impact pile driving at less than 5 to 10 minutes per pile. Crews would install an average of 6 piles each day. At this rate there would be an average daily duration of 1 hour of

impact pile driving and not likely more than 2 hours per day. To minimize underwater noise levels, a wooden cushion block would be used, which would provide approximately 11 to 24 dB of noise attenuation. In addition, impact hammering would begin with a series of light taps of gradually increasing power, which is an effective method to avoid sudden disturbances to fish and provide them with an opportunity to move away from the site of the activity prior to exposure to injurious noise levels (FHWA 2003).

Construction of west and east replacement bridge piers. The new girder approach / arch main span bridge would have a total of 37 in-water piers (with a pier diameter of 5.67 feet for all piers except piers 13 and 14 at 6.67 feet). Eight of the piers, five along the Cecil County shoreline and three along the Harford County shoreline, will be encased in permanent cofferdams. The remaining piers will be encased in permanent caissons. The construction approach used for each pier pairing would depend on the location of the pier in relation to water depth. In deeper waters, drilled caissons (concrete-filled steel pipe piles) would be used for the pier construction and in shallower waters cofferdams would be utilized. Pile drilling results in minimal river bottom disturbance relative to other large-diameter pile installation methods. No dredging, sheet pile cells, or cofferdams would be required with the exception of the deep-water piers (Piers 3 and 4) that would potentially require a cofferdam during construction.

Demolition of the existing bridge and remnant piers. There are currently 16 in-water piers supporting the existing bridge and 13 remnant piers just downstream of the existing bridge that were left in place following demolition of the 1866 Philadelphia, Wilmington & Baltimore Railroad (PW&B) bridge. During demolition, the existing bridge would be dismantled by removing parts of the superstructure by barge or crane. The existing piers would be removed with an excavator and their support piles would either be cut two feet below the mud line with a wire saw or demolished by blasting inside a temporary cofferdam. Use of turbidity curtains and floating booms during the bridge removal activities would minimize the potential for resuspended sediment to result in significant adverse impacts to water or sediment quality.

Description of the Action Area

The Susquehanna River Rail Bridge is located along the Chesapeake Bay near the mouth of the Susquehanna River, at river Milepost 1. The action area is defined as "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action" (50CFR§402.02). For this project, an area, 1,000-feet upstream and 1,000 feet downstream of the current rail right-of-way, was evaluated for potential impacts to forests and wetlands. The project team identified 22 waters of the U.S. within this area. The majority of the identified systems included nontidal forested wetlands within the floodplain of lower and upper perennial streams that drain to the Chesapeake Bay, Susquehanna River, or Furnace Bay. These systems included a few emergent/open water wetland stormwater management ponds or drainage swales and a forested wetland ditch along the Amtrak railroad tracks, which drain directly to streams or forested wetlands along the streams. Two identified forested wetlands and one emergent wetland appeared to be hydrologically isolated. Two systems were identified

as tidal emergent or forested wetlands, one along the Susquehanna River and the other along the perimeter of Furnace Bay. Other habitat in the action area is described in detail in the NETR.

The study area for aquatic resources in the Susquehanna River was the larger area of Lower Susquehanna River from the head of tide north of Port Deposit to the confluence with the Upper Bay, and the Upper Bay down to the Elk River at Turkey Point to include the shallow Susquehanna Flats area, where much of the larger grained sediment discharged by the Susquehanna River is deposited (see Figure E-6 in the NETR). The aquatic resources study area also included the following streams: an unnamed tributary to Swan Creek, an unnamed tributary to Gashey's Creek, Gashey's Creek, an unnamed tributary to Lily Run, Lily Run, Mill Creek, and Principio Creek.

NMFS Listed Species (and Critical Habitat) in the Action Area

The shortnose sturgeon (Acipenser brevirostrum) and Atlantic sturgeon (Acipenser oxyrinchus), were identified by NMFS as endangered species that may occur within the action area. The study area is also an important migration area for diadromous fish species such as American shad, alewife, blueback herring, striped bass, hickory shad, gizzard shad, and American eel.

Shortnose sturgeon is a federally and state-listed endangered species found along the Atlantic coast of North America in estuaries and large rivers, including the Susquehanna (Chesapeake Bay). It is considered "amphidromous" – that is, like anadromous species it spawns in freshwater but regularly enters saltwater. Shortnose sturgeon may occur in the action area year round, but are most likely to occur there between January and April based on previous observations (NOAA 2007). In preparation for spawning, shortnose sturgeon in many rivers migrate in the fall to overwintering areas located in the furthest upstream areas of rivers and in close proximity to spawning grounds (Crance 1986; Kynard et al. 2012 Life History and Behaviour of Sturgeon). Spawning occurs the following spring, usually during April and May. The Susquehanna River may contain suitable spawning habitat and adult shortnose sturgeon have been documented in the river in February, April, and June, consistent with spawning time periods. However, it is unknown if adequate spawning or nursery habitat is present below the Conowingo Dam, which is the first barrier to upstream passage (NMFS 2014).

Atlantic sturgeon is a federally listed endangered species that also occurs along the Atlantic coast of North America in estuaries and large rivers, including the Susquehanna (Chesapeake Bay). On February 6, 2012, certain Distinct Population Segments were designated as federally endangered. Atlantic sturgeon from the Chesapeake Bay and New York Bight Distinct Population Segment may occur in the action area. Similar to the shortnose sturgeon, the Atlantic sturgeon is also typically anadromous, sharing much of its range within rivers with the shortnose sturgeon. Although Atlantic sturgeon are expected to occur at least intermittently in the action area, and are most likely to occur between April and June, they are not found in exceptionally high abundance (USFWS 2007 Atlantic sturgeon reward program). Atlantic sturgeon may occur in the action area year round as juveniles and sub-adults (NOAA 2007). The Chesapeake Bay DPS spawns in the James River in Virginia (NMFS 2014). There is not a spawning population in the

Susquehanna River due to the presence of the Conowingo Dam (SRAFRC 2010) and there is no hard-bottom spawning habitat present within the action area; therefore, Atlantic sturgeon eggs, larvae, and early juveniles are not expected to occur in the action area. On June 3, 2016, NMFS proposed a rule to designate critical habitat for three listed distinct population segments (DPSs) of Atlantic sturgeon found in U.S. waters (Gulf of Maine, New York Bight, and Chesapeake Bay DPSs) under GARFO jurisdiction (81 FR 35701). The proposed action occurs within the proposed Susquehanna River area.

Effects Determination

The work planned for the Susquehanna River Rail Bridge is within the known and expected range of shortnose sturgeon and Atlantic sturgeon. Both species are susceptible to the anticipated effects (i.e., increased turbidity, habitat modification, and vessel interactions). Construction or operation of the replacement bridges would not be expected to result in significant changes to water quality or other aquatic habitat parameters that would affect aquatic organisms. As described in detail in the attached NETR, the proposed action may affect, but is not likely to adversely affect shortnose sturgeon (*Acipenser brevirostrum*) or any of the Distinct Population Segments of Atlantic sturgeon (*Acipenser oxyrinchus*) that may be present in the action area. The table contained in this letter summarizes the total potential effects on natural resources from the Susquehanna River Rail Bridge Project.

Turbidity and Water Quality

Bottom disturbance during the construction of the in-water elements would have the potential to result in temporary sediment resuspension, and in turn, increased turbidity. However, any such effects would be highly localized and temporary, and would be expected to dissipate quickly, such that no significant or long-lasting changes in turbidity or other water quality parameters would occur. As the total suspended solids (TSS) will not reach levels that are toxic to benthic communities, the proposed action is extremely unlikely to result in reductions in the quality or quantity of sturgeon prey currently available. TSS is most likely to affect sturgeon if a plume creates a barrier in the waterway, and/or triggers an alteration of normal behaviors. However, because of turbidity curtains, sturgeon will not be exposed to elevated levels of resuspended sediment. Based on this, and the best available information, we conclude that when added to the baseline conditions, the effects of suspended sediment will be too small to be meaningfully measured or detected, and are therefore insignificant. The project will have no effect on salinity. No impacts to dissolved oxygen or temperature are anticipated.

Habitat Modification

The action area consists of soft substrate that may support benthic prey organisms. Sturgeon could opportunistically forage in the action area based on current conditions. The only activities that will impact soft substrate are pile installation. The estimated acreage of habitat loss due to the pile footprints of the bridge piers is <0.1 acres. The area of permanent habitat loss is therefore equivalent to <0.1% of the available soft-sediment benthic habitat in the action area and an even smaller percentage of the total soft-sediment benthic habitat in the Susquehanna River. Given the small size of the

bridge piers and the extremely small loss of soft-bottom benthic habitat, effects of habitat modification will be too small to be meaningfully measured or detected, and are therefore insignificant.

The proposed action will not affect the habitat in a way that impedes the movements of spawning adults or juveniles; this is because it will not alter the depth of the action area in a way that makes the area inaccessible or will result in the placement of physical barriers to passage. While the project will result in additional structures in the water, neither the existing bridge piers, nor the replacement piers to be constructed, are likely to impede the movements of juvenile or adult sturgeon, as fish monitored with acoustic tags in the action area were unaffected and the new piers are designed to minimize surface area.

Acoustic Impacts

The installation and removal of steel piles using impact and vibratory hammers will produce sound pressure waves and therefore may affect aquatic species, including sturgeon. Underwater sound pressure waves can injure or kill fish (Reyff 2003; Abbott and Bing-Sawyer 2002; Longmuir and Lively 2001; Stephenson et al. 2010; Stotz and Colby 2001). Effects to fish can range from temporary startle resulting in avoidance of an area to death due to injury of internal organs, such as swim bladders. The type of hammer (i.e., vibratory hammer vs. impact hammer), size of the organism (smaller individuals are more susceptible to effects), and distance from the sound source (i.e., sound dissipates over distance, so noise levels are greater closer to the source) all contribute to the likelihood of effects to the individual.

During unattenuated impact pile driving of steel pipe piles for temporary finger piers, underwater noise levels associated with the potential onset of physiological injury to fish (i.e., 206 dB re: 1µPa SPL_{peak}) would extend up to 50 feet from the pile[1]. The use of a wooden cushion block during impact pile driving would provide approximately 11 to 26 dB of noise attenuation, which would reduce the extent of the ensonified (sound-filled) area to within less than 33 feet of the pile. Given the small extent of the 206 dB SPL_{peak} noise isopleth, injurious effects to sturgeon in the action area are extremely unlikely and therefore discountable. The potential impacts of underwater noise would be further minimized if the impact pile driving was conducted between July and December, when sturgeon are less likely to occur in the action area.

Underwater noise levels associated with the potential onset of behavioral effects to fish (i.e., 150 dB re: 1µPa SPL_{rms}) would extend across the river during unattenuated impact pile driving of piles and approximately 1,800 feet (i.e., 50% of the river width within the action area) if a wooden cushion block was used to attenuate noise levels. These noise levels would only occur over a period of 1 to 2 hours per day. If an average of 6 piles were driven per day and 3 days of impact pile driving occurred each week, then impact pile driving would be completed within 2.5 months. The most likely response of sturgeon to the underwater sound produced during pile driving for the finger piers would

[1] Noise isopleth estimates were made using the GARFO Acoustics Tool for analyzing the effects of pile driving on ESA-listed species in the Greater Atlantic Region.

Potential Effects on Natural Resources from the Susquehanna River Rail Bridge Project			
Resource Type	**Resource Category**	**Alternative 9A**	**Alternative 9B**
Wetlands (acres)	Tidal	0.06	0.06
	Nontidal	0.83	0.71
Streams (linear feet)	Relatively Permanent Waterways	3,190	2,943
	Ephemeral	19	19
Wetland Buffers (acres)	Tidal	0.27	0.27
	Nontidal	2.16	1.72
Forest Resources (acres)	----	2.92	2.08
Chesapeake Bay Critical Area (acres)	----	6.4	6.1
Susquehanna Riverbed / Aquatic Biota (acres)	Permanent Impacts	0.37	0.37
	Construction (Temporary Impacts, including finger piers)	0.23	0.23
Submerged Aquatic Vegetation – SAV (acres)	Permanent Impacts from bridge piers and construction (e.g., includes temporary finger pier and cofferdam impacts owing to length of construction)	0.61	0.61

Critical Habitat

A proposed rule regarding the designation of critical habitat for the Chesapeake Bay Distinct Population Segment (DPS) of the Atlantic sturgeon was published in the Federal Register on June 3, 2016. The proposed critical habitat includes the entirety of the action area. Once critical habitat is proposed, the requirement to conference is in place. Conference is required when a proposed action is likely to result in the destruction or adverse modification of proposed critical habitat. We have determined that conference is not necessary; here, we consider the impacts of the proposed action on critical habitat proposed for designation for the Chesapeake Bay DPS.

The critical habitat designation is for habitats that support successful Atlantic sturgeon reproduction and recruitment. In order to determine if the project may affect critical habitat, we consider whether it would impact the habitat in a way that would affect its ability to support reproduction and recruitment. Specifically, we consider the effects of the project on the physical and biological features of the proposed critical habitat. The

be temporary avoidance of the area (AKRF and Popper 2012a,b). Behavioral avoidance by sturgeon would be temporary and limited to 1 to 2 hours during impact pile driving on any given day. Because the extent of the 150 dB SPL_{rms} isopleth is greater than the extent of the 187 dB re: $1\mu Pa^2 \cdot s$ cSEL isopleth (i.e., the potential onset of physiological injury due to prolonged sound exposure), sturgeon would avoid the ensonified area and would not likely be exposed to noise levels exceeding the 187 dB cSEL threshold.

Should sturgeon move into the action area where the 150 dBRMS isopleth extends, as described above, it is reasonable to assume that a sturgeon, upon detecting underwater noise levels of 150 dBRMS, will modify its behavior such that it redirects its course of movement away from the ensonified area and therefore, away from the project site. If any movements away from the ensonified area do occur, it is extremely unlikely that these movements will affect essential sturgeon behaviors (e.g., spawning, foraging, resting, and migration), as the area is not a spawning or overwintering area, and the Susquehanna River is sufficiently large enough to allow sturgeon to avoid the ensonified area while continuing to forage and migrate. Given the small distance a sturgeon would need to move to avoid the disturbance levels of noise, any effects will not be able to be meaningfully measured or detected. Therefore, the effects of noise on sturgeon are insignificant.

Increased Vessel Traffic

The proposed project may result in a temporary increase in vessel traffic in the action area; however, at this time, the exact number of project vessels operating within the action area at any given time and the precise number of operating hours for those vessels are not known. At a minimum, the project will utilize work barges, delivery barges, and crew vessels (with personnel lifts). The drafts of these vessels are not likely to exceed 6 to 8 feet in most cases. Water depths within most of the action area range from 20 to 50 feet at mean lower low water. Therefore, the vessel clearance above the river bottom would be at least 12 feet. The factors relevant to determining the risk to listed species from vessel strikes vary, but may be related to the size and speed of the vessels, navigational clearance (i.e., depth of water and draft of the vessel) in the area where the vessel is operating, and the behavior of fish in the area (foraging, migrating, etc.). Because both Atlantic and shortnose sturgeons are demersal (bottom-dwelling) species and spend the majority of the time within a few feet of the bottom while foraging and below 15 feet from the water's surface for Atlantic sturgeon (Balazik et al. 2012), vessel interaction with sturgeon is extremely unlikely and, therefore, discountable.

essential features identified in the proposed rule are:

- suitable hard bottom substrate (e.g., rock, cobble, gravel, limestone, boulder, etc.) in low salinity waters (i.e., 0.0-0.5 parts per thousand range) for settlement of fertilized eggs, refuge, growth, and development of early life stages;
- transitional salinity zones of 0.5-30 parts per thousand inclusive of waters with a gradual downstream gradient and soft substrate (e.g., sand, mud) downstream of spawning sites for juvenile foraging and physiological development;
- water depth of up to 27 meters absent physical barriers to passage (e.g., locks, dams, reservoirs, gear, etc.) between the river mouth and spawning sites for unimpeded movements of spawning adults as well as seasonal and physiological-dependent movement of juvenile Atlantic sturgeon to appropriate salinity zones within the river estuary, and;
- water with the temperature, salinity, and oxygen values that, combined, provide for dissolved oxygen values that support successful reproduction and recruitment (e.g., 6 mg/L for juvenile rearing habitat) and are within the temperature range that supports the habitat function (e.g., 13 to 26° C for spawning habitat and no more than 30° C for juvenile rearing habitat).

The first feature (hard bottom habitat with salinity less than 0.05 ppt) is not present in the action area.

The remaining three features are present in the action area. The only activity remaining as part of the proposed action that will impact soft substrate is pile installation. The estimated acreage of habitat loss due to the pile footprints of the bridge piers is <0.1 acres. The area of permanent habitat loss therefore is equivalent to <0.1% of the available soft-sediment benthic habitat in the action area and an even smaller percentage of the total soft-sediment benthic habitat in the Susquehanna River. Given the small size of the bridge piers and the extremely small loss of soft-bottom benthic habitat, effects will be insignificant.

The proposed action will not affect the habitat in a way that impedes the movements of spawning adults or juveniles; this is because it will not alter the depth of the action area in a way that makes the area inaccessible or result in the placement of physical barriers to passage. While the project will result in additional structures in the water, neither the existing bridge piers, nor the replacement piers to be constructed, would impede the movements of juvenile or adult sturgeon, as fish monitored with acoustic tags in the action area were unaffected and the new piers are designed to minimize surface area.

The project will have no effect on salinity. No impacts to dissolved oxygen or temperature are anticipated. Effects to water quality are extremely unlikely to occur and are, therefore, discountable.

In sum, it is not expected that the temporary loss of a minimal amount of soft substrate that could be used for juvenile foraging would result in a direct or indirect alteration of

the proposed critical habitat that appreciably diminishes the value of the critical habitat for the conservation of Atlantic sturgeon. Therefore, we do not anticipate the destruction or adverse modification of the proposed critical habitat and conference with NMFS is not necessary.

Conclusion

Overall, we have determined that the Susquehanna River Rail Bridge Project may affect, but is not likely to adversely affect, any listed species, or pending critical habitat, under NMFS' jurisdiction. We request your concurrence with our determinations for these species, and hereby request informal consultation under Section 7 of the ESA. Please contact me, FRA Environmental Protection Specialist, at (202) 493-0844 or by email at Brandon.Bratcher@dot.gov.

Thank you for your assistance with this project.

Sincerely,

Brandon L. Bratcher
Environmental Protection Specialist
Federal Railroad Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building, Mail Stop 20
Washington, DC 20590
(202) 493-0844

Literature Cited

All references are included in the referenced electronic copy of the NETR.

CC:
Brian Hopper, NOAA
Dan Reagle, MDOT
Jacqueline Thorne, MDOT
Paul DelSignore, Amtrak
Amrita Hill, Amtrak

Priority Funding Area Correspondence

March 23, 2016

Dan Reagle
Environmental Planner
Maryland Transit Administration
Environmental Planning Division
6 St. Paul Street, 9th Floor,
Baltimore, MD 21202

Dear Mr. Reagle:

The Smart Growth and Neighborhood Conservation Coordinating Committee met on March 9, 2016 to review a request by the Maryland Department of Transportation for a Priority Funding Area (PFA) exception for the Susquehanna River Rail Bridge Project, located between the City of Havre de Grace (Harford County) and Town of Perryville (Cecil County).

This project involves: (1) replacing the existing 110-year old railroad bridge and approach tracks (6.2 miles total); (2) improving rail service reliability and safety; operational flexibility and accommodate reduced trip times; and (3) optimizing existing and planned infrastructure; accommodate future high-speed rail, commuter, intercity & freight rail operations; maintain adequate navigation and improve safety along the Susquehanna River. The capital funding for this project includes a Federal Rail Administration Grant of $22 million for PE/NEPA only, with a FONSI anticipated by 2017. The estimated total cost of the project is between $800M-1.2B. If fully funded, construction would be complete in approximately 5 years.

It was noted during the presentation of the PFA exception request that 94% project is located within an existing PFA, and the only portion of project outside PFA is found along the northern terminus in Cecil County. It was pointed out that there is no feasible or prudent alignment alternative to the existing Northeast Corridor (NEC). Furthermore, the proposed project and areas outside of PFA will not induce unplanned growth; no modifications or new stations are proposed.

Based on this information, the Committee **voted to approve** this as an exception to the PFA requirements due to it being a growth-related project involving a commercial or industrial activity, which, due to its operational or physical characteristics, must be located away from other development. More specifically the Committee found that the project qualified for a PFA exemption as it supports and is related to a passenger transit and rail freight service, a commercial or industrial activity that is proximate to a railroad facility (per §5-7B-06(a)(iii)3.).

Sincerely,

Charles W. Boyd, AICP
Deputy Director of Planning Service

Section 4(f) De Minimis Correspondence

April 15, 2016

Mr. Neal Mills, Director
Havre de Grace Planning
711 Pennington Avenue
Havre de Grace, MD 21078

Dear Mr. Mills:

The Maryland Department of Transportation (MDOT), as the project sponsor, is proposing the Susquehanna River Rail Bridge Project (the "Proposed Project") between the City of Havre de Grace in Harford County, Maryland and the Town of Perryville in Cecil County, Maryland. The Federal Railroad Administration (FRA) and MDOT are preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) to evaluate the potential environmental impacts of the Proposed Project. The National Passenger Railroad Corporation (Amtrak), as bridge owner and operator, is providing conceptual and preliminary engineering designs in coordination with MDOT and FRA. The existing Susquehanna River Rail Bridge is located along Amtrak's Northeast Corridor (NEC).

Two build alternatives are under consideration in the EA – Alternative 9A and Alternative 9B. Both alternatives would entail the decommissioning and removal of the existing rail bridge and the construction of two new two-track rail bridges. Alternatives 9A and 9B would result in permanent impacts to the Jean S. Roberts Memorial Park (also referred to as "Jean Roberts Park"), located in Havre de Grace, Harford County. The Jean S. Roberts Memorial Park is a publicly-accessible facility that sits on a combination of land owned by the City of Havre de Grace, and land owned by Amtrak. The Amtrak-owned land is currently leased to the City of Havre de Grace under a 50-year agreement (signed March 14, 1986). Jean Roberts Park offers amenities such as fishing piers, a picnicking area, a kayak launch and a boat launch. The City of Havre de Grace-owned portion of this resource qualifies for protection under Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 USC §303, referred to herein as "Section 4(f)"). The Amtrak-owned portion of the resource is exempted from protection by Section 4(f) per 23 CFR 774.11(h), which indicates that a property formally reserved for a future transportation facility is not subject to Section 4(f) even when a temporary, interim use on the site would otherwise constitute a Section 4(f) resource[1]. Therefore, only the City-owned portion of Jean S. Roberts Memorial Park is the subject of this letter.

The impacts to Jean Roberts Park from Alternatives 9A and 9B include permanent fee-simple property acquisition of 0.01 acre that constitutes a Section 4(f) use of the property. The purpose of this letter is to request your concurrence that, in light of proposed minimization measures described below, the proposed Section 4(f) use would not adversely affect the activities, features, or attributes of Jean Roberts Park. To aid your ability to concur, we are providing background information about the proposed project as well as a discussion of FRA and MDOT's justification for reaching these determinations.

[1] The full text of §23 CFR 774.11(h) is as follows: "When a property formally reserved for a future transportation facility temporarily functions for park, recreation, or wildlife and waterfowl refuge purposes in the interim, the interim activity, regardless of duration, will not subject the property to Section 4(f)."

In accordance with Section 4(f), FRA may not approve the use of land from a publicly-owned public park, recreation area or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that: (i) there is no feasible and prudent alternative to the use of the land from the property; and (ii) the action includes all possible planning to minimize harm to the property resulting from such use, or (iii) the Section 4(f) use is *de minimis*. A *de minimis* Section 4(f) use is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation or enhancement measures), would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). To make a finding that a Section 4(f) use is *de minimis,* FRA requires written concurrence from the official(s) with jurisdiction over the resource that, based on the proposed measures to minimize harm, such use would not adversely affect the activities, features, or attributes that qualify the resource for protection under Section 4(f). In addition, public notice and opportunity for public review and comment on the finding is required.

Project Purpose and Need

The Susquehanna River Rail Bridge Project would span approximately six miles, between the "Oak" Interlocking at Milepost 63.5 south of the City of Havre de Grace and the "Prince" Interlocking at Milepost 57.3 north of the Town of Perryville (**Attachment 1**). The 110-year-old bridge is a critical link along the NEC, which is one of the USDOT's designated high-speed rail corridors and is the busiest passenger rail line in the United States. The bridge is used by Amtrak, the Maryland Area Regional Commuter (MARC), and Norfolk Southern Railway (NS) to carry intercity, commuter, and freight trains across the Susquehanna River.

The problems posed by the existing Susquehanna River Rail Bridge include: functionally obsolete and aging infrastructure; speed and capacity constraints; operational inflexibility; maintenance difficulties; and conflicts with maritime uses. The primary purpose of the Proposed Project is to provide continued rail connectivity along the NEC. The goals of the Susquehanna River Rail Bridge Project include:

- Improve rail service reliability and safety;
- Improve operational flexibility and accommodate reduced trip times;
- Optimize existing and planned infrastructure and accommodate future freight, commuter, intercity and high-speed rail operations; and
- Maintain adequate navigation and improve safety along the Susquehanna River.

Planning Context

FRA launched the High-Speed Intercity Passenger Rail (HSIPR) Program in June 2009. HSIPR emphasizes a corridor-level approach to planning rail services to support the state-centric funding. The administration's initial vision for establishing high-speed rail was documented in the High-Speed Rail Strategic Plan (April 2009)[2], and clarified by the FRA's Interim Program Guidance (June 2009), which outlined the eligibility requirements and procedures for obtaining funds under the program, and the criteria by which applications are evaluated. USDOT awarded a $22 million grant to the State of Maryland for preliminary engineering and environmental studies (of which the EA is a part) for the Susquehanna River Rail Bridge Project. As mentioned above, USDOT designated the NEC as a high-speed rail corridor through the HSIPR program.

[2] http://www.fra.dot.gov/downloads/rrdev/hsrstrategicplan.pdf. Accessed October 21, 2013.

As part of a separate effort, FRA is leading the NEC FUTURE program, a comprehensive planning effort to define, evaluate, and prioritize future investments along the NEC from Washington, D.C. to Boston, MA. FRA launched NEC FUTURE in 2012 to consider the role of rail passenger service in the context of current and future transportation demands. Through the NEC FUTURE program, the FRA is determining a long-term vision and investment program for the NEC, and preparing a Tier 1 Environmental Impact Statement (EIS) and Service Development Plan in support of that vision. The NEC Future Tier I Draft EIS was released in November 2015. The purpose of the NEC FUTURE program is to upgrade aging infrastructure and to improve the reliability, capacity, connectivity, performance, and resiliency of passenger rail service on the NEC for both intercity and regional trips, while promoting environmental sustainability and economic growth. Reaching Maximum Allowable Speeds (MAS) along the corridor will be a critical consideration when evaluating the efficiency of the rail network along the NEC now and well into the future. The Susquehanna River Rail Bridge Project is being coordinated with and informed by the NEC FUTURE program. This includes the NEC FUTURE program's goal to achieve at least 160 mph along the NEC wherever possible.

Project Alternatives

The EA for the Proposed Project includes a No Action Alternative, in addition to two build alternatives: Alternatives 9A and 9B. Both Alternatives 9A and 9B would include the decommissioning and removal of the existing bridge and the construction of:

- a new two-track bridge accommodating train speeds of up to 90 miles per hour (mph) to the west (upstream) of the existing bridge, and
- a second new two-track bridge very close to the existing alignment.

The second new bridge would accommodate speeds of up to 160 mph for Alternative 9A and up to 150 mph for Alternative 9B.

MDOT and FRA have been conducting a broad public involvement and agency coordination program since the project's inception. In addition to the general outreach, MDOT and FRA have coordinated with the City of Havre de Grace throughout the project duration.

De Minimis Section 4(f) Use

As described above, Jean Roberts Park sits on a combination of land owned by the City of Havre de Grace, and land owned by Amtrak and leased to the City of Havre de Grace. The Amtrak-owned portion of the park is 0.26 acre in size, and would be used in its entirety under Alternatives 9A and 9B, which would prohibit public access within the Amtrak right-of-way and would require the removal of the boat ramp area and a portion of the pier. However, as described above, the Amtrak-owned parcel is not considered a Section 4(f) resource due to its having been formally reserved for future transportation use.

Alternatives 9A and 9B have the same impact to the City-owned parcel, requiring a Section 4(f) use of 0.01 acre of the City-owned portion of Jean Roberts Park (approximately two percent of the City-owned portion of the park). Both alternatives would construct a new bridge crossing above Jean Roberts Park on an elevated structure. The elevated structure would require modification of the existing lease agreement.

Based on MDOT's analysis of the proposed use to the City-owned portion of Jean Roberts Park, MDOT believes that the Section 4(f) use of this City-owned property would not adversely affect the activities, features, or attributes qualifying this property for protection under Section 4(f). We request your concurrence that the minor impacts to the City-owned portion of Jean Roberts Park to construct

Alternative 9A or 9B would not impair the activities, features, and attributes important to the facility. Upon your written agreement, MDOT intends to propose a *de minimis* impact finding to the FRA for the use of the facility. Public comment on the proposed impacts will be sought following your concurrence and prior to the request for a *de minimis* impact finding from FRA.

If you agree with the above statements, please indicate your concurrence on the signature line below and return to my attention by May 13, 2016. Should you have any questions or concerns regarding this letter, please contact me at DReagle1@mta.maryland.gov or 410-767-3771.

