



September 8, 2010

Imtiaz A. Choudhry, P.E.
Senior Regulatory and Compliance Engineer
Maryland Department of the Environment
Wetlands and Waterways Program
Water Management Administration
1800 Washington Boulevard, Suite 430
Baltimore, Maryland 21230

**RE: Response to Request for Additional Information
Joint Federal/State Permit Application
Application Tracking No. AI#130590 and 201060408
CSX Transportation, Inc. (CSXT) MARC - JD to Jones Hill Project
Hyattsville, Prince Georges County, Maryland
AMEC Project No. 643007790**

Dear Mr. Choudhry:

On behalf of CSX Transportation, Inc. (CSXT), AMEC Earth & Environmental, Inc. (AMEC) provides the following Response to the Request for Additional Information pertaining to the Maryland Department of Environment (MDE) Joint Federal/State Permit Application for the proposed 2-mile siding track in Hyattsville, Prince Georges County, Maryland. The JD to Jones Hill project is being funded by the Maryland Transportation Authority (MTA) for the MARC Rail System.

This letter provides responses or information on the status of items that were addressed in the request for additional information that was received from the MDE for the CSXT JD to Jones Hill project, dated May 13, 2010.

- 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 13910 and OBJ 4142 and also mail a copy of this letter along with the check.**

On behalf of CSXT, AMEC sent a check (no. 169061) on July 12, 2010 for the amount of \$750.00 to MDE for the additional required fee.

- 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.**

Stream channel impacts include 242 square feet as a result of encapsulation of an unnamed tributary and 1,472 square feet resulting from the installation of bents for the bridge widening across the Northeast Branch of the Anacostia River. Both of these impacts are permanent and labeled as such on the enclosed revised Sheet No. PP4 of the project plans.

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



CSXT and AMEC have been working with Prince George's County Department of Public Works and Transportation (PGDPW&T) and the United States Army Corps of Engineers (USACE) to assess potential floodplain impacts of the project. The USACE supplied CSXT and AMEC the current HEC-RAS model used for the Prince George's County Levee, Maryland *Concept Design Report For System-Raising* (January 2010). AMEC modified the geometry of this HEC-RAS model by incorporating the proposed bridge for this siding project. The results of the modified HEC-RAS model showed a "No-Rise" to the existing conditions base flood elevations (BFEs). No negative impacts to the floodplain are expected.

- 3. 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 scheduled from March 1 through June 15, because of stream closure period.**

AMEC submitted the original erosion and sediment control plans to MDE during the week of August 30, 2010. The permit tracking number 11-SF-0047 was provided by MDE. AMEC will forward two sets of approved erosion and sediment control plans when MDE has completed this review and given final approval. CSXT understands that no in-stream work should be scheduled from March 1 through June 15.

- 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 official 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 on the Certification of Notification.**

On behalf of CSXT, AMEC has sent letters (via certified mail) to property owners that own land adjacent to the CSXT right-of-way and are located directly adjacent to and/or within the 100-year floodplain. Letters were mailed on September 8, 2010. AMEC will forward MDE the Certification of Notification upon receiving delivery receipts. AMEC is also obtaining the signature of Mr. Keith Brinker (applicant) of CSXT as required for the Certification of Notification. This will be provided to MDE under separate cover.



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.

A handwritten signature in black ink, appearing to read "W. Troy Neisz". The signature is stylized and somewhat cursive.

W. Troy Neisz, PG
Sr. Project Manager

A handwritten signature in black ink, appearing to read "Mary Motte Fikri". The signature is written in a cursive, flowing style.

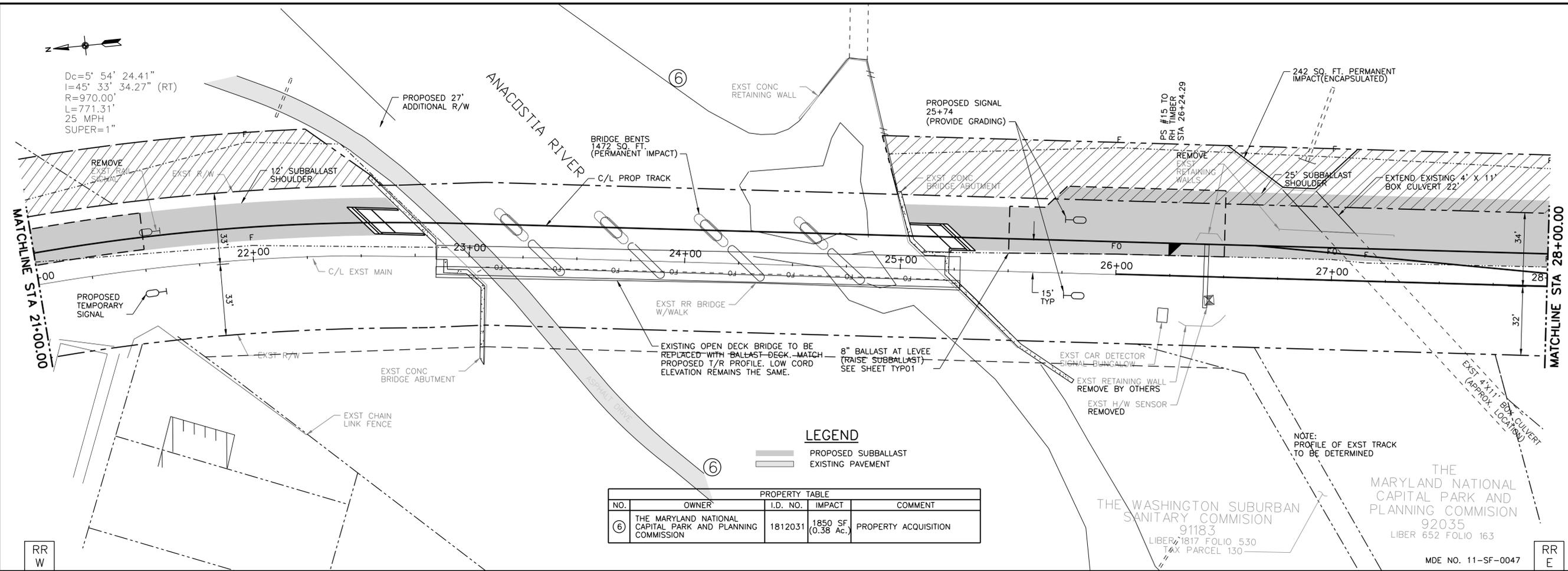
Mary Motte Fikri, PG
Wetland Scientist

cc: Keith Brinker, CSXT

Enclosure: Revised Sheet No. PP4



$D_c = 5' 54" 24.41"$
 $I = 45' 33" 34.27"$ (RT)
 $R = 970.00'$
 $L = 771.31'$
 25 MPH
 SUPER=1"



LEGEND

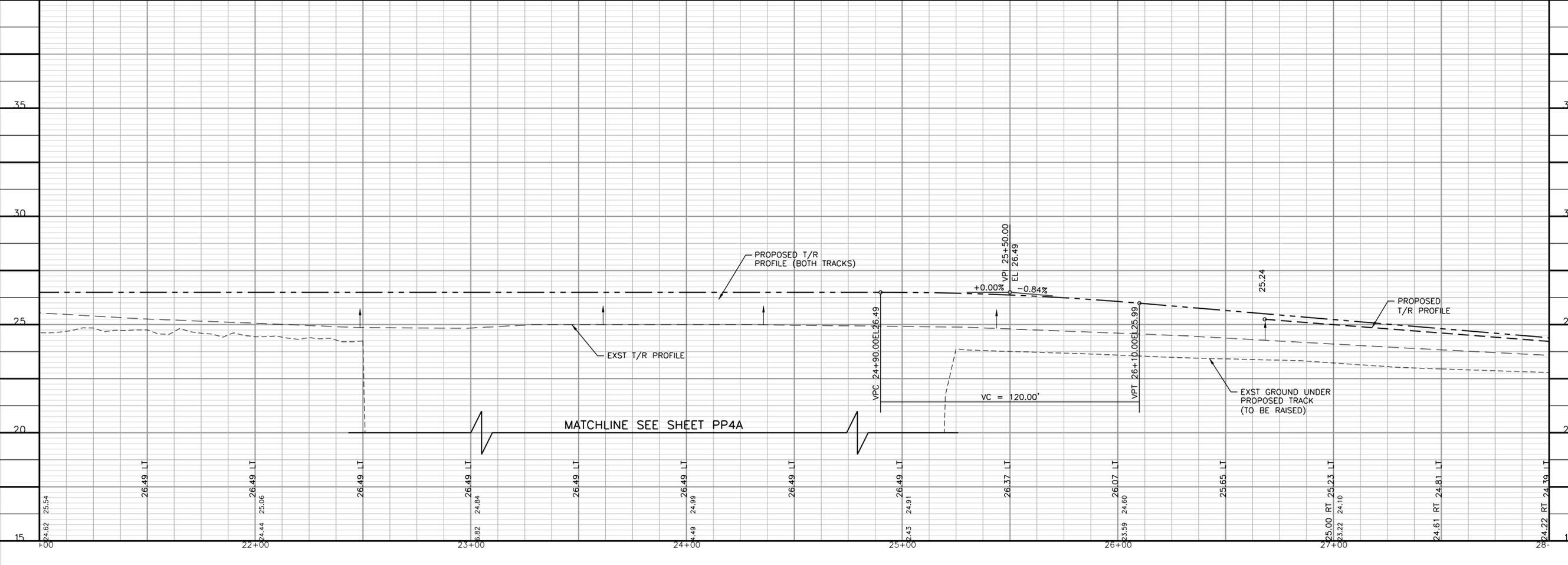
- PROPOSED SUBBALLAST
- EXISTING PAVEMENT

PROPERTY TABLE				
NO.	OWNER	I.D. NO.	IMPACT	COMMENT
⑥	THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION	1812031	1850 SF (0.38 Ac.)	PROPERTY ACQUISITION

THE WASHINGTON SUBURBAN
 SANITARY COMMISSION
 91183
 LIBER 1817 FOLIO 530
 TAX PARCEL 130

THE MARYLAND NATIONAL
 CAPITAL PARK AND
 PLANNING COMMISSION
 92035
 LIBER 652 FOLIO 163

MDE NO. 11-SF-0047



d:\hines 9/7/2010 4:07:13 PM - g:\hines\06050\mail\0600-C-PP4.dgn

IF THIS DRAWING IS LESS THAN 22" X 34" IT IS A REDUCED SIZE DRAWING


 4500 SALISBURY ROAD
 SUITE 440
 JACKSONVILLE, FLORIDA 32216
 PHONE: 904-245-6500
 FAX: 904-245-6510

CHECK PRINT
 DATE 9/7/10

CONSULTANTS:

JD TO JONES HILL
 PRINCE GEORGES COUNTY, MARYLAND

 ENGINEERING DEPARTMENT
 TRANSPORTATION PROJECTS
 JACKSONVILLE, FLORIDA

REVISIONS:	MARK	DATE	DESCRIPTION

PROJ NO: P304090050
 SCALE: 1" = 50'
 DATE: 9/7/2010
 DESIGNED BY: TBS
 DRAWN BY: TBS
 CHECKED BY: MGB

SHEET TITLE:
 JD TO JONES HILL

SHEET NO.
 PP4
SHEET OF



MARYLAND TRANSIT ADMINISTRATION

MARYLAND DEPARTMENT OF TRANSPORTATION

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor
Beverley K. Swaim-Staley, Secretary • Ralign T. Wells, Administrator

October 5, 2010

Mr. Tim Tamburrino
Project Review and Compliance
Maryland Historical Trust
100 Community Place
Crownsville, Maryland 21032-2023

Re: CSXT/MARC Joint Project # 200904968
JD to Jones Hill Siding and Bridge over Northeast Branch of Anacostia River
Prince George's County
Washington East USGS Quadrant

Dear Mr.  Tamburrino:

This letter serves to update the Maryland Historical Trust (MHT) that the Maryland Transit Administration (MTA) and CSXT joint project will now require right-of-way. The project limits are from JD to Jones Hill in Prince George's County (Attachment 1). The MTA believes the determination of no adverse effect to historic properties remains valid and seeks the MHT's concurrence.

