APPENDIX B
CORRESPONDENCE

RECEIVED
DEC 14 2009
By amec

F
FRA

TJT | EJR

December 11, 2009

Mr. J. Rodney Little, SHPO
Maryland Historical Trust
100 Community Place
3rd Floor
Crownsville, MD 21032-2023

Re: Determination of Cultural Resources Concerns
CSXT MARC Projects:
1) " **Jessup – Howard County, Maryland** 200904967
2) " **JD to Jones Hill Siding Project, Prince George County, Maryland** 200904968
3) " **Pepco – Montgomery County, Maryland** 200904969

Dear Mr. Little:

AMEC Earth & Environmental, Inc. (AMEC) is providing this letter on the behalf of CSX Transportation, Inc. (CSXT) to inform the Maryland Historical Trust of three projects that are planned in the State of Maryland to improve rail line productivity and increase service capabilities. CSXT and the State of Maryland are both funding the rail line improvements.

All of the projects were sited to minimize environmental impacts to the highest extent practicable. Each project is located mostly within the existing/currently active CSXT railroad right-of-way which consists of previously-disturbed areas; however, small areas of property acquisition will be required for select projects. On average, construction activities for the projects will be limited to approximately 50 feet of the existing rail's centerline.

Each site was surveyed for environmental concerns with no obvious cultural resources observed. The intent of this letter is to inform the SHPO of these projects and to request a concurrence letter that no cultural resources will be adversely impacted due to the projects. The project descriptions follow below.

Pepco: Pepco is located in Dickerson, Maryland. CSXT intends to construct cross-overs between the two existing railroad tracks at two separate locations. The project will require the acquisition of additional property for a planned turnout and realign the track. The project is less than a mile in length and will occur northwest of Mouth of Monocacy Road and southeast of the Monocacy River.

200904967 – HBE: 1a TJT 2/4/10 1A BC 2/12/10

200904968 – HBE: 2NA TJT 2/4/10 B-W PARKWAY BLADENSBURG HYATTSVILLE 1A BC 2/12/10

200904969 – HBE: 2NA TJT 2/4/10 METRO. BRANCH OF B+O RR 1A BC 2/12/10

AMEC Earth & Environmental, Inc.
3800 Ezell Road, Ste 100
Nashville, TN
USA 37211
Tel (615) 333-0630
Fax (615) 781-0655
www.amec.com

prior disturbance

Jessup: Approximately two and a quarter miles of track improvements are occurring at this project site located in Howard County, MD. Rehabilitation of an existing track is planned with an additional new track to be constructed. The new track addition will connect the upgraded line to existing track to the north leading to Jessup Yard. The project includes acquiring additional right-of-way from the east side of the track from a adjacent parcel that is currently used for a lumber yard Currently, the additional property required consists of approximately 25 feet by 3,500 feet on the north side of the existing track for this project.

Jones Hill: Two miles of track improvements are planned within Prince George's County. The project begins at the intersection of Decatur Street and 46th Ave. The track and continues approximately to Tuxedo Road. A new track will be constructed and shifting the existing track will be necessary to accommodate the new track. No additional right-of-way will be needed for this project. The current bridge crossing the Anacostia River will be modified to accommodate two tracks.

After reviewing the enclosed material, please advise us of any specific potential impacts to known cultural resources within our footprint. Please provide comments by return mail to Troy Neisz at the letterhead address. If you have any questions, please feel free to contact Ms. Amy Morton, at 703-488-3715 or amy.morton@amec.com.
Thank you for your assistance.

Sincerely,

AMEC Earth & Environmental, Inc.

W. Troy Neisz
Senior Project Manager

The Maryland Historical Trust has determined that this undertaking will have no adverse effect on historic properties.
Beth Cole 2/12/2010
Date

Attachment: Site Vicinity Maps
Site Topo Maps
SHPO project review forms

MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Eric Schwaab, Deputy Secretary

December 19, 2009

Mr. Troy Neisz
AMEC Earth & Environmental, Inc.
10239 Technology Drive
Knoxville, TN 37832

RE: Environmental Review for CSXT Rail Line Productivity Improvements at 3 Sites in Maryland, Frederick, Montgomery, Howard and Prince George's Counties, Maryland.

Dear Mr. Neisz:

For **JD to Jones Hill Siding (Decatur Street to Tuxedo Road) in Prince George's County,** the Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. As a result, we have no specific comments or requirements pertaining to protection measures at this time. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present. If appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted.

For **PEPCO Site – Mouth of Monocacy Road, Dickerson in Montgomery and Frederick Counties,** the Wildlife and Heritage Service's database records indicate that there are RT&E mussel species located within the nearby portion of the Potomac River. Freshwater mussels utilize fish hosts for part of their life-cycle and are filter-feeders; therefore, maintaining water quality is crucial to their continued existence. All appropriate best management practices should be followed during work, in order to avoid detrimental impacts to the habitat for these important aquatic native species.

Where the project route crosses Mouth of Monocacy Road, our database indicates that this is within the catchment basin of a site known as Monocacy Spring which supports the Pizzinni's Amphipod (*Stygobromus pizzinnii*) and the Roundtop Amphipod (*Stygobromus* sp. 14), both state rare species. These species are found in groundwater systems and are therefore susceptible to changes in hydrology or water quality. The applicant should avoid any activities that would impact the groundwater in the area.

Near Aqueduct Lane in close proximity to the project site, there is a record for state rare Robust Baskettail (*Epitheca spinosa*), an odonate species which is though to breed in swamp ponds or slow-moving water. Therefore we would discourage the applicant from any activities that would adversely impact such wetland habitats during the scope of this project.

For **Jessup Site from Little Patuxent River to Brock Bridge Road in Prince George's County**, the WHS database indicates that there are records for the state-listed threatened Glassy Darter (*Etheostoma vitreum*) located in Dorsey Run and the Little Patuxent River in close proximity to the project site. All appropriate best management practices should be followed during work, in order to avoid detrimental impacts to the habitat for these important aquatic native species.

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 # 2009.1680.pg/mo/fr/ho
Cc: D. Brinker, DNR

United States Department of the Interior
U.S. Fish & Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401
410/573 4575

Online Certification Letter

Today's date: March 14, 2010

Project: JD to Jones Hill Project-The project will construct a 2-mile railroad siding and modify the existing railroad bridge over the Northeast Branch of the Anacotia River.

Dear Applicant for online certification:

Thank you for choosing to use the U.S. Fish and Wildlife Service Chesapeake Bay Field Office online list request certification resource. This letter confirms that you have reviewed the conditions in which this online service can be used. On our website (www.fws.gov/chesapeakebay) are the USGS topographic map areas where **no** federally proposed or listed endangered or threatened species are known to occur in Maryland, Washington D.C. and Delaware.

You have indicated that your project is located on the following USGS topographic map
Washington, DC East
Based on this information and in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), we certify that except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project area. Therefore, no Biological Assessment or further section 7 consultation with the U.S. Fish and Wildlife Service is required. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. For additional information on threatened or endangered species in Maryland, you should contact the Maryland Wildlife and Heritage Division at (410) 260-8540. For information in Delaware you should contact the Delaware Natural Heritage and Endangered Species Program, at (302) 653-2880. For information in the District of Columbia, you should contact the National Park Service at (202) 535-1739.

The U.S. Fish and Wildlife Service also works with other Federal agencies and states to minimize loss of wetlands, reduce impacts to fish and migratory birds, including bald eagles, and restore habitat for wildlife. Information on these conservation issues and how development projects can avoid affecting these resources can be found on our website (www.fws.gov/chesapeakebay).

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interest in these resources. If you have any questions or need further assistance, please contact Chesapeake Bay Field Office Threatened and Endangered Species

program at (410) 573-4531.

Sincerely,

Leopoldo Miranda
Field Supervisor

amec

March 24, 2010

Maryland Department of the Environment
Water Management Administration
Regulatory Services Coordination Office
1800 Washington Boulevard, Suite 430
Baltimore, Maryland 21230

RE: Joint Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland
CSX Transportation, Inc. (CSXT) MARC - JD to Jones Hill Project
Hyattsville, Prince Georges County, Maryland
AMEC Project No. 643007790

Dear Sir/Madam:

On behalf of CSX Transportation, Inc. (CSXT), AMEC Earth & Environmental, Inc. (AMEC) has completed the attached Maryland Department of Environment (MDE) Joint Permit Application (Joint Application) for the Alteration of any Floodplain, Waterway, Tidal or Non-tidal Wetland in Maryland (**Attachment 1**). CSXT proposes to construct an approximately 2-mile railroad siding in Hyattsville, Prince George's County, Maryland. The project is being funded by the Maryland Transportation Authority (MTA) for the MARC Rail System. The project will impact no wetlands and approximately 16 linear feet of stream. The following includes a brief overview and description of the proposed project and impacts to waters of the United States resulting from project activities.