Sincerely,

Dan Reagle

Dan Reagle
Office of Planning
Maryland Transit Administration
6 St. Paul Street, 9th Floor
Baltimore, MD 21202

Enclosures

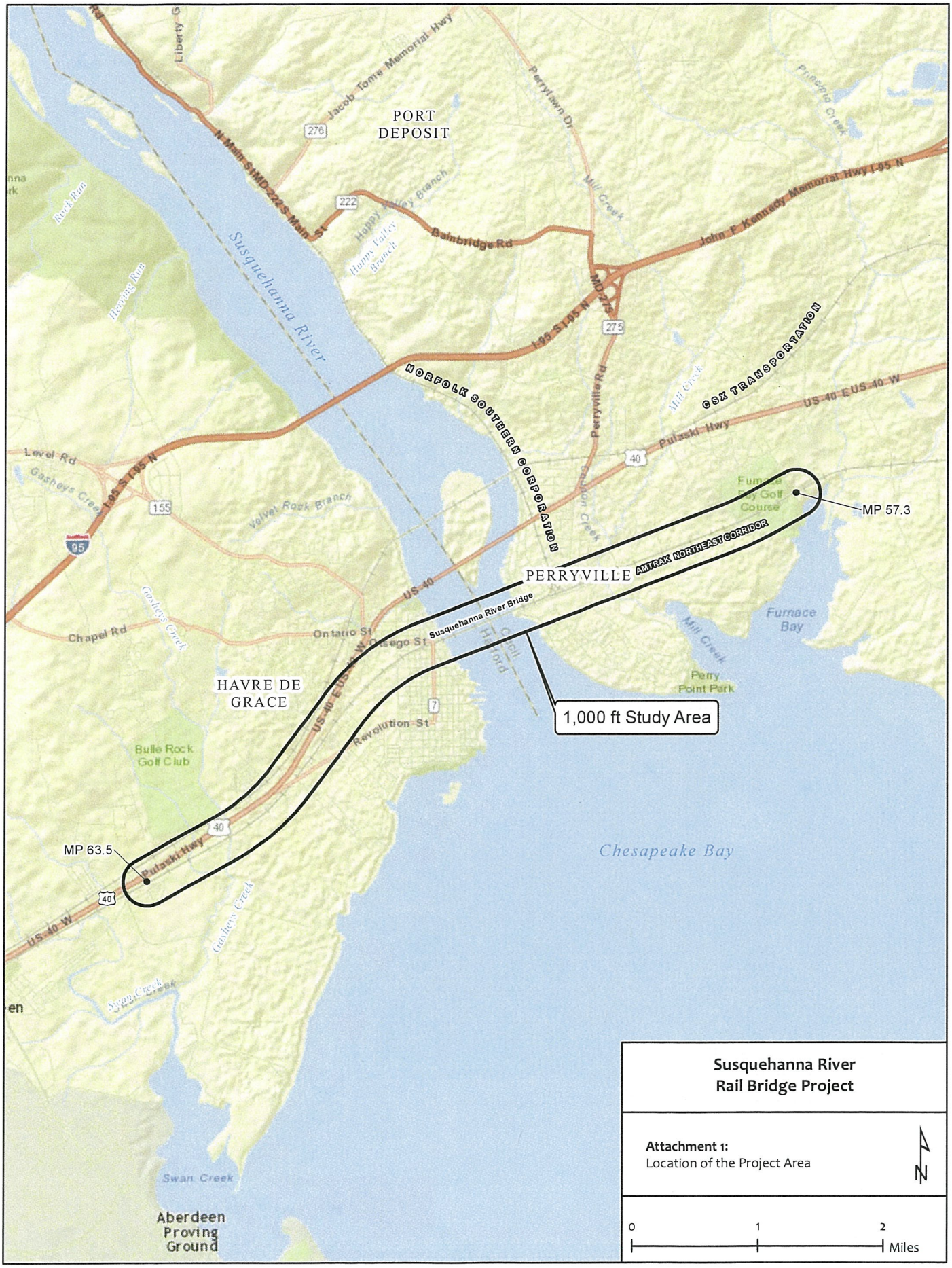
cc: Mr. Paul DelSignore, Amtrak
Ms. Michelle Fishburne, FRA
Ms. Amrita Hill, Amtrak
Ms. Dianne Klair, City of Havre de Grace
Ms. Jacqueline Thorne, MDOT

Concurrence with MDOT's determination that the Section 4(f) use of the City-owned portion of Jean S. Roberts Memorial Park for the Susquehanna River Rail Bridge Project Alternative 9A or 9B would not adversely affect the activities, features, or attributes qualifying this property for protection under Section 4(f):

City of Havre De Grace	Printed Name	Date

Section 4(f) de minimis Finding Approval:

Federal Railroad Administration	Printed Name	Date


PORT DEPOSIT
PERRYVILLE
HAVRE DE GRACE
Aberdeen Proving Ground
Chesapeake Bay
Susquehanna River
Susquehanna River Bridge
AMTRAK NORTHEAST CORRIDOR
NORFOLK SOUTHERN CORPORATION
CSX TRANSPORTATION
MP 57.3
MP 63.5
1,000 ft Study Area
Susquehanna River
Rail Bridge Project
Attachment 1:
Location of the Project Area
N
0
1
2
Miles

Legend

- Jean S. Roberts Park - City Owned
- Jean S. Roberts Park - Amtrak Owned
- LOD 9A Calculation Area
- LOD 9B Calculation Area

N

0 50 100 Feet

Susquehanna River Rail Bridge Project

Attachment 2

Build Alternatives Impacts to the Jean S. Roberts Park

Maryland Department of Transportation
The Secretary's Office

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

April 22, 2016

Mr. Cornell S. Brown
Assistant Superintendent for Operations
Harford County Public Schools
102 South Hickory Avenue
Bel Air, MD 21014

RE: Susquehanna River Rail Bridge Project

Mr. Brown:

As discussed on our phone call earlier today, I am sending this revised correspondence as a prelude to the *de minimis* letter to be mailed to the Harford County Public School Superintendent on Monday, April 25, 2016

The Maryland Department of Transportation (MDOT), as the project sponsor, is proposing to improve the Susquehanna River Rail Bridge between the City of Havre De Grace (HDG) in Harford County, Maryland and the Town of Perryville in Cecil County, Maryland. The Federal Railroad Administration (FRA) and MDOT are preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) to evaluate the potential environmental impacts of the Susquehanna River Rail Bridge Project (the "Proposed Project"). The National Passenger Railroad Corporation (Amtrak), as bridge owner and operator, is providing conceptual and preliminary engineering designs in coordination with MDOT and FRA. The existing Susquehanna River Rail Bridge is located along Amtrak's Northeast Corridor (NEC).

Section 4(f) is a Federal law protecting the use of historic properties for public parks from acquisition for transportation projects. Determining a decision that a Section 4(f) use is *de minimis,* FRA requires written concurrence from the official(s) with jurisdiction over the resource that based on the proposed measures to minimize harm; such use would not adversely affect the activities, features, or attributes that qualify the resource for protection under Section 4(f). In addition, public notice and opportunity for public review and comment on the finding is required.

A detailed *de minimis* letter to the Superintendant will be sent separately to provide extensive details on the Susquehanna River Rail Bridge Project including; Project Purpose and Need; Project Alternatives; Project Impacts including the Athletic Fields acreage; Baseball Field;Water Main at the proposed Havre De Grace Middle/High School Project location. Two Build Alternatives are under consideration in the Environmental Assessment (EA) – Alternative 9A and Alternative 9B. Both alternatives would construct two new two-track bridges, one very close to the existing bridge alignment and one upstream of it.

The alternatives would differ in the track alignment near the proposed Havre De Grace Middle-High School Project. Alternative 9A would result in permanent impacts as previously discussed in our meeting(s).

The impacts to the proposed Havre De Grace Middle-High School Project athletic fields include permanent fee-simple property acquisition as well as a permanent easement for a water main relocation that constitute a Section 4(f) use of the property. The purpose of this letter is to request your concurrence that, in light of proposed minimization and mitigation measures described in detail in the *de minimis* to the Superintendent, the proposed Section 4(f) use would not adversely affect the activities, features, or attributes of the proposed Havre De Grace Middle-High School Project Athletic Fields. To aid your ability to concur, we will provide background information about the proposed project as well as a discussion of FRA and MDOT's justification for reaching these determinations. Should you have any questions or require additional information, please don't hesitate to contact me. If you would kindly provide feedback as well as any indication of any additional renderings or civil drawings by May 2, 2016 I would be most appreciative.

Respectfully,

Jacqueline Thorne
Maryland Department of Transportation
Project Manager
7201 Corporate Center Drive
Hanover, MD 21076

cc: D. Reagal
S. Williams

April 25, 2016

Mrs. Barbara P. Canavan
Superintendent of Schools
Harford County Public Schools
A.A. Roberty Building
102 S. Hickory Avenue
Bel Air, MD 21014

Dear Mrs. Canavan:

The Maryland Department of Transportation (MDOT), as the project sponsor, is proposing to improve the Susquehanna River Rail Bridge between the City of Havre de Grace in Harford County, Maryland and the Town of Perryville in Cecil County, Maryland. The Federal Railroad Administration (FRA) and MDOT are preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act of 1969 (NEPA) to evaluate the potential environmental impacts of the Susquehanna River Rail Bridge Project (the "Proposed Project"). The National Passenger Railroad Corporation (Amtrak), as bridge owner and operator, is providing conceptual and preliminary engineering designs in coordination with MDOT and FRA. The existing Susquehanna River Rail Bridge is located along Amtrak's Northeast Corridor (NEC). As explained in more detail below, the NEPA and preliminary engineering phases of the project are being funded by FRA through the High-Speed Intercity Passenger Rail (HSIPR) Program.

Two Build Alternatives are under consideration in the EA—Alternative 9A and Alternative 9B. Both alternatives would construct two new two-track bridges—one very close to the existing alignment and one upstream of it. The alternatives would differ in the track alignment near the Havre de Grace Middle/High School. Alternative 9A would result in permanent impacts to the Havre de Grace Middle/High School Athletic Fields, located in Havre de Grace, Harford County. The Havre de Grace Middle/High School Athletic Fields are publicly-owned recreational facilities that are open to the public when not in use by the school or reserved for special events. As such, this resource qualifies for protection under Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 USC §303, referred to herein as "Section 4(f)").

In accordance with Section 4(f), FRA may not approve the use of land from a publicly-owned public park, recreation area or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that: (i) there is no feasible and prudent alternative to the use of the land from the property; and (ii) the action includes all possible planning to minimize harm to the property resulting from such use, or (iii) the Section 4(f) use is *de minimis*. A *de minimis* Section 4(f) use is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation or enhancement measures), would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). To make a finding that a Section 4(f) use is *de minimis,* FRA requires written concurrence from the official(s) with jurisdiction over the resource that, based on the proposed measures to minimize harm, such use would not adversely affect the activities, features, or attributes that qualify the resource for protection under Section 4(f). In addition, public notice and opportunity for public review and comment on the finding is required.

The impacts to the Havre de Grace Middle/High School Athletic Fields include permanent fee-simple property acquisition as well as a permanent easement for a water main relocation that constitute a Section 4(f) use of the property. The purpose of this letter is to request your concurrence that, in light of proposed minimization and mitigation measures described below, the proposed Section 4(f) use would not

adversely affect the activities, features, or attributes of the Havre de Grace Middle/High School Athletic Fields. To aid your ability to concur, we are providing background information about the proposed project as well as a discussion of FRA and MDOT's justification for reaching these determinations.

Project Purpose and Need

The Susquehanna River Rail Bridge Project would span approximately six miles, between the "Oak" Interlocking at Milepost 63.5 south of the City of Havre de Grace and the "Prince" Interlocking at Milepost 57.3 north of the Town of Perryville (**Attachment 1**). The 110-year-old bridge is a critical link along the NEC, which is one of the USDOT's designated high-speed rail corridors and is the busiest passenger rail line in the United States. The bridge is used by Amtrak, the Maryland Area Regional Commuter (MARC), and Norfolk Southern Railway (NS) to carry intercity, commuter, and freight trains across the Susquehanna River.

The problems posed by the existing Susquehanna River Rail Bridge include: functionally obsolete and aging infrastructure; speed and capacity constraints; operational inflexibility; maintenance difficulties; and conflicts with maritime uses. The primary purpose of the Proposed Project is to provide continued rail connectivity along the NEC. The goals of the Susquehanna River Rail Bridge Project include:

- Improve rail service reliability and safety;
- Improve operational flexibility and accommodate reduced trip times;
- Optimize existing and planned infrastructure and accommodate future freight, commuter, intercity and high-speed rail operations; and
- Maintain adequate navigation and improve safety along the Susquehanna River.

Planning Context

FRA launched the High-Speed Intercity Passenger Rail (HSIPR) Program in June 2009. HSIPR emphasizes a corridor-level approach to planning rail services to support the state-centric funding. The administration's initial vision for establishing high-speed rail was documented in the High-Speed Rail Strategic Plan (April 2009)[1], and clarified by the FRA's Interim Program Guidance (June 2009), which outlined the eligibility requirements and procedures for obtaining funds under the program, and the criteria by which applications are evaluated. USDOT awarded a $22 million grant to the State of Maryland for preliminary engineering and environmental studies (of which the EA is a part) for the Susquehanna River Rail Bridge Project. As mentioned above, USDOT designated the NEC as a high-speed rail corridor through the HSIPR program.

As part of a separate effort, FRA is leading the NEC FUTURE program, a comprehensive planning effort to define, evaluate, and prioritize future investments along the NEC from Washington, D.C. to Boston, MA. FRA launched NEC FUTURE in 2012 to consider the role of rail passenger service in the context of current and future transportation demands. Through the NEC FUTURE program, the FRA is determining a long-term vision and investment program for the NEC, and preparing a Tier 1 Environmental Impact Statement (EIS) and Service Development Plan in support of that vision. The NEC Future Tier I Draft EIS was released in November 2015. The purpose of the NEC FUTURE program is to upgrade aging infrastructure and to improve the reliability, capacity, connectivity, performance, and resiliency of passenger rail service on the NEC for both intercity and regional trips, while promoting environmental sustainability and economic growth. Reaching Maximum Allowable Speeds (MAS) along the corridor will be a critical consideration when evaluating the efficiency of the rail network along the NEC now and well into the future. The Susquehanna River Rail Bridge Project is being coordinated with and informed by the NEC FUTURE program. This includes the NEC FUTURE program's goal to achieve at least 160 mph along the NEC wherever possible.

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[1] http://www.fra.dot.gov/downloads/rrdev/hsrstrategicplan.pdf. Accessed October 21, 2013.

Project Alternatives

The EA for the Proposed Project includes a No Action Alternative, in addition to two Build Alternatives: Alternatives 9A and 9B. Both Alternatives 9A and 9B would include the decommissioning and removal of the existing bridge and the construction of:

- a new two-track bridge accommodating train speeds of up to 90 miles per hour (mph) to the west (upstream) of the existing bridge, and
- a second new two-track bridge very close to the existing alignment.

The second new bridge would accommodate speeds of up to 160 mph for Alternative 9A and up to 150 mph for Alternative 9B.

MDOT and FRA have been conducting a broad public involvement and agency coordination program since the project's inception. In addition to the general outreach, beginning in July 2015, the project team has consulted extensively with staff from Harford County Public Schools (HCPS) to discuss the need for the proposed improvements, as well as associated impacts resulting from Alternative 9A to the Havre de Grace Middle/High School Athletic Fields. No impacts to the Athletic Fields would result from Alternative 9B.

De Minimis Section 4(f) Use

Alternative 9A would require a Section 4(f) use of approximately 2.1 acres from the Havre de Grace Middle/High School Athletic Fields. This use is required because the design curvature of Alternative 9A necessary to achieve 160 mph speeds necessitates property acquisition outside of the current Amtrak-owned right-of-way (ROW) within the Havre de Grace Middle/High School Athletic Fields (**Attachment 2**). This Section 4(f) use is comprised of 1.5 acres of fee simple right-of-way as well as 0.6 acre of perpetual easement. The proposed new rail tracks would encroach partially upon the athletic fields. In addition, a retaining wall would be constructed parallel to the tracks to the south and would be situated fully on the Section 4(f) property. Fencing would also be installed along the top of the retaining wall for its entire length. The retaining wall would have an average height of 17 to 18 feet and would have a maximum height of 25 feet.

The proposed rail track would impact only existing open space, but the proposed retaining wall and the associated construction/maintenance easement would result in impacts to existing amenities including the 110 meter hurdle runout area, the high jump/pole vault facility, the long jump facility, and a storage shed. In addition, the retaining wall and easement would affect the proposed design of a planned baseball diamond, which is intended to be built to the west of the track. Furthermore, the proposed retaining wall would require the relocation of an existing 20-inch water main that currently runs along the north edge of the athletic fields approximately 15 feet inside the property line. The water main belongs to Harford County's Department of Public Works (DPW), who would likely hold the construction / maintenance easement in perpetuity following the water main's relocation resulting from this project's rail alignment construction.

FRA and MDOT have worked with HCPS to develop proposed measures to minimize and mitigate these impacts. Proposed minimization and mitigation for Alternative 9A impacts to the Havre de Grace Middle/High School Athletic Fields are described below and shown on **Attachment 3**.

Existing Track and Field Facilities

The proposed retaining wall requires modification or relocation of the existing pole vault/high jump, long jump and 110 meter hurdle runout area at the existing track and field facility. A storage shed would also be impacted. Minimization and Mitigation for impacts to these facilities include:

- Amtrak would build the railroad on an elevated structure over the 110-meter hurdle runout area. During construction the runout would be reduced to 8.5 meters but after construction would be rebuilt to its current 11.5-meter length.
- Relocate pole vault, high jump, long jump and storage shed (see **Attachment 3**).
- The Project would reimburse HCPS for the agreed upon additional design cost.
- To the extent practical, construction would be scheduled to minimize disruption to these facilities.

Planned Baseball Field Construction

The project team has reviewed plans for a new baseball field as part of the proposed High School/Middle School development. Although this field has not yet been constructed, HCPS is in the process of designing the facility. As such, FRA and MDOT have taken the future baseball field into account in their assessment of the impacts to the property. It is recommended that baseball fields should be built with a 60-foot clear area behind the foul line. As currently designed, the proposed retaining wall for Alternative 9A would encroach within this clear area by up to 20 feet. To address this impact, MDOT has worked with HCPS to develop the following minimization and mitigation measures:

- The baseball field would be redesigned by shifting home plate three (3) feet away from the railroad and rotating the field 2.5 degrees counter clockwise. This would provide more than 60 feet from the foul line to the nearest obstruction. This modification would result 300 cubic yards (CY) of additional fill would be needed near the realigned ballfield. (see **Attachment 3**).
- Design consultant working on the baseball fields would redesign the field to provide adequate clear area around Amtrak's proposed retaining wall.
- The Project would reimburse HCPS for the agreed upon additional design cost.
- Amtrak would provide conduit and embedded inserts for installation of a future score board by HCPS.
- Amtrak would install a protective netting to shield the railroad from foul balls.

Existing 20-Inch Water Main

An existing 20-inch water main is located adjacent to Amtrak right of way, approximately 15 feet inside the Athletic Field property and would require relocation due to the proposed retaining wall. Minimization and mitigation for impacts to the water main include:

- The water main would be relocated in a casing, allowing future replacement to be done without affecting the athletic facilities.
- Construction would be scheduled around use of the facilities.

Based on MDOT's analysis of the proposed use to the Havre de Grace Middle/High School Athletic Fields and the proposed minimization and mitigation measures described above, MDOT's believes that the Section 4(f) use of this property would not adversely affect the activities, features, or attributes qualifying this property for protection under Section 4(f). We request your concurrence that, with the implementation of mitigation measures outlined above, the minor impacts to the Havre de Grace High School/Middle School Athletic Fields to construct Alternative 9A would not impair the activities, features, and attributes important to the facility. Upon your written agreement, MDOT intends to propose a *de minimis* impact finding to the FRA for the use of the facility. Public comment on the proposed impacts will be sought following your concurrence and prior to the request for a *de minimis* impact finding from FRA.

If you agree with the above statements, please indicate your concurrence on the signature line below and return to my attention by May 25, 2016. Should you have any questions or concerns regarding the proposed impact to the Havre de Grace High School/Middle School Athletic Fields, please contact me at please contact me at DReagle1@mta.maryland.gov or 410-767-3771.

Sincerely,

Dan Reagle

Dan Reagle
Office of Planning
Maryland Transit Administration
6 St. Paul Street, 9th Floor
Baltimore, MD 21202

Enclosures

cc:

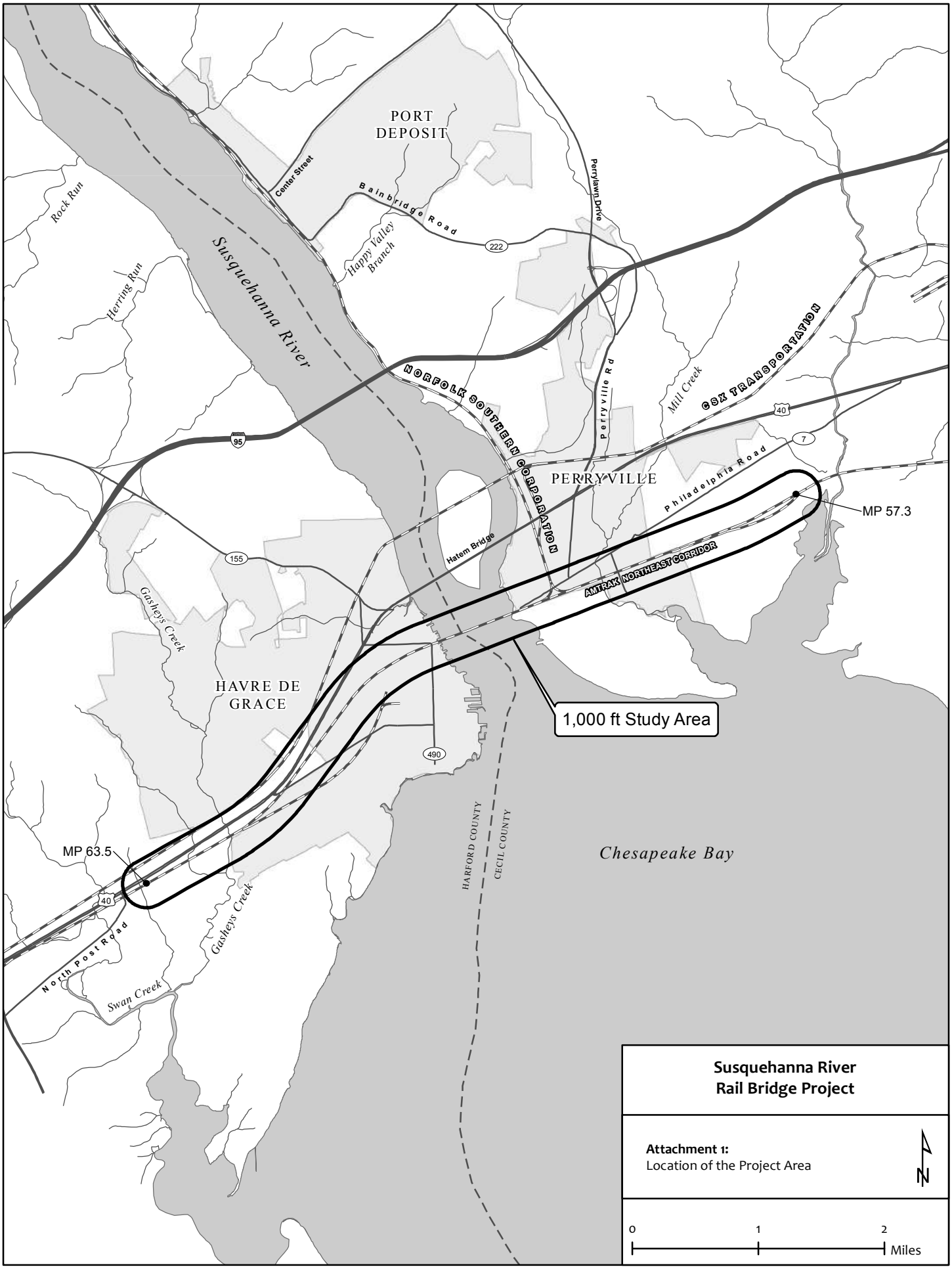
Mr. Cornell S. Brown, Jr., HCPS
Mr. Paul DelSignore, Amtrak
Ms. Michelle Fishburne, FRA
Ms. Amrita Hill, Amtrak
Mr. Joseph P. Licata, HCPS
Mr. Harry Miller, HCPS
Mr. Patrick Spicer, HCPS
Ms. Jacqueline Thorne, MDOT

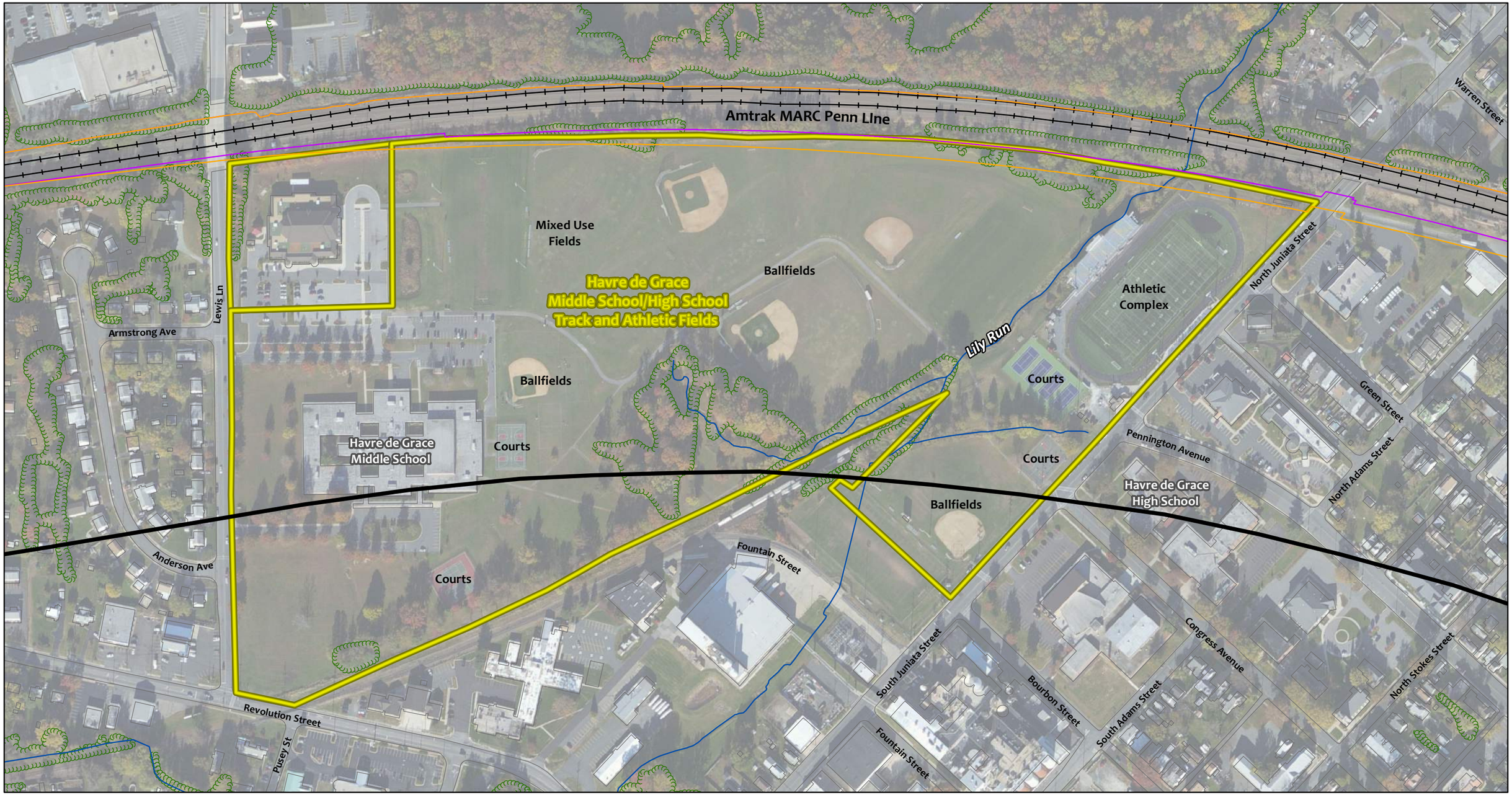
Concurrence with MDOT's determination that the Section 4(f) use of the Havre de Grace High School/Middle School Athletic Fields for the Susquehanna River Rail Bridge Project Alternative 9A would not adversely affect the activities, features, or attributes qualifying this property for protection under Section 4(f):

Harford County Public Schools	Printed Name	Date

Section 4(f) de minimis Finding Approval:

Federal Railroad Administration	Printed Name	Date


PORT DEPOSIT
Center Street
Bainbridge Road
222
Perrylawn Drive
Rock Run
Susquehanna River
Happy Valley Branch
Herring Run
NORFOLK SOUTHERN CORPORATION
CSX TRANSPORTATION
Perryville Rd
Mill Creek
40
95
7
PERRYVILLE
Philadelphia Road
MP 57.3
Hatem Bridge
155
AMTRAK NORTHEAST CORRIDOR
Gasheys Creek
HAVRE DE GRACE
1,000 ft Study Area
490
HARFORD COUNTY
CECIL COUNTY
Chesapeake Bay
MP 63.5
40
North Post Road
Gasheys Creek
Swan Creek
Susquehanna River Rail Bridge Project
Attachment 1:
Location of the Project Area
N
0
1
2
Miles



Legend

- LOD 9A Calculation Area
- LOD 9B Calculation Area
- Havre de Grace Middle School/High School Track and Athletic Fields*
- 1,000 ft Study Area

*Property partially developed using LWCF Funds (6(f) resource)