On December 11, 2009, AMEC wrote the MHT describing several joint MARC/CSXT projects and indicated the JD to Jones Hill project would not require additional right-of-way (Attachment 2). On February 12, 2010, MHT determined the project would have no adverse effect on historic properties. Small amounts of right-of-way will now be required (Attachment 3). Attachment 4 shows the approximate right-of-way in relation to the National Register-listed Hyattsville Historic District (NR-673) and Attachment 5 shows the approximate right-of-way in relation to the National Register-listed Baltimore-Washington Parkway (NR-1084).

The MTA believes the project will continue to have no adverse effect to historic properties and seeks the MHT's concurrence. If you have any comments questions, please do not hesitate to contact me at jnewton@mta.maryland.gov or 410-767-3769.

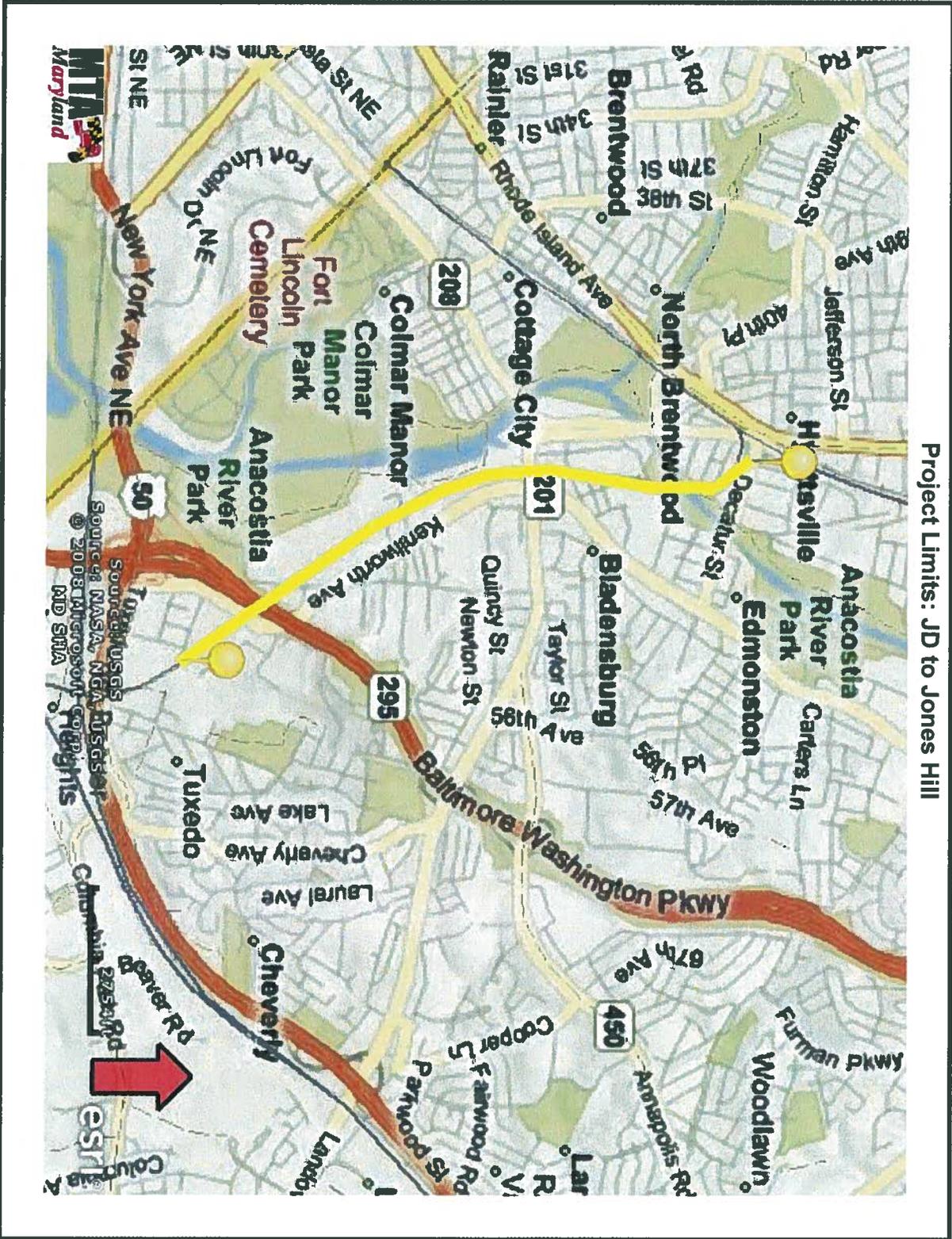
Sincerely,

A handwritten signature in blue ink, appearing to read "John Newton", with a large, sweeping flourish underneath.

John Newton, Manager
Environmental Planning
Maryland Transit Administration

cc: Troy Neisz, AMEC
Dan Reagle, Maryland Transit Administration

Attachment 1



Attachment 2



December 11, 2009

F
FRA

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

TJT/EJR

Re: **Determination of Cultural Resources Concerns**

- 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 IABC 2/12/10

200904968 - HBE: 2NA TJT 2/4/10 B-W PARKWAY
BLADENSBURG
HYATTSVILLE

200904969 - HBE: 2NA TJT 2/4/10 IABC 2/12/10
METRO. BRANCH
OF B+ORR

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

IABC 2/12/10

Mr. J. Rodney Little, SHPO
December 11, 2009
Page 2

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.



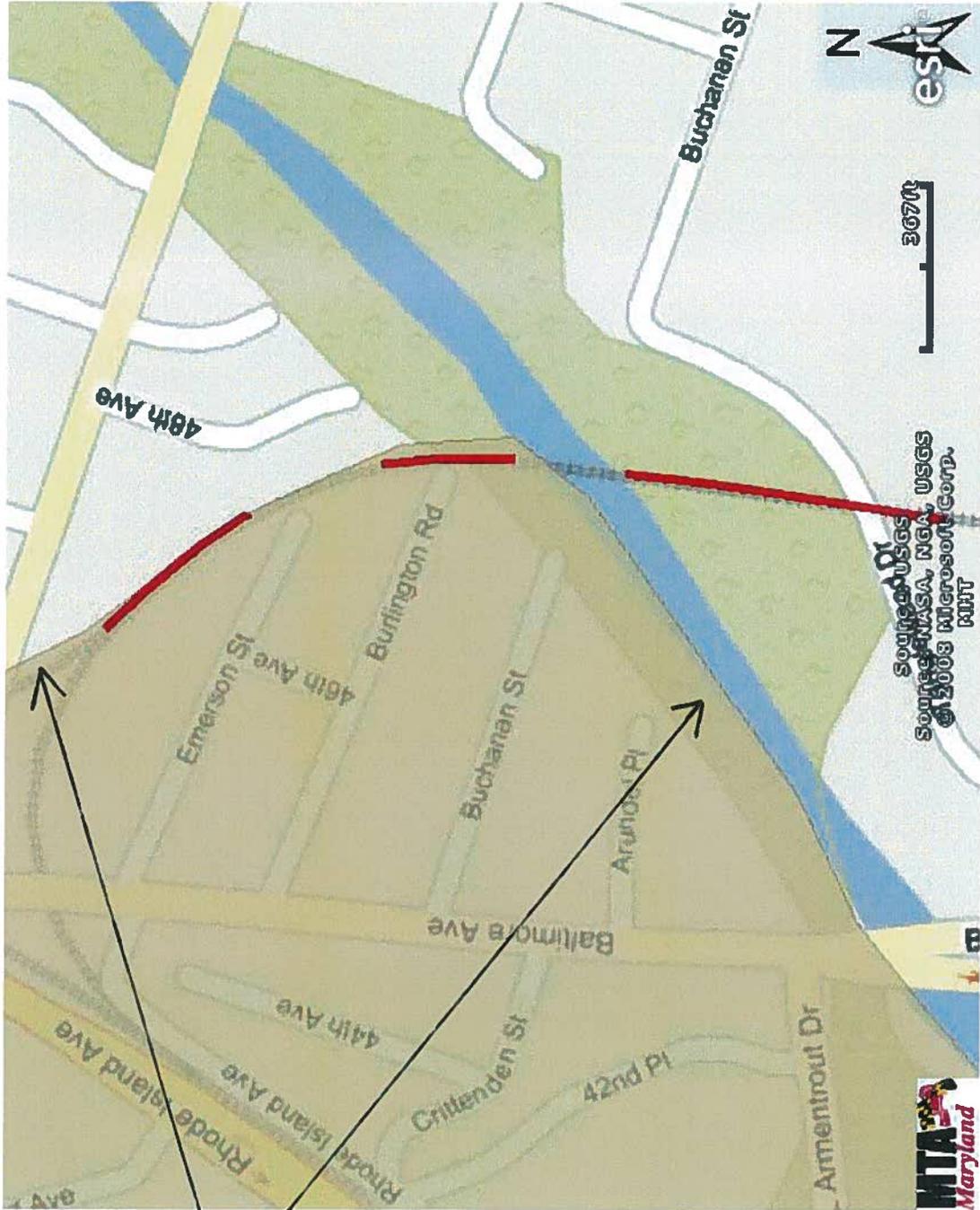
W. Troy Neisz
Senior Project Manager

The Maryland Historical Trust has determined
that this undertaking will have no adverse effect
on historic properties.