Project Location
A site location map (USGS topographic map) is included as **Figure 1** in **Attachment 2**. The project begins at the intersection of Decatur Street and 46th Avenue and continues southward approximately two miles to a point just north of Tuxedo Road. The proposed project will include track shifts and the construction a new siding (predominantly on the west side of the existing track) between Station 10+00 and Station 129+02 (refer to **Attachment 3**). The limits of construction will be contained within the existing CSXT right-of-way.

Project Purpose
The purpose of the project is to improve capacity and fluency of both freight and passenger rail traffic in the area on the existing rail system.

Project Activities
Project activities will include placement of ballast adjacent to existing mainline track for a distance of approximately 2 miles to support the new rail siding extension. Existing culverts will be extended beneath the new siding to promote adequate drainage, where necessary. Culvert dimensions will be maintained throughout. Additionally, the current bridge crossing across the East Fork of the Anacostia River will be modified to accommodate two tracks.

AMEC Earth & Environmental, Inc.
3800 Ezell Road, Ste 100
Nashville, TN
USA 37211
Tel (615) 333-0630
Fax (615) 781-0655

Desktop Review of Project Area

AMEC Earth & Environmental, Inc. (AMEC) reviewed aerial photographs, county soil survey data, National Wetlands Inventory (NWI) maps and Prince George's County GIS data to obtain information relevant to water and natural resources within the project area. Figures are included in **Attachment 2**. A USGS topographic map is included as **Figure 1**, an aerial photograph of the project area is included as **Figure 2**; the soils map is included as **Figure 3**; and the NWI map is included as **Figure 4**.

The NWI map identifies one wetland within the vicinity of the project area. As shown in **Figure 4**, the NWI-identified wetland is located on the east side of the tracks. This is outside of the proposed project area and will not be impacted by the project. The tracks in this area are bound by retaining walls on both sides. No work will be accomplished outside of the retaining walls, and no impact to the wetland will occur.

Soils within the project area are shown in **Figure 3**. **Table 1** lists the soils identified within the project area.

TABLE 1 - SOILS LOCATED IN PROJECT AREA

Symbol	Soil Name	Hydric?
Ch	Codorus-Hatboro soils, frequently flooded	Yes
FbB	Fallsington-Urban land complex, 0-5% slopes	Yes
Un	Urban land	No
UrcD	Urban land-Christiana-Downer complex, 5-15% slopes	No
UreB	Urban land-Elsinboro complex, 0-5% slopes	No
UrkB	Urban land-Issue complex, 0-5% slopes, occasionally flooded	No
UrrB	Urban land-Russett-Christiana complex, 0-5% slopes	No
UrzA	Urban land-Zekiah complex, 0-2% slopes, frequently flooded	Yes
Zn	Zekiah-Urban land complex, frequently flooded	Yes
ZS	Zekiah and Issue soils, frequently flooded	Yes

We have coordinated with the Maryland Historical Trust (**Attachment 4**) and the Maryland Department of Natural Resources (**Attachment 5**) to determine potential cultural or natural resource issues. Based on this correspondence, no impacts to cultural resources or threatened and endangered species are anticipated.

Field Review of Project Area

AMEC completed a field review of the project area to identify potentially regulated streams and surface waters along the existing right-of-way (ROW) in areas of potential construction. AMEC's site evaluation was conducted June 2009. During this field review, the project area was reviewed for the presence of wetlands and streams. No wetland areas were observed and four potentially regulated surface waters were identified within the project area. These include the East Fork of the Anacostia River and three unnamed tributaries of the Anacostia River (identified herein as Streams B, C, and D). A jurisdictional determination form for the Anacostia River is included in **Attachment 6**. Photographs of the project area as well as East Branch of the Anacostia River are included in **Attachment 7**.

Project Impacts to Waters of the United States

Construction activities will be completed using Best Management Practices (BMPs) including limiting work below the Ordinary High Water Mark, use of sediment fencing, rock checks, and sediment traps during project activities, and immediately reseeding any exposed banks or other disturbed areas with an appropriate seed mixture. In addition, bank slopes disturbed will be returned to pre-construction contours. These measures will overlap and supplement activities to be performed under the on-site Stormwater Pollution Prevention Plan (SWPPP).

The project will impact no wetlands. The bridge over the East Fork of the Anacostia River will be widened approximately 16 linear feet as shown in the project plans included as **Attachment 3;** refer to Sheet No. PP4. The 4' X 11' culvert at Stream B will be extended 22 feet to accommodate the new construction. Streams C and D will not be impacted by the project; neither the bridge at Stream C nor the culvert at Stream D will require alterations.

If you have any questions, or would like more information, please contact our consultant, Ms. Mary Motte Fikri (AMEC Earth & Environmental, Inc.) at (615)-333-0630. Thank you for your time and consideration.

Sincerely,
AMEC Earth & Environmental, Inc.

W. Troy Neisz, PG
Sr. Project Manager

Mary Motte Fikri, PG
Wetland Scientist

cc: Keith Brinker, CSXT

amec

ATTACHMENT 1

Joint Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland

CSXT MARC project
JD to Jones Hill
MP 118.5 to MP 120.6

JOINT FEDERAL/STATE APPLICATION FOR THE ALTERATION OF ANY FLOODPLAIN, WATERWAY, TIDAL OR NONTIDAL WETLAND IN MARYLAND

FOR AGENCY USE ONLY

Application Number ______
Date Received by State ______
Date Received by Corps ______
Type of State permit needed ______
Type of Corps permit needed ______
Date Determined Complete ______
Date(s) Returned ______
Date of Field Review ______
Agency Performed Field Review ______

- Please submit 1 original and 4 copies of this form, required maps and plans to the Wetlands and Waterways Program as noted on the last page of this form.
- Any application which is not completed in full or is accompanied by poor quality drawings may be considered incomplete and result in a time delay to the applicant.

Please check one of the following:

RESUBMITTAL: ____ APPLICATION AMENDMENT: ____ MODIFICATION TO AN EXISTING PERMIT: ____
JURISDICTIONAL DETERMINATION ONLY ____ APPLYING FOR AUTHORIZATION X
PREVIOUSLY ASSIGNED NUMBER (RESUBMITTALS AND AMENDMENTS) ____
DATE 3/24/2010

1. APPLICANT INFORMATION:

APPLICANT NAME:

A. Name: Mr. Keith A. Brinker B. Daytime Telephone: ______
C. Company: CSX Transportation, Inc. (CSXT)
D. Address: 500 Water Street, J-275
E. City: Jacksonville State: FL Zip: 32202

ENGINEER INFORMATION:

A. Name: ______ B. Telephone: ______
C. Company: ______
D. Address: ______
E. City: ______ State: TN Zip: ______

ENVIRONMENTAL CONSULTANT:

A. Name: Mr. Troy Neisz (AGENT) B. Telephone: (615) 333-0630
C. Company: AMEC Earth & Environmental, Inc.
D. Address: 3800 Ezell Road, Suite 100
E. City: Nashville State: TN Zip: 37211

CONTRACTOR (If known):

A. Name: ______ B. Telephone: ______
C. Company: ______
D. Address: ______
E. City: ______ State: ______ Zip: ______

PRINCIPAL CONTACT:

A. Name: Mr. Troy Neisz B. Telephone: (615) 333-0630
C. Company: AMEC Earth & Environmental, Inc.
D. Address: 3800 Ezell Road, Suite 100
E. City: Nashville State: TN Zip: 37211

PCA 13910
OBJ 4142

2. **PROJECT DESCRIPTION**

a. **GIVE WRITTEN DESCRIPTION OF PROJECT:**

CSXT proposes to widen the existing bridge over the East Branch of the Anacostia River to accommodate a proposed 2-mile rail siding project (additional track adjacent to existing track). A culvert for an unnamed stream will also be extended as part of the project.

Has any portion of the project been completed? ____ Yes **X** No If yes, explain ____

Is this a residential subdivision or commercial development? ____ Yes **X** No

If yes, total number of acres on property ____ acres

b. **ACTIVITY:** Check all activities that are proposed in the wetland, waterway, floodplain, and nontidal wetland buffer as appropriate.