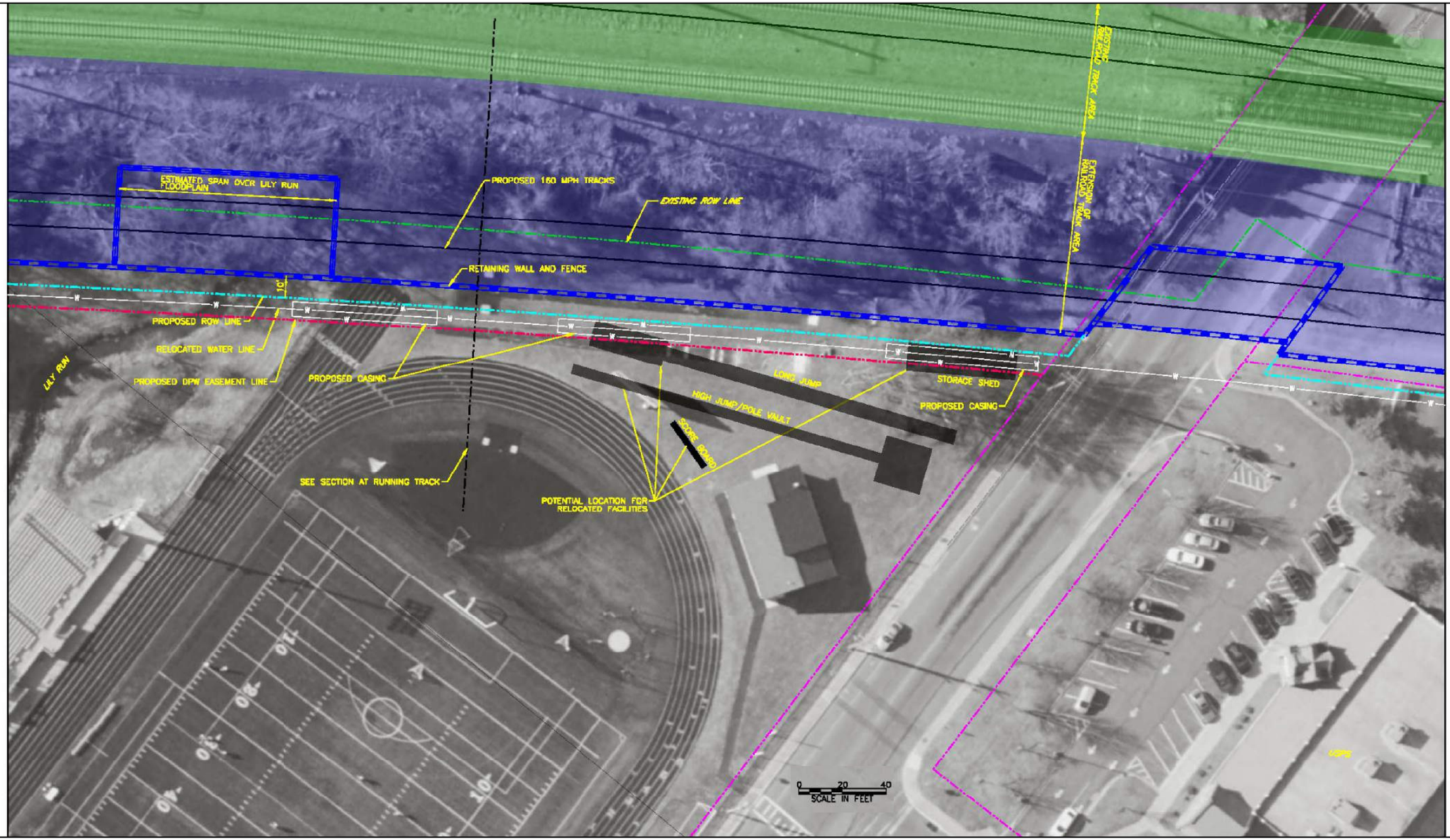
Data Sources

Athletic Field Complex Boundary:
Harford County Government, 2011

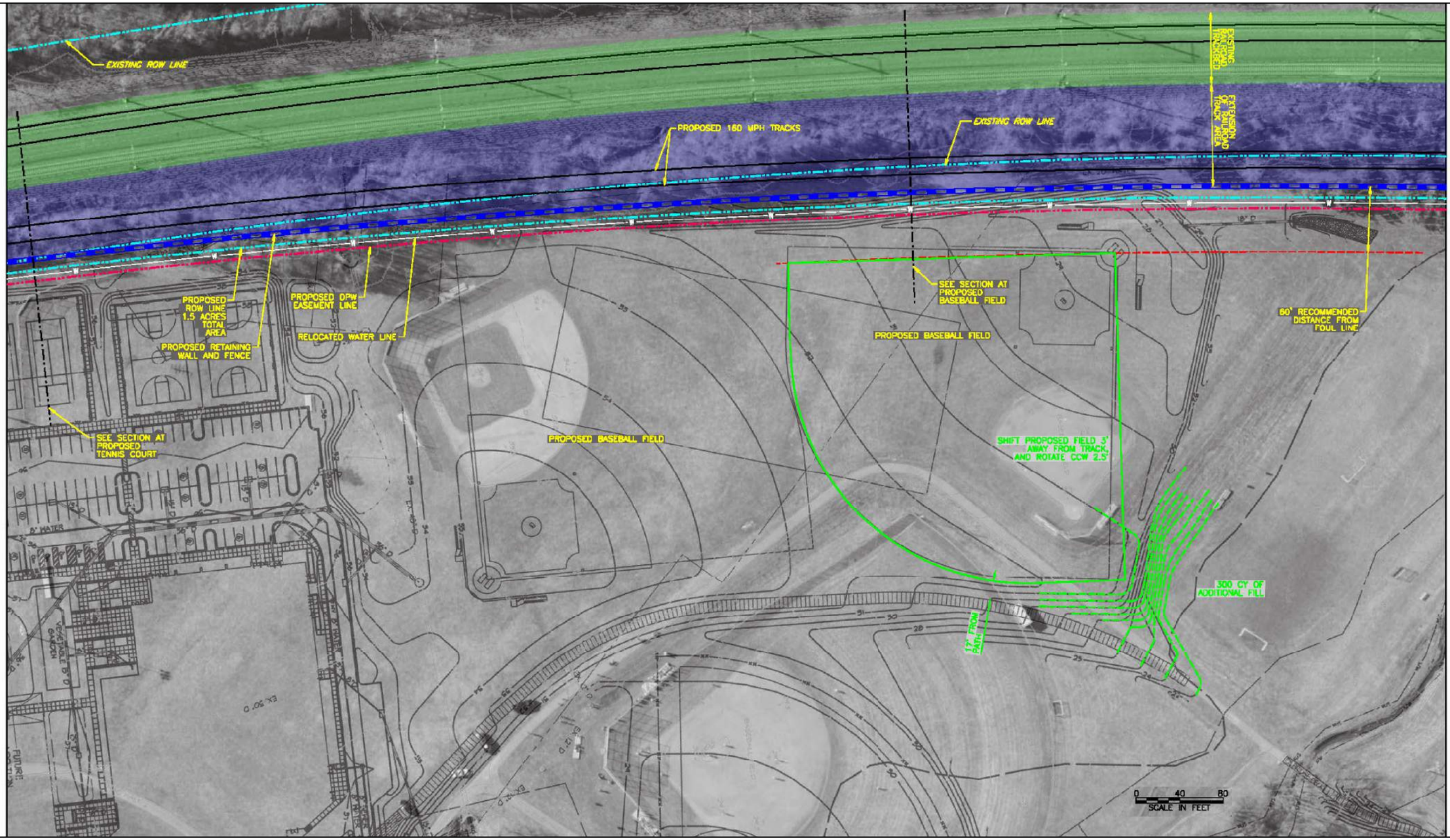
0 250 500 Feet

Susquehanna River Rail Bridge Project

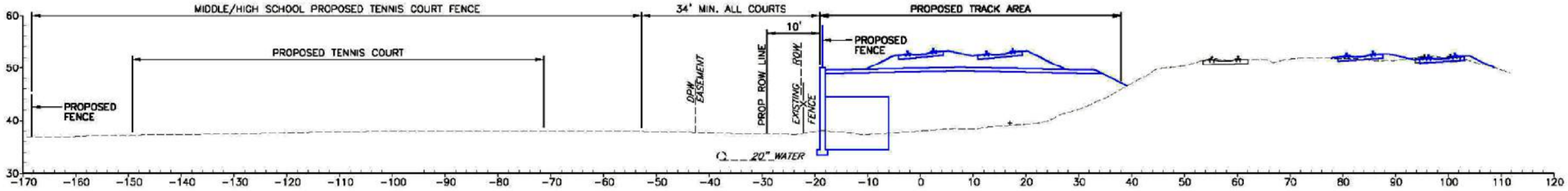
Attachment 2
Build Alternatives Impacts to the Havre de Grace Middle School/ High School Track and Athletic Fields



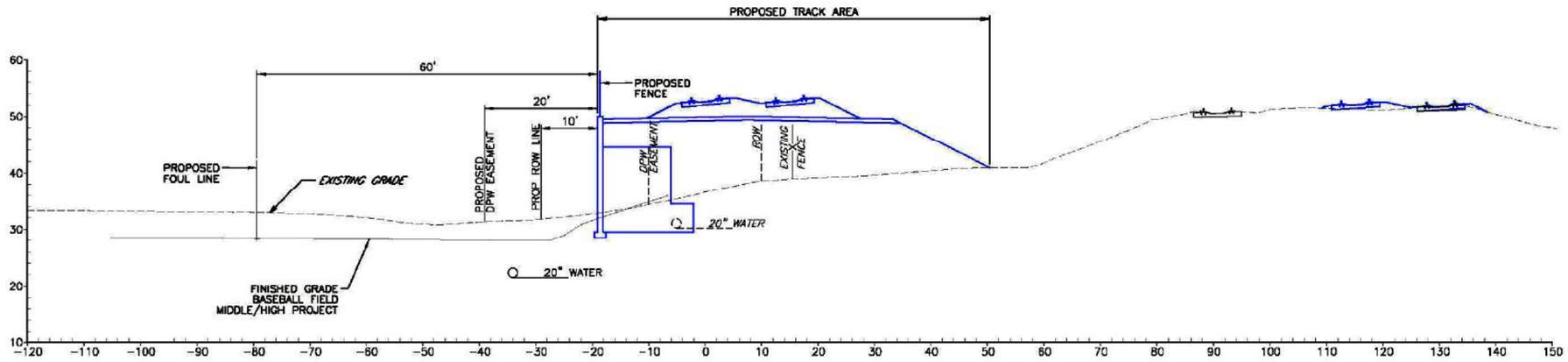
		N	**Susquehanna River Rail Bridge Project**
			Attachment 3 Proposed Mitigation



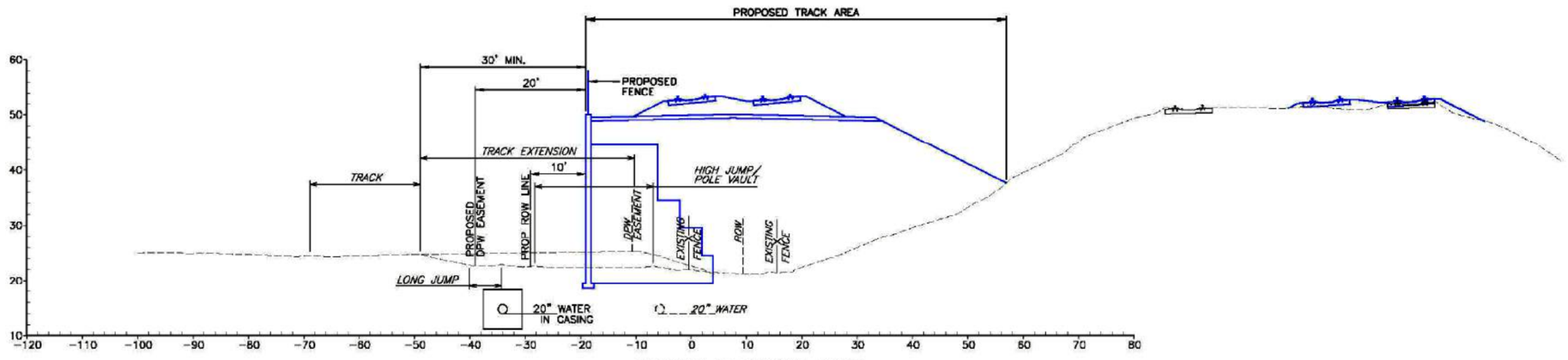
		N	**Susquehanna River Rail Bridge Project**
			Attachment 3 Proposed Mitigation



SECTION AT PROPOSED TENNIS COURT



SECTION AT PROPOSED BASEBALL FIELD



SECTION AT RUNNING TRACK

			Susquehanna River Rail Bridge Project
			Attachment 3 Proposed Mitigation

Concurrence with MDOT's determination that the Section 4(f) use of the City-owned portion of Jean S. Roberts Memorial Park for the Susquehanna River Rail Bridge Project Alternative 9A or 9B would not adversely affect the activities, features, or attributes qualifying this property for protection under Section 4(f):

[signature]	William Martin	6/15/16
MAYOR, City of Havre De Grace	Printed Name	Date

Section 4(f) de minimis Finding Approval:

Federal Railroad Administration	Printed Name	Date

STARK AND KEENAN
A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
30 OFFICE STREET
BEL AIR, MARYLAND 21014

ELWOOD V. STARK, JR.
CHARLES B. KEENAN, JR.
EDWIN G. CARSON
GREGORY A. SZOKA
ROBERT S. LYNCH
PAUL W. ISHAK
CRAIG H. DERAN
APRIL C. ISHAK
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ELIZABETH H. THOMPSON

(410) 838-5522
(410) 879-2222
FAX
(410) 879-0688
www.starkandkeenan.com

July 21, 2016

VIA U.S. MAIL AND EMAIL TO:(dreagle1@mta.maryland.gov)
Dan Reagle
Office of Planning
Maryland Transit Administration
6 St. Paul Street, 9th Floor
Baltimore, Maryland 21202

Re: Our Client: Mayor and City Council of Havre de Grace, Maryland
Project: Susquehanna River Rail Bridge Project

Dear Mr. Reagle:

Enclosed with this letter is a copy of your April 15, 2016 letter countersigned by William T. Martin, Mayor of the City of Havre de Grace. The Mayor was authorized to do so by City Resolution 2016-10 passed by the Mayor and City Council on July 5, 2016. This cover letter confirms that the City of Havre de Grace concurs with a de minimus impact finding to be reported to the Federal Railway Administration after taking into account mitigation measures for the benefit of my client. Our discussion on the level and type of mitigation that could occur was very positive, but that subject will be specifically addressed at a later time. The City will deliver a detailed package of requested mitigation expenses at your direction to the appropriate agency at the appropriate time.

In the interim, the City looks forward to the project moving forward and the continued communication and cooperation that has been exchanged with your office. If you have any questions or concerns, please contact me.

Very truly yours,

Paul W. Ishak
City Attorney
Havre de Grace, Maryland

PWI/rg
Enc.
Cc: William T. Martin, Mayor
Stephen J. Gamatoria, Council President
Patrick D. Sypolt, Director of Administration

April 15, 2016

Mr. Neal Mills, Director
Havre de Grace Planning
711 Pennington Avenue
Havre de Grace, MD 21078

Dear Mr. Mills:

The Maryland Department of Transportation (MDOT), as the project sponsor, is proposing the Susquehanna River Rail Bridge Project (the "Proposed Project") between the City of Havre de Grace in Harford County, Maryland and the Town of Perryville in Cecil County, Maryland. The Federal Railroad Administration (FRA) and MDOT are preparing an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) to evaluate the potential environmental impacts of the Proposed Project. The National Passenger Railroad Corporation (Amtrak), as bridge owner and operator, is providing conceptual and preliminary engineering designs in coordination with MDOT and FRA. The existing Susquehanna River Rail Bridge is located along Amtrak's Northeast Corridor (NEC).

Two build alternatives are under consideration in the EA – Alternative 9A and Alternative 9B. Both alternatives would entail the decommissioning and removal of the existing rail bridge and the construction of two new two-track rail bridges. Alternatives 9A and 9B would result in permanent impacts to the Jean S. Roberts Memorial Park (also referred to as "Jean Roberts Park"), located in Havre de Grace, Harford County. The Jean S. Roberts Memorial Park is a publicly-accessible facility that sits on a combination of land owned by the City of Havre de Grace, and land owned by Amtrak. The Amtrak-owned land is currently leased to the City of Havre de Grace under a 50-year agreement (signed March 14, 1986). Jean Roberts Park offers amenities such as fishing piers, a picnicking area, a kayak launch and a boat launch. The City of Havre de Grace-owned portion of this resource qualifies for protection under Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 USC §303, referred to herein as "Section 4(f)"). The Amtrak-owned portion of the resource is exempted from protection by Section 4(f) per 23 CFR 774.11(h), which indicates that a property formally reserved for a future transportation facility is not subject to Section 4(f) even when a temporary, interim use on the site would otherwise constitute a Section 4(f) resource[1]. Therefore, only the City-owned portion of Jean S. Roberts Memorial Park is the subject of this letter.

The impacts to Jean Roberts Park from Alternatives 9A and 9B include permanent fee-simple property acquisition of 0.01 acre that constitutes a Section 4(f) use of the property. The purpose of this letter is to request your concurrence that, in light of proposed minimization measures described below, the proposed Section 4(f) use would not adversely affect the activities, features, or attributes of Jean Roberts Park. To aid your ability to concur, we are providing background information about the proposed project as well as a discussion of FRA and MDOT's justification for reaching these determinations.

[1] The full text of §23 CFR 774.11(h) is as follows: "When a property formally reserved for a future transportation facility temporarily functions for park, recreation, or wildlife and waterfowl refuge purposes in the interim, the interim activity, regardless of duration, will not subject the property to Section 4(f)."

In accordance with Section 4(f), FRA may not approve the use of land from a publicly-owned public park, recreation area or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that: (i) there is no feasible and prudent alternative to the use of the land from the property; and (ii) the action includes all possible planning to minimize harm to the property resulting from such use, or (iii) the Section 4(f) use is *de minimis*. A *de minimis* Section 4(f) use is one that, after taking into account any measures to minimize harm (such as avoidance, minimization, mitigation or enhancement measures), would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). To make a finding that a Section 4(f) use is *de minimis,* FRA requires written concurrence from the official(s) with jurisdiction over the resource that, based on the proposed measures to minimize harm, such use would not adversely affect the activities, features, or attributes that qualify the resource for protection under Section 4(f). In addition, public notice and opportunity for public review and comment on the finding is required.

Project Purpose and Need

The Susquehanna River Rail Bridge Project would span approximately six miles, between the "Oak" Interlocking at Milepost 63.5 south of the City of Havre de Grace and the "Prince" Interlocking at Milepost 57.3 north of the Town of Perryville (**Attachment 1**). The 110-year-old bridge is a critical link along the NEC, which is one of the USDOT's designated high-speed rail corridors and is the busiest passenger rail line in the United States. The bridge is used by Amtrak, the Maryland Area Regional Commuter (MARC), and Norfolk Southern Railway (NS) to carry intercity, commuter, and freight trains across the Susquehanna River.

The problems posed by the existing Susquehanna River Rail Bridge include: functionally obsolete and aging infrastructure; speed and capacity constraints; operational inflexibility; maintenance difficulties; and conflicts with maritime uses. The primary purpose of the Proposed Project is to provide continued rail connectivity along the NEC. The goals of the Susquehanna River Rail Bridge Project include:

- Improve rail service reliability and safety;
- Improve operational flexibility and accommodate reduced trip times;
- Optimize existing and planned infrastructure and accommodate future freight, commuter, intercity and high-speed rail operations; and
- Maintain adequate navigation and improve safety along the Susquehanna River.

Planning Context

FRA launched the High-Speed Intercity Passenger Rail (HSIPR) Program in June 2009. HSIPR emphasizes a corridor-level approach to planning rail services to support the state-centric funding. The administration's initial vision for establishing high-speed rail was documented in the High-Speed Rail Strategic Plan (April 2009)[2], and clarified by the FRA's Interim Program Guidance (June 2009), which outlined the eligibility requirements and procedures for obtaining funds under the program, and the criteria by which applications are evaluated. USDOT awarded a $22 million grant to the State of Maryland for preliminary engineering and environmental studies (of which the EA is a part) for the Susquehanna River Rail Bridge Project. As mentioned above, USDOT designated the NEC as a high-speed rail corridor through the HSIPR program.

[2] http://www.fra.dot.gov/downloads/rrdev/hsrstrategicplan.pdf. Accessed October 21, 2013.

As part of a separate effort, FRA is leading the NEC FUTURE program, a comprehensive planning effort to define, evaluate, and prioritize future investments along the NEC from Washington, D.C. to Boston, MA. FRA launched NEC FUTURE in 2012 to consider the role of rail passenger service in the context of current and future transportation demands. Through the NEC FUTURE program, the FRA is determining a long-term vision and investment program for the NEC, and preparing a Tier 1 Environmental Impact Statement (EIS) and Service Development Plan in support of that vision. The NEC Future Tier I Draft EIS was released in November 2015. The purpose of the NEC FUTURE program is to upgrade aging infrastructure and to improve the reliability, capacity, connectivity, performance, and resiliency of passenger rail service on the NEC for both intercity and regional trips, while promoting environmental sustainability and economic growth. Reaching Maximum Allowable Speeds (MAS) along the corridor will be a critical consideration when evaluating the efficiency of the rail network along the NEC now and well into the future. The Susquehanna River Rail Bridge Project is being coordinated with and informed by the NEC FUTURE program. This includes the NEC FUTURE program's goal to achieve at least 160 mph along the NEC wherever possible.

Project Alternatives

The EA for the Proposed Project includes a No Action Alternative, in addition to two build alternatives: Alternatives 9A and 9B. Both Alternatives 9A and 9B would include the decommissioning and removal of the existing bridge and the construction of:

- a new two-track bridge accommodating train speeds of up to 90 miles per hour (mph) to the west (upstream) of the existing bridge, and
- a second new two-track bridge very close to the existing alignment.

The second new bridge would accommodate speeds of up to 160 mph for Alternative 9A and up to 150 mph for Alternative 9B.

MDOT and FRA have been conducting a broad public involvement and agency coordination program since the project's inception. In addition to the general outreach, MDOT and FRA have coordinated with the City of Havre de Grace throughout the project duration.

De Minimis Section 4(f) Use

As described above, Jean Roberts Park sits on a combination of land owned by the City of Havre de Grace, and land owned by Amtrak and leased to the City of Havre de Grace. The Amtrak-owned portion of the park is 0.26 acre in size, and would be used in its entirety under Alternatives 9A and 9B, which would prohibit public access within the Amtrak right-of-way and would require the removal of the boat ramp area and a portion of the pier. However, as described above, the Amtrak-owned parcel is not considered a Section 4(f) resource due to its having been formally reserved for future transportation use.

Alternatives 9A and 9B have the same impact to the City-owned parcel, requiring a Section 4(f) use of 0.01 acre of the City-owned portion of Jean Roberts Park (approximately two percent of the City-owned portion of the park). Both alternatives would construct a new bridge crossing above Jean Roberts Park on an elevated structure. The elevated structure would require modification of the existing lease agreement.

Based on MDOT's analysis of the proposed use to the City-owned portion of Jean Roberts Park, MDOT believes that the Section 4(f) use of this City-owned property would not adversely affect the activities, features, or attributes qualifying this property for protection under Section 4(f). We request your concurrence that the minor impacts to the City-owned portion of Jean Roberts Park to construct

Alternative 9A or 9B would not impair the activities, features, and attributes important to the facility. Upon your written agreement, MDOT intends to propose a *de minimis* impact finding to the FRA for the use of the facility. Public comment on the proposed impacts will be sought following your concurrence and prior to the request for a *de minimis* impact finding from FRA.

If you agree with the above statements, please indicate your concurrence on the signature line below and return to my attention by May 13, 2016. Should you have any questions or concerns regarding this letter, please contact me at DReagle1@mta.maryland.gov or 410-767-3771.

Sincerely,

Dan Reagle

Dan Reagle
Office of Planning
Maryland Transit Administration
6 St. Paul Street, 9th Floor
Baltimore, MD 21202

Enclosures

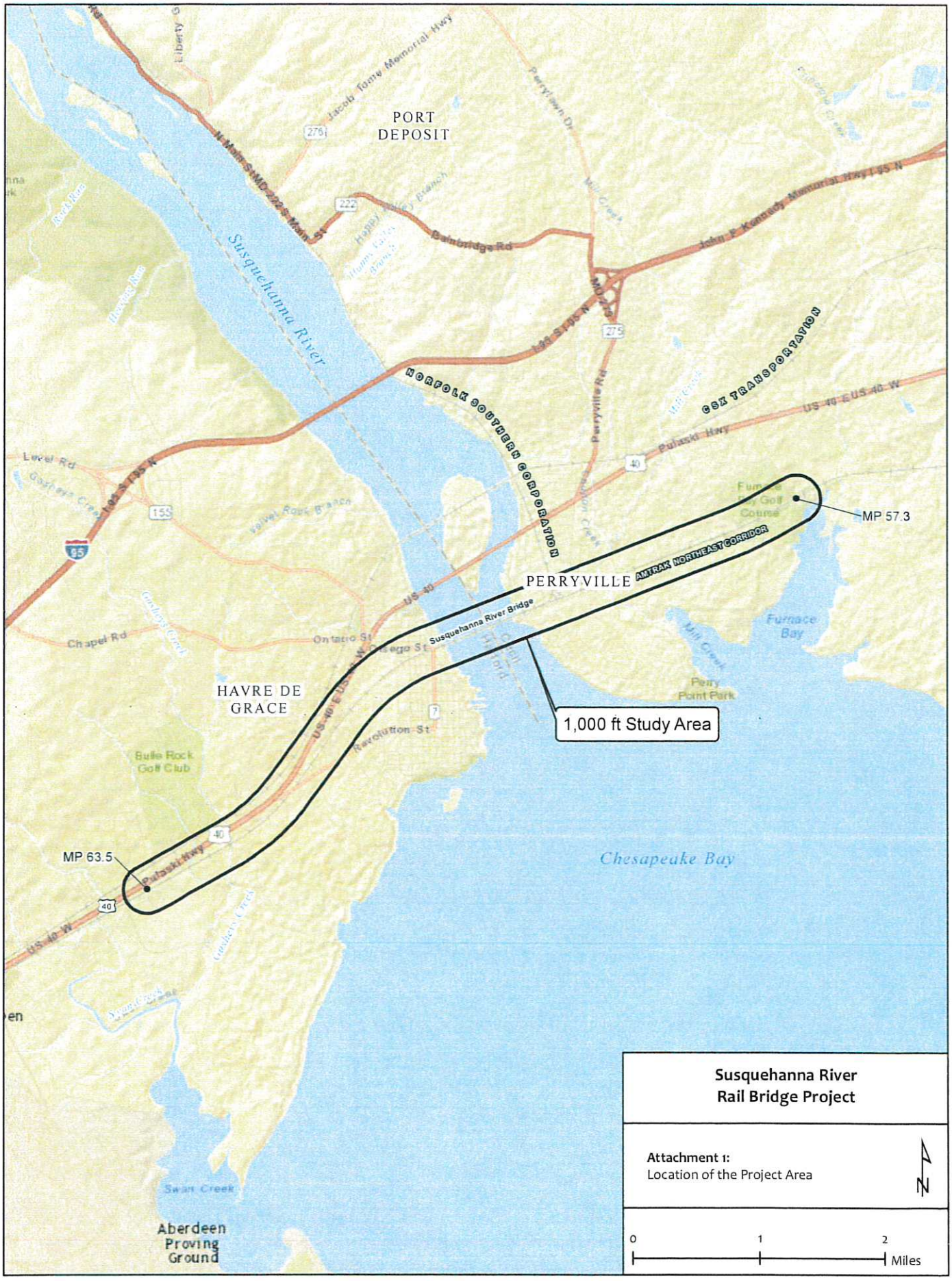
cc: Mr. Paul DelSignore, Amtrak
Ms. Michelle Fishburne, FRA
Ms. Amrita Hill, Amtrak
Ms. Dianne Klair, City of Havre de Grace
Ms. Jacqueline Thorne, MDOT

Concurrence with MDOT's determination that the Section 4(f) use of the City-owned portion of Jean S. Roberts Memorial Park for the Susquehanna River Rail Bridge Project Alternative 9A or 9B would not adversely affect the activities, features, or attributes qualifying this property for protection under Section 4(f):

[signature]	William T. Martin	7/20/16
City of Havre De Grace	Printed Name	Date

Section 4(f) de minimis Finding Approval:

Federal Railroad Administration	Printed Name	Date


PORT DEPOSIT
Susquehanna River
Rainbridge Rd
John F Kennedy Memorial Hwy
NORFOLK SOUTHERN CORPORATION
CSX TRANSPORTATION
Pulaski Hwy
Perryville Rd
PERRYVILLE
AMTRAK NORTHEAST CORRIDOR
Susquehanna River Bridge
MP 57.3
1,000 ft Study Area
HAVRE DE GRACE
Chapel Rd
Ontario St
Revolution St
Bulle Rock Golf Club
MP 63.5
Chesapeake Bay
Furnace Bay
Perry Point Park
Swan Creek
Aberdeen Proving Ground
Susquehanna Rail Bridge Project
Attachment 1:
Location of the Project Area
N
0
1
2
Miles

Legend

- Jean S. Roberts Park - City Owned
- Jean S. Roberts Park - Amtrak Owned
- LOD 9A Calculation Area
- LOD 9B Calculation Area

N

0 50 100 Feet

Susquehanna River Rail Bridge Project

Attachment 2

Build Alternatives Impacts to the Jean S. Roberts Park

HARFORD COUNTY
PUBLIC SCHOOLS

Barbara P. Canavan, Superintendent of Schools
102 S. Hickory Avenue, Bel Air, Maryland 21014
Office: 410-838-7300 • www.hcps.org • fax: 410-893-2478

Cornell S. Brown, Jr., Assistant Superintendent for Operations
Office of Operations
Office: 410-588-5256 • Fax 410-588-5344

September 7, 2016

Mr. Dan Reagle
Office of Planning
Maryland Transit Administration
6 St. Paul Street, 9th Floor
Baltimore, MD 21202

RE: Susquehanna River Rail Bridge Project
Havre de Grace Middle School and Havre de Grace High School

Dear Mr. Reagle:

In response to and upon review of the Maryland Department of Transportation's (MDOT) analysis of the proposed use of the Havre de Grace Middle and High School Athletic Fields (Board Property) and the proposed minimization and mitigation measures as set forth in your correspondence, dated April 25, 2016 regarding the Susquehanna River Rail Bridge Project Alternative 9A (Bridge Project), Harford County Public Schools (HCPS) submits it concurrence with your determination that the Section 4(f), use of Board Property for the Bridge Project would not adversely affect the activities, features, or attributes qualifying this property for protection under Section 4(f), with consideration given to the following terms and conditions:

1. It is our understanding that this project has only received approval for planning. Upon further development of the scope of work associated with Alternative 9A as proposed, any subsequent modification to the current proposal requires HCPS' concurrence that scope modifications are de minimus. Under this condition, HCPS request that updated drawing, construction documents, and all new relevant information be submitted for review, and comment prior to proceeding.