Boys Cole 2/12/2010
Date

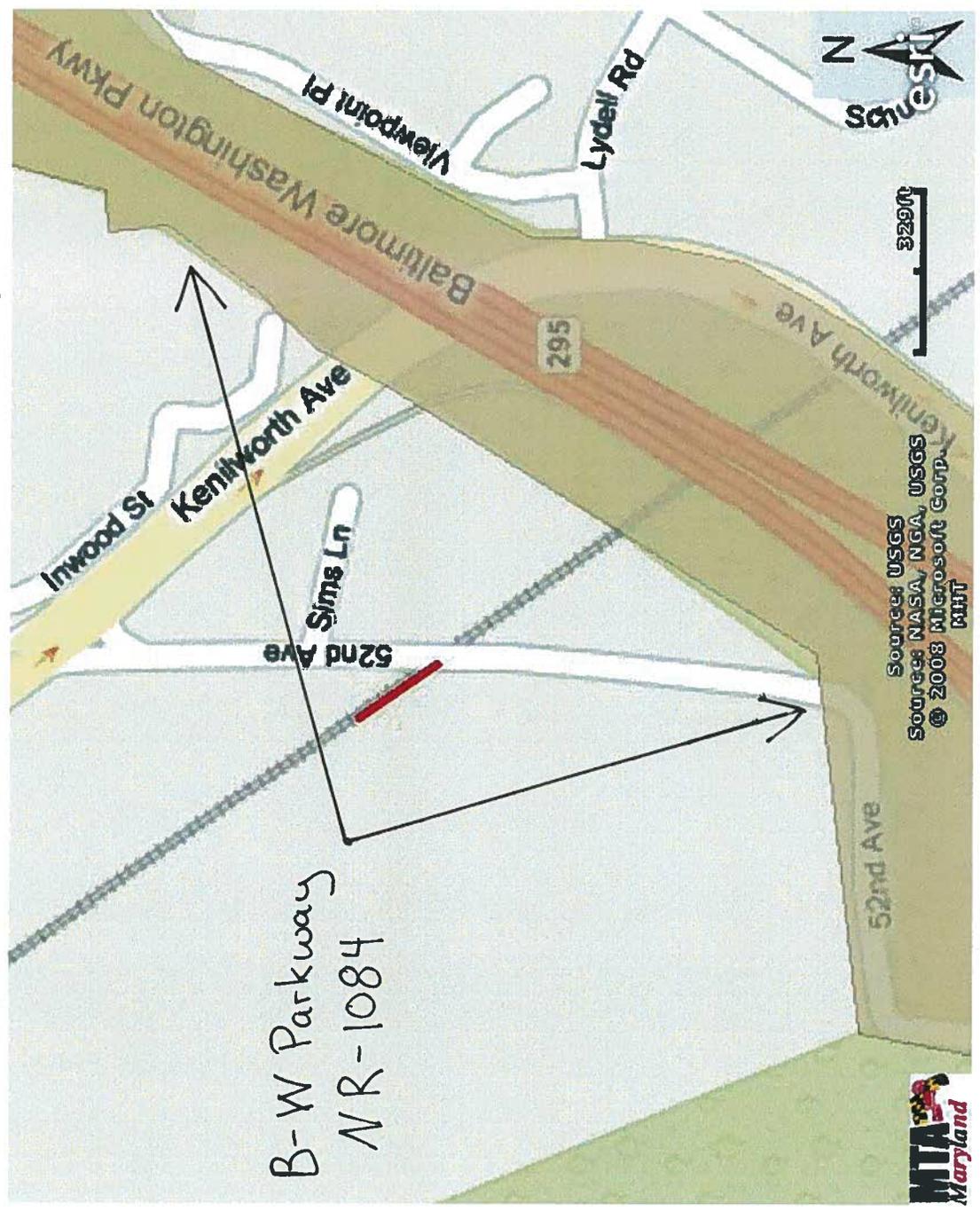
Attachment: Site Vicinity Maps
Site Topo Maps
SHPO project review forms

JD to Jones Hill - Proposed R/W in Red with Hyattsville HD Shaded



Hyattsville
HD (NR-673)

JD to Jones Hill - Proposed R/W in Red with B-W Parkway Shaded

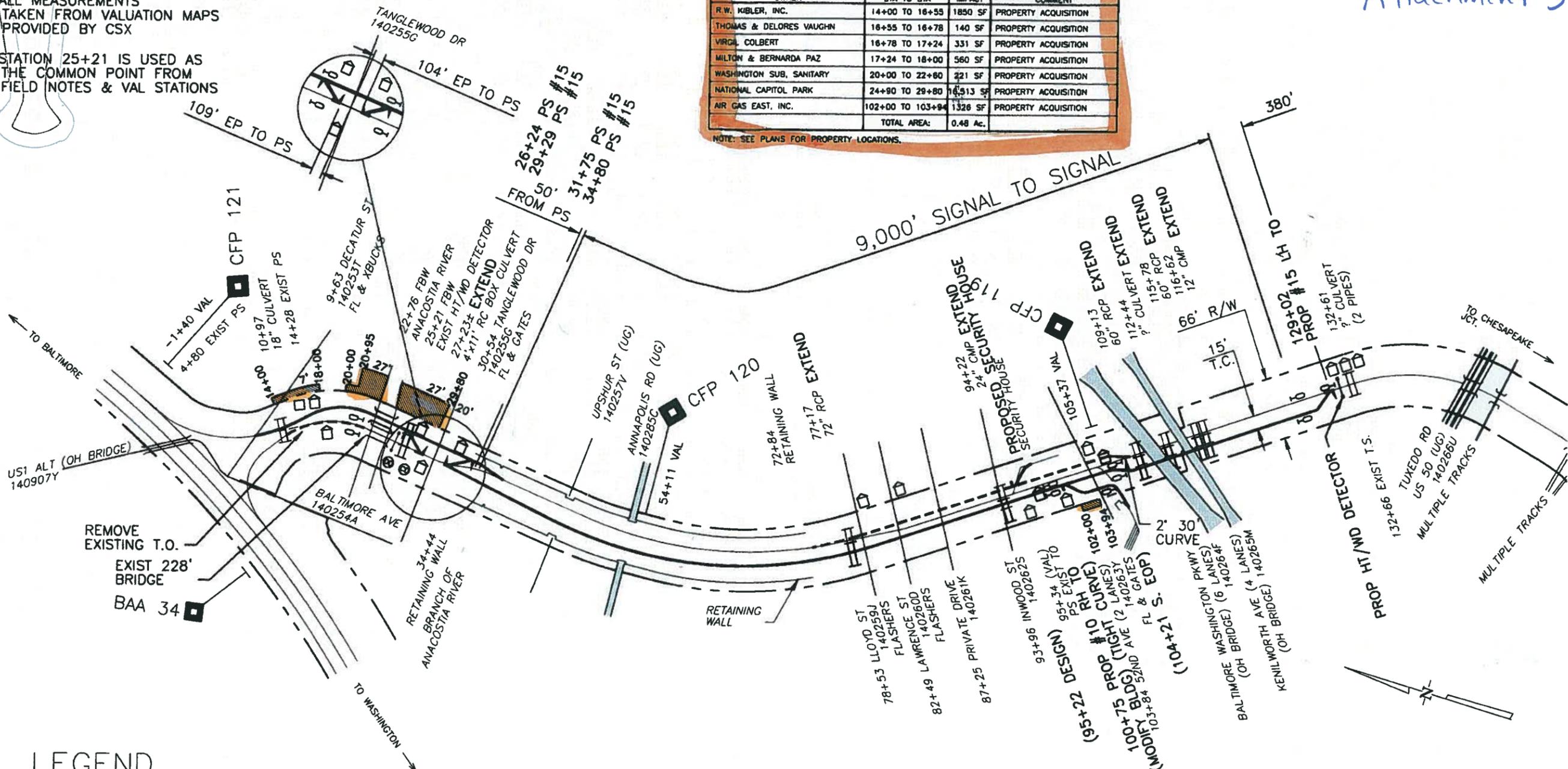


B-W Parkway
NR-1084

- NOTE:
- 1) ALL MEASUREMENTS TAKEN FROM VALUATION MAPS PROVIDED BY CSX
 - 2) STATION 25+21 IS USED AS THE COMMON POINT FROM FIELD NOTES & VAL STATIONS

PROPERTY TABLE			
OWNER	STA TO STA	IMPACT	COMMENT
R.W. KIBLER, INC.	14+00 TO 16+55	1850 SF	PROPERTY ACQUISITION
THOMAS & DELORES VAUGHN	16+55 TO 16+78	140 SF	PROPERTY ACQUISITION
VIRGA COLBERT	16+78 TO 17+24	331 SF	PROPERTY ACQUISITION
MILTON & BERNARDA PAZ	17+24 TO 18+00	560 SF	PROPERTY ACQUISITION
WASHINGTON SUB. SANITARY	20+00 TO 22+80	221 SF	PROPERTY ACQUISITION
NATIONAL CAPITOL PARK	24+90 TO 29+80	16,513 SF	PROPERTY ACQUISITION
AIR GAS EAST, INC.	102+00 TO 103+94	1326 SF	PROPERTY ACQUISITION
TOTAL AREA:		0.48 AC.	

NOTE: SEE PLANS FOR PROPERTY LOCATIONS.