A. **X** filling
B. ____ dredging
C. ____ excavating
D. ____ flooding or impounding water
E. ____ draining
F. **X** grading
G. **X** removing or destroying vegetation
H. **X** building structures

Area for item(s) checked: Wetland **NA** (sq. ft.) Buffer (Nontidal Wetland Only) **NA** (sq. ft.)

Expanded Buffer (Nontidal Wetland Only) **NA** (sq. ft.)

Area of stream impact **1,714 sq. ft.** **[1,472 sq ft for bridge bents in Anacostia River & 242 sq ft for culvert extension]**

Length of stream affected **38 linear feet** **[16' - Anacostia River & 22' - unnamed stream A]**

c. **TYPE OF PROJECTS:** Project Dimensions

For each activity, give overall length and width (in feet), in columns 1 and 2. For multiple activities, give total area of disturbance in square feet in column 3. For activities in tidal waters, give maximum distance channelward (in feet) in column 4. For dam or small ponds, give average depth (in feet) for the completed project in column 5. Give the volume of fill or dredged material in column 6.

			Length (Ft.) 1	Width (Ft.) 2	Area Sq. Ft. 3	Maximum/Average Channelward Encroachment 4		Pond Depth 5	Volume of fill/dredge material (cubic yards) below MHW or OHW 6
A.	____	Bulkhead							
B.	____	Revetment							
C.	____	Vegetative Stabilization							
D.	____	Gabions							
E.	____	Groins							
F.	____	Jetties							
G.	____	Boat Ramp							
H.	____	Pier							
I.	____	Breakwater							
J.	____	Repair & Maintenance							
K.	____	Road Crossing							
L.	____	Utility Line							
M.	____	Outfall Construction							
N.	____	Small Pond							
O.	____	Dam							
P.	____	Lot Fill							
Q.	____	Building Structures							
R.	X	Culvert	22	11	242				
S.	X	Bridge	16	92	1,472				
T.	____	Stream Channelization							
U.	____	Parking Area							
V.	____	Dredging							

1. ____ New 2. ____ Maintenance 3. ____ Hydraulic 4. ____ Mechanical

W. ____ Other (explain) ____

d. **PROJECT PURPOSE:** Give brief written description of the project purpose:

Two miles of track improvements along the CSXT mainline are planned within Prince George's County. The project begins at the intersection of Decatur Street and 46th Ave., and continues approximately to Tuxedo Road. A new track will be constructed, and the existing track will be shifted to accommodate the new track. No additional right-of-way will be needed for this project. The current bridge crossing the East Branch of the Anacostia River will be modified (widened) to accommodate the two tracks.

3. **PROJECT LOCATION:**

a. **LOCATION INFORMATION:**

A. County: **Prince George's** B. City: **Hyattsville** C. Name of waterway or closest waterway **East Branch of Anacostia River**

D. State stream use class designation: I-P

E. Site Address or Location: **Railroad Bridge across East Branch of Anacostia River, latitude 38.94714, longitude -76.937513**

Culvert crossing at latitude: 38.946278,longitude -76.93757

F. Directions from nearest intersection of two state roads: **Approximately 1,500 feet (Southeast) along the railroad tracks from intersection of Decatur Street and Baltimore Ave. Refer to site map in attached Site Assessment and Wetland Delineation Report.**

G. Is your project located in the Chesapeake Bay Critical Area (generally within 1,000 feet of tidal waters or tidal wetlands)?:
_X_ Yes ____ No

H. County Book Map Coordinates (Alexandria Drafting Co.); Excluding Garrett and Somerset Counties:
Map: ____ Letter: ____ Number: ____ (to the nearest tenth)

I. FEMA Floodplain Map Panel Number (if known): ____

J. 1. 38.947114 latitude 2. -76.937513 longitude

b. **ACTIVITY LOCATION:** Check one or more of the following as appropriate for the type of wetland/waterway where you are proposing an activity:

A. _X_ Tidal Waters
B. ___ Tidal Wetlands
C. ___ Special Aquatic Site (e.g., mudflat, vegetated shallows)
D. ___ Nontidal Wetland
E. ___ 25-foot buffer (nontidal wetlands only)
F. ___ 100-foot buffer (nontidal wetland of special State concern)
G. _X_ In stream channel
1. _X_ Tidal 2. _X_ Nontidal
H. _X_ 100-year floodplain (outside stream channel)
I. ___ River, lake, pond
J. ___ Other (Explain)

c. **LAND USE:**

A. Current Use of Parcel Is: 1. ___ Agriculture: Has SCS designated project site as a prior converted cropland? ___ Yes ___ No 2. ___ Wooded 3. ___ Marsh/Swamp 4. ___ Developed 5. _X_ Other Rail Road ROW

B. Present Zoning Is: 1. ___ Residential 2. X Commercial/ Industrial 3. ___ Agriculture 4. ___ Marina 5. ___ Other

C. Project complies with current zoning _X_ Yes ___ No

THE FOLLOWING INFORMATION IS REQUIRED BY THE STATE (blocks 4-7):

4. **REDUCTION OF IMPACTS:** Explain measures taken or considered to avoid or minimize wetland losses in F. Also check Items A-E if any of these apply to your project.

A. ___ Reduced the area of disturbance
B. ___ Reduced size/scope of project
C. ___ Relocated structures
D. ___ Redesigned project

E. ___ Other

F. Explanation _____

Describe reasons why impacts were not avoided or reduced in Q. Also check Items G-P that apply to your project.

G. _____ Cost
H. _____ Extensive wetlands on site
I. _X_ Engineering/design constraints
J. _____ Other natural features
K. _____ Parcel size
L. _____ Other regulatory requirement
M. _____ Failure to accomplish project purpose
N. _____ Safety/public welfare issue
O. _____ Inadequate zoning
P. _____ Other _____

Q. Description _____

5. LETTER OF EXEMPTION: If you are applying for a letter of exemption for activities in nontidal wetlands and/or their buffers, explain why the project qualifies:

A. _____ No significant plant or wildlife value and wetland impact
1. _____ Less than 5,000 square feet
2. _____ In an isolated nontidal wetland less than 1 acre in size

B. _____ Repair existing structure/fill
C. _____ Mitigation Project
D. _____ Utility Line
1. _____ Overhead
2. _____ Underground

E. Other (explain) _____

F. _____ Check here if you are **not** applying for a letter of exemption.

IF YOU ARE APPLYING FOR A LETTER OF EXEMPTION, PROCEED TO BLOCK 11

6. ALTERNATIVE SITE ANALYSIS: Explain why other sites that were considered for this project were rejected in M. Also check any items in D-L if they apply to your project. **(If you are applying for a letter of exemption, do not complete this block):**

A. _____ 1 site
B. _____ 2 - 4 sites
C. _____ 5 or more sites

Alternative sites were rejected/not considered for the following reason(s):

D. _____ Cost
E. _____ Lack of availability
F. _X_ Failure to meet project purpose
G. _____ Located outside general/market area
H. _____ Greater wetlands impact
I. _____ Water dependency
J. _____ Inadequate zoning
K. _____ Engineering/design constraints
L. _____ Other _____

M. Explanation: **Existing bridge to be widened and existing culvert to be extended.**

7. PUBLIC NEED: Describe the public need or benefits that the project will provide in F. Also check Items in A-E that apply to your project. **(If you are applying for a letter of exemption, do not complete this block):**

A. _X_ Economic
B. _____ Safety
C. _____ Health/welfare
D. _____ Does not provide public benefits
E. _____ Other _____

F. Description _____

8. OTHER APPROVALS NEEDED/GRANTED:

A. Agency	B. Date Sought	C. Decision 1. Granted	2. Denied	D. Decision Date	E. Other Status
US Coast Guard					
USACE					

9. MITIGATION PLAN: Please provide the following information:

a. Description of a monetary compensation proposal, if applicable (for state requirements only). Attach another sheet if necessary. Not Applicable

b. Give a brief description of the proposed mitigation project. Not applicable

c. Describe why you selected your proposed mitigation site, including what other areas were considered and why they were rejected. Not applicable

d. Describe how the mitigation site will be protected in the future. Not applicable

10. HAVE ADJACENT PROPERTY OWNERS BEEN NOTIFIED?: A. _____ Yes B. X No

Provide names and mailing addresses below (Use separate sheet, if necessary):

a. MARYLAND NATL CAPT PARK & PLANN COMM
6600 KENILWORTH AVE
RIVERDALE, MD 20737-1314

b. WASHINGTON SUB SANITARY COMM
14501 SWEITZER LN
LAUREL, MD 20707-5902

c.