2. It is our understanding that the scope of work will exceed $5,000, includes permanent fee-simple property acquisition, and requires a permanent easement and construction easement. Please be advised of the following:

    a. Any improvement to school property in excess of $5,000 must be formally approved by our Board.

    b. Fee-simple property acquisition of Board real property requires that the Superintendent coordinate and obtain the approval of the Board, Maryland State Department of Education (MSDE), and Harford County Government. As mandated under the Annotated Code of the State of Maryland, local school boards may dispose of real property only by conveying it to the local county government. Fee-simple property conveyance of Board real property must be formally approved by the Board, and authorized by MSDE, and requires the conveyance of such property from the Board to the Harford County Government.

c. Easements that are granted on Board Property must be formally approved by the Board and receive the administrative approval of MSDE.

d. For the purposes of obtaining the required approvals and for coordinating the requirements associated with the fee-simple acquisition and necessary easements, once the project scope and engineering are finalized, we request that you submit scope of work narratives, site plans, easement documents, property descriptions, and supporting documentation, to the Office of Operations for processing. The point of contact regarding this condition is as follows:

- Cornell S. Brown, Jr., Assistant Superintendent for Operations
  410.588.5256
  cornell.brown@hcps.org

- Patrick P. Spicer, Esq., General Counsel
  410.638.4005
  patrick.spicer@hcps.org

3. De Minimus impacts to be mitigated:

a. Planned HDG MS/HS baseball field
In order to accommodate the Bridge Project, the planned design of proposed baseball field will need to be shifted and the grades revised. The engineer of record will need to revise the civil drawing to revise the LEED boundary and the current layout of the field. Additional fill will be needed during construction. This accommodation will result in additional design and construction costs to HCPS, as follows:

- Additional Design Cost - $6,500

- Additional Construction Cost - $45,000

- HCPS will be reimbursed for any cost incurred as the result of these modifications.

b. Harris Field

In order to accommodate the Bridge Project, modifications would need to be made to the existing track and field facilities located at Harris Field. The following summarizes our understanding of the modifications to be made. It is understood that the cost associated with these requirements will be MDOT's responsibility.

- During construction, the 110-meter hurdle runout area will be reduced. After construction, the runout area will be restored to its current length.

- The high jump, pole vault, long jump, and storage shed will need to be relocated.

- HCPS will be reimbursed for any cost incurred as the result of these modifications.

c. Existing 20-inch water main

In order to accommodate the Bridge Project, an existing 20-inch water main would require relocation due to the proposed retaining wall. HCPS requires that during construction, all work must be scheduled and phased so as not to interfere with the use of the stadium and fields. It should be noted that the water main is owned by Harford County Government and that coordination of your proposal must receive the approval of Harford County Government.

4. During any construction, all work must be scheduled and phased so as not to interfere with, or disrupt the operation of the schools as well as activities under the auspices of the Harford County Department of Parks and Recreation (DPR). Scheduling shall be coordinated with the specific school staff, Transportation Department, Facilities Department, and DPR. Any concerns relative to this condition should be brought to the attention of the Assistant Superintendent for Operations at 410.588.5256.

   Prior to the commencement of work, your project manager shall schedule an on-site pre-construction meeting. The attendees shall be staff from the HCPS Central Office, Havre de Grace Middle School, Havre de Grace High School, DPR, and your construction management team. At least 48 hours prior to the actual start of work, the HCPS Facilities Department shall be contacted at 410.638.4084 and notified that work is scheduled to begin. The points of contact regarding this condition are as follows:

   - Patti Jo Beard, Executive Director of Facilities Department
     410.638.4084
     pattijo.beard@hcps.org

   - Charles Taibi, Director of transportation

     401.638.4092
     charlie.taibi@hcps.org

   - Harry Miller, Assistant Supervisor, Planning and Construction
     410.809.6120
     harry.miller@hcps.org

   - James L. Johnson, Principal, Havre de Grace Middle School
     410.939.6608
     james.johnson@hcps.org

   - James F. Reynolds, Principal, Havre de Grace High School
     410.939.6600
     james.reynolds@hcps.org

5. All workers associated with this project:

   a. Shall carry appropriate identification when on Board Property.
   b. Shall not enter school buildings.
   c. Shall not have direct, unsupervised, and uncontrolled access to students/children.

6. Please contact our Facilities Department at 410.638.4084 for visual inspection prior to the start of work and upon completion of work. As-built documentation shall be forwarded to HCPS, as

required, to keep on record for all work performed. The point of contact regarding this condition is as follows:

- Patti Jo Beard, Executive Director of Facilities Department
  410.638.4204
  pattijo.beard@hcps.org

7. General:

   a. All damages to the property shall be MDOT's responsibility.
   b. All ground surfaces shall be returned to original condition or better, permanently seeded, and with matching surface type.
   c. The areas of construction shall be video-taped prior to construction. Any and all damage shall be repaired. Costs associated with required repairs will be MDOT's responsibility.

Sincerely,

Barbara P. Canavan
Superintendent of Schools

Nancy Reynolds
Board of Education, President

cc: Mr. Joseph P. Licata, HCPS
Mr. Cornell S. Brown, Jr., HCPS
Patrick P. Spicer, Esq., HCPS
Mrs. Patti Jo Beard, HCPS
Mr. Christopher L. Morton, HCPS
Mr. Harry Miller, Jr., HCPS
Mr. Charles L. Taibi, HCPS
Mr. Joseph A. Schmitz, HCPS
Mr. James F. Reynolds, HCPS
Mr. James L. Johnson, HCPS
Ms. Jacqueline Thorne, MDOT
Mr. Paul DelSignore, Amtrak
Ms. Michelle Fishburne, FRA
Ms. Amrita Hill, Amtrak

October 7, 2016

Mrs. Barbara P. Canavan
Superintendent of Schools
Mrs. Nancy Reynolds
Board of Education, President
Harford County Public Schools
A.A. Roberty Building
102 S. Hickory Avenue
Bel Air, MD 21014

Dear Mrs. Canavan & Mrs. Reynolds:

The Maryland Department of Transportation (MDOT) and the entire Susquehanna River Rail Bridge Project team would like to thank you for your signed September 7, 2016 letter on behalf of the Harford County Public Schools (HCPS). Your letter includes your concurrence with the proposed determination that the Susquehanna River Rail Bridge Project (Project) Alternative 9A's prospective 4(f) use of Board property would not adversely affect the activities, features, or attributes qualifying the property for protection under Section 4(f), and would therefore amount to a *de minimis* use. The proposed determination and your concurrence take into account proposed measures to minimize harm resulting from the proposed Section 4(f) use. Our team has reviewed your letter and concurrence and would like to clarify a few items to accurately depict these minimization measures.

In 2011, MDOT received a grant of federal funding from the Federal Railroad Administration (FRA) for the initial engineering and planning phase of the Project. Accordingly, MDOT serves as the project sponsor for this initial phase of the Project and considers it a priority for the State of Maryland. FRA is also engaged in this initial phase of the Project, as the federal agency with responsibility for the Project's compliance with the National Environmental Policy Act and other environmental laws, including Section 4(f) of the Department of Transportation Act of 1966. The National Railroad Passenger Corporation (Amtrak), as owner and operator of the Susquehanna Rail Bridge, is providing conceptual and preliminary engineering designs and is acting in coordination with MDOT and FRA.

Based on the roles of each of these agencies with regards to the project, please see the clarifications, below:

- Item 3: Before Amtrak would agree to provide reimbursement for any mitigation costs not quantified in your letter, HCPS will provide supporting cost breakdowns to Amtrak for review and approval.
- Item 3a: MDOT is not responsible for any incurred costs for the proposed mitigation to the HDG MS/HS baseball field. This will be Amtrak's responsibility.
- Item 3b: MDOT is not responsible for any incurred costs for the proposed mitigation to Harris Field. This will be Amtrak's responsibility.
- Item 3b: As indicated in Attachment 3 of the April 25, 2016 *de minimis* letter sent to HCPS, a corner of the track will be "clipped" by the proposed retaining wall. This area cannot be restored due to the proposed retaining wall. This area is not part of the runout area (at the end of the race), but is a chute area for athletes to stretch and coaches to advise athletes before the starting line. Therefore, the impact to this area should not impact

athletic competitions. The existing chutes are 10 meters long and would be reduced to 8.5 – 10 meters in the proposed condition. Research shows that 5 meters is an acceptable minimum chute length.

- Item 4: During any construction, all work will be scheduled and phased to minimize interference as best as possible with the operation of the school's activities.
- Item 7: MDOT is not responsible for any damages to the property and costs associated with required repairs. This will be Amtrak's responsibility.

Please let us know if you have any questions to these points of revision.

Sincerely,

Ms. Jacqueline Thorne, Maryland Department of Transportation
Priority Projects Manager
Office of Freight and Multimodalism
7201 Corporate Center Drive
Hanover, MD 21076

Mr. Brandon Boetcher, Federal Railroad Administration
Environmental Protection Specialist
1200 New Jersey Avenue SE
West Building, MS-20
Washington, DC 20590

Mr. Paul DelSignore, Amtrak
Director Structures Maintenance & Inspection
30th Street Station
2955 Market Street, 4S-062
Philadelphia, PA 19104

cc:
Mr. Joseph P. Licata, HCPS
Mr. Cornell S. Brown, Jr., HCPS
Patrick P. Spicer Esq., HCPS
Mrs. Patti Jo Beard, HCPS
Mr. Christopher L. Morton, HCPS
Mr. Harry Miller, Jr. HCPS
Mr. James. I., Johnson, HCPS
Mr. Charles L. Taibi, HCPS
Mr. Joseph A. Schmitz, HCPS
Mr. James F. Reynolds, HCPS
Mr. Dan Regal, MTA
Ms. Amrita Hill, Amtrak
Ms. Jelena Matic, AKRF
Mr. Jeff Konrad, HNTB

HARFORD COUNTY
PUBLIC SCHOOLS
Inspire • Prepare • Achieve

Barbara P. Canavan, Superintendent of Schools
102 S. Hickory Avenue, Bel Air, Maryland 21014
Office: 410-838-7300 • www.hcps.org • fax: 410-893-2478

December 21, 2016

VIA USPS FIRST CLASS MAIL

Ms. Jacqueline Thorne, Priority Projects Manager
Maryland Department of Transportation
Office of Freight and Multimodalism
7201 Corporate Center Drive
Hanover, Maryland 21076

Mr. Brandon Bratcher, Environmental Protection Specialist
Federal Railroad Administration
1200 New Jersey Avenue SE
West Building, MS-20
Washington, DC 20590

Mr. Paul DelSignore, Director Structures Maintenance & Inspection
Amtrak
30th Street Station
2955 Market Street, 4S-062
Philadelphia, PA 19104

Re: Susquehanna River Rail Bridge Project

Dear Ms. Thorne, Mr. Bratcher and Mr. DelSignore:

We are in receipt of your letter of October 7, 2016 regarding the above. Please be advised that the terms and conditions set forth in your letter are acceptable to Harford County Public Schools, with the following exception.

We are unable to accept the penultimate bulleted item (Item 4), on page 2 of your letter. We propose instead that this item read as follows.

- Item 4: During any construction, all work will be scheduled and phased so that there is no interference with school functions and operation.

We will await your response to the above.

Sincerely yours,

Barbara P. Canavan
Superintendent

/dlr

cc: Patrick P. Spicer, Esquire, General Counsel (via electronic mail)
Mr. Joseph P. Licata, Chief of Administration (via electronic mail)
Mr. Cornell Brown, Assistant Superintendent (via electronic mail)
Mr. Chris Morton, Supervisor of Planning and Construction (via electronic mail)

Section 6(f) Correspondence

June 11, 2015

James E. Malone, Jr., Director
Harford County Department of Parks and Recreation
702 North Tollgate Road
Bel Air, MD 21014

Re: Susquehanna River Rail Bridge Project — Section 6(f) Resources
Harford and Cecil Counties, Maryland

Dear Mr. Malone:

The Federal Railroad Administration (FRA), in cooperation with the Maryland Department of Transportation (MDOT), is preparing an Environmental Assessment (EA) for the proposed Susquehanna River Rail Bridge Project. The EA is being prepared in accordance with the National Environmental Policy Act (NEPA). The proposed project is intended to improve the existing two-track rail crossing over the Susquehanna River, located between the Town of Perryville in Cecil County, Maryland and the City of Havre de Grace in Harford County, Maryland. The primary purpose of the proposed project is to maintain rail connectivity along the Northeast Corridor.

As part of the environmental review process, the project team has been compiling an inventory of properties that received Land and Water Conservation Funds through the National Parks Service (such properties are also referred to as "Section 6(f) resources"). The National Parks Service online database (http://waso-lwcf.ncrc.nps.gov/public/index.cfm) indicates that the Havre de Grace Middle School and High School in Harford County received Land and Water Conservation Fund monies (see attached). The monies were granted for the Havre de Grace High School Tennis Courts, which received $7,070.00 in 1966, and the Havre de Grace Middle School Rec, which received $16,627.25 in 1970. In order to ensure that the NEPA documentation properly identifies and assesses Section 6(f) resources, we are writing to inquire if the Harford County Department of Parks and Recreation has any information regarding exactly how and where these funds were used.

Any information you have regarding the application of Land and Water Conservation Funds monies at these locations would be greatly appreciated. If you have any questions, please contact me at 410-684-7060 or jthorne@mdot.state.md.us.

Sincerely,

Angela Willis /for

Jacqueline Thorne, Project Manager
Maryland Department of Transportation

Enclosure
cc: Adam Denton, Michelle Fishburne—Federal Railroad Administration
Amrita Hill, Paul DelSignore—Amtrak
Angela Willis, Maryland Transit Administration

United States Department of the Interior
National Park Service
Land & Water Conservation Fund

Detailed Listing of Grants Grouped by County

Today's Date: 4/10/2015

MARYLAND - 24

Grant ID & Element	Type	Grant Element Title	Grant Sponsor	Amount	Status	Date Approved	Exp. Date	Cong. District
HARFORD								
7 - XXX	D	ABERDEEN HIGH SCHOOL TENNIS COUR	HARFORD COUNTY	$8,080.00	C	9/30/1966	7/1/1967	2
8 - XXX	D	HAVRE DE GRACE HIGH SCHOOL TENNI	HARFORD COUNTY	$7,070.00	C	9/30/1966	7/31/1970	2
10 - XXX	D	BEL AIR HIGH SCHOOL COURT	HARFORD COUNTY	$3,983.15	C	9/30/1966	7/25/1967	2
16 - XXX	A	SUSQUEHANNA STATE PARK	DEPT. OF FORESTS AND PARKS	$1,381,238.58	C	6/24/1967	6/30/1982	2
17 - XXX	D	HARFORD HIGH SCHOOL TENNIS COURT	HARFORD COUNTY	$6,565.00	C	11/18/1966	11/1/1967	2
18 - XXX	D	JOPPATOWNE MULTI-USE COURT	HARFORD COUNTY	$5,302.50	C	11/22/1966	4/1/1967	2
19 - XXX	D	WILLIAM LONGLEY PARK	HARFORD COUNTY	$6,456.50	C	11/22/1966	11/1/1967	2
65 - XXX	D	EDGEWOOD SCHOOL-RECREATION COMPL	HARFORD COUNTY	$13,956.50	C	9/12/1967	8/1/1968	2
72 - XXX	A	DEER CREEK STATE PARK	DEPT. OF FORESTS AND PARKS	$134,672.50	C	3/27/1968	12/31/1970	2
74 - XXX	D	TYDINGS PARK ISLAND	CITY OF HAVRE DE GRACE	$2,492.50	C	4/5/1968	12/30/1969	2
77 - XXX	D	VICTORY STREET PARK	TOWN OF ABERDEEN	$2,832.50	C	4/2/1968	11/1/1968	2
80 - XXX	D	HOWARD PARK	TOWN OF BEL AIR	$1,364.75	C	3/29/1968	11/1/1968	2
139 - XXX	D	HAVRE DE GRACE MIDDLE SCHOOL REC	HARFORD COUNTY	$16,627.25	C	5/7/1970	10/1/1971	2
146 - XXX	D	TYDINGS PARK DEVELOPMENT	CITY OF HAVRE DE GRACE	$1,985.00	C	6/4/1970	10/1/1971	2
176 - XXX	D	TODD FIELD RECREATION DEV. NO. 1	CITY OF HAVRE DE GRACE	$3,479.02	C	4/13/1971	12/31/1972	2
178 - XXX	D	PLATER STREET PARK DEVELOPMENT NO. 1	TOWN OF ABERDEEN	$2,844.01	C	4/16/1971	12/31/1972	2
179 - XXX	D	BEL AIR SCHOOL REC. CENTER DEV. NO.	HARFORD COUNTY	$3,810.83	C	4/20/1971	12/31/1972	2
183 - XXX	D	VICTORY STREET PARK DEVELOPMENT NO.	TOWN OF ABERDEEN	$2,844.01	C	5/7/1971	12/31/1971	2
233 - XXX	A	CLAYTON ROAD ACQUISITION 1	HARFORD COUNTY	$9,690.00	C	6/2/1972	6/30/1973	2
247 - XXX	D	VICTORY STREET PARK DEVELOPMENT	TOWN OF ABERDEEN	$11,547.20	C	8/23/1972	6/30/1975	2
256 - XXX	A	BUTLER ACQUISITION 1	HARFORD COUNTY	$106,028.40	C	2/1/1973	6/30/1973	2

BARRY GLASSMAN
HARFORD COUNTY EXECUTIVE

BILLY BONIFACE
DIRECTOR OF ADMINISTRATION

JAMES E. MALONE, JR.
DIRECTOR OF PARKS & RECREATION

June 25, 2015

Jacqueline Thorne
Project Manager, Office of Freight and Multimodalism
Maryland Department of Transportation
7201 Corporate Center Drive
P.O. Box 548
Hanover, MD 21076

Re: Susquehanna River Rail Bridge Project – Section 6(f) Resources

Dear Ms. Thorne:

Thank you for your June 11, 2015 letter inquiring about the use of Land and Water Conservation Funds through the National Parks Service at Havre de Grace Middle and High Schools. Based on a search of our records, the following information exists with the Department of Parks & Recreation:

Havre de Grace High School (Project 24-0008) - $7,070.00 in Land and Water Conservation Funds were used to construct three tennis and one multi-purpose court at the high school in 1966. When the high school was expanded in 1978, the original tennis courts were relocated on the school site as part of the school expansion project (see enclosed documentation).

Havre de Grace Middle School (Project 19-00139-13-012) - $16,143.00 in Land and Water Conservation Funds were used to construct one multi-purpose court, four little league type baseball fields and a cinder running track at the middle school in 1970 (see enclosed documentation).

Harford County Department of Parks & Recreation looks forward to working with you concerning the Susquehanna River Rail Bridge project. Please feel free to contact me should you have any questions or need additional information.

Sincerely,

James E. Malone, Jr.
Director

JEM:kas
Enclosures
cc: Paul Magness, Deputy Director, Parks and Recreation

MARYLAND
FORESTS AND PARKS

DEPARTMENT OF FORESTS AND PARKS

STATE OFFICE BUILDING
ANNAPOLIS, MARYLAND 21404
AREA 301 268-3371

Spencer P. Ellis
Director

May 21, 1970

Mr. Roy A. Seese
Local Project Coordinator
Harford County Parks and
Recreation Department
18 Office Street
Bel Air, Maryland 21014

Re: #19-00139-13-012
Havre de Grace Middle School
Recreation Center

Dear Roy:

This is official notice that the Bureau of Outdoor Recreation has approved $16,143.00 of Land and Water Conservation Funds to reimburse Harford County for the development of the above referenced project. Enclosed for the County's files are signed copies of the State Project Agreements confirming this approval.

The continued success of this project now depends on the following:

1. An early request for reimbursement of approved federal funds. Therefore, project completion must be prior to the project period expiration date of October 1, 1970. Any costs incurred after this date will be ineligible for fund assistance.

2. Utilization of the entire $16,143.00 approved for this project. Underruns may result in a loss of fund assistance not only to Harford County but to the State of Maryland as well. Therefore, the County's cooperation is requested in developing this project as outlined in the application. Any unforseen changes in project scope or cost must be approved by the Bureau of Outdoor Recreation through formal amendment procedures prior to September 1, 1970.

Also enclosed is an allowable cost questionnaire which is a guide to assist in preparing reimbursement requests. As this is a development project and it will be accomplished by contract, it is necessary to supply the information listed under Part II, Item I and all of the information listed in Part II.

FP 77 BOR

STATE OF MARYLAND
DEPARTMENT OF FORESTS AND PARKS

Land and Water Conservation Fund Project Agreement

Political Subdivision	HARFORD COUNTY	Project Number	
Project Title	Havre de Grace High School Tennis and Multi-Use Courts		
Period Covered by this Agreement	7/66 - 7/67	Project Period	7/66 - 7/67

Project Scope (Description of Project)

Construction of three tennis and one multi-use court at Havre de Grace High School. Havre de Grace has a population of approximately 12,000 and no public tennis or multi-use courts.

Project Stage Covered by this Agreement: Entire Project

Project Cost

Total Cost	$14,140.00
Fund Support	50 %
Fund Amount	$7,070.00
Cost of this Stage	$14,140.00
Assistance this Stage	$7,070.00

Attachments

1. General Provisions (dated _____)
2. _____
3. _____
4. _____

The State of Maryland, represented by the Director, Department of Forests and Parks, and _____, (hereinafter referred to as _____ Harford County The County), mutually agree to perform this agreement in accordance with the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964), and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps and assurances attached hereto and hereby made a part hereof.

The State of Maryland hereby promises , in consideration of the promises made by _____ The County herein, to obligate to _____ the amount of $7,000.00 and to tender to _____ The County that portion of the obligation which is required to pay The State of Maryland's share of the costs, based upon 50% assistance. _____ The County hereby promises, in consideration of the promises made by the State of Maryland herein, to execute the project or project stage described above in accordance with the terms of this agreement.

If the _____ The County does not comply with the terms, promises, conditions, specifications, estimates, procedures, project proposals, maps and assurances as agreed herein, the State shall withhold payments provided for until all requirements are complied with to the State's satisfaction.

The following special project terms and conditions were added to this agreement before it was signed by the parties hereto:

M.T.R.

Facilities constructed under this project agreement shall be available to the general public at all times the facilities are open for use.

In witness whereof, the parties hereto have executed this agreement as of the date entered below.

STATE OF MARYLAND

By _____
Director, Department of Forests and Parks, Alternate Liaison Officer

Date OCT 19 1966

COUNTY

Harford County Commissioners

By _____ (Signature)

Chairman (Title)

Hde G Sr. Hig
Tennis Cts.

August 2, 1978

Mr. William Greer, Project Officer
Department of Natural Resources
Tawes State Office Building C4
Annapolis, MD 21401

Subject: BOR Project 24-00008
BOR Project 24-00017

Dear Mr. Greer:

This letter is to officially notify your department that the tennis courts at the Havre de Grace Senior High School (Harford County, Maryland - Project 24-00008) constructed with BOR funds have been relocated at this school site. The previous tennis courts were destroyed due to the expansion of the Senior High School by the Harford County Board of Education.

The two tennis courts at the North Harford High School (Project 24-00017) which were also constructed with BOR funds will be destroyed in the near future because of the necessity to construct new facilities at this school.

We officially request permission to relocate the North Harford High School Tennis Courts. The new tennis courts will be constructed with Board of Education funds and will be located at a different site on this property.

Should you have any questions, please do not hesitate to contact this office.

Sincerely,

William G. Nicodemus, Jr.
Open Space Coordinator

WGN/jb

Do not hesitate to contact this office should further information or assistance be needed concerning the requirements and procedures of the Land and Water Conservation Fund.

Sincerely,

Spencer P. Ellis
State Liaison Officer

LJO:dw

Enclosures: Funding Certification
Maintenance Agreement
State Project Agreement

FP 77 BOR

STATE OF MARYLAND

DEPARTMENT OF FORESTS AND PARKS

Land and Water Conservation Fund Project Agreement

Political Subdivision: Harford County, Maryland	Project Number: 19-00139-13-012
Project Title: Havre de Grace Middle School Recreation Center - Development #1	
Period Covered by this Agreement: Date of Approval to 10/1/71	Project Period: Date of Approval to 10/1/71

Project Scope (Description of Project)

This project proposes the development by Contract at the site of Havre de Grace Middle School in Havre de Grace, Harford County, Maryland, of a public day-use outdoor recreation area. This project includes planning, seeding, mulching, construction of a multi-use court, and fencing for the court, four (4) complete little league type baseball fields and a cinder running track. Assistance to help develop these facilities is requested by the Harford County Parks and Recreation Department which is the responsible agency for development, operation, and maintenance of these proposed facilities under the school-recreation center concept.

Project Stage Covered by this Agreement	ENTIRE PROJECT Date of Approval to 10/1/71
PROJECT COST	ATTACHMENTS
Total Cost: $ 32,286.00	1. General Provisions (dated December 1965)
Fund Support: 50 %	
Fund Amount: $ 16,143.00	2. Maintenance Agreement
Cost of this Stage: $ 32,286.00	3. Funding Certification
Assistance this Stage: $ 16,143.00	4. Joint Use Agreement
	5. Project Proposal

The State of Maryland, represented by the Director, Department of Forests and Parks, and Harford County, Maryland (hereinafter referred to as the County), mutually agree to perform this agreement in accordance with the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964), and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps and assurances attached hereto and hereby made a part hereof.

The State of Maryland hereby promises, in consideration of the promises made by the County herein, to obligate to the County the amount of $16,143.00 and to tender to the County that portion of the obligation which is required to pay the State of Maryland's share of the costs, based upon Fifty percent (50%) assistance. The County hereby promises, in consideration of the promises made by the State of Maryland herein, to execute the project or project stage described above in accordance with the terms of this agreement.

If the County does not comply with the terms, promises, conditions, specifications, estimates, procedures, project proposals, maps and assurances as agreed herein, the State shall withhold payments provided for until all requirements are complied with to the State's satisfaction.

The following special project terms and conditions were added to this agreement before it was signed by the parties hereto:

Delete Section B.2(d) of the attached General Provisions. (December 1965)

Facilities constructed under this project agreement shall be available to the general public at all times the facilities are open for use.

All new utility and electrical service lines placed on this project site will be installed underground or will be in conformance with Bureau of Outdoor Recreation regulations.

Facilities constructed under this agreement are not required by State or County Regulations to meet the basic needs related to education.

In witness whereof, the parties hereto have executed this agreement as of the date entered below.

STATE OF MARYLAND

By _____
Director, Department of Forests and Parks, State Liaison Officer

Date MAY 2 1 1970

Harford County, Maryland

_____
(Signature)

Thomas J. Hatem
(Name)

Chairman, County Commissioners of
(Title) Harford County, Maryland

(e) The sponsor shall incorporate, or cause to be incorporated, into all construction contracts the following provisions:

"During the performance of this contract, the contractor agrees as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employeed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates or pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this non-discrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

"(3) The contractor will send to each labor union or representative or workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

"(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

"(7) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

FP 78 BOR

STATE OF MARYLAND

DEPARTMENT OF FORESTS AND PARKS

MAINTENANCE

AGREEMENT

WHEREAS, it is desirable to provide maintenance of recreation facilities established under the provisions of the Land and Water Conservation Fund Act. Now be it resolved that Harford County will hereafter provide the necessary maintenance as follows:

The property shall be maintained so as to appear attractive and inviting to the public. Sanitation and sanitary facilities shall be maintained in accordance with applicable State and local public health standards. Properties shall be kept reasonably safe for public use. Fire prevention, lifeguard and similar activities shall be maintained at levels reasonable to prevent loss of the lives or injury to users. Buildings, roads, trails and other structures and improvements shall be kept in reasonable repair throughout their estimated lifetime so as to prevent undue deterioration and not to discourage public use on the following described project:

Project Name : Havre de Grace Middle School-Recreation Center, Development #1

Project Number :

AND, be it further provided that Harford County will keep the facility open to the general public at reasonable hours and times of the year consistent with the type of facility and will further obtain the State of Maryland's approval in writing before any change from the original recreational use is effected on the above-described project.

AND, be it further provided that should negotiations for adequate maintenance fail the State may demand a refund of federal funds involved in this project on a depreciating basis. Until this matter is resolved, the local sponsoring unit of government shall not be eligible for Land and Water Conservation Fund Act money. In the event of default the State shall have the right to maintain the project and shall be authorized to charge such cost of maintenance back to the local unit of government. It is further agreed that such costs of maintenance shall constitute a debt due and owing to the State.

Dated this 12th day of November, 1969.