LEGEND

- HIGH CAR DETECTOR TO BE REMOVED
- DEFECT DETECTOR TO BE REMOVED
- SIGNAL CASE TO BE REMOVED
- EXISTING SIGNAL HOUSE
- SIGNAL HOUSE TO BE REMOVED
- EXISTING SIGNAL TO BE REMOVED
- PROPOSED SIGNAL HOUSE
- PROPOSED SIGNAL
- EXISTING TRACKS
- EXISTING TRACKS TO BE REMOVED
- EXISTING TRACKS TO BE SHIFTED
- PROPOSED TRACKS
- PROPOSED ROW (SEE TABLE)
- EXISTING CSX RIGHT OF WAY
- (UG) UNDER GRADE
- PROPERTY ACQUISITION

DEVIATIONS FROM STANDARD	
12' ROADBED	
26+24	PS @ 103' FROM BRIDGE
29+29	PS @ 109' FROM EOP
31+75	PS @ 104' FROM EOP
95+22	PS @ 118' FROM EOP
104+50	PS @ 29' FROM EOP

	TRACK DATA	
	EXISTING	PROPOSED
TRACK SPEED	25 MPH	25 MPH
TIE TYPE	TIMBER	TIMBER
TURNOUT	N/A	#15
T.O. TIE	TIMBER	TIMBER

	ENGINEERING DEPARTMENT TRANSPORTATION PROJECTS JACKSONVILLE, FLORIDA	
	SIDING PROJECT JD TO JONES HILL MP CFP 118.5 TO CFP 120.6	
REVISIONS 08/27/09 09/08/09 09/28/09 10/29/09 07/07/10	PRINCE GEORGE'S COUNTY BALTIMORE DIV.	MARYLAND CAPITAL SD - ALEXANDRIA EXTENSION
GEC TRANSYSTEMS	SCALE: NTS DATE: \$DATE\$ DRAWN: TBS CHECKED: MGB	VAL. MAP XXX XX XXXXXX
		DRAWING NO. EXH01 SHEET OF

JD TO JONES HILL SIDING



MARYLAND TRANSIT ADMINISTRATION

MARYLAND DEPARTMENT OF TRANSPORTATION

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor
Beverly K. Swaim-Staley, Secretary • Ralign T. Wells, Administrator

October 20, 2010

Charles Montrie
Planner Supervisor
Maryland National Capital
Park and Planning Commission
6600 Kenilworth Avenue, Suite 301
Riverdale, MD 20737

RE: MTA/CSXT Double Tracking
JD to Jones Hill
Prince George's County, Maryland

Dear Mr. Montrie:

The Maryland Transit Administration (MTA) is proposing a joint project with CSXT to add a two-mile siding track between JD and Jones Hill on the Alexandria Extension, in Prince George's County (Attachment 1). The purpose of this letter is to request your concurrence that the project would not adversely affect the activities, features or attributes of the Maryland National Capital Park and Planning Commission (MNCPPC)-owned Anacostia River Park. Additionally, we believe that the temporary impacts proposed at Northeast Branch Trail are not subject to the requirements of Section 4(f).

The two-mile siding track between JD and Jones Hill is required to eliminate congestion on the main Camden Line on which MTA operates the Maryland Area Regional Commuter (MARC) train service. Adding a two mile siding track will create a place for trains traveling in opposite directions on the Alexandria Extension to wait without having to wait on the main Camden Line. This will reduce congestion on the main Camden Line and allow MARC trains to operate with fewer delays and complications.

In order to complete the improvements as proposed, the project will require two linear strips of right-of-way totaling 16,518 square feet on either side of the Northeast Branch of the Anacostia River (Attachments 2 & 3). The form of the right-of-way acquisition (fee-simple, revertible easement, temporary construction easement) will be determined in later consultation between CSXT and MNCPPC.

Mr. Charles Montrie
JD to Jones Hill
Page 2

Given this project is federally funded, any impacts to a publicly owned public park, recreation area, wildlife or waterfowl refuge or historic sites are subject to the requirements of Section 4(f) of the Department of Transportation Act. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amendment to the Section 4(f) requirements allows the Federal Transit Administration (FTA) to determine that certain uses of Section 4(f) land will have no adverse effect on the protected resource. When this is the case, and the responsible official(s) with jurisdiction over the resource agrees in writing, compliance with Section 4(f) is greatly simplified. *De minimis* impacts on publicly-owned public parks, recreation areas, and wildlife and waterfowl refuges are defined as those that do not "adversely affect the activities, features and attributes" of the Section 4(f) resource.

In addition to the permanent impacts to Anacostia River Park, there are also temporary closures of Northeast Branch Trail (Trail) after dusk. Temporarily closing the Trail after dusk is required so that beams and other materials may be safely used to construct a new bridge over the Northeast Branch of the Anacostia River and over the Trail.

Given that the improvements would occur by temporary occupancy only after dusk when the Trail is closed, the requirements of Section 4(f) would not apply in this instance based on the following criteria:

- The duration of impact will be temporary, i.e., less than the time needed for construction of the project, and there will be no change in ownership of the land;
- The scope of work is minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
- There are no anticipated permanent adverse physical impacts, nor will there be interference with the property's activities, features, or attributes of the property, on either a temporary or permanent basis;
- The land being used will be fully restored, i.e., the property will be returned to a condition which is at least as good as that which existing prior to the project;

We request your concurrence that the minor permanent impacts will not impair the remaining Anacostia River Park. Based on your agreement, MTA intends to propose a *de minimis* impact finding to the FTA for the permanent use of the park property. Your concurrence will also confirm that Anacostia River Park was not acquired or developed with any Section 6(f) or Program Open Space funding. The MTA will also seek concurrence from the FTA that the temporary closure of the Trail is exempt from the requirements of Section 4(f).

Mr. Charles Montrie
JD to Jones Hill
Page 3

If you have any questions, please do not hesitate to contact me at
jnewton@mta.maryland.gov or 410.767.3769.

Sincerely,



John Newton, Manager
Environmental Planning

CONCURRENCE:

Maryland National Capital Park
and Planning Commission

Date

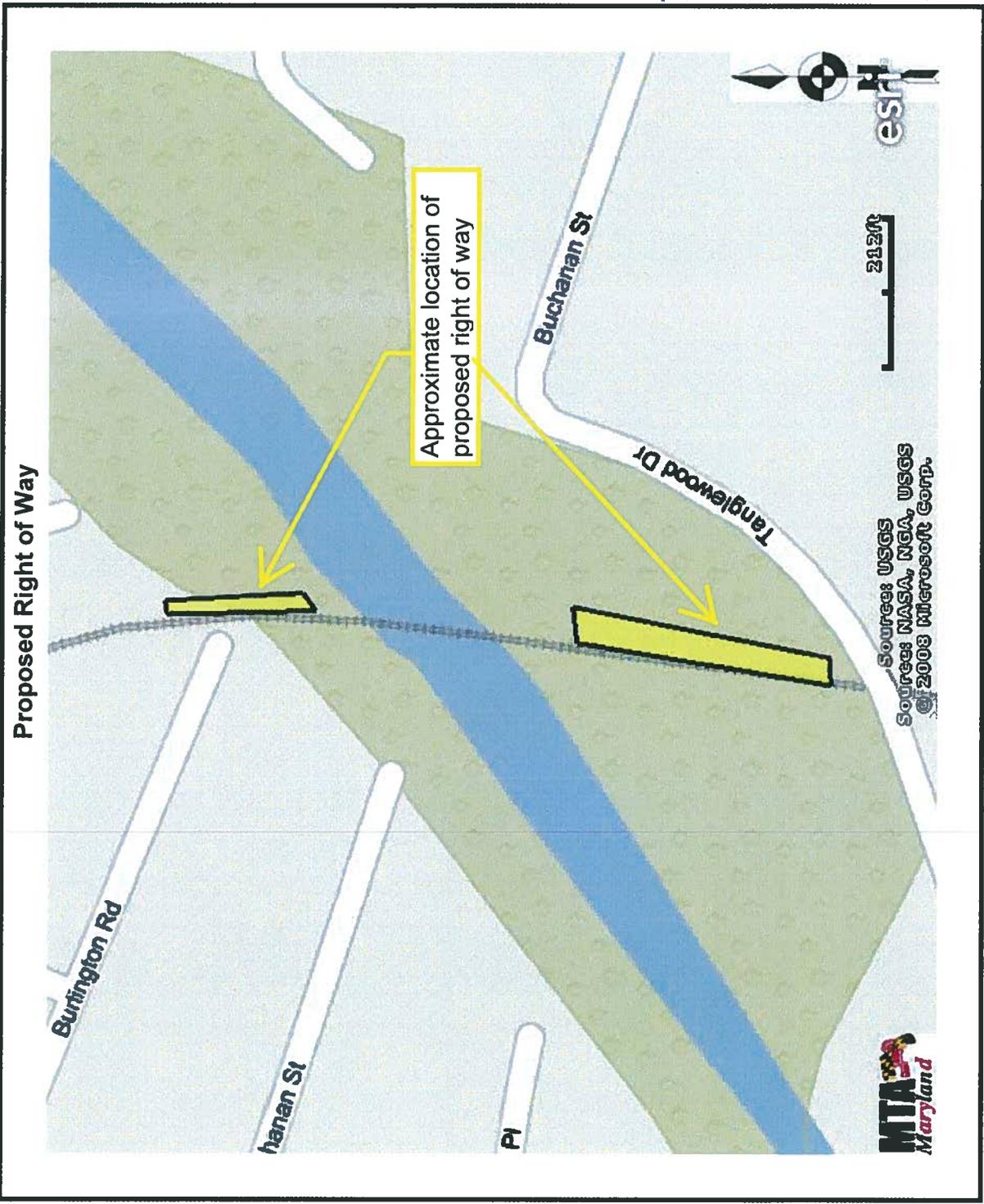
cc. Mr. Brandon Knapp, CSXT
Mr. Dan Reagle, Maryland Transit Administration

Attachment 1

Project Limits: JD to Jones Hill



Attachment 2





MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Joseph P. Gill, Deputy Secretary

Coordination Sheet for Maryland Department of Natural Resources, Environmental Review Unit information on fisheries resources, including anadromous fish, related to project locations and study areas

REQUESTED BY:

Dan Reagle 410.767.3771 (p) 410.333.0489 (f)
Office of Planning | 9th Floor
Maryland Transit Administration
6 St. Paul Street, 21202

DATE OF REQUEST:

April 16, 2010

PROJECT NAME / LOCATION / DESCRIPTION:

JD to Jones Hill Siding Project and Bridge Construction over Northeast Anacostia, Prince Georges County

NAME OF STREAM(S) (and MDE Use Classification) WITHIN THE STUDY AREA:

Northeast Branch of Anacostia River (see attached map)

SUB-BASIN (6 digit watershed): 02-14-02

DNR RESPONSE (sections below to be completed by MD DNR):

X Where presence of yellow perch has been documented in the vicinity of an instream project area, generally no instream work is permitted in Use I and Certain Use II waters during the period of February 15 through June 15, inclusive, during any year.

ADDITIONAL FISHERIES RESOURCE NOTES:

Fish species commonly found in the Northeast Branch of the Anacostia and its tributaries include Bluegill, Green Sunfish, Red Breast Shiner and Spot Tail Shiner. Yellow Perch have been documented downstream in the vicinity of the project area.

ADDITIONAL COMMENTS ON BEST MANAGEMENT PRACTICES:

The expected fish species should be adequately protected by the Use I instream work time of year restriction noted above together with use of sediment and erosion control methods, and other Best Management Practices typically used for protection of stream resources. Areas designated for the access of equipment and for the removal or disposal of material required for repairs should avoid impacts to the stream and associated riparian vegetation. Any temporarily disturbed areas should be restored and re-vegetated.