11. HISTORIC PROPERTIES: Is your project located in the vicinity of historic properties? (For example: structures over 50 years old, archeological sites, shell mounds, Indian or Colonial artifacts). Provide any supplemental information in Section 13.

A. X Yes B. _____ No C. _____ Unknown

Historic property approximately 300 feet to the east. Also within Hyattsville Historic District.

12. ADDITIONAL INFORMATION: Use this space for detailed responses to any of the previous items. Attach another sheet if necessary:

Historic property approx. 300 feet to the east - 68-077; Dorr House, 4525 Buchanan Street, Hyattsville

Refer to SHPO response in Attachment 4

JD to Jones Hill

Check box if data is enclosed for any one or more of the following (see checklist for required information):

A. _____ Soil borings
B. _____ Wetland data sheets
C. X Photographs
D. X Field surveys
E. _____ Alternate site analysis
F. _____ Market analysis
G. X Site plan
H. _____ Avoidance and minimization analysis

I. X Other (explain) 1) Letter form MD SHPO, and 2) MD DNR findings letter

CERTIFICATION:

I hereby designate and authorize the agent named above to act on my behalf in the processing of this application and to furnish any information that is requested. I certify that the information on this form and on the attached plans and specifications is true and accurate to the best of my knowledge and belief. I understand that any of the agencies involved in authorizing the proposed works may request information in addition to that set forth herein as may be deemed appropriate in considering this proposal. I certify that all Waters of the United States have been identified and delineated on site, and that all jurisdictional wetlands have been delineated in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. I grant permission to the agencies responsible for authorization of this work, or their duly authorized representative, to enter the project site for inspection purposes during working hours. I will abide by the conditions of the permit or license if issued and will not begin work without the appropriate authorization. I also certify that the proposed works are consistent with Maryland's Coastal Zone Management Plan. I understand that none of the information contained in the application form is confidential and that I may request that additional required information be considered confidential under applicable laws. I further understand that failure of the landowner to sign the application will result in the application being deemed incomplete.

LANDOWNER MUST SIGN: [signature] For LGX Transportation DATE: 3/5/10

WHERE TO MAIL APPLICATION

Maryland Department of the Environment
Water Management Administration
Regulatory Services Coordination Office
1800 Washington Boulevard, Suite 430
Baltimore, Maryland 21230
Telephone: (410) 537-3762
1-800-876-0200

BEFORE YOU MAIL... DON'T FORGET...

- **SIGN AND DATE THE APPLICATION. THE LANDOWNER MUST SIGN.**
- **FIVE (5) COPIES OF ALL DOCUMENTS (APPLICATION, PLANS, MAPS, REPORTS, ETC.) MUST BE RECEIVED TO BEGIN OUR REVIEW.**
- **INCLUDE FIVE COPIES OF A VICINITY MAP (LOCATION MAP) WITH THE PROJECT SITE PINPOINTED.**
- **SEND AN APPLICATION FEE OF $750 ALONG WITH A COPY OF THE FIRST PAGE OF THE APPLICATION TO MARYLAND DEPARTMENT OF THE ENVIRONMENT, P.O. BOX 2057, BALTIMORE, MD 21203-2057. PLEASE REFER TO OUR WEBSITE http://www.mde.state.md.us/wetlands FOR FURTHER INSTRUCTIONS.**

SAMPLE PLANS MAY BE OBTAINED BY PHONE (1-800-876-0200) OR E-MAIL acunabaugh@mde.state.md.us.

SUPPLEMENTARY INFORMATION TO BE INCLUDED ON PLANS, DRAWINGS, OR VICINITY MAPS

In addition to the information indicated on the previous pages, you should include the following on the 8 1/2 x 11 site plans and any blueprints you have submitted:

1. Delineation of any wetland buffers or expanded buffers, clearly marked and differentiated.

2. Location of mitigation area, if proposed on the same site as the project.

Note: If you are proposing a complex project you may wish to submit engineering blueprints of your project with the application form to expedite review.

Mitigation Location Map: If you are proposing that nontidal wetland mitigation be done at a different location than the proposed project, you should submit a map showing the location of the mitigation site in relation to the proposed nontidal wetland losses.

WETLAND DELINEATION

Wetlands should be identified according to methods described in the publication Federal Manual Identifying and Delineating Jurisdictional Wetlands. Copies of the manual may be obtained by calling the U. S. Government Printing Office at 202-783-3238 and requesting document #024-010-00-683-8 at a cost of $7.50. Wetlands must be shown on all plans submitted with the application. All wetlands on site must be delineated and shown on the overall site plan. 8½ x 11 inch plans with topography showing relation of the wetlands and project impacts must be submitted. Copies of the wetland reports and data sheets used in making the determination be included with your application submittal.

Regulatory Agencies

Federal Permits

U.S. Army Corps of Engineers
Baltimore District
Attention: CENAB-OP-R
P. O. Box 1715
Baltimore, MD 21203-1715
Telephone: (410) 962-3670

Coastal Zone Consistency Statement

MD Dept. of the Environment
Water Management Administration
Wetlands and Waterways Program
1800 Washington Blvd, Ste 430
Baltimore, MD 21230
Telephone: (410) 537-3745

State Authorizations

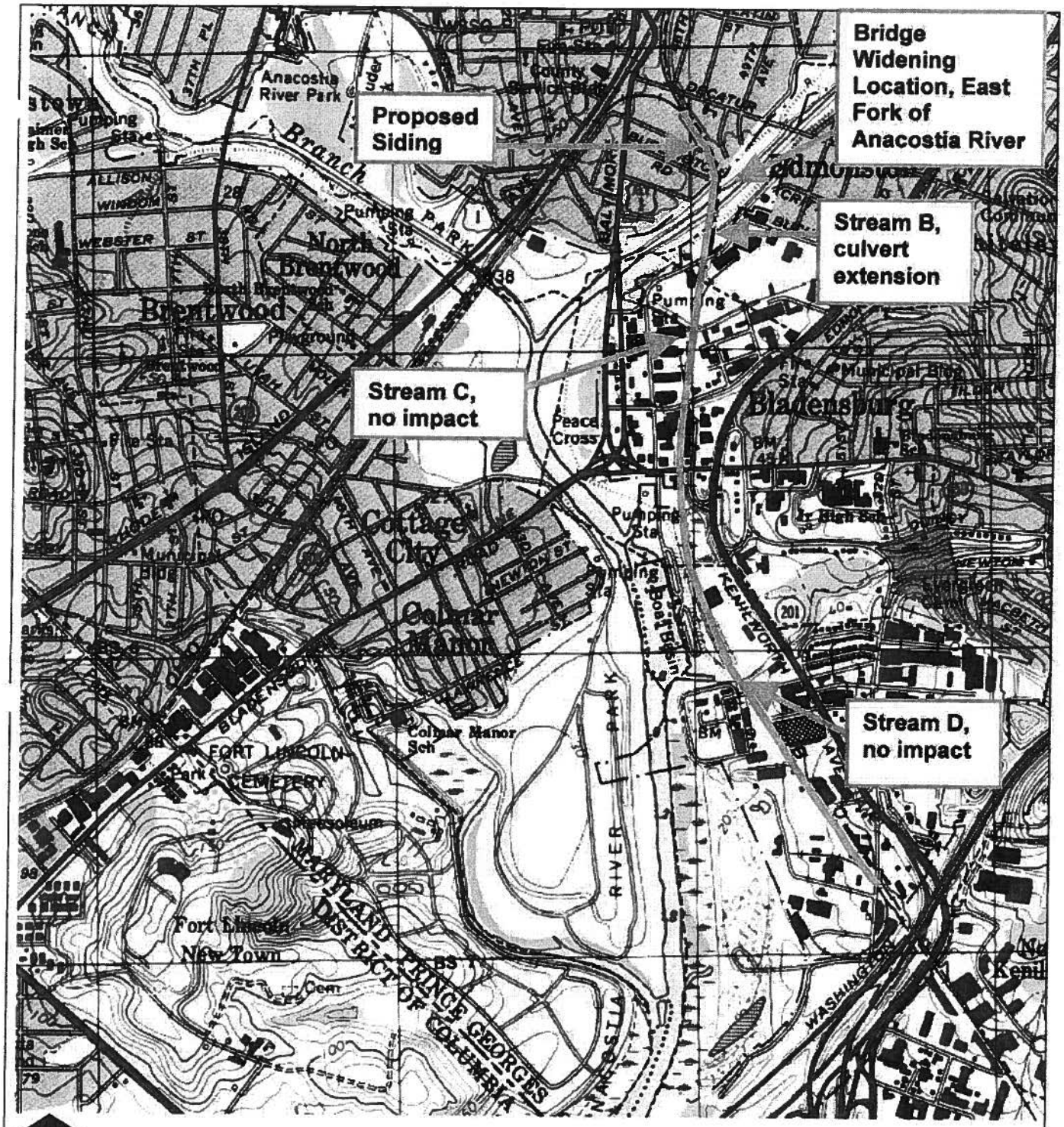
MD Dept. of the Environment
Water Management Administration
Tidal Wetlands Division
1800 Washington Blvd, Ste 430
Baltimore, MD 21230
Telephone: (410) 537-3837