County: Harford County, Maryland

APPROVED BY: Chairman: Thomas J. Halsey

County Commissioners of Harford County, Maryland

FP 79

REVISED MAY 1969

ATTACHMENT # 6

FUNDING AUTHORIZATION

(SUPPLY 3 SIGNED COPIES)

November 12, 1969
(DATE)

STATE LIAISON OFFICER
DEPARTMENT OF FORESTS AND PARKS
STATE OFFICE BUILDING
ANNAPOLIS, MARYLAND 21404

RE: Havre de Grace Middle School-Recreation Center Development #1
(COMPLETE PROJECT TITLE)

DEAR SIR:

AS THE OFFICIAL DESIGNATED BY THE COUNTY COMMISSIONERS TO REPRESENT Harford COUNTY FOR THE PURPOSE OF DISPERSING OF FUNDS APPORTIONED TO THIS COUNTY FROM THE LAND AND WATER CONSERVATION FUND, THE OUTDOOR RECREATION LAND LOAN OF 1969 AND THE PATUXENT RIVER WATERSHED ACT, I HEREBY CERTIFY THAT Harf. Co. Parks & Rec. Department MAY APPLY FOR THE FOLLOWING FUNDS
(COUNTY, DEPARTMENT OR CITY)
ON THE ABOVE REFERENCED PROJECT.

FUND SOURCE	FISCAL YEAR APPORTIONMENT	AMOUNT
L.W.C.F.	1968	16,143.00
	TOTAL AMOUNT	16,143.00

SINCERELY,

William O. Whiteford
SIGNATURE - COUNTY LIAISON OFFICER

WILLIAM O. WHITEFORD
TYPE NAME OF COUNTY LIAISON OFFICER

Section 106 Correspondence

U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

APR 10 2014

Mr. J. Rodney Little
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032

Re: **Susquehanna River Rail Bridge Project, Harford and Cecil Counties, MD**

Dear Mr. Little:

The Maryland Department of Transportation (MDOT) is proposing to improve the Susquehanna River Rail Bridge, which spans between the City of Havre de Grace (Harford County) and the Town of Perryville (Cecil County; see Figure 1). The Federal Railroad Administration (FRA) is serving as the lead federal agency for the preparation of an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA). The National Passenger Railroad Corporation (Amtrak) is the bridge owner and operator.

The Susquehanna River Rail Bridge has been determined eligible for the State and National Registers of Historic Places (S/NR). FRA is writing to initiate consultation for the aforementioned undertaking in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended); Section 4(f) of the United States Department of Transportation (USDOT) Act; the Maryland Historical Trust Act of 1985, as amended; the State Finance and Procurement Article §§ 5A-325; and 5A-326 of the Annotated Code of Maryland. Per Subpart A, Section 800.2(a)(3) and 800.2(c)(4) of 36 CFR, FRA is authorizing MDOT (the project sponsor), as an applicant for federal approvals, to prepare information and analyses regarding Section 106 consultation for the referenced project.

In accordance with 36 C.F.R. §800.3, FRA is providing Attachment A, "Cultural Resources Methodology", to afford your office the opportunity to review 1) the proposed delineation of the Area of Potential Effect (APE), 2) the cultural resources impacts assessment criteria, and 3) an initial list of interested and consulting parties for this project. Please note that the project alternatives described in the enclosed methodology are still being developed and refined. Further consultations with your office are anticipated regarding the identification and evaluation of effects to cultural resources.

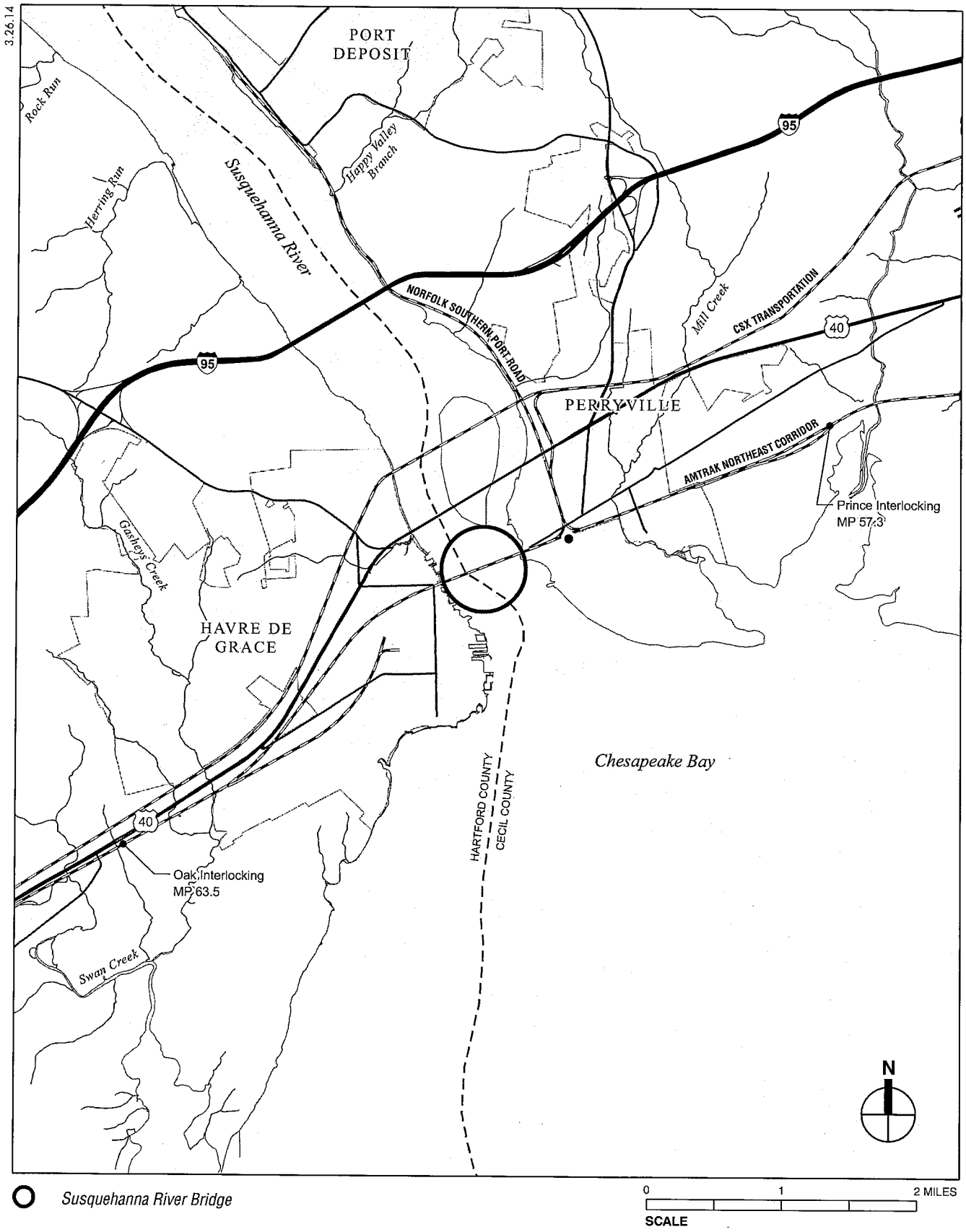
If you have any questions or need further clarification about the proposed project, please contact Michelle Fishburne at (202) 493-0398 or michelle.fishburne@dot.gov. We look forward to working with you on this important rail transportation project.

Sincerely,

David Valenstein
Division Chief, Environmental and Systems Planning

Enclosures

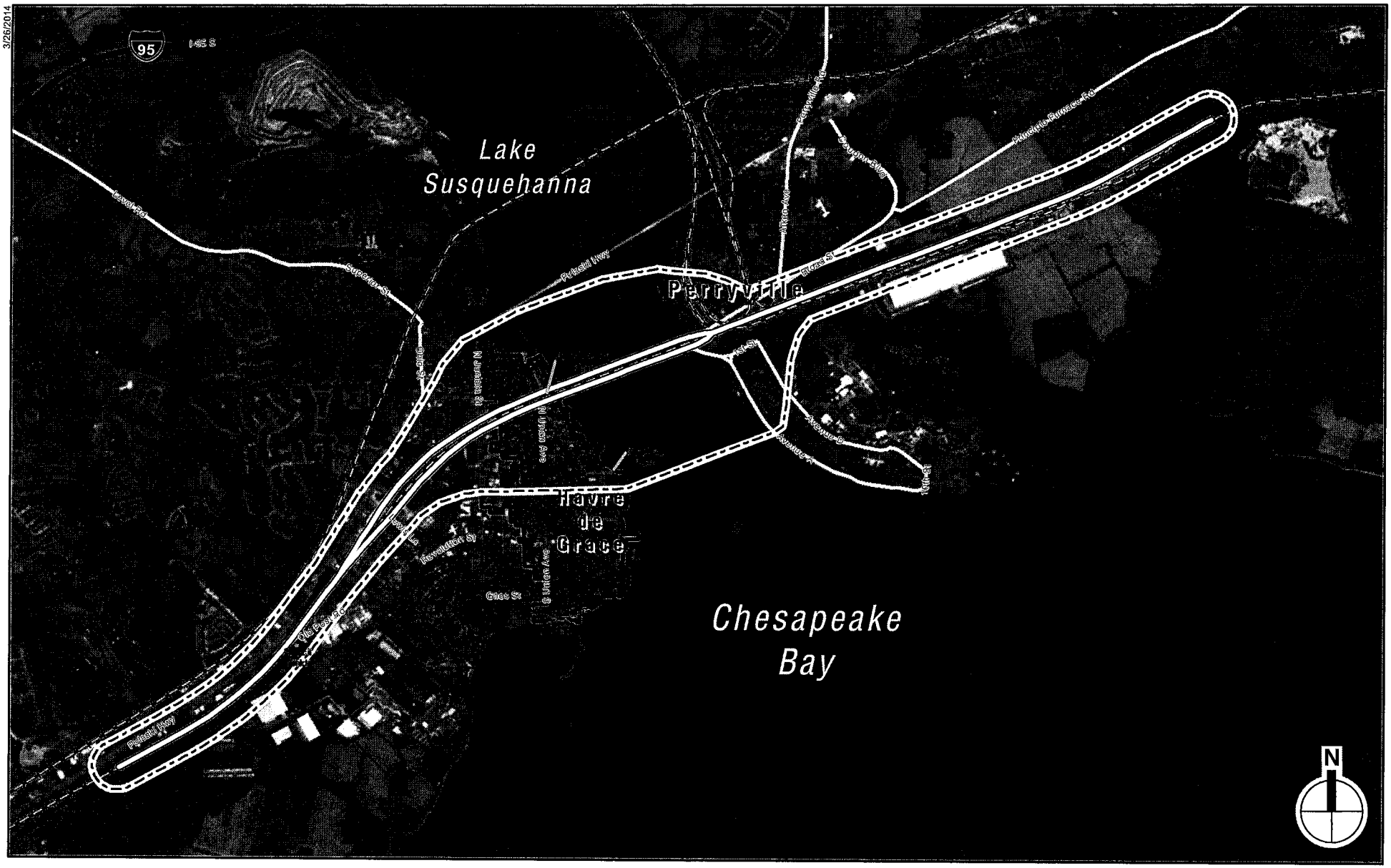
cc: Harry Romano, MDOT
Adam Denton, FRA
Amrita Hill, Amtrak
Craig Rolwood, Amtrak



Project Site

Figure 1

Susquehanna River Rail Bridge Project



Proposed Area of Potential Effect (APE) for Architectural Resources

Figure 2

Susquehanna River Rail Bridge Project

Attachment A: Cultural Resources Methodology

PROJECT DESCRIPTION

The Maryland Department of Transportation (MDOT) is proposing to improve the Susquehanna River Rail Bridge between the City of Havre de Grace in Harford County, Maryland and the Town of Perryville in Cecil County, Maryland. The Federal Railroad Administration (FRA) is serving as the lead federal agency for this Environmental Assessment (EA), being conducted in accordance with the National Environmental Policy Act (NEPA). The existing Susquehanna River Rail Bridge is located on Amtrak's Northeast Corridor (NEC) at Milepost 60, and has been determined eligible for listing on the State and National Registers of Historic Places (S/NR). The bridge itself is approximately 4,154 feet long from abutment to abutment and is the longest bridge with a movable span on the NEC. It is a swing bridge, with a movable span that rotates horizontally to open (using a center pivot mounted on a pier in the river) to allow boats to pass. The bridge comprises 18 spans, which are numbered from north to south. Span Nos. 1 and 18, adjacent to the abutments, are 192 feet long; Span Nos. 2 through 9 are each 255 feet long; and Span Nos. 11 through 17 are approximately 196 feet long. The movable swing span (Span No. 10) is 277 feet long and is composed of a riveted-steel through truss (where the rail track travels within the truss framework). The remaining 17 spans are open deck, pin-connected steel trusses, where the rail track travels on top of the span. The bridge is used by Amtrak trains (approximately 88 trains per day in total), MARC commuter rail service (13 trains per day), and Norfolk Southern Railway (NS) freight rail traffic (currently approximately 7 to 10 trains per day, mostly at night).

The primary purpose of the Susquehanna River Rail Bridge Project is to provide continued rail connectivity along the NEC. The proposed project would span approximately six miles, between the "Oak" Interlocking at Milepost 63.5 in Havre de Grace and the "Prince" Interlocking at Milepost 57.3 in Perryville (see Figure 1). A range of alternatives is being considered, including rehabilitating or replacing the existing 108-year-old Susquehanna River Bridge, and adding a new bridge to bring the railroad crossing to a state of good repair and expand capacity at this crossing to up to four tracks. Consistent with NEPA requirements, the project alternatives to be evaluated will also include a No Action Alternative, wherein the existing structure would remain in place with continued maintenance and minimal repairs.

PROPOSED ARCHAEOLOGICAL AND ARCHITECTURAL RESOURCES ANALYSIS METHODOLOGIES

Since the project is still in a conceptual development and alternatives analysis stage, the location of specific project components has not yet been finalized. The analysis of archaeological and architectural resources will focus on the project site and the areas of potential effect (APEs) for archaeological and architectural resources, respectively. Proposed methodologies for the analysis of archaeological and architectural resources are described below. The results of the analyses of both archaeological and architectural resources will be presented within the EA.

ARCHAEOLOGICAL RESOURCES

The project team will conduct archaeological investigations in order to determine the presence and integrity of any subsurface cultural deposits which may be located within the project APE. Due to the size of the project APE, these studies will begin with a Phase IA archaeological sensitivity assessment and disturbance analysis for all areas of the project where ground disturbing activities may occur. This study will involve a combination of comprehensive documentary research and a limited field inspection of the project corridor. Background research efforts will include the development of a prehistoric and historic context, a discussion of the evolution of land use patterns based on historic cartographic sources and soil surveys, and an inventory of all previously recorded archaeological sites within the vicinity of the APE.

The field investigations will include a pedestrian survey and surface inspection of accessible areas in the APE. No systematic shovel testing or other excavations will occur as part of the Phase IA field survey. Utilizing the data gathered during the background research, investigators will focus on isolating areas of the archaeological APE that have been previously disturbed, or conversely, maintain stratigraphic integrity and have the potential to contain intact cultural deposits.

Upon completion of the research and fieldwork, the project team will prepare a technical report detailing the results of the Phase IA investigations, which will be submitted to the Maryland Historical Trust (MHT) for review. The reporting will contain a synthesis of the project area's history and previous archaeological studies, as well as a detailed report describing areas of archaeological potential versus those that have been previously impacted by modern development and retain little or no subsurface integrity. These areas will also be clearly depicted on project maps. The results outlined in the report will be used to make recommendations for any additional studies that may be warranted in order to identify any archaeological resources located within the APE and assess their potential eligibility for listing on the S/NR. If it is determined that additional survey is needed, the project team will coordinate with the MHT to determine the appropriate next steps in order to comply with Section 106.

ARCHITECTURAL RESOURCES

The following steps will be undertaken as part of the architectural resources analysis:

1) Identify the proposed project's APE for architectural resources in consultation with MHT. The APE is the area where proposed construction activities may be close enough to an historic structure to potentially cause structural damage and where visual or contextual impacts may occur.

2) Identify any officially recognized architectural resources within the APE. These include properties listed on the S/NR, properties determined eligible for such listing, National Historic Landmarks (NHL), and properties included in the Maryland Inventory of Historic Properties.

3) Conduct a reconnaissance-level survey of the APE to identify any properties that appear to meet eligibility criteria for listing on the S/NR, based on 36 CFR § 800.4 of the National Historic Preservation Act of 1966 (as amended).

4) Research all potential architectural resources to identify pertinent historical information, such as date of construction, builder, and architect, and prepare and submit a Determination of Eligibility form to MHT for review.

5) Assess any effects on historic properties in accordance with 36 CFR § 800.5. These may include direct effects, such as damage from construction related activities, or indirect effects, such as the introduction of visual, audible, or atmospheric elements that diminish the historic integrity of a property.

6) Evaluate any required mitigation measures in consultation with MHT.

DEFINITION OF THE AREAS OF POTENTIAL EFFECT (APEs)

A required step in the Section 106 process is determining the APE, which is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist" (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

The proposed APEs are described below. As engineering for the proposed project progresses, if changes to the APEs boundaries are required, the proposed changes will be submitted to MHT for review and concurrence.

APE FOR ARCHAEOLOGICAL RESOURCES

The area of potential effect for archaeological resources includes all areas that could experience ground disturbance under the proposed project alternatives. The archaeological APE includes the Amtrak right-of-way and extends 5,200 feet west of the Susquehanna River shoreline in Havre de Grace and 5,700 feet east of the Susquehanna River shoreline in Perryville.

APE FOR ARCHITECTURAL RESOURCES

In general, potential effects to architectural resources can include both direct physical effects (e.g., demolition, alteration, or damage from construction on nearby sites) and indirect effects, such as the isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion on the S/NR in a manner that would diminish the property's historic integrity. The APE for architectural resources is, therefore, larger than the APE for archaeological resources to account for any potential impacts that may occur where proposed construction activities could physically alter or damage architectural resources or be close enough to result in visual or contextual impacts. Development of the proposed APE included field visits to determine locations where prominent views of the existing Susquehanna River Rail Bridge exist and could be obstructed or altered by the proposed project.

The proposed APE for architectural resources for this project is defined as the area within visual range of the project site, which includes areas where there is a potential for construction-related impacts (see Figure 2). Therefore, the proposed APE extends approximately 600 feet north and south of the project site. However, to account for more distant views of the project site along the Harford and Cecil County waterfronts, the proposed APE extends approximately one-quarter of a mile north and south of the project site. Views from Perry Point Mansion House and Mill (S/NR-listed), located approximately one-half of a mile south of the project site in Cecil County, will also be considered.

PROPOSED IMPACTS ASSESSMENT CRITERIA

Once the archaeological and architectural resources in the APEs are identified, the effects of the project on those resources are assessed. The effects analysis will be based on the proposed construction and the anticipated effects it may have on archaeological and architectural resources.

ARCHAEOLOGICAL RESOURCES

Potential in-ground disturbances of the project site may result from improvements to the existing Susquehanna River Rail Bridge and/or construction of a new bridge over the Susquehanna River in the project area. Modifications and/or additions to existing railroad tracks, embankments, and other railroad infrastructure could occur throughout the archaeological APE. Staging areas or temporary access roads could also be required during the construction phase. Areas of archaeological sensitivity will be compared to the vertical and horizontal extent of the proposed disturbance to determine the potential for impacts.

ARCHITECTURAL RESOURCES

Architectural resources may be impacted by elements of the proposed project alternatives including, removal of or modifications to the existing S/NR-eligible Susquehanna River Rail Bridge and/or construction of a new bridge or bridges over the Susquehanna River; and modifications and/or additions to existing railroad tracks, embankments, and other railroad infrastructure throughout the project site. The assessment of the potential effects of project construction on architectural resources will include direct effects (such as construction-period activities that could physically alter or damage architectural resources) and indirect effects (such as visual or contextual changes that would diminish the historic integrity of architectural resources).

SECTION 106 CONSULTING PARTIES

In accordance with 36 CFR 800.2, the lead federal agency, the Advisory Council on Historic Preservation (ACHP), other consulting parties, and the public are identified as participants in the Section 106 process. Consulting parties may include: the project sponsor, the State Historic Preservation Officer (SHPO); the Tribal Historic Preservation Officer (THPO); federally-recognized Indian tribes that attach religious and cultural significance to historic properties that may be affected by an undertaking; and representatives of local governments. Consulting parties may also include other individuals and organizations with a demonstrated interest in the proposed federal undertaking.

As a part of the Section 106 consultation requirements for the Susquehanna River Rail Bridge Project, FRA will invite the ACHP to participate in the Section 106 consultation. The ACHP may elect not to participate and instead rely on the MHT to provide comments and concurrence. Other consulting parties that will be invited to participate in this project include:

- Harford County
- Cecil County
- City of Havre de Grace
- Town of Perryville
- Maryland Historical Society
- The Historical Society of Harford County
- The Historical Society of Cecil County
- Piscataway Conoy Confederacy and Sub-Tribes, Inc.
- Perry Point VA Medical Center
- Accohannock Indian Tribe, Inc.
- Assateague Peoples Tribe
- Nause-Waiwash Band of Indians, Inc.
- Many Waters Band of the South Eastern Cherokee Council, Inc.
- Pocomoke Indian Tribe, Inc.
- Preservation Maryland
- National Railway Historical Society, Perryville Chapter
- Youghiogheny River Band of Shawnee Indians, Inc.

- Susquehanna Museum of Havre de Grace at the Lock House
- Piscataway Indian Nation
- Federally-Recognized Indian Tribes, if applicable
- Lower Susquehanna Area Greenway
- Friends of the Concord Point Lighthouse
- Friends of Rodgers Tavern
- Susquehanna State Park
- Havre de Grace Decoy Museum
- Havre de Grace Maritime Museum

Throughout the Section 106 process, FRA and MDOT will provide the public with information about the undertaking and its effects on historic properties. The public will be given opportunities to provide input on the effects of the project, as well as any resolution of adverse effects on historic resources that may result from the project. It is assumed that, in accordance with 36 CFR § 800.2(d)(3), the procedures utilized for public involvement under NEPA will also satisfy the requirements of the Section 106 process.

PRELIMINARY LIST OF KNOWN ARCHITECTURAL RESOURCES IDENTIFIED IN THE APE

Table A-1
Known Architectural Resources Within the APE

No.	Name/Type	Address	Location	S/NR	S/NR-eligible	MIHP
1	Havre de Grace Historic District	Havre de Grace	Havre de Grace	X		HA-1125
2	Southern Terminus, Susquehanna and Tidewater Canal - South Lock #1 and Toll House[1]	Erie & Water Streets	Havre de Grace	X		HA-112; HA-113
3	Martha Lewis (skipjack)[2]	Millard Tydings Memorial Park, Commerce St. at S. Strawberry La.	Havre de Grace	X		HA-2189
4	Rodgers Tavern	Broad Street & River Road	Perryville	X		CE-129
5	Perryville Railroad Station	650 Broad Street	Perryville		X	CE-1442
6	Perry Point Mansion House and Mill[1]	Sixth Street, Avenue A	Perryville	X		CE-146; CE-244
7	AMTRAK Railroad Bridge over Susquehanna River	Union Avenue (MD 7) & Otsego Street, AMTRAK RR Bridge	Harford County		X	HA-1712
8	Otsego Street Survey District	700 and 800 Blocks of Otsego Street	Havre de Grace		X	HA-2048
9	Perry Point Veterans Administration Medical Center Historic District[1]	VA Medical Center, Perry Point	Cecil County		X	CE-1544
10	Principio Furnace (Principio Iron Works)[3]	Principio Furnace Road (MD 7)	Cecil County	X		CE-112

Notes:
There are no National Historic Landmarks (NHLs) located in the proposed APE.
[1] Notes resource is also a MHT easement property.
[2] This resource is currently under restoration at Hutchins Park, MD.
[3] Although portions of this property are located in the proposed APE, there are no structures associated with this resource located within the proposed APE.
S/NR: Listed on the State and National Registers of Historic Places
S/NR-eligible: Officially determined eligible for listing on the State and National Registers of Historic Places
MIHP: Maryland Inventory of Historic Properties
Sources: MHT Online Resources

Maryland Department of Planning
Maryland Historical Trust

Sustainable Attainable

June 16, 2014

David Valenstein
Division Chief, Environmental and Systems Planning
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Susquehanna River Rail Bridge Project
Cecil and Harford Counties, Maryland
Initiation of Section 106 Consultation

Dear Mr. Valenstein:

Thank you for your recent letter, received by the Maryland Historical Trust (Trust) on April 14, 2014, regarding the above-referenced project. Your submittal formally initiated consultation with the Trust, Maryland's State Historic Preservation Office, pursuant to Section 106 of the National Historic Preservation Act, for this federally assisted undertaking. Based on our review of the submitted materials, we offer the following comments and concurrence.

Project Description: The Federal Railroad Administration (FRA) and Maryland Department of Transportation (MDOT) are proposing to improve the existing Susquehanna River Rail Bridge between Havre de Grace in Harford County and Perryville in Cecil County. The bridge is the longest bridge with a moveable span on the Northeast Corridor. Constructed in 1906, the Amtrak Bridge over the Susquehanna River (MIHP No. 1712) was determined eligible for listing in the National Register of Historic Places in 1998. A range of alternatives are under consideration by FRA, including replacement, rehabilitation and the addition of a new parallel structure to increase capacity of the river crossing to four tracks. The Trust has been invited to comment and concur with the project's Purpose and Need Statement. We are ~~including our concurrence as an attachment to this letter.~~

Area of Potential Effects: The Trust concurs with FRA/MDOT's defined Area of Potential Effects (APE) for historic architectural and archeological resources, illustrated in Figure 2 of FRA's submittal. We recognize that FRA/MDOT may make further refinements to its APEs as planning proceeds based on alignment changes, the addition of ancillary actions, or other modifications.

Identification and Evaluation of Historic Properties: We concur with the overall approach for conducting and completing the cultural resources investigations, as outlined in your submittal. We encourage frequent coordination with our office to ensure that the investigations are commensurate with the scale of the undertaking and consistent with our standards and guidelines. As you are aware, considerable information already exists regarding identified historic and archeological resources in the project vicinity, as a result of multiple prior investigations for various projects. The Phase IA archival investigations should also address the APE's potential for containing submerged cultural resources and provide relevant recommendations, if warranted. Please feel free to consult with the Trust prior to the initiation of any detailed investigations to ensure a reasonable and appropriate level of effort is performed for the project. We look forward to receiving the results of the architectural resources survey and a copy of the draft Phase IA report for review and comment, when available.

Consulting Parties: We agree with the list of potential consulting parties for this undertaking as presented in FRA's submittal. We also suggest that FRA include the Perry Point VA Medical Center and the Maryland Commission on Indian Affairs as potential consulting parties. As the Section 106 coordination and public outreach efforts progress, additional relevant parties may be identified and invited to participate in the consultation.

We look forward to ongoing consultation with FRA, MDOT, and other involved parties to successfully complete the Section 106 consultation for this undertaking as project planning proceeds. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov / 410-514-7637 or me (for archeology) at beth.cole@maryland.gov / 410-514-7631. Thank you for providing us this opportunity to comment.

Sincerely,

Beth Cole

Beth Cole
Administrator, Project Review and Compliance

BC/TJT/201401913

Attachment: Purpose and Need Concurrence Sheet
cc: Michelle Fishburne (FRA)
Angela Willis (MTA)

RECEIVED
APR 18 2014
BY:_____

PURPOSE AND NEED

Project Name & Limits: Susquehanna River Rail Bridge Project (MP 57.3 to MP 63.5)

Having reviewed the attached Purpose and Need concurrence/comment package and the summary presented above, the following agency (by signing this document):

___ Corps of Engineers ___ Coast Guard ___ Federal Transit Administration

___ **Concurs (without comments)** ___ **Concurs (w/ minor comments)** ___ **Does Not Concur**

Comments / Reasons for Non-Concurrence:

Note: Please do not provide "conditional" concurrence. You should either concur with the information as provided (without comments or with minor comments) or not concur until revisions are made or additional information is provided.

___ Environmental Protection Agency
___ Fish and Wildlife Service
___ National Marine Fisheries Service
___ MD Dept. of Natural Resources
___ MD Dept. of the Environment
___ MD Department of Planning
X MD Historical Trust
___ Metropolitan Planning Org.