MD DNR, Environmental Review Unit signature

Name of Reviewer

DATE: 10-26-2010
PHONE: 410-260 - 8336

021402



MARYLAND TRANSIT ADMINISTRATION

MARYLAND DEPARTMENT OF TRANSPORTATION

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor
Beverley K. Swaim-Staley, Secretary • Ralign T. Wells, Administrator



F
MTA
TJT /

201004503

October 5, 2010

Mr. Tim Tamburrino
Project Review and Compliance
Maryland Historical Trust
100 Community Place
Crownsville, Maryland 21032-2023

Re: **CSXT/MARC** Joint Project # 200904968
JD to Jones Hill Siding and Bridge over Northeast Branch of Anacostia River
Prince George's County
Washington East USGS Quadrant

Dear Mr. ~~Tamburrino~~ 

This letter serves to update the Maryland Historical Trust (MHT) that the Maryland Transit Administration (MTA) and CSXT joint project will now require right-of-way. The project limits are from JD to Jones Hill in Prince George's County (Attachment 1). The MTA believes the determination of no adverse effect to historic properties remains valid and seeks the MHT's concurrence.

On December 11, 2009, AMEC wrote the MHT describing several joint MARC/CSXT projects and indicated the JD to Jones Hill project would not require additional right-of-way (Attachment 2). On February 12, 2010, MHT determined the project would have no adverse effect on historic properties. Small amounts of right-of-way will now be required (Attachment 3). Attachment 4 shows the approximate right-of-way in relation to the National Register-listed Hyattsville Historic District (NR-673) and Attachment 5 shows the approximate right-of-way in relation to the National Register-listed Baltimore-Washington Parkway (NR-1084).

The MTA believes the project will continue to have no adverse effect to historic properties and seeks the MHT's concurrence. If you have any comments questions, please do not hesitate to contact me at jnewton@mta.maryland.gov or 410-767-3769.

Sincerely,



John Newton, Manager
Environmental Planning
Maryland Transit Administration



cc: Troy Neisz, AMEC
Dan Reagle, Maryland Transit Administration



ZNA TJT 11/8/10

Arch: 1A BC 11/9/10



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Joseph P. Gill, Deputy Secretary

December 6, 2010

John Newton, Manager
Environmental Planning
Maryland Transit Administration
6 Saint Paul Street
Baltimore, Maryland 21202-1614
Tel: 410-767-3769
jnewton@mta.maryland.gov

Dear Mr. Newton,

CSXT/MARC - JD to Jones Hill Siding and Bridge

Upon review of the proposed project: CSXT/MARC - JD to Jones Hill Siding and Bridge, it has been determined that this project is exempt from the requirements of the Forest Conservation Act due to the fact that the component external to the Critical Area (4,032 sq. ft.) does not meet the threshold of 20,000 sq. ft. required for FCA review §5-1602(b)(7)(i).

Please refer to FCP #S11-07 in all future correspondence pertaining to this project. If you have any questions or concerns, Please do not hesitate to contact me at 410-360-9774.

Sincerely,

Horace Henry
Southern Region Urban & Community Forestry Coordinator

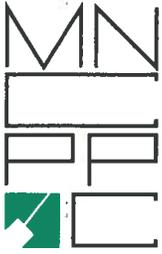


Register all newly planted trees today!

www.trees.maryland.gov



8023 Long Hill Road, Pasadena, MD 21122
Tel: 410-360-9774 • www.dnr.maryland.gov • TTY users call via Maryland Relay • Fax: 410-360-9875
hhenry@dnr.state.md.us



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

VOICE 301-699-2582

TTY 301-699-2544

FAX 301-864-6941

December 17, 2010

Mr. John Newton, Manager
Environmental Planning
Maryland Transit Administration
6 Saint Paul Street
Baltimore, Maryland 21202-1614

RE: MTA/CSXT Double Tracking
JD to Jones Hill
Prince George's County, MD - Anacostia SVP Tax Map 50/C2, Parcel 4,
Capper-Cramton Parcel 1, Anacostia Unit 2

Dear Mr. Newton:

This is in response to your letter dated October 20, 2010, requesting concurrence with a finding of de minimus impacts to parkland due to construction of a new railroad siding. The Maryland-National Capital Park and Planning Commission concurs with the de minimus finding, as long as the Northeast Branch hiker/biker trail remains open during normal park hours during construction and operation of the rail siding.

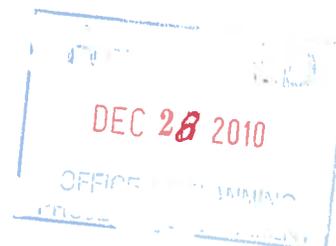
The referenced parcel contains encumbrances that may affect disposal of parkland and permitting of future construction. The only developed park facility in the vicinity of this parcel is the Northeast Branch Trail that runs along the northwest side of the Anacostia River. The park is within the Army Corps of Engineers flood control levy of the Anacostia River. The affected parcel was acquired for parkland in 1945 under the Capper-Cramton Act. The trail, which is part of the Anacostia Tributary Trail System, was designed and built in the 1990's with funds provided under the Federal Intermodal Surface Transportation Efficiency Act. No funds from the Maryland Program Open Space nor from Section 6(f) Land and Water Conservation Fund Act were used in the construction of the trail. In addition, the parcel is within the Chesapeake Bay Critical Resources Conservation Overlay Zone and included in a Prince George's County Tree Conservation Plan (TCP 2-097-93).

Should you have any questions, please contact Eileen Nivera, Planner-Coordinator, at 301-699-2522 or eileen.nivera@pgparks.com.

Sincerely,

Ronnie Gathers, Director
Department of Parks and Recreation

c: Eileen Nivera
Ray Palfrey





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

JAN 13 2011

Dan Reagle
Environmental Planner
Office of Planning
Maryland Transit Administration
6 Saint Paul Street
Baltimore, Maryland 21202-1614



Re: JD to Jones Hill Railroad Siding Project

Dear Mr. Reagle,

This is in response to your letter dated January 3, 2011 regarding a proposal by the Maryland Transit Administration (MTA) to construct a two-mile railroad siding along the existing track as well as construct a bridge parallel to the existing bridge over the Northeast Branch of the Anacostia River. The project is located in Prince George's County, Maryland. MTA has requested information on the presence of any species listed as threatened and/or endangered by NOAA's National Marine Fisheries Service (NMFS).

While a population of the federally endangered shortnose sturgeon (*Acipenser brevirostrum*) is recognized to exist in the Potomac River, no shortnose sturgeon occur within the Anacostia. No other federally listed or proposed threatened or endangered species and/or designated critical habitat for listed species under the jurisdiction of NMFS are known to occur in the Anacostia River or within the vicinity of your proposed project. Therefore, no further coordination with NMFS is required. Should project plans change or new information become available that changes the basis for this determination, further coordination should be pursued. If you have any questions about these comments, please contact Danielle Palmer at (978)282-8468.

Sincerely,

Mary A. Colligan
Assistant Regional Administrator
for Protected Resources

File Code: Sec 7 - No Species Present 2011



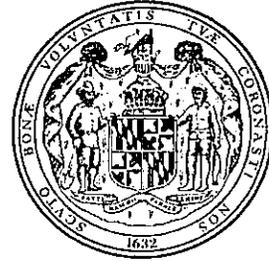
STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION
LETTER OF AUTHORIZATION

AUTHORIZATION NUMBER: 10-NT-0123/201060408

EFFECTIVE DATE: February 1, 2011

EXPIRATION DATE: February 1, 2014

AUTHORIZED PERSON: CSX Transportation Inc (CSXT)
Attn: Keith A Brinker
500 Water St J-275
Jacksonville, Florida 32202



IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND §5-906(b), ANNOTATED CODE OF MARYLAND (2007 REPLACEMENT VOLUME), COMAR 26.17.04 AND 26.23.01, AND 26.08.02 AND THE ATTACHED CONDITIONS OF AUTHORIZATIONS, CSX Transportation, Inc. (AUTHORIZED PERSON"), IS HEREBY AUTHORIZED BY THE WATER MANAGEMENT ADMINISTRATION ("ADMINISTRATION") TO CONDUCT A REGULATED ACTIVITY IN A NONTIDAL WETLAND, BUFFER, OR EXPANDED BUFFER, AND/OR TO CHANGE THE COURSE, CURRENT OR CROSS-SECTION OF WATERS OF THE STATE, IN ACCORDANCE WITH THE ATTACHED PLANS APPROVED BY THE ADMINISTRATION ON February 1, 2011 ("APPROVED PLAN") AND PREPARED BY AMEC Earth & Environmental, Inc., AND INCORPORATED HEREIN, AS DESCRIBED BELOW:

Widening of CSXT Railroad Bridge over the East Branch of the Anacostia River and extension of four culverts to accommodate a 2-mile additional track and relocation of a side ditch alongside the relocated track as per approved plans. The proposed project will not impact any nontidal wetlands or nontidal wetland buffer but it will permanently impact 75 linear feet (1,714 square feet) of the stream channels of the East Branch of the Anacostia River (Use 1 waterway). The project site is located approximately 1,500 feet, southeast, along the railroad track from the intersection of Decatur Street and Baltimore Avenue, in Hyattsville, Prince George's County, Maryland.

MD Grid Coordinates: N 142172 x E 405427

for 

Amanda L. Sigillito
Division Chief
Nontidal Wetlands & Waterways Division

Attachments: Conditions of Authorization
Maryland State Programmatic General Permit – 3 (MDSPGP-3)

cc: Compliance Program w/file
US Army Corps of Engineers
Principal Contact: Mr. Troy Neisz

THE FOLLOWING CONDITIONS OF AUTHORIZATION APPLY TO ALL ACTIVITIES AUTHORIZED BY
AUTHORIZATION NUMBER 10-NT-0123/201060408