MD Dept. of the Environment
Water Management Administration
Nontidal Wetlands and Waterways Division
1800 Washington Blvd, Ste 430
Baltimore, MD 21230
Telephone: (410) 537-3768

amec

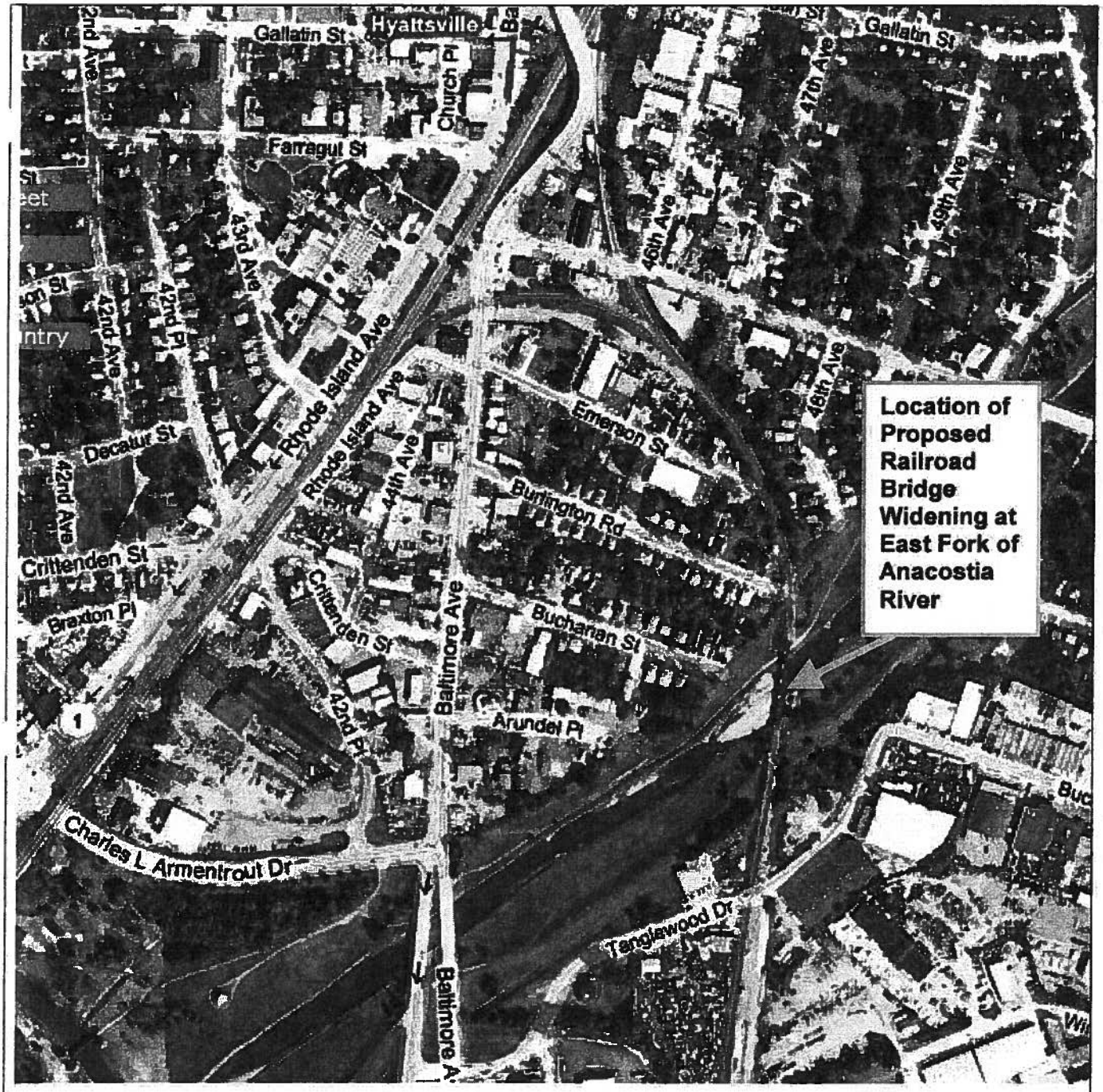
ATTACHMENT 2

Figures



SOURCE:: USGS Topographic Quad Map; Washington East, DC 1982.

AMEC Earth & Environmental 3800 Ezell Road, Suite 100 Nashville, Tennessee 37211	amec	CLIENT LOGO	CLIENT **CSX Transportation, Inc.**
PROJECT **Proposed JD to Jones Hill Siding Project** **Prince Georges County, Maryland**		DWN BY BES	DATUM	DATE 3-4-2010
		CHK'D BY MEF	REV. NO.	PROJECT NO. 6-4300-78
TITLE **Site Location Map**		PROJECTION	SCALE AS SHOWN	FIGURE NO. **FIGURE 1**



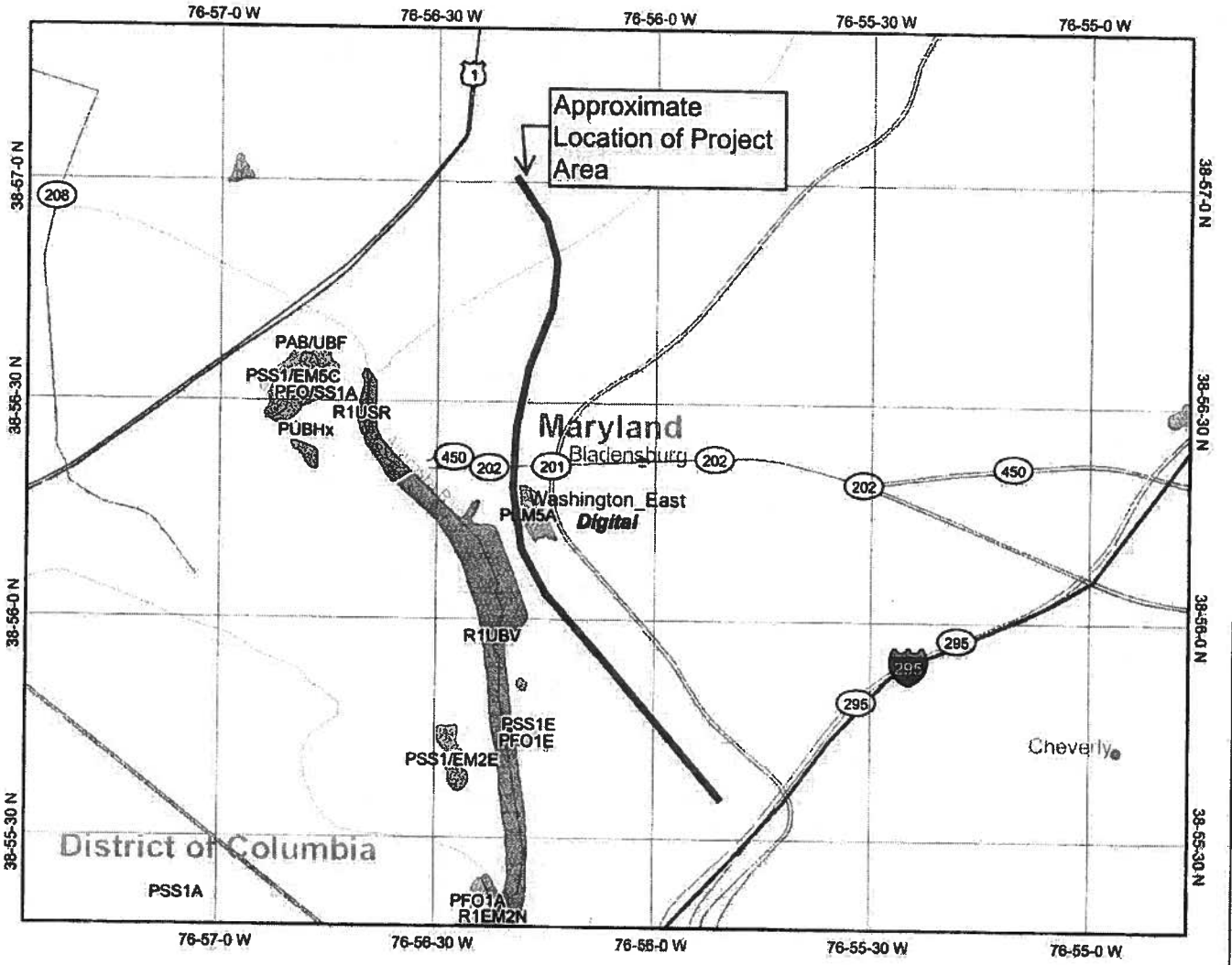
N

SOURCE:: Bing Maps.