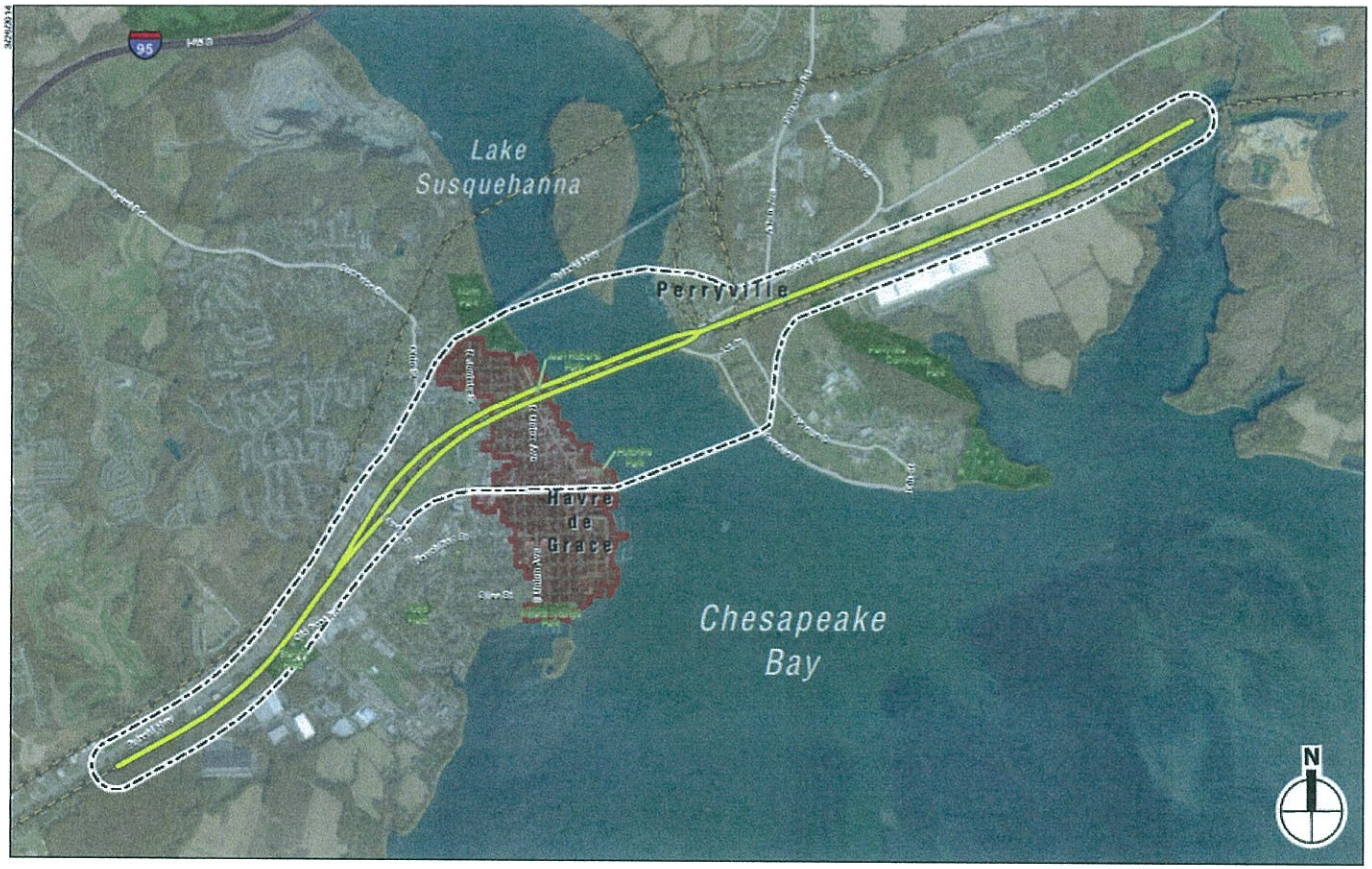
___ **Provides Comments (below or attached)** X **Has No Comments**

Comments:

Additional Information Needed:

Signature: Beth Cole Date: 6/16/2014

ATTACHMENT 1: Area of Potential Effect



Project Site
Proposed Area of Potential Effect (APE)
Havre de Grace Historic District

0 1 Miles
SCALE

Susquehanna River Rail Bridge Project

Proposed Area of Potential Effect (APE) for Architectural Resources
Figure 2

ATTACHMENT 2: Potential Historic Resources

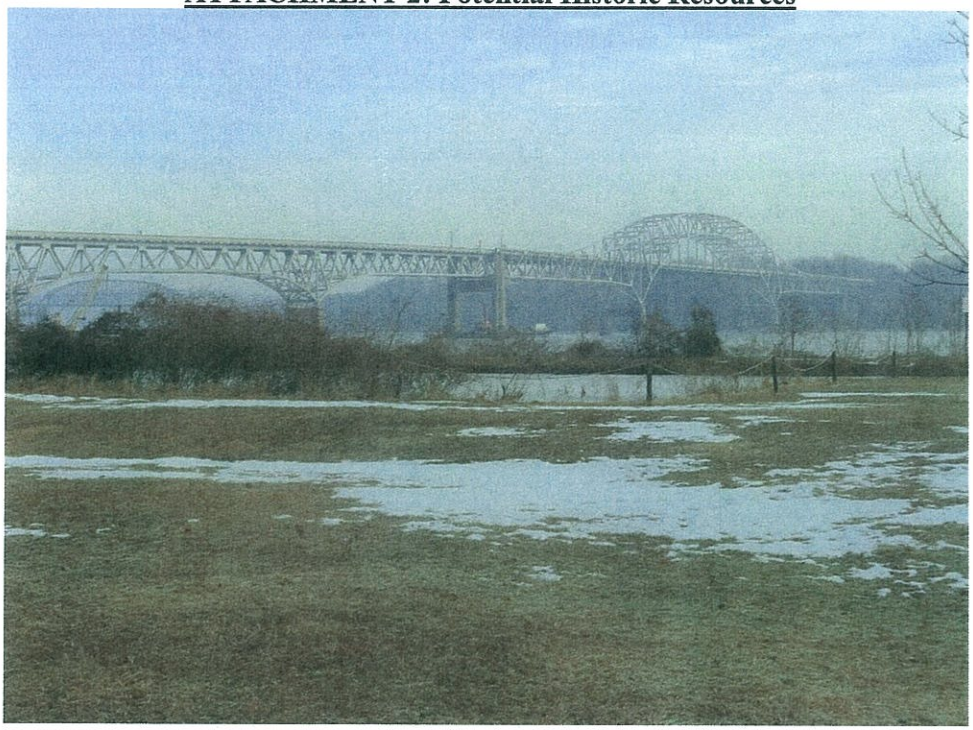


Figure 1: Thomas J. Hatem Memorial Bridge

Figure 2: Perryville Methodist Church

Figure 3: Perryville Methodist Church

Figure 4: 421 Broad Street

Figure 5: Muller-Thym Milk Factory

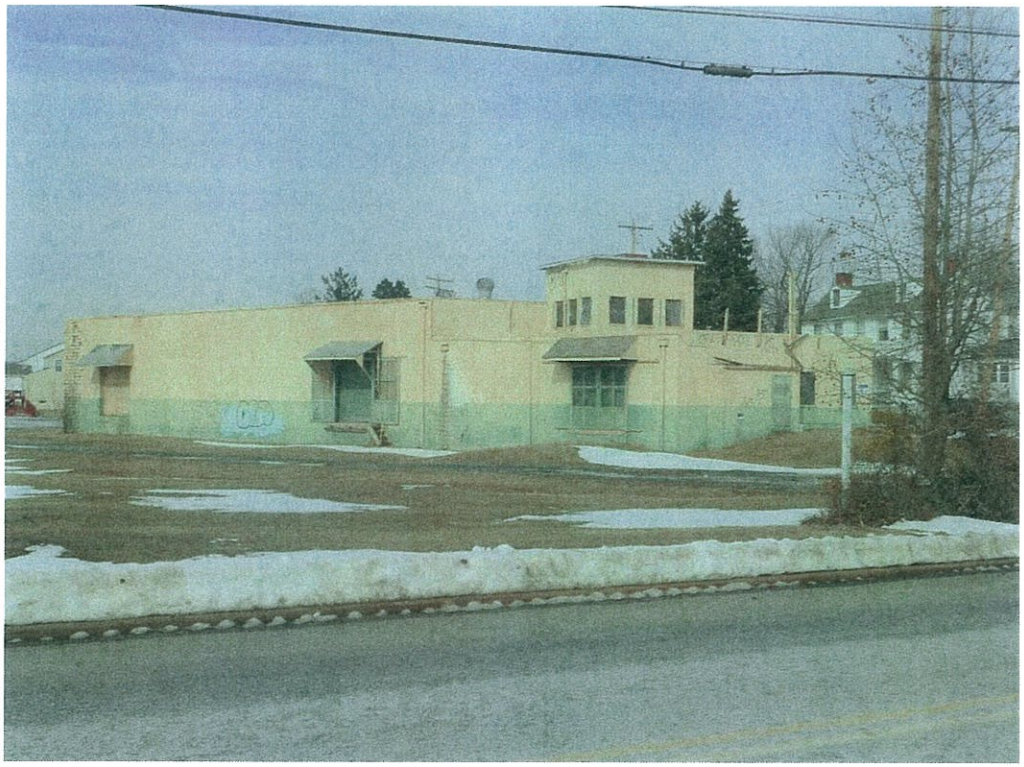


Figure 6: Muller-Thym Milk Factory

Figure 7: 357 Elm Street

Figure 8: 416 Front Street

Figure 9: 416 Front Street

Figure 10: House at the corner of Broad Street and Cecil Avenue

Figure 11: House at the corner of Broad Street and Cecil Avenue

Figure 12: 814 Broad Street

Figure 13: House at the corner of Otsego and Arch Streets

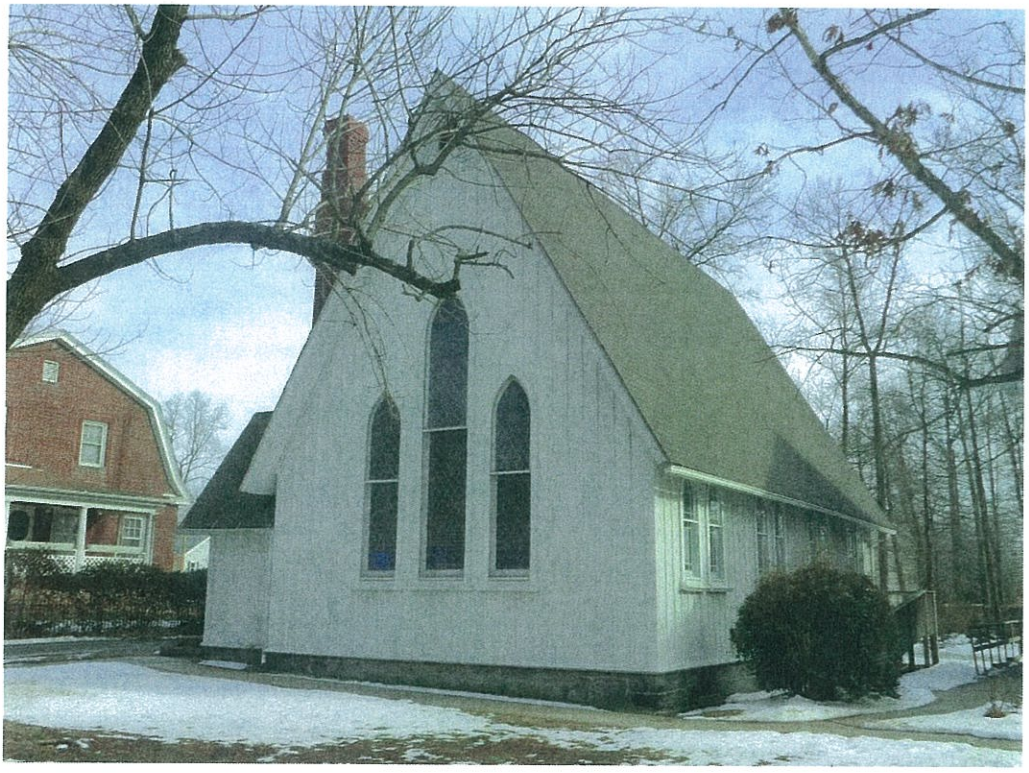


Figure 14: Perryville Presbyterian Church

June 16, 2014

David Valenstein
Division Chief, Environmental and Systems Planning
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Susquehanna River Rail Bridge Project
Cecil and Harford Counties, Maryland
Initiation of Section 106 Consultation

Dear Mr. Valenstein:

Thank you for your recent letter, received by the Maryland Historical Trust (Trust) on April 14, 2014, regarding the above-referenced project. Your submittal formally initiated consultation with the Trust, Maryland's State Historic Preservation Office, pursuant to Section 106 of the National Historic Preservation Act, for this federally assisted undertaking. Based on our review of the submitted materials, we offer the following comments and concurrence.

Project Description: The Federal Railroad Administration (FRA) and Maryland Department of Transportation (MDOT) are proposing to improve the existing Susquehanna River Rail Bridge between Havre de Grace in Harford County and Perryville in Cecil County. The bridge is the longest bridge with a moveable span on the Northeast Corridor. Constructed in 1906, the Amtrak Bridge over the Susquehanna River (MIHP No. 1712) was determined eligible for listing in the National Register of Historic Places in 1998. A range of alternatives are under consideration by FRA, including replacement, rehabilitation and the addition of a new parallel structure to increase capacity of the river crossing to four tracks. The Trust has been invited to comment and concur with the project's Purpose and Need Statement. We are ~~including our concurrence as an attachment to this letter.~~

Area of Potential Effects: The Trust concurs with FRA/MDOT's defined Area of Potential Effects (APE) for historic architectural and archeological resources, illustrated in Figure 2 of FRA's submittal. We recognize that FRA/MDOT may make further refinements to its APEs as planning proceeds based on alignment changes, the addition of ancillary actions, or other modifications.

Identification and Evaluation of Historic Properties: We concur with the overall approach for conducting and completing the cultural resources investigations, as outlined in your submittal. We encourage frequent coordination with our office to ensure that the investigations are commensurate with the scale of the undertaking and consistent with our standards and guidelines. As you are aware, considerable information already exists regarding identified historic and archeological resources in the project vicinity, as a result of multiple prior investigations for various projects. The Phase IA archival investigations should also address the APE's potential for containing submerged cultural resources and provide relevant recommendations, if warranted. Please feel free to consult with the Trust prior to the initiation of any detailed investigations to ensure a reasonable and appropriate level of effort is performed for the project. We look forward to receiving the results of the architectural resources survey and a copy of the draft Phase IA report for review and comment, when available.

Consulting Parties: We agree with the list of potential consulting parties for this undertaking as presented in FRA's submittal. We also suggest that FRA include the Perry Point VA Medical Center and the Maryland Commission on Indian Affairs as potential consulting parties. As the Section 106 coordination and public outreach efforts progress, additional relevant parties may be identified and invited to participate in the consultation.

We look forward to ongoing consultation with FRA, MDOT, and other involved parties to successfully complete the Section 106 consultation for this undertaking as project planning proceeds. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov / 410-514-7637 or me (for archeology) at beth.cole@maryland.gov / 410-514-7631. Thank you for providing us this opportunity to comment.

Sincerely,

Beth Cole

Beth Cole
Administrator, Project Review and Compliance

BC/TJT/201401913

Attachment: Purpose and Need Concurrence Sheet
cc: Michelle Fishburne (FRA)
Angela Willis (MTA)

RECEIVED
APR 18 2014
BY:_____

PURPOSE AND NEED

Project Name & Limits: Susquehanna River Rail Bridge Project (MP 57.3 to MP 63.5)

Having reviewed the attached Purpose and Need concurrence/comment package and the summary presented above, the following agency (by signing this document):

___ Corps of Engineers ___ Coast Guard ___ Federal Transit Administration

___ **Concurs (without comments)** ___ **Concurs (w/ minor comments)** ___ **Does Not Concur**

Comments / Reasons for Non-Concurrence:

Note: Please do not provide "conditional" concurrence. You should either concur with the information as provided (without comments or with minor comments) or not concur until revisions are made or additional information is provided.

___ Environmental Protection Agency
___ Fish and Wildlife Service
___ National Marine Fisheries Service
___ MD Dept. of Natural Resources
___ MD Dept. of the Environment
___ MD Department of Planning
X MD Historical Trust
___ Metropolitan Planning Org.

___ **Provides Comments (below or attached)** X **Has No Comments**

Comments:

Additional Information Needed:

Signature: Beth Cole Date: 4/16/2014

Maryland Department of Transportation
The Secretary's Office

Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor
James T. Smith
Secretary

September 24, 2014

Mr. Tim Tamburrino
Maryland Historical Trust
100 Community Place 3rd Floor
Crownsville, MD 21032

Re: Susquehanna River Rail Bridge Project
Harford and Cecil Counties, Maryland
Section 106 Consultation

Dear Mr. Tamburrino:

Thank you for your letter dated June 16, 2014. We appreciate the Maryland Historical Trust's (MHT) input on the methodology of identifying and evaluating historic properties, suggestions on the Section 106 consulting parties list, and approval of the Area of Potential Effect (APE). We have extended a request for additional consulting parties to participate as suggested. For your convenience, a copy of the approved APE is attached to this letter (see Attachment 1). The project team has been continuing environmental data collection for purposes of the Environmental Assessment (EA) and Section 106. We look forward to sharing our draft reports with you in the near future. We are seeking MHT's guidance on potentially eligible historic resources that we identified during our field visits.

Potentially Eligible Historic Resources: We have identified known historic resources and potentially historic resources within the APE, as shown in Table 1. As part of this data gathering effort, we have updated our list of known historic resources based on MHT's recent correspondence to the MARC Maintenance and Storage Facility project team (MHT letter dated June 18, 2014). During the course of our field surveys and research, we identified additional resources that may be potentially eligible for listing. We do not anticipate that any of the potentially eligible resources listed will be directly impacted by the proposed project. Nonetheless, we are bringing them to your attention since they are located within the APE.

We are seeking MHT's guidance on how to proceed with evaluating these resources for the purposes of the EA and what type of documentation (e.g., a brief narrative/map/digital photos, a Determination of Eligibility (DOE) "short form", or a complete DOE form) should be submitted for each resource. Photos of the potentially eligible resources are attached to this letter as Attachment 2. More detailed photos taken in accordance with MHT's Standards and Guidelines for Architectural and Historical Investigations in Maryland will be submitted with the DOE form.

Table 1
Known Historic Resources and Potentially Eligible Resources Within the APE

No.	Name/Type	Address	Location	S/NR	S/NR-eligible	MIHP
KNOWN HISTORIC RESOURCES						
1	Havre de Grace Historic District	Havre de Grace	Havre de Grace	X		HA-1125
2	Southern Terminus, Susquehanna and Tidewater Canal - South Lock #1 and Toll House[1]	Erie & Water Streets	Havre de Grace	X		HA-112; HA-113
3	Martha Lewis (skipjack)[2]	Millard Tydings Memorial Park, Commerce St. at S. Strawberry La.	Havre de Grace	X		HA-2189
4	Rodgers Tavern	Broad Street & River Road	Perryville	X		CE-129
5	Principio Furnace (Principio Iron Works)[3]	Principio Furnace Road (MD 7)	Cecil County	X		CE-112
6	Perry Point Mansion House and Mill[1]	Sixth Street, Avenue A	Perryville	X		CE-146; CE-244
7	Perryville Railroad Station	650 Broad Street	Perryville		X	CE-1442
8	Amtrak Railroad Bridge over the Susquehanna River (Susquehanna River Rail Bridge)	Union Avenue (MD 7) & Otsego Street, AMTRAK RR Bridge	Harford County		X	HA-1712
9	Perry Point Veterans Administration Medical Center Historic District[1]	VA Medical Center, Perry Point	Cecil County		X	CE-1544
10	Crothers House (Furnace Bay Golf Course Clubhouse)	79 Chesapeake View Road	Cecil County		X	CE-1566
11	Woodlands Farm Historic District[4]	Woodlands Farm Lane South	Cecil County		X	CE-145
POTENTIAL HISTORIC RESOURCES						
TBD	Thomas J. Hatem Memorial Bridge	Route 40 over the Susquehanna River	Havre de Grace			CE-1550; HA-2182
TBD	Perryville Methodist Church	375 Broad Street	Perryville			
TBD	421 Broad Street	421 Broad Street	Perryville			
TBD	Muller-Thym Milk Factory	Northwest corner of Front and Broad Streets	Perryville			
TBD	357 Elm Street	357 Elm Street	Perryville			
TBD	416 Front Street	416 Front Street	Perryville			
TBD	House at corner of Broad Street and Cecil Avenue	House at corner of Broad Street and Cecil Avenue	Perryville			
TBD	814 Broad Street	814 Broad Street	Perryville			
TBD	House at corner of Otsego and Arch Streets	House at corner of Otsego and Arch Streets	Perryville			

Table 1
Known Historic Resources and Potentially Eligible Resources Within the APE

No.	Name/Type	Address	Location	S/NR	S/NR-eligible	MIHP
TBD	Perryville Presbyterian Church	710 Broad Street	Perryville			

Notes:
There are no National Historic Landmarks (NHLs) located in the APE.
[1] Notes resource is also a MHT easement property.
[2] This resource is currently under restoration at Hutchins Park, MD.
[3] Although portions of this property are located in the APE, there are no structures associated with this resource located within the APE.
[4] This is an expansion of a boundary for the National Register-listed Woodlands Farm.
S/NR: Listed on the State and National Registers of Historic Places
S/NR-eligible: Officially determined eligible for listing on the State and National Registers of Historic Places
MIHP: Maryland Inventory of Historic Properties
Sources: MHT Online Resources

The project team hosted its second Public Outreach Information Session on August 13, 2014, which also served as the initial Section 106 consulting parties meeting. We are planning a follow-up Section 106 consulting parties meeting in the near future. We would be pleased to have a conference call or meeting with you to coordinate the next steps. If you have any questions, please contact me at 410-767-4080. Thank you for your input on the Susquehanna River Rail Bridge Project.

Sincerely,

Angela Willis

Angela Willis
Environmental Planner
Maryland Transit Administration

cc: Beth Cole, MHT
Adam Denton, FRA
Michelle Fishburne, FRA
Amrita Hill, Amtrak
Craig Rolwood, Amtrak
Jacqueline Thorne, MDOT
Eric Sennstrom, Cecil County Government
W. Neal Mills, City of Havre de Grace
Bethany Baker, Friends of the Concord Point Lighthouse
Mary Ann Lisanti, Lower Susquehanna Heritage Greenway
John H. McClune Sr., National Railway Historical Society, Perryville Chapter
Patrick E. Stetina, National Railway Historical Society, Perryville Chapter

November 12, 2014

Angela Willis
Maryland Transit Administration
6 Saint Paul Street
Baltimore, MD 21202-1614

Re: Susquehanna River Rail Bridge Project
Cecil and Harford Counties, Maryland

Dear Ms. Willis:

Thank you for your recent letter regarding the above-referenced project. Your submittal requests the Maryland Historical Trust's (Trust's) input on potential historic properties within the undertaking's area of potential effects (APE) and also seeks guidance on the development of a survey methodology. We offer the following comments and suggestions in accordance with Section 106 of the National Historic Preservation Act, as amended.

As noted in our previous correspondence, the Federal Railroad Administration (FRA) and Maryland Department of Transportation (MDOT) are proposing to improve the existing Susquehanna River Rail Bridge between Havre de Grace in Harford County and Perryville in Cecil County. The project team has conducted a reconnaissance survey of the undertaking's APE and identified existing and potential historic resources associated with the built environment in the Perryville area. The Trust conducted a site visit on October 21, 2014 to examine these potentially National Register-eligible resources. Based on our site visit, we agree that the Perryville Methodist Church and the Perryville Presbyterian Church may be eligible for listing in the National Register.

We recommend the preparation of the following survey documentation to evaluate potential historic properties in the Perryville area. Please prepare a Determination of Eligibility (DOE) form for the following properties:

1. Western portion of the Town of Perryville, as illustrated on the attached map. Based on a brief visual examination, we do not believe that this area possesses sufficient material integrity for listing in the National Register. Background research may reveal other important areas of significance. The preparation of a DOE form is the most efficient method for evaluating this large area.
2. Perryville Methodist Church, 374 Broad Street; and
3. Perryville Presbyterian Church, 710 Broad Street.

Considerable information already exists regarding identified historic and archeological resources in the project vicinity, as a result of multiple prior investigations for various projects. However, there remain sections of the APE that have not been previously studied. For those areas outside of existing historic districts (and the survey district identified above), the project team must survey and evaluate the remaining properties that are fifty years old or older within the undertaking's APE. The Short Form for Ineligible Properties (Short Form) may be utilized to document any property that is *clearly* ineligible due to major loss of historic integrity or due to an obvious lack of architectural significance. Buildings that possess some level of architectural significance and integrity and which may represent a significant trend or contextual theme should be documented on a DOE form.

We look forward to receiving the results of the historic structures investigations for our review and comment, when available. If you have questions or need further assistance, please contact Tim Tamburrino (for historic structures) at tim.tamburrino@maryland.gov / 410-514-7637 or me (for archeology) at beth.cole@maryland.gov / 410-514-7631. Thank you for providing us this opportunity to comment.

Sincerely,

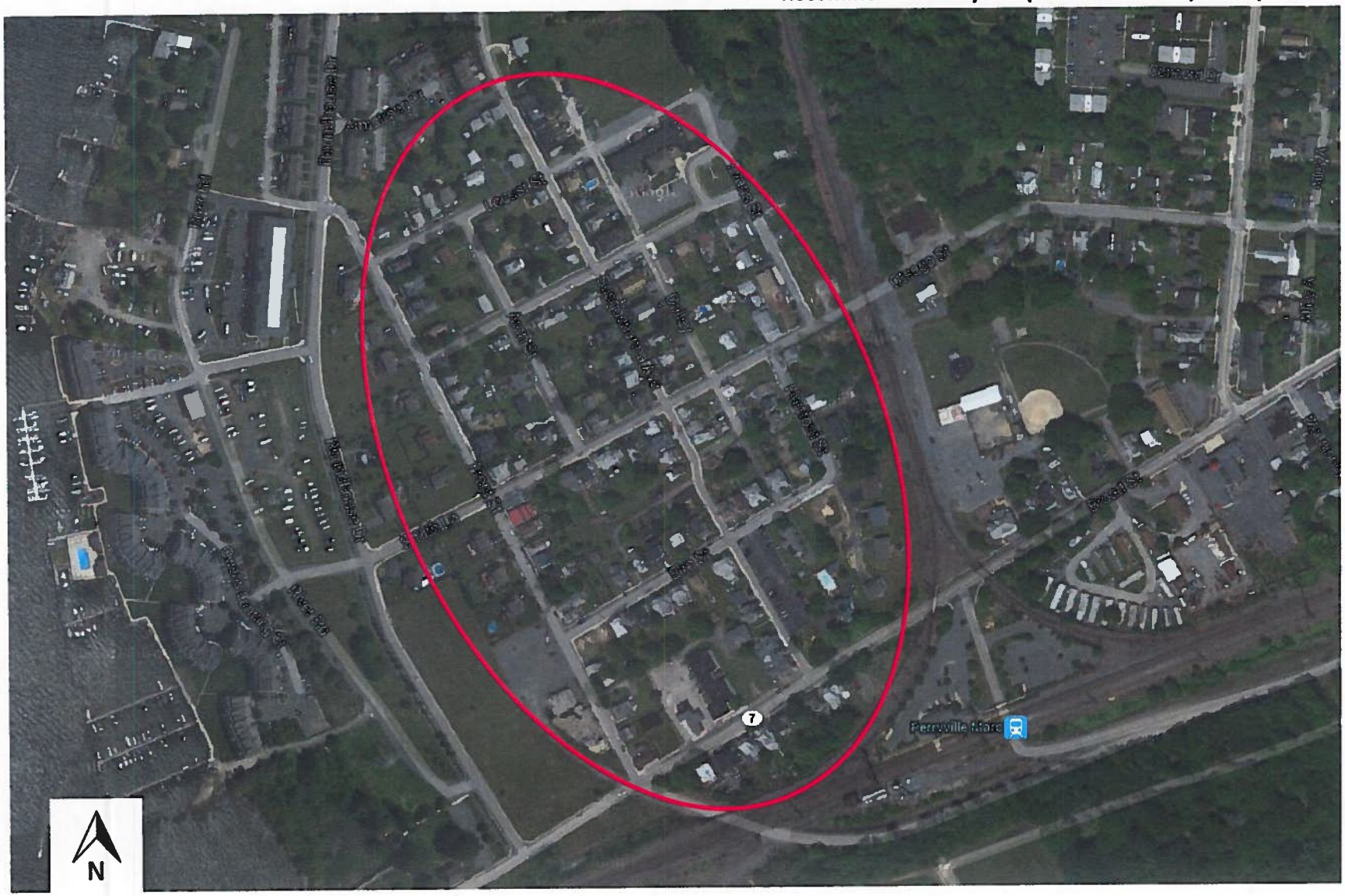
Tim Tamburrino
Preservation Officer

TJT/201405073

Attachment: Map of the Perryville Survey District
cc: Michelle Fishburne (FRA)

ATTACHMENT 1

Recommended Perryville (Western Section) Survey District



December 17, 2014

Mr. J. Rodney Little
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032

Re: Susquehanna River Rail Bridge Project, Harford and Cecil Counties, MD
Phase IA Archaeological Study

Dear Mr. Little:

As you know, the Maryland Department of Transportation (MDOT) is proposing to improve the Susquehanna River Rail Bridge, which spans between the City of Havre de Grace (Harford County) and the Town of Perryville (Cecil County). The Federal Railroad Administration (FRA) is serving as the lead federal agency for the preparation of an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA). The National Passenger Railroad Corporation (Amtrak) is the bridge owner and operator. The existing Susquehanna River Rail Bridge has been determined eligible for the State and National Registers of Historic Places (S/NR-eligible).

In April 2014, FRA initiated consultation for this undertaking in accordance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended). FRA also submitted and received concurrence from your office on the Area of Potential Effect (APE) for the project and the cultural resources methodology. As part of the ongoing process of identifying historic properties in the APE for the Proposed Project, we are now submitting an Archaeological Documentary Study to your office for review and comment. The enclosed study, Phase IA Archaeological Assessment for the Susquehanna River Rail Bridge Project, Harford and Cecil Counties, Maryland (McCormick Taylor: August 2014), evaluates the archaeological potential of the APE, identifies areas of archaeological sensitivity, and provides recommendations for further investigation where appropriate. If MHT does not believe any of the information contained herein is confidential or sensitive, the project team will share the Phase IA with the Section 106 Consulting Parties.

If you have any questions or require further information, please contact me at 410-767-4080. We look forward to receiving your comments on this archaeological study.

Sincerely,

Angela Willis

Angela Willis
Environmental Planner
Maryland Transit Administration

enclosure

cc: Beth Cole, MHT (w/o enclosure)
Jacqueline Thorne, MDOT (CD only)
Michelle Fishburne, FRA (CD only)
Craig Rolwood, Amtrak (CD only)
Amrita Hill, Amtrak (CD only)

Maryland Department of Planning
Maryland Historical Trust

Sustainable Attainable

January 27, 2015

Angela Willis
Environmental Planner
Maryland Transit Administration
6 Saint Paul Street
Baltimore, Maryland 21202-1614

Re Susquehanna River Rail Bridge Project
Phase IA Archeological Assessment Study
Harford and Cecil Counties, MD

Dear Ms. Willis:

Thank you for your recent letter regarding the above-referenced project. Your submittal requested the Maryland Historical Trust's (Trust's) input on the archeological potential of the undertaking's area of potential effects (APE) and recommendations for further investigations. We examined the materials provided and offer the following comments in accordance with Section 106 of the National Historic Preservation Act, as amended.