Page 2 of 4

1. **Validity:** Authorization is valid only for use by Authorized Person. Authorization may be transferred only with prior written approval of the Administration. In the event of transfer, transferee agrees to comply with all terms and conditions of Authorization.
2. **Initiation of Work, Modifications and Extension of Term:** Authorized Person shall initiate authorized activities with two (2) years of the Effective Date of this Authorization or the Authorization shall expire. Authorized Person may submit written requests to the Administration for (a) extension of the period for initiation of work, (b) modification of Authorization, including the Approved Plan, or, (c) not later than 45 days prior to Expiration Date, an extension of the term. Requests for modification shall be in accordance with applicable regulations and shall state reasons for changes, and shall indicate the impacts on nontidal wetlands, streams, and the floodplain, as applicable. The Administration may grant a request at its sole discretion.
3. **Responsibility and Compliance:** Authorized Person is fully responsible for all work performed and activities authorized by this Authorization shall be performed in compliance with this Authorization and Approved Plan. Authorized Person agrees that a copy of the Authorization and Approved Plan shall be kept at the construction site and provided to its employees, agents and contractors. A person (including Authorized Person, its employees, agents or contractors) who violates or fails to comply with the terms and conditions of this Authorization, Approved Plan or an administrative order may be subject to penalties in accordance with §5-514 and §5-911, Department of the Environment Article, Annotated Code of Maryland (2007 Replacement Volume).
4. **Failure to Comply:** If Authorized Person, its employees, agents or contractors fail to comply with this Authorization or Approved Plan, the Administration may, in its discretion, issue an administrative order requiring Authorized Person, its employees, agents and contractors to cease and desist any activities which violate this Authorization, or the Administration may take any other enforcement action available to it by law, including filing civil or criminal charges.
5. **Suspension or Revocation:** Authorization may be suspended or revoked by the Administration, after notice of opportunity for a hearing, if Authorized Person: (a) submits false or inaccurate information in Permit application or subsequently required submittals; (b) deviates from the Approved Plan, specifications, terms and conditions; (c) violates, or is about to violate terms and conditions of this Authorization; (d) violates, or is about to violate, any regulation promulgated pursuant to Title 5, Department of the Environment Article, Annotated Code of Maryland as amended; (e) fails to allow authorized representatives of the Administration to enter the site of authorized activities at any reasonable time to conduct inspections and evaluations; (f) fails to comply with the requirements of an administrative action or order issued by the Administration; or (g) does not have vested rights under this Authorization and new information, changes in site conditions, or amended regulatory requirements necessitate revocation or suspension.
6. **Other Approvals:** Authorization does not authorize any injury to private property, any invasion of rights, or any infringement of federal, State or local laws or regulations, nor does it obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
7. **Site Access:** Authorized Person shall allow authorized representatives of the Administration access to the site of authorized activities during normal business hours to conduct inspections and evaluations necessary to assure compliance with this Authorization. Authorized Person shall provide necessary assistance to effectively and safely conduct such inspections and evaluations.
8. **Inspection Notification:** Authorized Person shall notify the Administration's Compliance Program at least five (5) days before starting authorized activities and five (5) days after completion. For Allegany, Garrett, and Washington counties, Authorized Person shall call 301-689-1480. For Carroll, Frederick, Howard and Montgomery counties, Authorized Person shall call 301-665-2850. For Baltimore City, Anne Arundel, Baltimore, Calvert, Charles, Prince George's and St. Mary's, Authorized Person shall call 410-537-3510. For Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester, Authorized Person shall call 410-901-4020. If Authorization is for a project that is part of a mining site, please contact the Land Management Administration's Mining Program at 410-537-3557 at least five (5) days before starting authorized activities and five (5) days after completion.
9. **Sediment Control:** Authorized Person shall obtain approval from the Prince George's County Soil Conservation District for a grading and sediment control plan specifying soil erosion control measures. The approved grading and sediment control plan shall be included in the Approved Plan, and shall be available at the construction site.
10. **Federally Mandated State Authorizations:**

THE FOLLOWING CONDITIONS OF AUTHORIZATION APPLY TO ALL ACTIVITIES AUTHORIZED BY
AUTHORIZATION NUMBER 10-NT-0123/201060408

Page 3 of 4

Water Quality Certification: Water Quality Certification is granted for this project provided that all work is performed in accordance with the authorized project description and associated conditions.

Coastal Zone Consistency: This Authorization constitutes official notification that authorized activities are consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended. Activities within the following counties are not subject to this requirement: Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington.

11. **Best Management Practices During Construction:** Authorized Person, its employees, agents and contractors shall conduct authorized activities in a manner consistent with the Best Management Practices specified by the Administration.
12. **Disposal of Excess:** Unless otherwise shown on the Approved Plan, all excess fill, spoil material, debris, and construction material shall be disposed of outside of nontidal wetlands, nontidal wetlands buffers, and the 100-year floodplain, and in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands.
13. **Temporary Staging Areas:** Temporary construction trailers or structures, staging areas and stockpiles shall not be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.
14. **Temporary Stream Access Crossings:** Temporary stream access crossings shall not be constructed or utilized unless shown on the Approved Plan. If temporary stream access crossings are determined necessary prior to initiation of work or at any time during construction, Authorized Person, its employees, agents or contractors shall submit a written request to the Administration and secure the necessary permits or approvals for such crossings before installation of the crossings. Temporary stream access crossings shall be removed and the disturbance stabilized prior to completion of authorized activity or within one (1) year of installation.
15. **Discharge:** Runoff or accumulated water containing sediment or other suspended materials shall not be discharged into waters of the State unless treated by an approved sediment control device or structure.
16. **Instream Construction Prohibition:** To protect important aquatic species, motor driven construction equipment shall not be allowed within stream channels unless on authorized ford crossings. Activities within stream channels are prohibited as determined by the classification of the stream (COMAR 26.08.02.08): Anacostia River is a Use 1 waterway; in-stream work may not be conducted from March 1 through June 15 inclusive, of any year.
17. **Instream Blasting:** Authorized Person shall obtain prior written approval from the Administration before blasting or using explosives in the stream channel.
18. **Minimum Disturbance:** Any disturbance of stream banks, channel bottom, wetlands, and wetlands buffer authorized by this Authorization or Approved Plan shall be the minimum necessary to conduct permitted activities. All disturbed areas shall be stabilized vegetatively no later than seven (7) days after construction is completed or in accordance with the approved grading or sediment and erosion control plan.
19. **Restoration of Construction Site:** Authorized Person shall restore the construction site upon completion of authorized activities. Undercutting, meandering or degradation of the stream banks or channel bottom, any deposition of sediment or other materials, and any alteration of wetland vegetation, soils, or hydrology, resulting directly or indirectly from construction or authorized activities, shall be corrected by Authorized Person as directed by the Administration.

U.S. ARMY CORPS OF ENGINEERS AUTHORIZATION

The U.S. Army Corps of Engineers has reviewed this activity and has granted authorization under the Maryland State Programmatic General Permit (MDSPGP-3), as a Category I activity d. The terms and conditions of the MDSPGP-3, as outlined in the enclosed attachment, should be followed when performing the authorized work



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

MDSPGP-3 PERMIT COMPLIANCE, SELF-CERTIFICATION FORM (10/1/06)

Corps Permit Tracking No. 201060408

Category & Activity Number: 1,d

Project Name: CSXT New Track

Applicant Name: CSXT Trans. Inc,

Waterway : Eastern Branch of Anacostia River

County: Prince George's

Dear Permittee:

In accordance with the compliance certification condition of your MDSPGP-3 authorization, you are required upon completion of all permitted work, or if mitigation/compensation is required, within 60 days following completion of the authorized work and any required mitigation (but not the mitigation monitoring, which requires separate submittals), to complete and sign this certification form and return it to the Corps of Engineers, Baltimore District to the address shown above and include ATTN: CENAB-OP-R.

Please note that the permitted activity is subject to compliance inspections by U.S. Army Corps of Engineers representatives. As a condition of this permit, failure to return this notification form, provide the required information below, or to perform the authorized work in compliance with the permit, can result in suspension, modification or revocation of your authorization in accordance with 33 CFR Part 325.7 and/or administrative, civil, and/or criminal penalties, in accordance with 33 CFR part 326.

Please provide the following information:

1. Date authorized work commenced: _____ 2. Date authorized work completed: _____

3. Was all work and any required mitigation, completed in accordance with your MDSPGP-3 authorization, including all general and/or specific conditions? YES ___ NO ___

4. Explain in detail any deviations to the authorized work and/or mitigation (use additional sheets if necessary)

5. Was mitigation accomplished through a contribution to the Maryland Nontidal Wetlands Compensation Fund? YES ___ NO ___ (if NO complete Nos. 6 and 7 below).

6. Wetland Mitigation: Required? YES ___ NO ___ Required Completion Date _____
Completed? YES ___ NO ___ Mitigation Monitoring Reports Required? YES ___ NO ___

7. Attach labeled photographs showing completed work including mitigation area(s).

I hereby certify that, except as noted above, that all work, including mitigation, has been completed in accordance with the terms and conditions, including special conditions of the above referenced permit.

Signature of Permittee _____ Date _____

Signature of Contractor/Agent _____ Date _____

Address: _____

Address: _____

Telephone: _____

Telephone: _____



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

IMPORTANT INFORMATION ABOUT YOUR PROJECT

Corps Permit Tracking No.: 201060408

Date: 2/1/11

Permittee/Project Name: CSXT Trans. Inc./Culverts, bridge
1.d

MDSPGP-3 Category and Activity No.:

Dear Applicant:

The U. S. Army Corps of Engineers, Baltimore District, has determined that the proposed work meets the terms and conditions of the Maryland State Programmatic General Permit-3 (MDSPGP-3), provided the work is completed in compliance with the plan(s) (**enclosed**), the standard MDSPGP-3 conditions (**enclosed**), the applicable MDSPGP-3 activity-specific conditions (**enclosed**), and special conditions (**enclosed, if applicable**). This MDSPGP-3 verification is provided pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. If any of the information contained in your application and/or plans is later found to be in error, the MDSPGP-3 authorization for your project may be modified, suspended, or revoked.

As a condition of the MDSPGP-3 authorization, you, the permittee, are required to complete and sign the enclosed Compliance Self-Certification Form regarding the completed work and any required mitigation, and return to the above address within 60 days following completion of the authorized work and any required mitigation.

In addition, please note, if you sell the property associated with this permit, when the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new property owner(s). Although the construction period for work authorized by this MDSPGP-3 is finite, the permit itself, with its limitations, does not expire. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, you must have the transferee (new owner) provide a mailing address and telephone number along with their signature and date in the space provided below, and mail a copy to the above address.

Your MDSPGP-3 authorization is valid until September 30, 2011 unless the MDSPGP-3 is modified, reissued, or revoked. You must remain informed of the changes to the MDSPGP-3. When changes to the MDSPGP-3 occur, a public notice announcing the changes will be issued. If you have commenced construction or are under contract to commence construction of this authorized work prior to the expiration, modification, or revocation date of the MDSPGP-3 itself, you have 12 months from the effective date of the MDSPGP-3's expiration, modification or revocation to complete the work under the present terms and conditions of this MDSPGP-3.

In order for this authorization to be valid, you must obtain all required Federal, State, and local permits.

William P. Seib
Acting Chief, Regulatory Branch

TRANSFeree SIGNATURE

DATE

AREA CODE / TELEPHONE NO.

PRINTED NAME

ADDRESS



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REFL. TO
ATTENTION OF

201060408
Corps Permit Tracking Number

MDSPGP-3
CATEGORY I ACTIVITY (I-d)
Road Crossings

The projects, structures and activities, listed below, must comply with all activity-specific conditions, in addition to all of the general conditions of this general permit.