AMEC Earth & Environmental 3800 Ezell Road, Suite 100 Nashville, Tennessee 37211	amec	CLIENT LOGO	CLIENT **CSX Transportation, Inc.**
PROJECT **Proposed JD to Jones Hill Siding Project** **Prince Georges County, Maryland**		DRWN BY BES	DATUM	DATE 3-4-2010
		CHK'D BY MEF	REV. NO.	PROJECT NO. 6-4300-78
TITLE **Aerial View of Northern Extent of Project Area**		PROJECTION	SCALE AS SHOWN	FIGURE NO. **FIGURE 2**

Soil Map—District of Columbia, and Prince George's County, Maryland
(JD to Jones Hill Project Area)

JD to Jones Hill Siding Project



Legend

- Interstate
- Major Roads
- Other Road
- Interstate
- State highway
- US highway
- Roads
- Cities
- USGS Quad Index 24K
- Lower 48 Wetland Polygons
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine
- Lower 48 Available Wetland Data
- Non-Digital
- Digital
- No Data
- Scan
- NHD Streams
- Counties 100K
- States 100K
- South America
- North America

Figure 4. NWI Map

Scale: 1:26,667

Map center: 38° 56' 19" N, 76° 56' 6" W

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Notes: NWI Map

ATTACHMENT 6

Stream JD Form

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER:

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: MD County/parish/borough: Montgomery City:
Center coordinates of site (lat/long in degree decimal format): Lat. 38.946278 ° N, Long. 76.93757° W.
Universal Transverse Mercator:
Name of nearest waterbody: East Fork Anacostia River
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: East Branch of Anacostia River
Name of watershed or Hydrologic Unit Code (HUC):

- ☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
- ☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- ☐ Office (Desk) Determination. Date:
- ☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Appear to be** *"navigable waters of the U.S."* within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]

- ☒ Waters subject to the ebb and flow of the tide.
- ☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** *"waters of the U.S."* within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]
   - ☒ TNWs, including territorial seas
   - ☐ Wetlands adjacent to TNWs
   - ☐ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
   - ☐ Non-RPWs that flow directly or indirectly into TNWs
   - ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
   - ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
   - ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
   - ☐ Impoundments of jurisdictional waters
   - ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
   Non-wetland waters: 3000 linear feet: width (ft) and/or acres.
   Wetlands: 0 acres.

   c. **Limits (boundaries) of jurisdiction** based on: **Established by OHWM.**
   Elevation of established OHWM (if known): .

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   - ☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: .

---

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**
   Identify TNW: **East Fork, Anacostia River.**

   Summarize rationale supporting determination: Tidally influenced.

2. **Wetland adjacent to TNW**
   Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

   (i) **General Area Conditions:**
   Watershed size: **acres**
   Drainage area: **acres**
   Average annual rainfall: inches
   Average annual snowfall: inches

   (ii) **Physical Characteristics:**
   (a) Relationship with TNW:
   ☐ Tributary flows directly into TNW.
   ☐ Tributary flows through **Pick List** tributaries before entering TNW.

   Project waters are **1 (or less)** river miles from TNW.
   Project waters are **Pick List** river miles from RPW.
   Project waters are **Pick List** aerial (straight) miles from TNW.
   Project waters are **Pick List** aerial (straight) miles from RPW.
   Project waters cross or serve as state boundaries. Explain:

   Identify flow route to TNW[5]:
   Tributary stream order, if known:

---

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☒ Natural
☐ Artificial (man-made). Explain:
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):
Average width: 4 feet
Average depth: 0.5 feet
Average side slopes: **2:1.**

Primary tributary substrate composition (check all that apply):

☒ Silts ☐ Sands ☐ Concrete
☒ Cobbles ☐ Gravel ☐ Muck
☒ Bedrock ☐ Vegetation. Type/% cover:
☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:
Presence of run/riffle/pool complexes. Explain:
Tributary geometry: **Meandering**
Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Seasonal flow**
Estimate average number of flow events in review area/year: **Pick List**
Describe flow regime:
Other information on duration and volume:

Surface flow is: **Pick List.** Characteristics:

Subsurface flow: **Pick List**. Explain findings:
☐ Dye (or other) test performed:

Tributary has (check all that apply):
☒ Bed and banks
☒ OHWM[6] (check all indicators that apply):

☐ clear, natural line impressed on the bank
☐ changes in the character of soil
☐ shelving
☐ vegetation matted down, bent, or absent
☐ leaf litter disturbed or washed away
☐ sediment deposition
☐ water staining
☐ other (list):
☒ the presence of litter and debris
☐ destruction of terrestrial vegetation
☐ the presence of wrack line
☐ sediment sorting
☐ scour
☐ multiple observed or predicted flow events
☐ abrupt change in plant community

☐ Discontinuous OHWM.[7] Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by:
☐ oil or scum line along shore objects
☐ fine shell or debris deposits (foreshore)
☐ physical markings/characteristics
☐ tidal gauges
☐ other (list):
☐ Mean High Water Mark indicated by:
☐ survey to available datum;
☐ physical markings;
☐ vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain:
Identify specific pollutants, if known:

---

[6]A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7]Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☒ Riparian corridor. Characteristics (type, average width): Forested.
- ☐ Wetland fringe. Characteristics: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List.** Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List.** Explain findings: .

- ☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
  - ☐ Discrete wetland hydrologic connection. Explain: .
  - ☐ Ecological connection. Explain: .
  - ☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List.**

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width): .
- ☐ Vegetation type/percent cover. Explain: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately ( ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   ☒ TNWs: 3000 linear feet width (ft), Or, acres.
   ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
   ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.[9]**
As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]
☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

---

[8] See Footnote # 3.
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.***

Provide estimates for jurisdictional waters in the review area (check all that apply):
- ☐ Tributary waters: linear feet width (ft).
- ☐ Other non-wetland waters: acres.
  - Identify type(s) of waters: .
- ☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):
- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - ☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- ☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):
- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: .
- ☐ Corps navigable waters' study: .
- ☐ U.S. Geological Survey Hydrologic Atlas: .
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name:Poolsville, MD.
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation:Prince Geroges County, MD.
- ☒ National wetlands inventory map(s). Cite name: .
- ☐ State/Local wetland inventory map(s): .
- ☐ FEMA/FIRM maps: .
- ☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- ☐ Photographs: ☒ Aerial (Name & Date): .
  - or ☒ Other (Name & Date):Site photographs 11-20-2010.
- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