Trust staff carefully reviewed the following document prepared by McCormick Taylor and included with your submittal: *Phase IA Archeological Assessment for the Susquehanna River Rail Bridge Project, Harford and Cecil Counties, Maryland* (McDonald et al. 2014). The report presents detailed information on the goals, methods, results, and preliminary recommendations of the archeological assessment study. The investigations entailed completion of background research to better understand the project area's environmental setting, historic context, development, prior investigations, and currently known cultural resources. The effort also included a field reconnaissance of the project area to assess its current conditions and extent of prior disturbances. Applying the research results, the report presents an informed assessment of the APE's potential to contain archeological resources and offers recommendations on the level of Phase I archeological survey investigations that may be warranted for terrestrial and underwater sections of the APE.

Based on the information presented in the report, the Trust concurs with MTA that sections of the APE have a high potential for containing archeological resources, both terrestrial and underwater, which may be impacted by the project. These resources likely reflect the project area's varied human uses throughout prehistoric and historic time periods, including residential, commercial, transportation, industrial and maritime related activities. The Trust agrees that Phase I archeological survey of the archeologically sensitive terrestrial areas of the APE slated for impact will be warranted. In addition, Phase I underwater investigations may also be warranted and we do not agree with the recommendation that no additional Phase I survey is recommended for underwater portions of the APE (p.101). The previous remote sensing surveys cited in support of this recommendation were not comprehensive and were conducted during 1995 and 2002 using instruments now considered outdated and unsuitable for Phase I surveys. At this point in project planning, it is difficult to make informed recommendations on the exact location and extent of Phase I terrestrial and underwater surveys needed for the project, until more detailed plans are developed for the alternative alignments and proposed methods of construction. In addition, archeological investigations of related project ancillary activities (such as construction staging zones, environmental mitigation areas, etc.) may also be warranted and will require further coordination as plans progress. MTA should continue to consult with the Trust regarding the proposed Phase I archeological survey efforts for terrestrial and underwater resources, including proposed survey areas, methods, schedule, and related issues.

We look forward to ongoing coordination with MTA, FRA and other involved parties to successfully complete the Section 106 review of this undertaking, as project planning proceeds. If you have questions or require further assistance, please contact Troy Nowak (for underwater archeology) at 410-514-7668 / troy.nowak@maryland.gov or me at 410-514-7631 / beth.cole@maryland.gov.

Thank you for providing us this opportunity to comment.

Sincerely,

Beth Cole

Beth Cole
Administrator, Project Review and Compliance

EJC/TJN/201406438
cc: Michelle Fishburn (FRA)

February 12, 2015

Ms. Beth Cole
Administrator, Review and Compliance
Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032

Re: Susquehanna River Rail Bridge Project
Harford and Cecil Counties, Maryland
Draft DOE Report

Dear Ms. Cole:

Please find enclosed the DOE Report for the Susquehanna River Rail Bridge Project. The DOE Report contains the following:

- A hard copy containing a cover letter, the full DOEs printed on archival paper with archival photographs (with all of the various components outlined in the *Standards and Guidelines* and May 2009 Guidelines for Compliance-Generated DOEs), and the short DOE Forms with accompanying USGS maps and photographs.
- A CD containing the DOE Form database provided by MHT with the full and short DOE forms, pdfs of all of the DOE forms, and the photo log and digital photographs for the full DOE forms labeled according to the *Standards and Guidelines* and May 2009 Guidelines for Compliance-Generated DOEs.

We would be pleased to have our cultural resources team set up a conference call or meeting to facilitate the review of the DOE Report. If you have any questions, please contact me at 410-767-4080. Thank you for your input on the Susquehanna River Rail Bridge Project.

Sincerely,

Angela Willis
Environmental Planner
Maryland Transit Administration

enclosure

Cc: Tim Tamburrino, MHT (without enclosure)
Adam Denton, FRA (without enclosure)
Michelle Fishburne, FRA (without enclosure)
Amrita Hill, Amtrak (without enclosure)
Craig Rolwood, Amtrak (without enclosure)
Jacqueline Thorne, MDOT (without enclosure)

Maryland Department of Planning
Maryland Historical Trust

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

David R. Craig, Secretary
Wendi W. Peters, Deputy Secretary

April 22, 2015

Angela Willis
Maryland Transit Administration
6 Saint Paul Street
Baltimore, MD 21202-6806

Re: Susquehanna River Rail Bridge Project
Historic Structures Investigations – Determination of Eligibility Forms
Harford and Cecil Counties, Maryland

Dear Ms. Willis:

Thank you for providing the Maryland Historical Trust (Trust) with Determination of Eligibility (DOE) Forms produced for the above-referenced undertaking. The Trust has reviewed the materials as part of our ongoing consultation for this undertaking, pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended. We offer the following comments and recommendations regarding the historic structures investigations.

Trust staff reviewed the Determination of Eligibility (DOE) Forms prepared by AKRF, Inc. on behalf of the Maryland Transit Administration (MTA). MTA's submittal comprised 76 DOE forms; including 71 resources documented using the 'DOE Short Form for Ineligible Resources'. Our comments regarding the eligibility of historic properties for listing in the National Register of Historic Places (National Register) are provided below.

The following properties are **eligible** for listing in the National Register:
- Susquehanna River Rail Bridge & Bridge Overpasses (MIHP No. HA-1712)
- Perryville United Methodist Church (MIHP No. CE-1573)
- Perryville Presbyterian Church (MIHP No. CE-1574)

The following properties are **not eligible** for listing in the National Register:
- Perryville Historic District (MIHP No. CE-1572)
- 400-413 Webb Lane, Havre de Grace (MIHP No. HA-2250)
- We concur that all 71 resources documented with the 'Short Form for Ineligible Properties' are not eligible for listing in the National Register.

We look forward to continuing consultation with MTA, the Federal Railroad Administration and the other involved parties to successfully complete the Section106 review of the Susquehanna River Rail Bridge project as planning progresses. If you have questions or require additional information, please contact Beth Cole (for archeology) at beth.cole@maryland.gov / 410-514-7631 or Tim Tamburrino (for historic built environment) at tim.tamburrino@maryland.gov / 410-514-7637.

Sincerely,

Elizabeth Hughes
Acting Director/State Historic Preservation Officer

EH/TJT 201500546

cc: Michelle Fishburne (FRA)
Jacqueline Thorne (MDOT)
Craig Rolwood (Amtrak)
Bradley F. Killian (Harford County)
Anthony DiGiacomo (Cecil County)
Dianne Klair (Havre de Grace)
Bethany Baker (Concord Point Lighthouse)
Norris C. Howard Sr. (Pocomoke Indian Nation)
Leslie Mesnick (AKRF)

U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 19, 2016

Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
Maryland Department of Planning
100 Community Place
Crownsville, MD 21032

Re: Susquehanna River Rail Bridge Project
Perryville (Cecil County), and Havre de Grace (Harford County), Maryland
Continuation of Section 106 Consultation
Determinations of Effects to Historic Properties

Dear Ms. Hughes,

The purpose of this letter is to continue consultation between the Federal Railroad Administration (FRA) and your office for the Susquehanna River Rail Bridge Project.

The enclosed *Effects Assessment for Historic Architectural Resources* details the project's effects on the National Register (NR)-eligible or listed historic architectural resources in the project's Area of Potential Effects. This report serves as follow-up to your June 16, 2014 concurrence with the project initiation material, November 12, 2014 input on the identification of historic properties, and April 22, 2015 comments on the Determination of Eligibility (DOE) Forms. For all effects on historic architectural resources, the enclosed report assesses whether or not the effects are adverse, in accordance with 36 CFR Part 800.5, and makes recommendations to avoid, minimize, or mitigate any adverse effects. A summary of FRA's adverse or potentially adverse effects determinations associated with NR-eligible or listed historic architectural resources and recommendations to avoid, minimize, or mitigate adverse effects is provided in the table below.

ADVERSE EFFECTS ON HISTORIC ARCHITECTURAL RESOURCES

Known Architectural Resources in the APE	Adverse Effect?	Action	Actions Under Consideration to avoid, minimize, or mitigate adverse effects
Susquehanna River Rail Bridge	Yes	Demolition	Avoidance of demolition not feasible
			Minimize through use of traditional design features in the two new bridges

			Mitigate through: • Continued review by MHT of design plans • Preparation of Historic American Engineering Record (HAER) documentation • Development of an interpretive exhibit in a park, greenway, or public space • Development of an educational document • Production of a short educational film • Salvage of elements of the Susquehanna River Rail Bridge • Preservation of the abutments from the original (1866) bridge • Development of an interpretive exhibit for Perryville's Railroad Museum
9 overpass rail bridges	Yes (all except MP 60.85)	Bridge replacement or concrete extensions	Avoidance of replacing or extending bridges not feasible
			Minimize or avoid through use of stone not feasible
			Minimize by using a form liner that emulates stone and is stained to be compatible with the color of the existing stone
			Mitigate through preparation of Historic American Engineering Record (HAER) Documentation
	Possible	Construction of adjacent retaining walls	Avoid additional adverse effect by ensuring design of the new walls is in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*
Havre de Grace Historic District	Yes	Demolition of Susquehanna River Rail Bridge, a contributing feature to the historic district	Avoidance of demolition not feasible (see above for steps to minimize and mitigate)

	Yes	Visual adverse effects from widening of Susquehanna River Rail Bridge approaches	Minimize visual adverse effects by locating bridge abutment further south, constructing retaining walls, and ensuring retaining walls are developed in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*
	Yes	Extensions to four undergrade bridges, contributing features to the historic district	Avoidance of replacing or extending bridges not feasible
			Minimize or avoid through use of stone not feasible
			Minimize by using a form liner that emulates stone and is stained to be compatible with the color of the existing stone
	Possible	Construction of retaining walls adjacent to the four undergrade bridges	Avoid additional adverse effect by ensuring design of the new walls is in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*
	Possible	Construction-related damage to contributing structures	Avoid adverse effect through development and implementation of a Construction Protection Plan (CPP)
Rodgers Tavern	Yes	Visual adverse effect from the widening of the bridge approach	Minimize visual adverse effect through development of an aesthetic treatment for the retaining wall and landscaping in front of wall, if possible
	Possible	Construction-related damage	Avoid adverse effect through development and implementation of a Construction Protection Plan (CPP)
Perryville Railroad Station	Possible	Demolition of Perry Interlocking Tower	Avoid adverse effect by shifting the Interlocking Tower slightly within Amtrak ROW
			Mitigate through preparation of Historic American Engineering Record (HAER) documentation
	Yes	Extension to undergrade bridge at MP 59.39, a contributing feature to the station complex	Minimize or avoid through use of stone not feasible
			Minimize by using a form liner that emulates stone and is stained to be compatible with the color of the existing stone

	Yes	Construction of retaining walls adjacent to station complex	Avoid additional adverse effect by ensuring design of the new walls is in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*

The enclosed report concludes that the project would have no adverse effect on the following historic architectural properties:

- Southern Terminus, Susquehanna and Tidewater Canal – South Lock #1 and Toll House
- Martha Lewis (Skipjack)
- Principio Furnace (Principio Iron Works)
- Perry Point Mansion House and Mill
- Perry Point Veterans Administration Medical Center Historic District
- Crothers House (Furnace Bay Golf Clubhouse)
- Woodlands Farmhouse Historic District
- Perryville United Methodist Church
- Perryville Presbyterian Church

To update you on the archaeological investigation, prior to project construction, and after all areas that may be affected by project activities are identified, Amtrak will complete Phase IB archaeological investigations in all portions of the APE that have potential for archaeological resources, as determined in the *Phase IA Archaeological Assessment*. This includes not only terrestrial areas with archaeological potential, but underwater archaeological resources as well. Archaeological surveys will be conducted to locate and confirm site locations using standard survey methodology on land and within the Susquehanna River. In accordance with your January 27, 2015 comments on the *Phase IA Archaeological Assessment Study,* an additional Phase I underwater archaeological survey will be conducted within the Preferred Alternative's alignment. These commitments will be included in the project's Memorandum of Agreement (MOA).

Any archaeological resources identified within the APE will be evaluated in accordance with 36 CFR 800.4(c). Amtrak will prepare a report detailing the results and recommendations for review by FRA, the Maryland Historic Trust (MHT), interested Tribes & Nations, and other consulting parties. The report will be consistent with the *Secretary of the Interior's Standards and Guidelines for Identification* (46 FR 44720-23), also taking into account the National Park Service's publication *The Archaeological Survey: Methods and Uses* (1978: GPO stock #024-016-00091) and the MHT's *Standards and Guidelines for Archaeological Investigations in Maryland* (1994). MHT's concurrence will be requested on the eligibility of archaeological properties.

FRA and the Maryland Department of Transportation (MDOT) have continued to seek input from Section 106 Consulting Parties and the general public, and have incorporated comments into the enclosed report. As part of the consultation, the National Park Service (NPS), a

Consulting Party, has commented that they want to ensure resources associated with the Captain John Smith Chesapeake National Historic Trail (NHT), Washington-Rochambeau NHT, and Star Spangled Banner NHT are taken into consideration in the Section 106 review process. We are coordinating with NPS to obtain available information about specific resources that are within the project APE and relate to one or more of the trails. We will continue consultation regarding effects to these additional resources if appropriate.

By this letter, FRA and MDOT are sending an electronic copy of the enclosed report (on CD) to all confirmed Consulting Parties and seeking their comments within 30 days of receipt. In addition, previously identified Consulting Parties who have not responded to date will be sent a notification that they can review the enclosed report on the project website (http://susrailbridge.com/). We will forward to you any comments we receive.

FRA requests your review of the enclosed report and concurrence with FRA's effects determinations. Following your review and concurrence, FRA and MDOT will schedule a meeting with your office and other Consulting Parties to review possible mitigation measures and decide the appropriate mitigation to be incorporated into a Memorandum of Agreement to resolve adverse effects of the project on historic properties.

If you have any questions or require additional information, please contact Laura Shick, FRA's Federal Preservation Officer, at (202) 366-0340 or laura.shick@dot.gov.

Sincerely,

Michael M. Johnsen
Acting Division Chief, Environmental & Corridor Planning
Office of Railroad Policy and Development

cc: *Jacqueline Thorne*, Maryland Department of Transportation
Dan Reagle, Maryland Department of Transportation
Michelle Fishburne, Federal Railroad Administration
Michael Johnsen, Federal Railroad Administration
Paul DelSignore, Amtrak
Amrita Hill, Amtrak

cc with encl.:
Eric Sennstrom, Cecil County Planning & Zoning
Tony DiGiacomo, Cecil County Planning & Zoning
Ivy Freitag, Harford County Agricultural & Historical Preservation Section
Brad Killian, Harford County Planning & Zoning

Denise Breder, Town of Perryville Administrator
Neal Mills, City of Havre de Grace Planning & Zoning
Dianne Klair, City of Havre de Grace Planning Department
Matt Jagunic, National Park Service, Chesapeake Bay Office
Bethany Baker, Friends of Concord Point Lighthouse, Inc.
Kerri S. Kneisley, Havre de Grace Decoy Museum
Brigitte Carty, Lower Susquehanna Heritage Greenway
Mary Ann Lisanti, Lower Susquehanna Heritage Greenway
Sarah W. Colenda, Lower Susquehanna Heritage Greenway
John H. McClune, Sr., National Railway Historical Society, Perryville Chapter
Patrick E. Stetina, National Railway Historical Society, Perryville Chapter

City of Havre de Grace

711 Pennington Avenue, Havre de Grace, Maryland 21078 410-939-1800
www.havredegracemd.com

July 13, 2016

Mr. Michael M. Johnsen, Acting Division Chief
Environmental & Corridor Planning, Office of Railroad Policy and Development
Federal Rail Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Johnsen,

Thank you for the opportunity to comment on the Effects Assessment for Historic Architectural Resources for the Susquehanna River Rail Bridge Project (SRRBP), Perryville, Cecil County and Havre de Grace, Harford County, Maryland for Review under Section 106 of the National Historic Preservation Act. I am responding as a Consulting Party representing the City of Havre de Grace through our Department of Planning. I have reviewed the Effects Assessment and related materials delivered via CD and am grateful for the thoroughness of the information. I offer the following comments in light of a future Memorandum of Agreement involving appropriate coordination with ACHP, MHT and consulting parties.

Summary Table in letter dated June 13, 2016

- **Susquehanna River Rail Bridge:** I agree with the *Actions Under Consideration* to avoid, minimize, or mitigate adverse effects for the loss of the bridge itself due to demolition. However, I would like to understand further what your terminology – i.e. use of traditional design features in the two new bridges – means (second item, related to minimizing adverse effect). **I respectfully request to have Consulting Parties be able to participate in architectural design review specifically related to the keyhole arch Girder/Arch bridge** that has been determined by the MDOT Project Team as their preferred design through comments received in the public outreach sessions. Due to the determination of Girder/Arch bridge design, I would like to have the concrete piers and the bridge itself be as interesting and aesthetically pleasing (potentially utilizing pier form elements of past two bridges) as possible. I appreciate and agree with all defined mitigation measures as outlined in the summary for documenting, salvaging and interpreting the historic 1906 truss bridge as a way to offset its loss.

- **9 Overpass Rail Bridges:** There is concern by the SRRBP Advisory Board members that the emulated stone using a form liner will not be visually appealing or cohesive. Is it possible to see this treatment in an example elsewhere and can it be shown that it can be successful aesthetically? The above-grade rail corridor has a huge visual impact on the City's older, traditional community. In addition, Advisory Board members have concerns with safety and maintenance with regard to the extension of the tunnels (specifically Freedom and Centennial Lanes); is it possible to have lighting within these overpasses? **I would respectfully request to have Consulting Parties be able to participate in the design review for construction of the adjacent retaining walls and for the proposed concrete extensions of the nine (9) overpasses.**

- **Havre de Grace Historic District:** The Susquehanna River Rail Bridge is a contributing feature within the Havre de Grace National Register Historic District (NRHD) and it is also a bisecting feature of the District as well. As avoidance of demolition is not feasible, the two new bridges and their relationship to the roadway geometry for Otsego Street/Union Avenue (MD 7) as a gateway into the City's historic commercial district (National Main Street, State Arts & Entertainment District, and identified Maryland Heritage Area) is critical. As the *Track Plans - Limit of Disturbance – 9A+9B* sheets show, the location of the bridge piers directly impacts the road entrance into and between north and south portions of our NRHD. Bridge piers over the land portion of the Havre de Grace waterfront are designed to be 160' apart on-center whereas the current piers are 200' on-center. **I respectfully request: 1). another line item for an additional adverse effect for the interference with our NRHD and our main road entrance due to reduced pier span distance, 2). that mitigation include Consulting Parties be able to participate in the concrete pier design/keyhole arch (massing, coloration and aesthetic form) review to have input into the final pier form within the limits of engineering, and 3). reconsideration for a larger span on the overland portion of the bridge, if possible, due to the constriction of the gateway into the center of Havre de Grace**. In addition, it is my anticipation that all existing walking trails, signature sidewalks and streetscape improvements will be reconstructed to take into account the new bridge configuration.

- **Rodgers Tavern:** It appears from the *Track Plans - Limit of Disturbance – 9A+9B* sheets that the abutment on the Cecil County side has been moved eastward, which has the very positive benefit of opening up the views to and from the Rodgers Tavern NR historic site. This is great news and an excellent solution to help preserve the context of that important site.

As you can see from my comments, my greatest concern is how the two new bridges will contribute to the fabric of a really unique and beautiful historic community. The concrete Girder/Arch bridge design will be sleeker and have more vertical clearance than the current 1906 bridge but the impact to the downtown entrance is substantial because of closer distances between the piers and abutment, double bridge (expansion to four tracks) and overall increased number of piers. Is it possible to design the twin bridges with wider spans on the Havre de Grace overland portion? How can the bridge expansion and its impacts within our NRHD be mitigated is a question that I would like to see addressed in the Memorandum of Agreement (MOA). The public outreach process for this project through the MDOT design team has been excellent and forthright, and I would like to continue the dialogue through final design.

My request for continued participation in the final bridge design relates the adverse effect to the NRHD whereas it is a "change in the character of the property's use or setting" (in this case, the property is the NRHD itself). It is my hope that it is appropriate to state these requests during this Section 106 review process so that it is considered in an MOA. Having no past experience in these matters nor knowing the level of specificity in an MOA, I make these comments respectfully to ensure their inclusion in the public record. As for the Effects Assessment (the report), I offer the following comments:

EFFECTS ASSESSMENT FOR HISTORIC ARCHITECTURAL RESOURCES

As far as the report itself, **EFFECTS ASSESSMENT FOR HISTORIC ARCHITECTURAL RESOURCES**, I believe that the description of the City's NRHD and, specifically the adjoining structures in the Area of Potential Effects (APE) were downplayed. The structures that were identified on the Resources Contributing to the NRHD on Figure 22 (p. 4-25) were only those immediately adjacent to the bridge and its right-of-way and does

not cover the entire identified APE. In addition, the adjacent historic building stock that is identified in the report is described in the following paragraph:

> *Despite the number of contributing historic resources within close proximity to the Project Site, a windshield survey of the entire historic district revealed that the more high style buildings in the district are located south of the Project Site, with many examples along Union Street. Therefore, even though there are some individual structure or clusters of houses that contribute to the significance of the historic district, the immediate vicinity of the Project Site is not one of the strongest areas within the historic district in terms of architectural integrity. (P. 4-26, EA Report)*

Though this may not be an incorrect statement, it is my understanding that "high style" structures do not diminish the value of the Otsego Street corridor or the buildings that are immediately located to the south of the bridge as historic resources (Identified areas A-J, Figure 22). An Otsego Street Survey District, HA-2048 was performed for a State Highway Otsego Street/MD 7 road resurfacing project by Anne Bruder, Architectural Historian for SHA, in 2003. That documentation gives more insight into the collection of buildings that were developed in this gateway corridor and stresses their importance within the growth and historic development of Havre de Grace. In addition, the City's NRHD is erroneously cited as HA-1125, the Havre de Grace United Methodist Church, not HA-1617 for all references. It is my hope that this oversight did not make a difference in the reporting and understanding of the District itself. Lastly, it is my belief that American Legion Post #47 (ca. 1835) is NR-eligible. Though it is discussed as a contributing structure and treated similarly – and that the findings would not necessarily change the outcome – I would like to see more recognition of its importance, specifically since it is immediately south of the bridge.

Just as a point of interest, the location of American Legion Post #47 is the landing that is referenced whenever you see The War of 1812 depicted in images. This is the scene of the British landing by William Charles, ca. 1813, *Admiral Cockburn Burning and Plundering Havre de Grace*. The National Park Service (NPS), Maryland Heritage Areas Authority (MHAA), and the City of Havre de Grace contributed greatly to the 200th Anniversary Commemoration of The War of 1812 in which Havre de Grace played a role in the British Chesapeake Campaign. In addition, three National Trail Systems (through NPS) converge here at the top of the Bay: Captain John Smith National Historic Trail, Star-Spangled Banner National Historic Trail and Washington-Rochambeau Revolutionary Route National Historic Trail.

As for the archeological findings, I cannot speak to this and hope that staff from MHT is advocating on our behalf. I do not understand the phase nomenclature (i.e. "Phase 1A"), what that entails and the depth of study that implies. I do know the general area of the SRRBP is an area of prior disturbance, however it is a very critical archeologic location for seventeenth century colonial settlement. I appreciate the opportunity to comment and I have enclosed extensive attachments that show the City's relationship to US history, Havre de Grace town settlement, transportation history and photos to illustrate the context of the Susquehanna River Rail Bridge Project within the City and its impact to this region.

Respectfully,

Dianne Klair, Planner
City of Havre de Grace

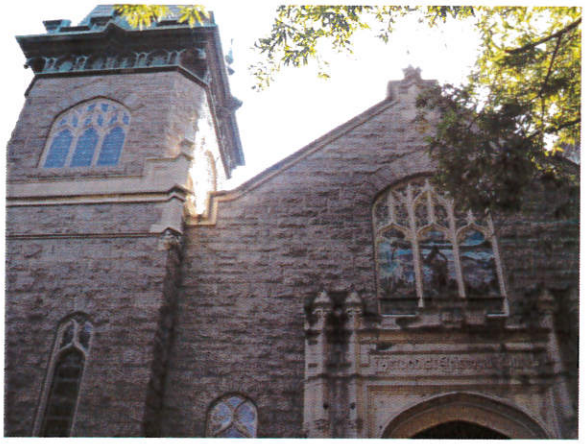
CONSIDER THE CONTEXT AND BRIDGE FORM

Havre de Grace National Register Historic District

The Havre de Grace NRHD is bisected by the Susquehanna River Rail Bridge. The gateway to our historic downtown commercial district is the bridge itself, and within four blocks a traveler will have traversed that entire district, which is a National Main Street District as well as a State-designated Arts & Entertainment District. The following photographs show the context for the development of these two new bridges and their relationship to our historic community, its downtown and the waterfront.

Union Avenue/MD 7 Historic Context

These are photos of Union Avenue/MD 7 streetscapes and historic structures, to include the Havre de Grace United Methodist Church (HA-1125) and the Spencer-Silver Mansion (HA-549). Union Avenue is one of two principal streets, the other being Congress Avenue, that were designed as wide boulevards in 1782 when the City was first laid out by its founder, Robert Young Stokes. The Susquehanna River Rail Bridge is located at its north end, within five blocks of these photo locations.

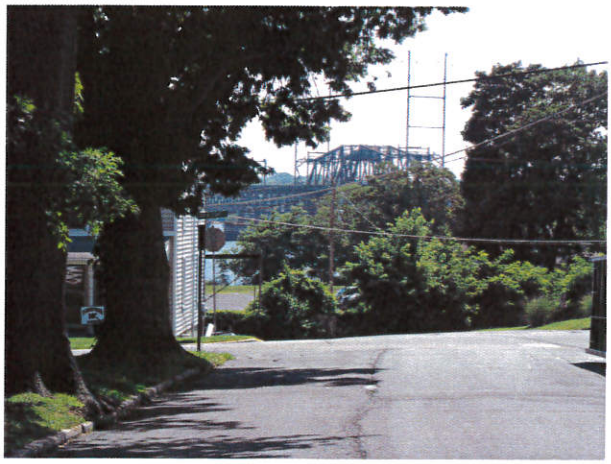


Bridge as Gateway and Backdrop

These are views to the Susquehanna River Rail Bridge from the northernmost intersection at Union Avenue/MD 7 and St. John Street. Streetscape enhancements were constructed through MD State Highway Administration twenty years ago and provided a street-level gateway with the imposing 1906 truss bridge as a backdrop. The above-grade track embankment is anticipated to be faced with a retaining wall through the historic portions of Havre de Grace.

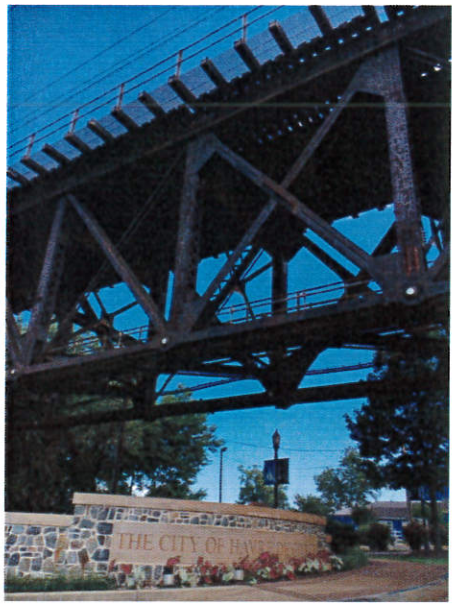
North Section of the National Register Historic District

These photos are of the north end of the NRHD, which is separated from the bulk of the district by the railroad, and show views to the Susquehanna River and bridge from the Otsego/Ontario Street communities. This may have been the earliest settled section of Havre de Grace prior to the Revolutionary War, where the earliest ferry crossing would have been across from Rodgers Tavern in Perryville. The early colonial settlement was referred to as Susquehanna Lower Ferry and a crossing was established by the mid-seventeenth century.