This activity authorizes discharges of dredged or fill material associated with new construction of temporary and permanent roads, as well as widening of existing roads, which cross waters of the United States, including streams and wetlands. All work authorized by this activity, including discharges, must comply with all activity-specific impact limits and conditions listed below, in addition to the general conditions of this permit (Sections 10 and 404; all waters of the United States).

New road crossings will be reviewed based on the following order of preference: (a) bridge, (b) bottomless arch culvert, and (c) pipe or box culvert. Written documentation may be required to support the preferred crossing method.

Impact Limits: The total temporary and permanent impact to all waters of the United States, which includes tidal and nontidal wetlands, streams, rivers, and other open waters, may not exceed 1/2 acre (21,780 square feet) and 500 linear feet of streams, rivers, and other open waters. In addition, no single road crossing can exceed 200 linear feet of streams, rivers, or other open waters. This activity can authorize multiple road crossings provided that the total temporary and permanent impact of all of the crossings meets the one half acre (21,780 square feet) and 500 linear feet impact limit, with no single crossing over 200 linear feet of impact to streams, rivers, and other open waters. To assure minimum impact when permanent impacts to streams, rivers, and other open waters are greater than 200 linear feet, a compensatory mitigation proposal may be required.

Conditions:

- (a) Application must be submitted to MDE for Corps authorization
- (b) Any permanent road crossing of tidal waters is limited to man-made tidal ditches or channels (e.g., roadside and agricultural ditches) that are no more than 12 feet wide measured at the mean high water line. All other permanent road crossings of tidal waters are to be reviewed as Category III activities.
- (c) The width of the fill must be limited to the minimum necessary for the crossing.
- (d) For permanent culverted crossings, the culvert must be depressed in accordance with the State of Maryland regulations.
- (e) The crossing must not be used as a berm for a permanent impoundment
- (f) Exposed slopes and stream banks must be stabilized and revegetated, preferably with native, woody species, immediately after construction of the road crossing is completed.

MDSPPG-3
CATEGORY I ACTIVITY (I-d)
Road Crossings

-2-

- (g) Any temporary crossing must be removed within 14 calendar days after the structure is no longer needed, subject to any time-of-year restrictions, and no later than one year after the installation date.
- (h) Any streams or wetlands impacted for temporary roads, or other temporary activities or structures, such as stream diversion devices, must be returned to pre-construction conditions, which includes contours, elevations, stream substrate, and revegetation with native, wetland species.
- (i) Prospective permittees should refer to General Condition VI.C.6 of the MDSPPG-3 (i.e., pertaining to Aquatic Life Movements), for guidance on hydrologic parameters for constructing man-made crossings, to ensure that the activity will not adversely affect migratory fish.



REPLY TO
CENTRAL FILE

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

Effective October 1, 2006

201060408

Corps Permit Number

CENAB-OP-R-MDSPGP-3 (MARYLAND STATE PROGRAMMATIC GENERAL PERMIT-3)

TO WHOM IT MAY CONCERN:

Upon the recommendation of the Chief of Engineers, and under the provisions of Section 404 of the Clean Water Act, as amended, and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), the Secretary of the Army hereby authorizes the discharge of dredged or fill material or the placement of structures into Waters of the United States, including wetlands and navigable waters. These discharges and structures must comply with all the terms and conditions identified in this MDSPGP-3. It has been determined that the project qualifies for the MDSPGP-3. Accordingly, you are authorized to undertake the activity pursuant to:

1. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403); and/or
2. Section 404 of the Clean Water Act (33 U.S.C. 1344).

You are authorized to perform work in accordance with the terms and conditions specified in Section VI of the MDSPGP-3 effective on October 1, 2006.

VI. General Conditions: To qualify for MDSPGP-3 authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any activity-specific conditions in the MDSPGP-3 category list and any case-specific special conditions imposed by the Corps.

A. General Requirements:

1. **Other Permits:** Authorization under the MDSPGP-3 does not obviate the need to obtain other Federal, State, or local authorizations required by law.

2. **Applicability:** Applicability of the MDSPGP-3 shall be reviewed with reference to the Corps definition of waters of the United States, including wetlands, and navigable waters of the United States. Applicants are responsible for delineating boundaries of all waters of the United States, including wetland boundaries. The delineation of wetland boundaries shall be accomplished in accordance with the current Federal manual for identifying jurisdictional wetlands and appropriate guidance issued by the Corps of Engineers.

3. **Minimal Effects:** Projects authorized by the MDSPGP-3 shall have no more than minimal individual and cumulative adverse environmental effects.

4. **Discretionary Authority:** Notwithstanding compliance with the terms and conditions of the MDSPGP-3, the Corps retains discretionary authority to require an alternate Corps permit review for any project under all categories of the MDSPGP-3 based on concerns for the aquatic environment or for any other factor of the public interest. This authority may be invoked on a case-by-case basis during the review process for Category III activities whenever the Corps determines that, based on the concerns stated above, the potential consequences of the proposed project warrant individual review. In some rare instances, the Corps may have concerns for the aquatic environment or for any other public interest factor pertaining to a specific proposed project, which has already received a case-specific verification as a Category I activity. In order to evaluate this project under an alternate Corps permit review, the verification must be suspended in accordance with Section VII.E of the MDSPGP-3.

Whenever the Corps notifies an applicant that an alternate Corps permit may be required, authorization under the MDSPGP-3 is voided. No work may be conducted until the individual Corps permit is obtained, or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under the MDSPGP-3.

5. **Single and Complete Projects:** The MDSPGP-3 shall not be used for piecemeal work and shall be applied to single and complete projects, including maintenance activities. All components of a project, including all attendant features both temporary and permanent, shall be reviewed together as constituting one single and complete project. All planned

phases of multi-phased projects (e.g., subdivisions should include all work such as roads, utilities, and lot development) shall be applied for and reviewed together as constituting one single and complete project. The MDSPGP-3 shall not be used for any activity or portion of a project, e.g., a pier or boat ramp, that is part of, or dependent on, an overall project, e.g., the dredging of a main navigation channel or a spur channel, for which an individual permit or some other alternate Corps permit is required.

6. Use of Multiple MDSPGP-3 Category I Activities: More than one Category I activity may be used to authorize a single and complete project under the MDSPGP-3. However the project must meet the specific requirements of each Category I activity and the total extent of project impacts must not exceed the acreage limit of the Category I activity with the highest specified acreage limit (e.g., if armoring the toe of an existing culvert is constructed under Category I.b(2) with an associated nontidal bank stabilization authorized under Category I.f(1)), the maximum total impact limits to waters of the United States for the single and complete project may not exceed 1.0 acre (43,560 square feet).

7. Authorized Activities in Navigable Waters Subject to Section 10 of the Rivers and Harbors Act of 1899:

a. If future operations by the United States require removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable water, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

b. The U.S. Code of Federal Regulations, Title 33, Part 64 states that all structures erected in navigable waters in depths in excess of three feet at mean low water (MLW) require obstruction lights unless the applicant is advised to the contrary by the Coast Guard District Commander. If the structures authorized by this permit are to be built in water depths in excess of three feet at MLW, the permittee must contact the Commander (AOWW), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia, 23704, to ascertain the need for obstruction lights.

B. National Concerns:

1. Historic Properties: Any activity authorized by the MDSPGP-3 shall comply with Section 106 of the National Historic Preservation Act. MDE, in cooperation with the Maryland Historic Preservation Office, shall conduct an initial review and notify the Corps if any archaeological or other cultural resources are in the vicinity of the project. The Corps may require applicants to perform a survey of archaeological and historical resources in the project area. The Corps shall determine if consultation under Section 106 with MHT or the Advisory Council on Historic Preservation is required. The applicant must notify the Corps if the activity may affect any historic properties listed or eligible for listing, or that the applicant has reason to believe may be eligible for listing on the National Register of Historic Places. If the permittee, during construction of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the permit area subject to DA jurisdiction that might be eligible for listing in the National Register of Historic Places, the permittee shall immediately stop work in the permit area and notify the District Engineer. The permittee shall not begin or continue work until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity may proceed. Information on the location and existence of historical resources can be obtained from the Maryland Historic Trust, Office of Preservation Services, and the National Register of Historic Places.

2. National Lands: Activities authorized by the MDSPGP-3 shall not impinge upon the value of any Federal land, including but not limited to, National Wildlife Refuges, National Forests, National Marine Sanctuaries or any area administered by the National Park Service (e.g., Assateague Island National Seashore).

3. Endangered Species: The MDSPGP-3 does not authorize any activity that may affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA); or which may destroy or adversely modify the critical habitat of such species unless and until appropriate coordination with the applicable resource agency(s) is complete and all such issues are resolved in accordance with the applicable regulations and the procedures outlined in the MDSPGP-3 Standard Operating Procedures. MDE, in cooperation with DNR, shall conduct an initial review and notify the Corps and FWS or NMFS if any Federally-listed species or critical habitat is likely to be in the vicinity of the project. The Corps shall determine if consultation with FWS or NMFS is required under Section 7 of the ESA. If consultation is required, the applicant, after notification, shall not begin or continue work until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is eligible for authorization. Information on the location of threatened and endangered species and their critical habitat can be obtained from the FWS and NMFS.

4. **Essential Fish Habitat (EFH):** Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act requires an EFH consultation with the NMFS for any action or proposed action authorized, funded, or undertaken by a Federal agency that may adversely affect EFH. EFH has been defined by Congress as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity." The designation and conservation of EFH seeks to minimize adverse effects on habitat caused by fishing and non-fishing activities. NMFS has determined that many of the MDSPGP-3 Category I activities are eligible for EFH general or programmatic concurrence and require no further EFH consultation. NMFS, in consultation with the District, has determined that individual EFH consultation is needed for some projects potentially eligible for authorization under Category I (includes those projects requiring EFH screening procedure under Category II) and all Category III projects of the MDSPGP-3 that may adversely affect EFH. The Corps will coordinate with NMFS as part of the Category II and Category III review procedures. EFH conservation recommendations made by NMFS will normally be included as a permit requirement by the Corps. If the EFH coordination and consultation requirements can not be resolved under the MDSPGP-3 process, an alternate Corps permit review is required for the project.

5. **Wild and Scenic Rivers:** No activity is authorized under the MDSPGP-3 that occurs in a component of the National Wild and Scenic River System, including rivers officially designated by Congress as study rivers for possible inclusion in the system, while such rivers are in an official study status, unless the appropriate Federal agency, with direct management responsibility for the river, has determined in writing that the proposed activity will not adversely affect any National Wild and Scenic River, including study rivers. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U. S. Forest Service, Bureau of Land Management, or U. S. Fish and Wildlife Service.)