amec

ATTACHMENT 7

Site Photographs

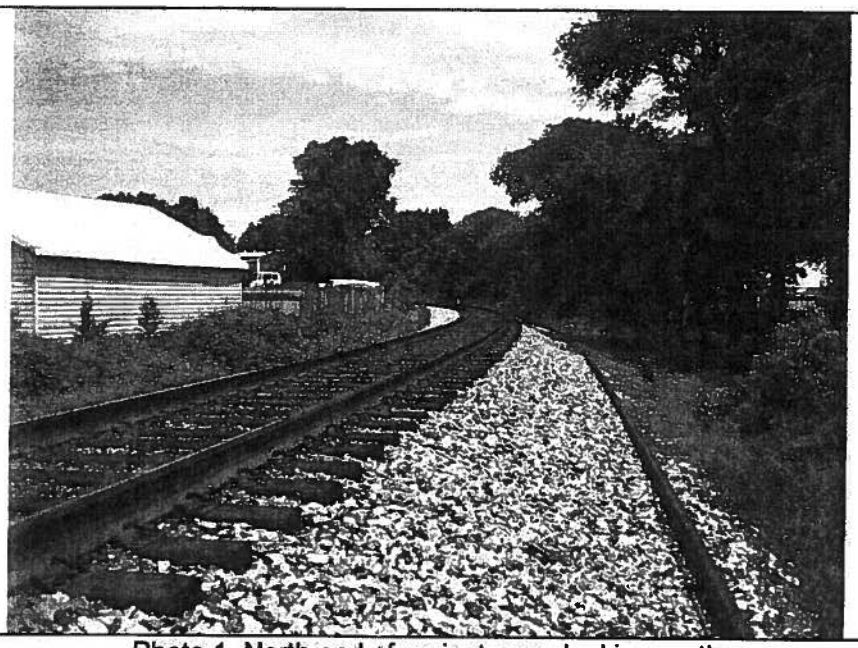


Photo 1. North end of project area, looking north

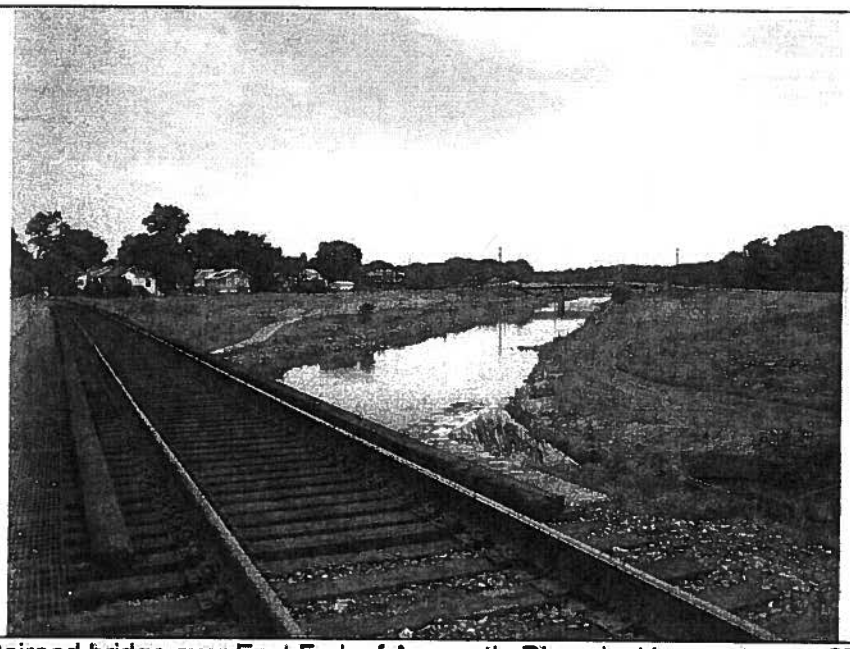


Photo 2. Rairoad bridge over East Fork of Anacostia River, looking upstream, STA 24+00.

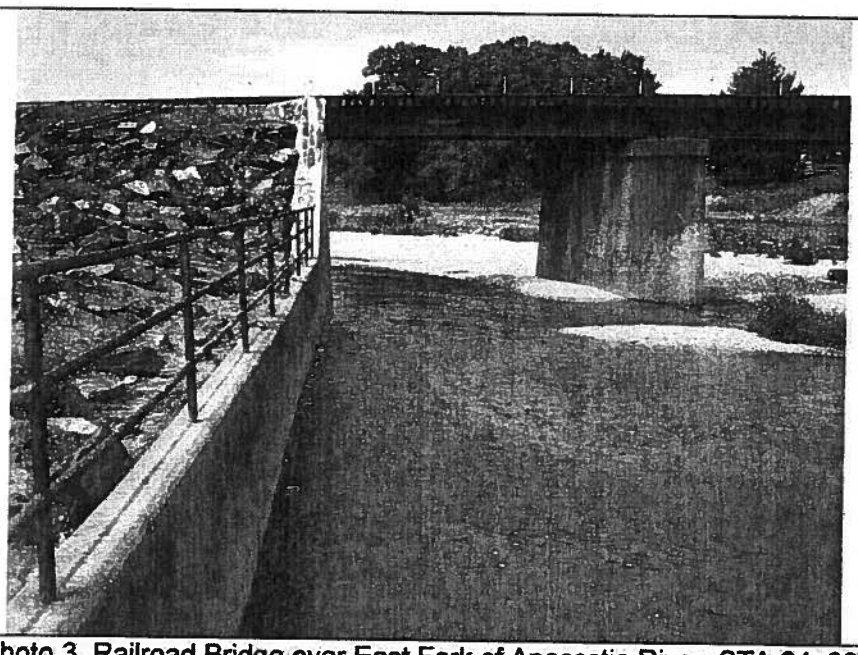


Photo 3. Railroad Bridge over East Fork of Anacostia River, STA 24+00.

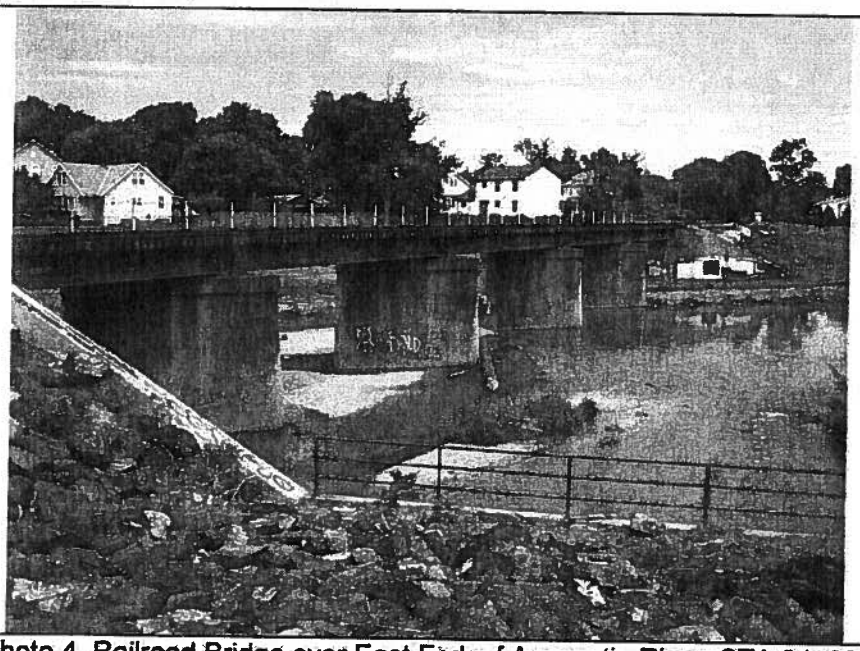


Photo 4. Railroad Bridge over East Fork of Anacostia River, STA 24+00.

Photo 5. Stream B, channel on south side of levee, STA 27+00.

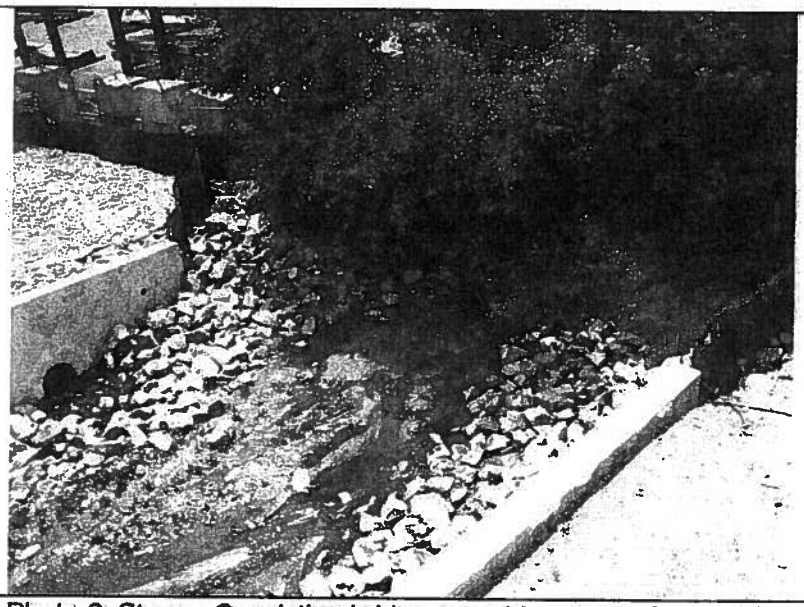


Photo 6. Stream C, existing bridge over this stream, STA 37+50.