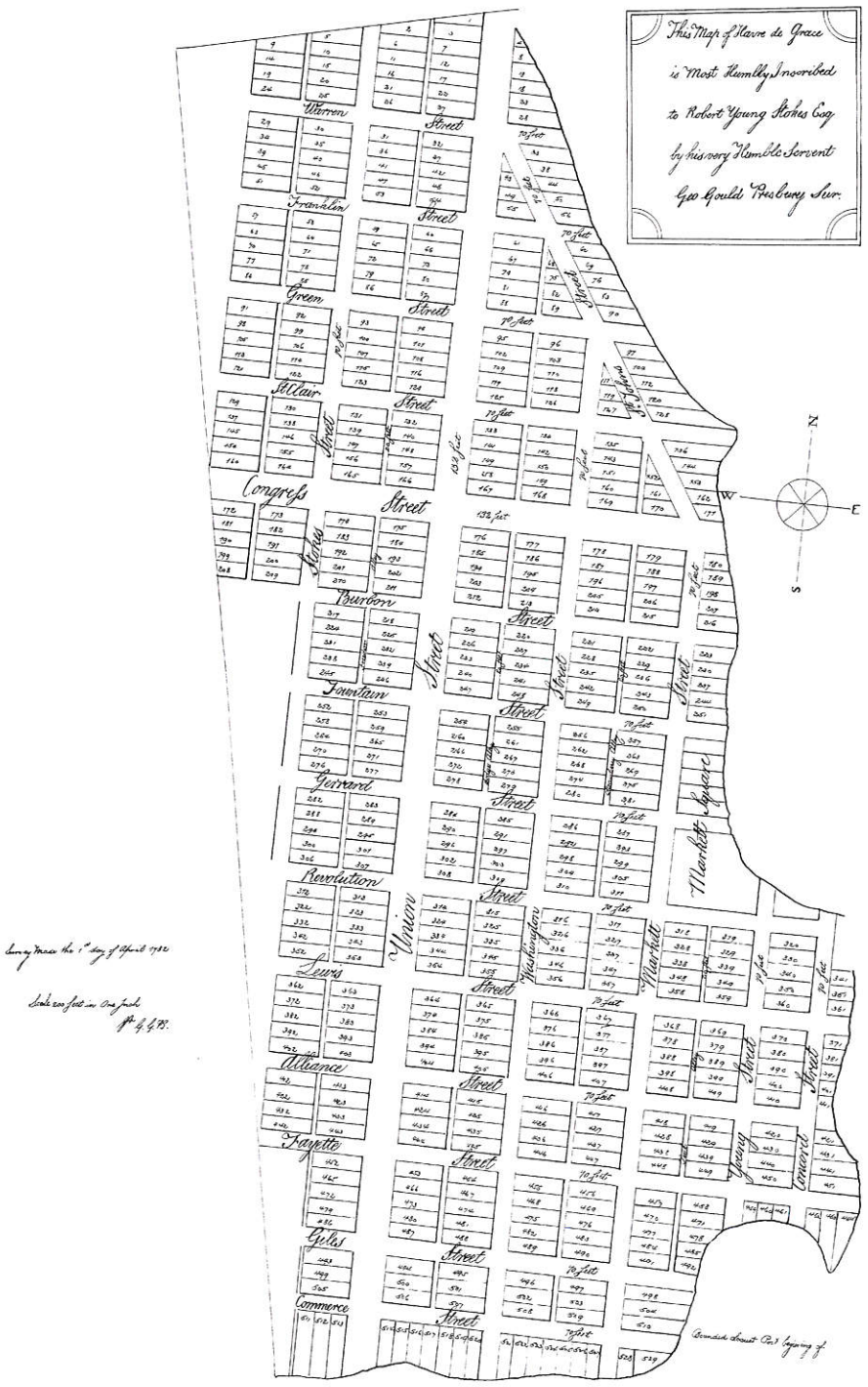
The Bridge Defines the Setting

The Susquehanna River Rail Bridge is literally the gateway to the City of Havre de Grace's historic downtown, as evidenced by the photo below with the monument entrance sign located directly under the bridge itself. All of these views are within four blocks of the bridge structure and show its relationship to the City's waterfront and the region, with vantage points from both north (from Havre de Grace Marina) and south (Tidewater Grill Restaurant). In addition, it is immediately north of the American Legion Post #47 building (HA- 790, Abraham Jarrett Thomas House) c. 1835, which was identified as a contributing structure in the report as opposed to NR-eligible.

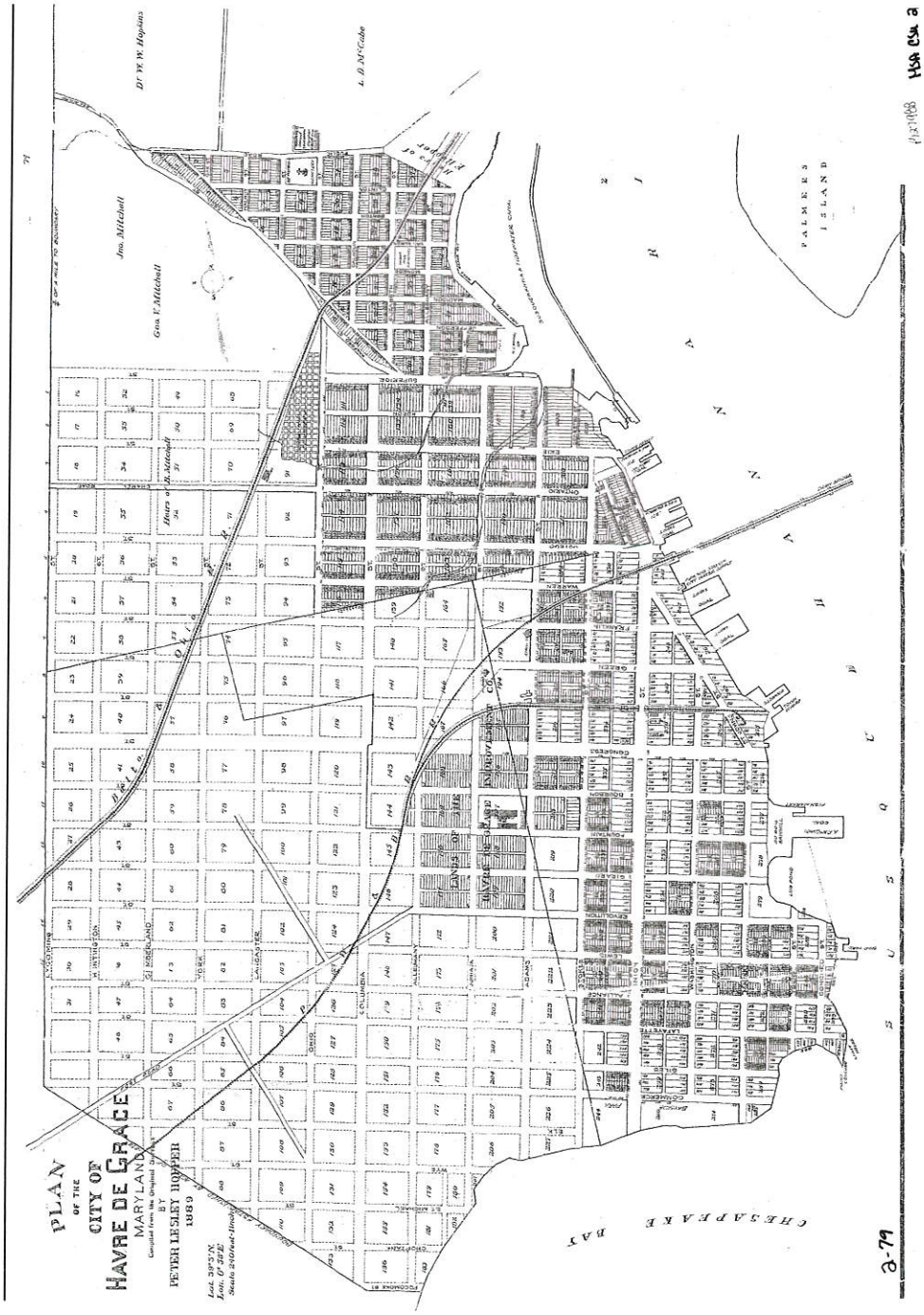


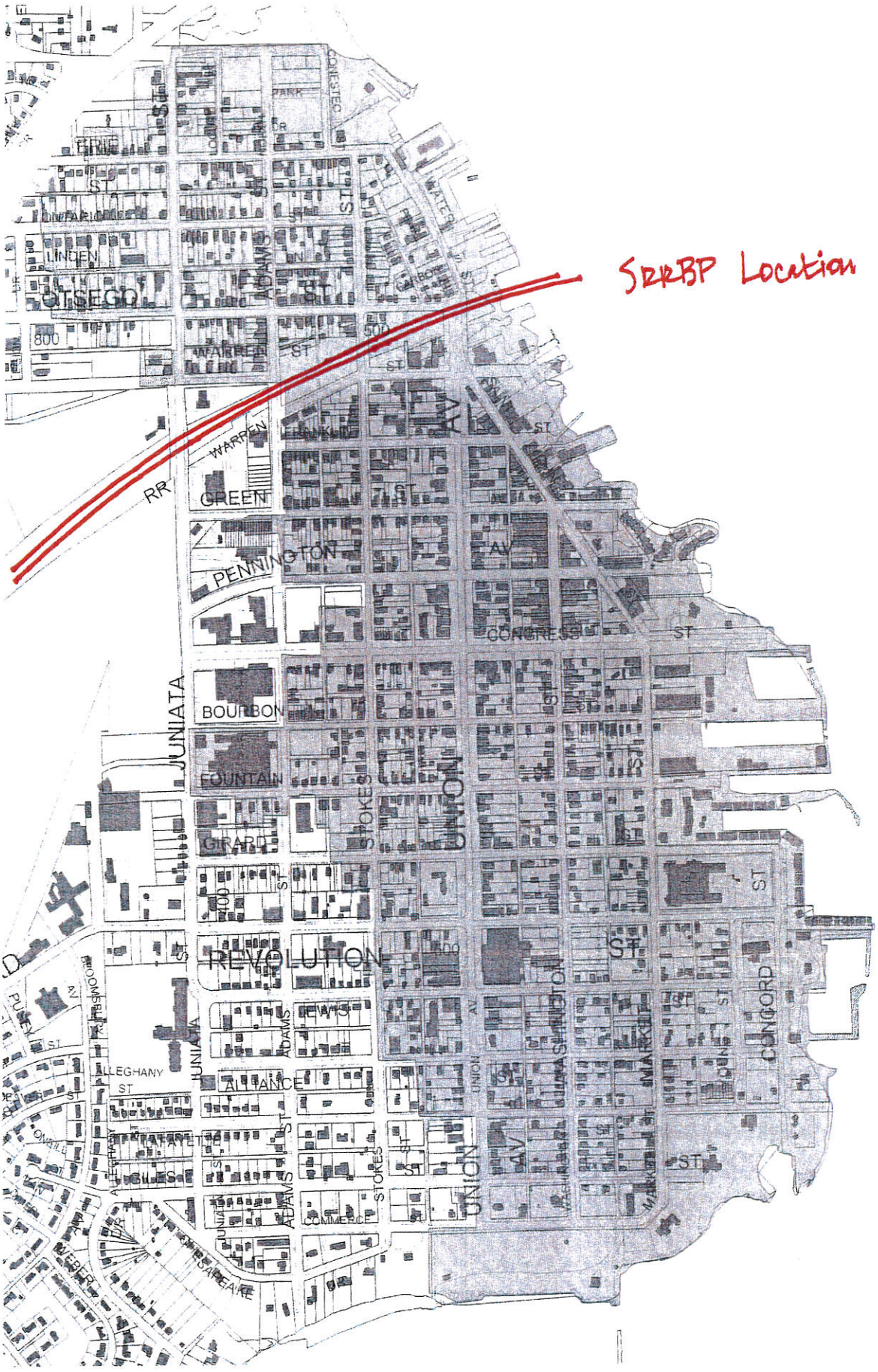
Early Maps

The *Robert Young Stokes Original Plat* from 1782 allowed for the sale and renting of lots for the development of Havre de Grace, when the name was codified. The community was incorporated in 1785 after his death. The existing 1906 truss bridge and the current Susquehanna River Rail Bridge Project is located at the northernmost edge of this surveyed area.



The *Peter Leslie Hopper Plan of the City of Havre de Grace* from 1889 really shows the town development and favorable location for railroad construction. From a land form standpoint, Havre de Grace presented the shortest distance and opportunity for overland transportation for tidewater Maryland and proved a major link for the Atlantic seaboard since the earliest history of the nation. Within this map, one can see the original outline of the Stokes plat as well as the railroad spur/ferry landing at St. Clair Street (now Pennington Avenue) and the first railroad bridge which was located just south of today's truss structure. Located at the very top of the Chesapeake Bay, the Havre de Grace – Perryville river crossing is an iconic location.





Havre de Grace National Register Historic District

500 0 500 1000 1500 Feet

Map also refers to Local Historic District for amendments to Ordinance No. 815

Havre de Grace during The War of 1812

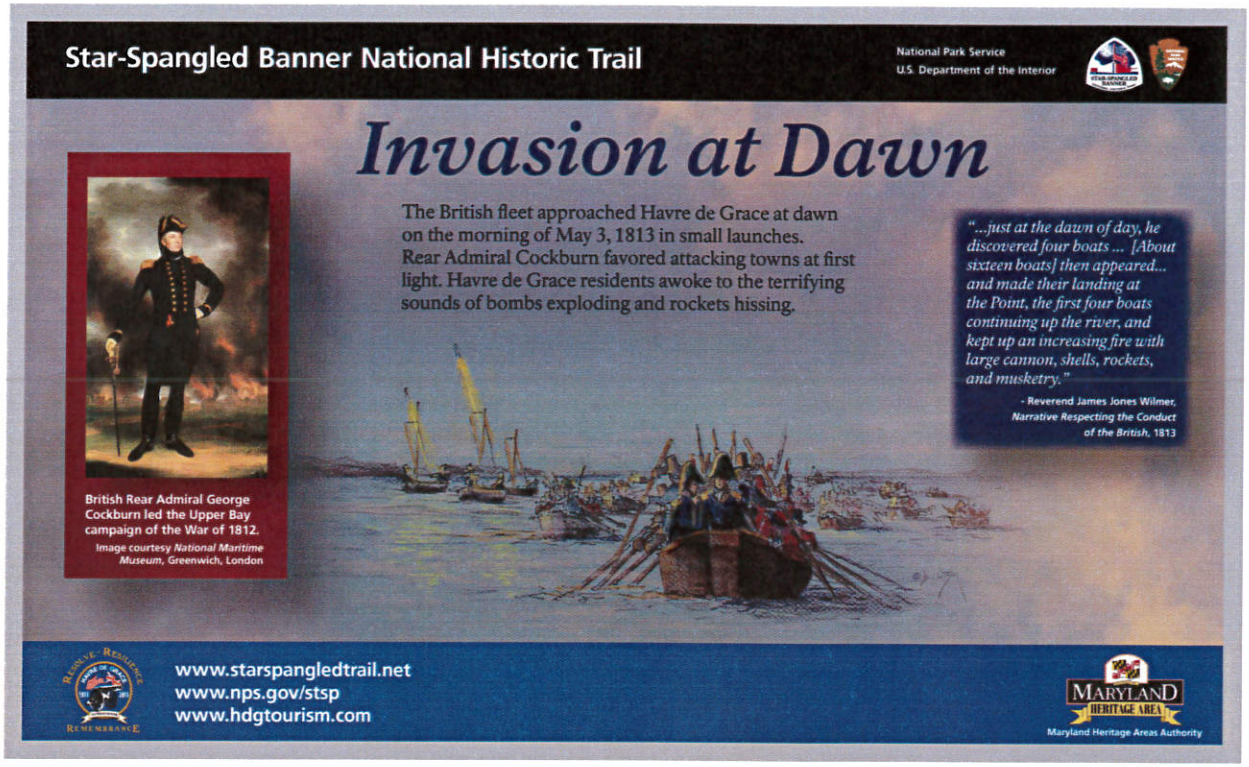
This iconic image is a scene of Admiral Cockburn and British troops landing in Havre de Grace on the morning of May 3, 1813. The lithograph was created by William Charles immediately following the event and shows the Sears Tavern (on the left) fully engulfed in flames. The location for this land is the current site of the ca. 1835 Abraham Jarrett Thomas House (HA-790), today's American Legion Post #47. The following images, including logo, were taken directly from the Maryland Historical Society website: www.mdhs.org/digitalimage/admiral-cockburn-burning-and-plundering-havre-de-grace-1st-june-1813

maryland historical society

Admiral Cockburn Burning and Plundering Havre de Grace on the 1st of June 1813

Subject: War of 1812, 1812-1814; Lithograph; Havre de Grace (Md.)

Funded through the National Park Service and Maryland Heritage Areas Authority, the following are just a few of the wayside signs and displays that are located throughout the City depicting The War of 1812.



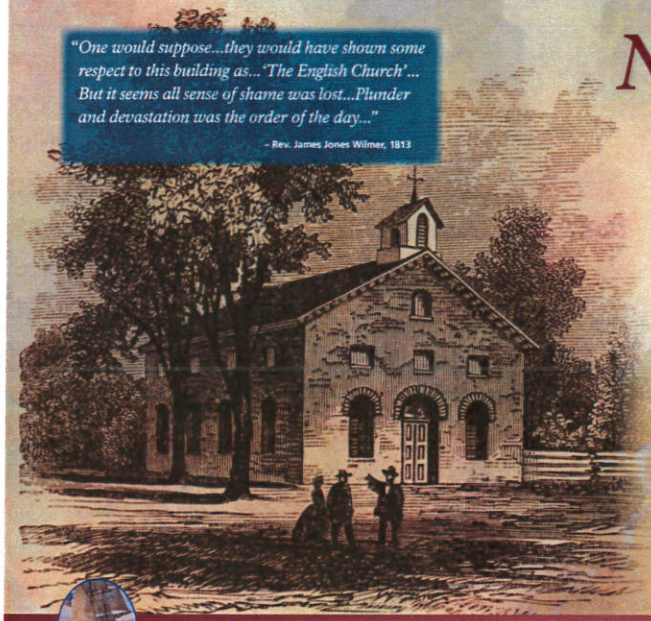
Star-Spangled Banner National Historic Trail

National Park Service
U.S. Department of the Interior

No Respect

"One would suppose...they would have shown some respect to this building as...'The English Church'... But it seems all sense of shame was lost...Plunder and devastation was the order of the day..."

– Rev. James Jones Wilmer, 1813



St. John's Episcopal Church survived the British attack on Havre de Grace, May 3, 1813. The enemy spared the 1809 structure but damaged the interior. According to a newspaper account: "Finding nothing to steal [the raiders] 'magnanimously' attacked the window[s] with brick bats and stones, and demolished them."

Barbarians

First-person accounts of the devastation at Havre de Grace fueled newspaper reports of "wanton barbarity among civilized people." British Rear Admiral George Cockburn, portrayed as a villainous "violator of all laws, human [and] divine," struck terror as he made an example of Havre de Grace for other towns.

WAR OF 1812

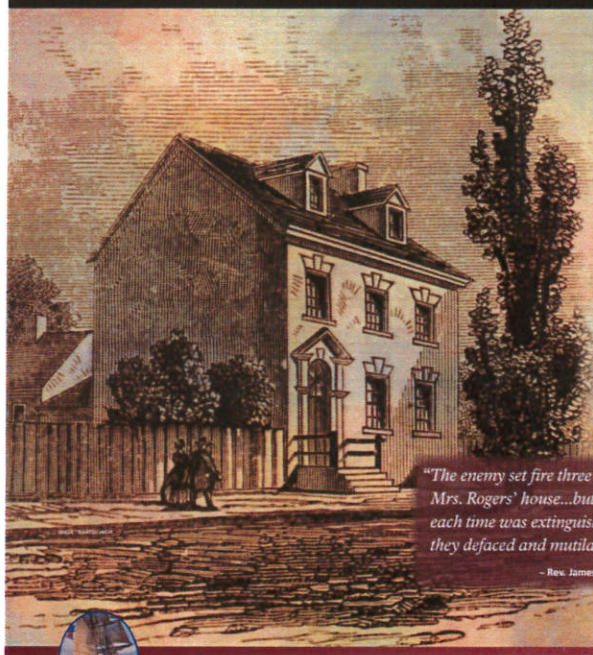
www.starspangledtrail.net
www.nps.gov/stsp

Star-Spangled Banner National Historic Trail

National Park Service
U.S. Department of the Interior

Out of the Flames

Rodgers House miraculously survived the 1813 burning attack on Havre de Grace, May 3, 1813. The enemy spared the 1809 structure but damaged the interior. According to a newspaper account: "Finding nothing to steal [the raiders] 'magnanimously' attacked the window[s] with brick bats and stones, and demolished them."



"The enemy set fire three times to Mrs. Rogers' house...but it fortunately each time was extinguished, though they defaced and mutilated much..."

– Rev. James Jones Wilmer, 1813

Naval Dynasty

Commodore John Rodgers is credited with firing the first shot of the war, June 23, 1812. His son, John Rodgers, born at the family home Sion Hill, commanded ironclads in the Civil War. In all, the Rodgers family includes four generations of naval officers.

WAR OF 1812

www.starspangledtrail.net
www.nps.gov/stsp

Star-Spangled Banner National Historic Trail

The British Attack!

After anchoring off Spesutia Island, the British launched a surprise attack on the sleeping town of Havre de Grace early on the morning of May 3, 1813. The townspeople awoke to the sound of Congreve rockets whizzing overhead and cannon booming. While most militiamen ran for the hills, John O'Neill famously rushed to the town's battery and began firing back at the British. Although he was eventually taken prisoner, his heroic actions remain the high point of the horrible attack.

The British pillaged the town and set fire to many of the buildings. They confiscated much of the furniture and belongings of the townspeople before torching their dwellings. It is believed that 20 to 40 of the approximate 60 dwellings in town suffered damage.

Several buildings survived the fires of the British attack, including three town icons.

Aveilhe-Goldsborough House
300 North Union Avenue
Built in 1801, this house saw a cannonball fly through its wall and still it stands today.

St. John's Church
100 North Union Avenue
The British destroyed the church's windows, altar, and pews, but left the walls standing. The congregation was able to rebuild, and the church is still used today.

Elizabeth Rodgers House
226 North Washington Street
Owned by Colonel John Rodgers and his wife Elizabeth, this home survived the attack on Havre de Grace even though it was set on fire and extinguished at least three times.

Images courtesy of Heidi Glatfelter

www.starspangledtrail.net
www.nps.gov/stsp
www.hdgtourism.com

Star-Spangled Banner National Historic Trail

Terrorism on the Bay

The May 3, 1813 attack on Havre de Grace by the British was one of many that Rear Admiral George Cockburn led his bluecoated sailors and Redcoats on during the War of 1812. He devoted most of the spring of 1813 to terrorizing locations along the Chesapeake, including the Upper Bay's Frenchtown, Principio Foundry, Bell's Ferry (present-day Lapidum), Georgetown, and Fredericktown. He also launched an attack on Elkton, but was rebuffed by the town's gun batteries.

Rear Admiral George Cockburn
National Maritime Museum, Greenwich, London

British Attacks: April 29 - May 6, 1813

1. Frenchtown: April 29
2. Elkton: defended April 29
3. Havre de Grace: May 3
4. Bell's Ferry: May 3
5. Port Deposit: defended May 3
6. Principio Iron Foundry: May 3
7. Georgetown: May 6
8. Fredericktown: May 6

www.starspangledtrail.net
www.nps.gov/stsp
www.hdgtourism.com

U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 15, 2016

Tina Cappetta
Superintendent
Star-Spangled Banner National Historic Trail
2400 East Fort Avenue
Baltimore, MD 21230
(tina_cappetta@nps.gov)

RE: Susquehanna River Rail Bridge Project

Dear Ms. Cappetta:

The Federal Railroad Administration (FRA) is providing grant funding to the Maryland Department of Transportation (MDOT) for preliminary engineering and environmental analysis for replacement of the Susquehanna River Rail Bridge between the City of Havre de Grace, Maryland and the Town of Perryville, Maryland. FRA and MDOT, in coordination with the Maryland Transit Administration and Amtrak, are studying various alternatives to improve this rail crossing along the heavily traveled Northeast Corridor. As part of the analysis, FRA must consider the potential effects of the bridge replacement project (Project) on historic properties in accordance with Section 106 of the National Historic Preservation Act (Section 106). Information about the Project, including Section 106 materials, is available here: http://susrailbridge.com/. Also, enclosed is a map of known historic architectural properties in the Project's Area of Potential Effects.

As part of on-going Section 106 consultation for the Project, staff from the Captain John Smith Chesapeake National Historic Trail (CAJO) recently requested that FRA consider whether the Project may affect historic properties associated with National Historic Trails (NHT) in the project vicinity, specifically CAJO, the Washington-Rochambeau Revolutionary Route NHT, and the Star-Spangled Banner NHT.

To that end, FRA is contacting you to request any information you may have that could be helpful in determining whether there may be historic properties associated with the Star-Spangled Banner NHT that FRA should consider in the Section 106 process. Examples of relevant documentation may include cultural resources surveys, comprehensive management plans, conservation strategies, historic context studies, etc. If you have a planner or cultural resources professional on staff, we also request that you provide his/her contact information if you would prefer that FRA contact him/her directly.

If you or your staff would like to discuss this request, I can be reached at (202) 366-0340 or laura.shick@dot.gov. Thank you in advance for any assistance you may be able to provide.
Sincerely,

Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
Office of Railroad Policy and Development

cc: Brandon Bratcher, FRA
Dan Reagle, MTA
Paul DelSignore, Amtrak
Tim Tamburrino, Maryland Historical Trust

U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 15, 2016

Joseph DiBello
Superintendent, National Park Service
Washington-Rochambeau Revolutionary
Route National Historic Trail
200 Chestnut Street, 3rd Floor
Philadelphia, PA 19016
(joe_dibello@nps.gov)

RE: Susquehanna River Rail Bridge Project

Dear Mr. DiBello:

The Federal Railroad Administration (FRA) is providing grant funding to the Maryland Department of Transportation (MDOT) for preliminary engineering and environmental analysis for replacement of the Susquehanna River Rail Bridge between the City of Havre de Grace, Maryland and the Town of Perryville, Maryland. FRA and MDOT, in coordination with the Maryland Transit Administration and Amtrak, are studying various alternatives to improve this rail crossing along the heavily traveled Northeast Corridor. As part of the analysis, FRA must consider the potential effects of the bridge replacement project (Project) on historic properties in accordance with Section 106 of the National Historic Preservation Act (Section 106). Information about the Project, including Section 106 materials, is available here: http://susrailbridge.com/. Also, enclosed is a map of known historic architectural properties in the Project's Area of Potential Effects.

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Sincerely,

Laura Shick
Federal Preservation Officer
Environmental & Corridor Planning Division
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cc: Brandon Bratcher, FRA
Dan Reagle, MTA
Paul DelSignore, Amtrak
Tim Tamburrino, Maryland Historical Trust

Perryville
Grounded in history. Focused on the future.

July 15, 2016

Mr. Michael M. Johnsen, Acting Division Chief
Environmental & Corridor Planning, Office of Railroad Policy and Development
Federal Rail Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Mr. Johnsen,

Thank you for providing opportunity to comment on the Effects Assessment for Historic Architectural Resources Susquehanna River Rail Bridge Project (SRRBP), Perryville, Cecil County, Havre de Grace, Harford County, Maryland for Review under Section 106 of the National Historic Preservation Act. My response is as the Consulting Party on behalf of the Town of Perryville. The information that was provided was very thorough, and I offer the following comments on the information provided:

- **Susquehanna River Rail Bridge:** This comment is in support of the comments provided by the City of Havre de Grace. The City's request was for the **Consulting Parties to be able to participate in architectural design review specifically related to the keyhole arch Girder / Arch Bridge**. It is likewise important to Perryville that the concrete pier and the bridge itself be as interesting and aesthetically pleasing as possible, therefore I agree with and echo that request. Further, I also agree with the mitigation measures planned for the historic 1906 truss bridge, and I thank you for the plan to develop the HAER documentation, exhibits, video, and educational documents, and particularly for the planned development of an interpretive exhibit for the Perryville Railroad Museum. I would add that a video of the swing span bridge in operation is important to capture for historic documentation purposes.

- **9 Overpass Rail Bridges:** While the visual impact resulting from the extension of the bridges in Perryville's downtown is not as substantial as it is to Havre de Grace's downtown, I too am concerned that the emulated stone using a form liner will not be visually appealing or cohesive. I mirror Havre de Grace's comment and **respectfully request to have Consulting Parties be able to participate in the design review for construction of the adjacent retaining walls and for the proposed concrete extensions of the overpasses.**

- **Havre de Grace Historic District:** The SRRBP impacts to Havre de Grace and the Havre de Grace Historic District are substantial. Though clearly no direct impact on Perryville, I nonetheless support and respectfully request that you decide to the approve the **City of Havre de Grace's requests as follows: 1) another line item for an additional adverse effect for the interference with our NRHD and our main road entrance due to reduced pier span distance, 2) that mitigation include Consulting Parties be able to participate in the concrete pier design / keyhole arch (massing, coloration and aesthetic form) review to have input into the final pier form within the limits of engineering, and 3) reconsideration for a larger span on the overland**

515 Broad Street, P.O. Box 773, Perryville, Maryland 21903-0773
Phone (410)642-6066, Fax (410)642-6391
www.perryvillemd.org

portion of the bridge, if possible, due to the constriction of the gateway into the center of Havre de Grace.

- **Rodgers Tavern:** It is particularly important to Perryville that the effects to Rodgers Tavern be minimized. The plans for the landing in Perryville include moving the retaining wall 44 feet closer to the tavern, making the distance between the tracks and the tavern approximately 57 feet. I agree with the proposed mitigation to minimize the visual adverse effect from the tavern by making the retaining wall as aesthetically pleasing as possible. I also appreciate the plan to open up the views from the historic Rodgers Tavern site, as requested by the Town, by adding a span in Perryville and moving the abutment eastward. Though, I understand that by doing this, there will be impacts to Broad Street / Avenue A, the design of which is important to the Town. Additionally, the Summary Table in the June 13, 2016 letter states that the development and implementation of a Construction Protection Plan (CPP) for Rodgers Tavern will mitigate for possible construction related damage to the tavern. I concur with the need for the CPP, realizing, as mentioned above, that the retaining wall will come within 57 feet of the tavern, and likely the construction work will be much closer than that, it is vitally important to protect the Rodgers Tavern NR historic site during the construction period through the development and implementation of a CPP. Bearing all of the above comments in mind, **I respectfully request that the Consulting Parties be able to participate in the design plans specifically related to the landing in Perryville, as well as in the development of the CPP for protection of the Rodgers Tavern NR historic site.**

- **Perryville Railroad Station:** In regard to the **Perryville Railroad Station**, section 5.8 of the report, I thank you for the plan to avoid adverse effect to the Perry Interlocking Tower by shifting the Interlocking Tower slightly within the Amtrak ROW versus demolition of the tower, and to further mitigate through the preparation of HAER documentation as mentioned in the table in the June 13 letter. Additionally, in section 5.8 of the report, it was stated that there are no plans to alter the bridge carrying the south leg of the wye track over Broad Street, but that "if the plans change and the bridge needs to be altered, Amtrak will ensure that plans are developed in accordance...massing." **I respectfully request if the plans do change and the bridge is altered, that the Consulting Parties be allowed to participate in the design of the alterations to that bridge.**

I appreciate the monumental scope of work that is undertaken by this effort to design and ultimately replace the Susquehanna River Rail Bridge. The City of Havre de Grace and the Town of Perryville are the two communities that will have the most direct impact from the SRRBP, therefore, I thank you for the many opportunities for public involvement and for accepting comments from and working with the SRRBP Advisory Board, the City of Havre de Grace and the Town of Perryville.

Sincerely,

Denise Breder
Town Administrator