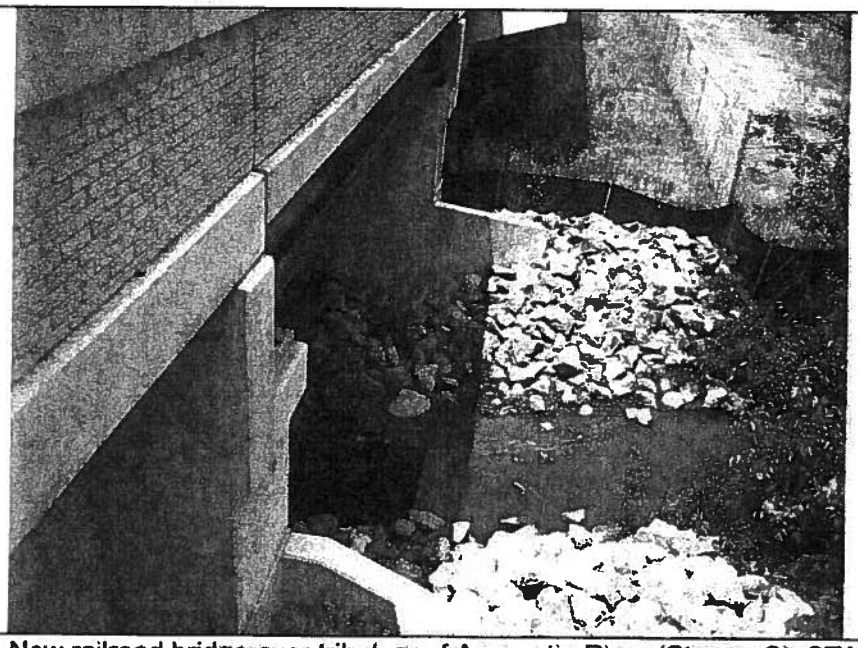


Photo 7. New railroad bridge over tributary of Anacostia River (Stream C), STA 37+50.

Photo 8. Project area near Lloyd Street.

MDE

MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230
410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Anthony G. Brown
Lieutenant Governor

Shari T. Wilson
Secretary

Robert M. Summers, Ph.D.
Deputy Secretary

May 13, 2010

Mr. Troy Neisz
AMEC Earth & Environmental, Inc.
3800 Ezell Road, Suite 100
Nashville, TN 37211

Re: Application Tracking No. AI#130590 and 201060408
Nontidal Wetlands and Waterway Division No. 10-NT-0123
Project: CSX Transportation, Inc. /Culvert and Bridge extension
Prince George's County

Dear Mr. Neisz:

The Nontidal Wetlands and Waterways Division of the Wetlands and Waterways Program, Water Management Administration, Maryland Department of the Environment has completed a preliminary review of your Joint Federal/State Application for the referenced project. The review was conducted in accordance with the CPMAR - 26.17.04 Construction on Nontidal Waters and Floodplains, COMAR 26.23.01-Nontidal Wetlands and COMAR 26.08.02 – Water Quality.

This project qualifies for the Maryland State Programmatic General Permit -3 (MDSPGP-3), Category 1, Activity d, therefore, it is not subject to any additional review and/or and an authorization from the U. S. Army Corps of Engineers. The project as submitted requires an additional information as listed below. The satisfactory submission of the requested information will complete the permit application and accordingly the project will be authorized through a Letter of Authorization which will also include a Water Quality Certification.

1. Because of the Maryland Historical Trust review, the project qualifies for a major project, therefore, an additional fee of $750.00 should be submitted to the Maryland Department of the Environment P. O. Box 2057, Baltimore, Maryland 21203-2057. Please add on the check PCA 13910 and OBJ 4142 and also mail a copy to this letter along with the check.

2. Please show on the plans the stream channel and the 100-year floodplain impacts. Please quantify those impacts in square feet and label them temporary and permanent as applicable.

2. Please provide two sets of approved erosion and sediment control plans which should include a construction schedule and a sequence of construction. No in-stream work should be schedule from March 1 through June 15, because of stream closure period.

4. As a part of the authorization requirements, you must notify all owners of the contiguous property owners, which are those properties which lie within the 100-year floodplain on both sides of the stream and have common boundaries with yours. You must also notify the mayor or chief executive official and the local permitting official of your town, city or county. This notice should include a location, a description of the project, and must be delivered in person or by a certified mail. A sample notification letter is attached. Also attached is a Certification of Notification form that you must complete and return, listing the contiguous property owners and local officials whom you notified. This form must be returned to this office before your application is considered complete. We will be compiling a list of interested persons which will include those names listed one the Certification of Notification.

As soon as the requested information is provided, review of your application will be promptly continued. If we do not hear from you in 120 days from the date of this letter, the processing of this application will be suspended and the application will be returned to you. If you decide to reapply in the future, five copies of the application must be resubmitted to MDE Permit Service Center. Please reference all the tracking numbers that were previously assigned to the application. If you have any questions, please feel free to call me at (410) 537-3813.

Sincerely,

Imtiaz A Choudhry

Imtiaz A. Choudhry, P. E.
Senior Regulatory and Compliance Engineer
Engineering Division
Wetlands and Waterways Program

cc: U. S. Army Corps of Engineers

Attachments: Notification and Certification forms

CERTIFICATION OF NOTIFICATION

ATTENTION APPLICANT:

Please complete this form and return to Nontidal Wetlands and Waterways Division, Water Management Administration, 1800 Washington Boulevard, Baltimore, Maryland 21230. Be sure to include the Division number, a copy of the tax map and your notification letter, and sign the form. Please include complete names and complete addresses, including zip codes. Your application is incomplete until this certification is received.

Tracking No: _____ Division No: _____
Assigned Staff: _____

Description of the project: _____

_____

_____

Please list all persons notified below: (continue on reverse side or attach additional sheets if necessary)

NAME	ADDRESS

If delivery was not made to certain persons, please list those persons and the reasons for non-delivery on the reverse side of this form.

I hereby certify that I have notified all persons who own properties which have a common boundary with my property. The appropriate local officials have been notified. I have notified them by certified mail or in person.

_____
Signature of Applicant Date

_____
Please Print Name Telephone Number

SAMPLE LETTER TO
CONTIGUOUS PROPERTY OWNERS AND
APPROPRIATE LOCAL OFFICIALS

Tracking No: _____
Division No: _____
Project:

Dear _____:

___(Applicant)___ has submitted an application to the Nontidal Wetlands and Waterways Division of the Water Management Administration (WMA) for a permit to ___(project description)___. The project site is located ___(project location)___. The proposed work consists of ___(complete description of project).

Since you are a contiguous property owner or an appropriate local official, you are being notified of the proposed project. Persons wishing to review the plans for this project may contact me at the address listed below. If you have any questions concerning the application, please call me at ___(area code and phone number).

Sincerely,

___(Applicant)

___(Address)

_____

U.S. Department of Homeland Security
United States Coast Guard

Commander
United States Coast Guard
Fifth Coast Guard District

431 Crawford Street
Portsmouth, Va. 23704-5004
Staff Symbol: dpb
Phone: 757-398-6557
Fax: 757-398-6334
Email: Sandra.S.Elliott@uscg.mil

16590
20 MAY 10

Ms. Mary Motte Fikri
Natural Resources Specialist
AMEC Earth & Environmental, Inc.
3800 Ezell Road, Ste 100
Nashville, TN 37211

Dear Ms. Fikri:

This is in response to your letter of April 9, 2010, requesting Coast Guard approval for the proposed modification of the existing railroad bridge across the Northeast Branch of the Anacostia River in Hyattsville, Prince Georges County, Maryland.

The Coast Guard Authorization Act of 1982 exempts bridge projects from Coast Guard Bridge Permits when the bridge project crosses non-tidal waters which are not used, susceptible to use in their natural condition, or susceptible to use by reasonable improvement as a means to transport interstate commerce. The information provided with your letter describes such a project, therefore this bridge in this vicinity is exempt, and will not require a Coast Guard Bridge Permit.

This determination is for the railroad bridge across the Northeast Branch of the Anacostia River and **is valid for five years from the date of this letter**. If the modification does not commence within this time period, you must contact this office for reaffirmation of this authorization. Further bridge projects along the same waterway will have to be independently evaluated before they may be considered for this determination.

The fact that a Coast Guard permit is not required does not relieve you of the responsibility for compliance with the requirements of any other Federal, State, or local agency who may have jurisdiction over any aspect of the project.

Sincerely,

Waverly W. Gregory, Jr.

WAVERLY W. GREGORY, JR.
Chief, Bridge Administration Branch
By direction of the Commander
Fifth Coast Guard District