6. **Federally Authorized Civil Works Projects:**

a. **Federal Navigation Projects:** The MDSPGP-3 does not authorize interference with any Federal navigation project. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. (See VI.A.7.a. above)

b. **Other Federally Authorized Civil Work Projects (i.e., flood control, dams, and reservoirs):** The MDSPGP-3 does not authorize interference with any proposed or existing Federally-authorized civil works project.

7. **Federal Liability:** In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes;

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest;

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;

d. Design or construction deficiencies associated with the permitted work; and

e. Damage claims associated with any future modification, suspension or revocation of the MDSPGP-3 or any specific MDSPGP-3 verification.

8. **Navigation:** Projects authorized under the MDSPGP-3 shall not cause interference with navigation, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to projects authorized under the MDSPGP-3. Nothing in the MDSPGP-3 shall in any way restrict the District Engineer, U. S. Army Engineer District, Baltimore, from exercising his legal authority to protect the public interest in navigation or from exercising his authority under the Navigation Servitude of the United States. (See VI.A.7.a. above)

C. Minimization of Environmental Impacts:

1. **Minimization:** Discharges of dredged or fill material into waters of the United States and adverse impacts of such discharges on the aquatic ecosystem shall be avoided and minimized to the maximum extent practicable on-site.

2. **Mitigation:**

a. Generally, compensatory mitigation will be required for all permanent tidal or nontidal wetland impacts either through the State's tidal or nontidal wetland compensation fund or by the permittee as required by special condition of the MDSPGP-3 or the State authorization.

b. Generally, compensatory mitigation will be required for all permanent impacts of 200 linear feet or greater to stream channels, rivers, and other open waters as appropriate under Federal guidance and to the extent necessary to ensure that the impacts are minimal. A proposed compensatory mitigation proposal may be submitted with the application to expedite the process. The Corps will determine if the project is eligible for authorization under the MDSPGP-3 subject to the applicant's submittal of a compensatory mitigation proposal for stream impacts. Compensatory mitigation plans for projects in or near streams or other open waters will generally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat impact concerns.

3. **Work in Wetlands:** Heavy equipment working in wetlands shall be avoided if possible and, if required, soil and vegetation disturbance shall be minimized by using techniques such as timber mats, geotextile fabric, and vehicles with low-pressure tires. Disturbed areas in wetlands shall be restored to preconstruction contours and elevations upon completion of the work.

4. **Temporary Fill and Mats:** Temporary fill and the use of mats are both considered a discharge of fill material and must be included in the quantification of impact area authorized by the MDSPGP-3. Temporary fill (e.g., access roads, cofferdams) in waters and wetlands authorized by the MDSPGP-3 shall be properly stabilized during use to prevent erosion. Temporary fill in wetlands shall be placed on geotextile fabric laid on the existing wetland grade. Upon completion of the work, all temporary fills shall be disposed of at an upland site, suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their original, pre-construction contours and revegetated with native wetland species.

5. **Erosion and Sediment Control:** Adequate erosion and sediment control measures, practices and devices, such as vegetated filter strips, geotextile silt fences, phased construction, or other devices or methods, shall be used to reduce erosion and retain sediment on-site during and after construction. These devices and methods shall be capable of (a) preventing erosion, (b) collecting sediment and suspended and floating materials, and (c) filtering fine sediment. Erosion and sediment control devices shall be removed when the work is complete and the site has been successfully stabilized. The sediment collected by these devices shall be removed and placed at an upland location, in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date. In-stream work shall be conducted "in the dry" whenever practicable. This should be accomplished using stream diversion devices, other than earthen or stone cofferdams. In addition, work in waters of the United States should be performed during periods of low-flow or no-flow, whenever practicable.

6. **Aquatic Life Movements:** No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions. A low flow channel must be maintained through any discharges placed for armoring across the channel so as to not impede flow in the waterway and/or not to block or impede the movements of anadromous, estuarine and resident fish. NOTE: Please refer to Appendix C for an expanded version of General Condition VI.C.6 entitled, "Guidance for Constructing Man-Made Stream Crossings and Scour Protection for Man-Made Stream Crossings to Pass Migratory Fish in The Coastal Plain Region of Maryland, and Lower Piedmont Region of Cecil, Harford, and Baltimore Counties, Maryland". This document includes recommended guidance on fish passage and hydrological parameters to ensure that man-made stream crossings do not adversely affect migratory fish.

7. Water Crossings:

a. All temporary and permanent crossings of waterbodies shall be suitably bridged, culverted or otherwise constructed to withstand and to prevent the restriction of high flows and tidal flows, to maintain existing low flows; and to prevent the obstruction of movement by aquatic life indigenous to the water body, including anadromous, estuarine, and resident fish species

b. All water crossings (e.g., utility lines and road crossings) must be constructed roughly perpendicular to water of the United States, including streams and wetlands. Where a utility line or access road is constructed parallel to a stream corridor, an undisturbed buffer shall be maintained between the utility line/access road and the waterway to avoid or minimize potential future impacts to waters of the United States. These potential impacts would include such issues as sewer line leaks or failures, future stream channel meandering, stream bank instability and failure, and right-of-way maintenance.

c. Water crossings must be constructed "in the dry" whenever practicable. This should be accomplished by using stream diversion devices other than earthen or stone cofferdams.

d. Equipment shall cross streams only at suitably constructed permanent or temporary crossings.

e. Temporary structures and fills shall be removed and the area restored to its original contours and elevations, or to the conditions specified in the approved plans. The temporary structures and the areas of fill associated with these structures must be included in the total waterway/wetlands impacts.

8. **Discharge of Pollutants:** All activities that are authorized under the MDSPGP-3 and that involve any discharge or relocation of pollutants into waters of the United States shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. 1251 et. Seq.), and applicable State and local laws and regulations.

9. **Spawning Areas:** Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill materials, in fish and shellfish spawning or nursery areas during spawning seasons shall be avoided. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of year. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

10. **Waterfowl Breeding and Wintering Areas:** Discharges into breeding and wintering areas for migratory waterfowl shall be avoided to the maximum extent practicable.

11. **Environmental Values:** The permittee shall make every reasonable effort to construct or operate the work authorized under the MDSPGP-3 in a manner that maintains as many environmental values as practicable, and that avoids or minimizes any adverse impacts on existing fish, wildlife, and natural environmental values.

D. Procedural Conditions:

1. **Inspections:** The permittee shall permit the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary to ensure that the work is being performed in accordance with the terms and conditions of the MDSPGP-3. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work, and post-dredging survey drawings for any dredging work.

2. **Compliance Certification:** Every permittee who receives a written MDSPGP-3 verification shall submit a signed Compliance Certification Form within 60 days following completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals). Failure to submit the Compliance Certification Form by the permittee could result in the Corps taking appropriate non-compliance enforcement action against the permit holder. The blank Compliance Certification Form will be forwarded to the permittee with the MDSPGP-3 verification. The completed form will include the following:

a. A statement that the authorized work either was or was not done in accordance with the MDSPGP-3 verification, including any general and or specific conditions. If the activity was not done in accordance with the MDSPGP-3 verification, including any general and or specific conditions, the permittee shall describe the specifics of the deviation from the authorized activity.

b. A statement that any required mitigation was or was not completed in accordance with the permit conditions. If the mitigation was not completed in accordance with the permit conditions, the permittee shall describe the specifics of the deviation from the permit conditions.

c. The signature of the permittee, certifying the completion of the work and compensatory mitigation.

After the project is completed, the certification shall be sent to the Baltimore District at the following address:

U. S. Army Corps of Engineers
Baltimore District
Attn: CENAB-OP-R
P. O. Box 1715
Baltimore, MD 21203-1715

3. **Transfer of MDSPGP-3 Verifications:** If the permittee sells the property associated with a MDSPGP-3 verification, the permittee may transfer the MDSPGP-3 verification to the new owner by submitting a letter to the Baltimore District Corps of Engineers office to validate the transfer. A copy of the MDSPGP-3 verification must be attached to the letter, and the letter must contain the following statement and signature:
"When the structures or work authorized by this MDSPGP-3 are still in existence at the time the property is transferred, the terms and conditions of this MDSPGP-3, including special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this MDSPGP-3 permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

4. **Maintenance:** The permittee shall maintain the work or structure authorized by the MDSPGP-3 in good condition and in compliance with the terms and conditions of the MDSPGP-3.

5. **Property Rights:** The MDSPGP-3 does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

6. **Modification, Suspension and Revocation:** The MDSPGP-3, or any verification under it, may be either modified, suspended, or revoked, in whole or in part, pursuant to DA policies and procedures and any such action shall not be the basis for any claim for damages against the United States.

7. **Restoration:** The permittee, upon receipt of a notice of revocation of authorization under the MDSPGP-3, shall restore the wetland or waterway to its former condition, without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

8. **Special Conditions:** The Corps may impose special conditions on any project authorized under the MDSPGP-3, in cases where the Corps determines that special conditions are necessary to avoid or minimize adverse effects on the environment or on any other factor of the public interest. Failure to comply with all conditions of the authorization/verification, including special conditions, will constitute a permit violation/ unauthorized work and may subject the permittee to criminal, civil, or administrative penalties, and/or restoration.

9. **False or Incomplete Information:** If the project is verified by the Corps or MDE under the MDSPGP-3 and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the permittee, the MDSPGP-3 verification may be revoked and the Government may institute appropriate legal proceedings.

10. **Compliance:** Any activity performed in waters of the United States, including wetlands and navigable waters, that is not in compliance with all the terms and conditions of the MDSPGP-3 that includes the MDSPGP-3 Category List activity-specific conditions, constitutes unauthorized work and is subject to an enforcement action by the Corps or the EPA. Furthermore, the MDSPGP-3 does not delegate any Section 404 enforcement or regulatory authority. When unauthorized

work occurs in waters of the United States, including wetlands and navigable waters, it is subject to one or more of the following responses by EPA and/or the Corps:

- a. A Cease and Desist order and/or an administrative compliance order requiring remedial action.
- b. Initiation and assessment of a Class I administrative penalty order pursuant to Section 309(g) of the CWA.
- c. Initiation and assessment of a Class II administrative penalty for continuing violation pursuant to Section 309(g) of the CWA.
- d. Referral of the case to the U. S. Attorney with a recommendation for a civil or criminal action.
- e. If the Corps determines that an after-the-fact application is appropriate, it will be reviewed following the appropriate procedures.
- f. Any other appropriate response.



March 7, 2011

Ms. Maureen P. Wilson, Project Manager
Prince Georges County Dept of Public Works and Transportation
Highways and Bridge Division
Office of Project Management
9400 Peppercorn Place, Suite 310
Largo, Maryland 20774

**RE: CSX Transportation, Inc. - MARC Rail Construction Project
JD to Jones Hill, Hyattsville, Prince George's County, MD
Bridge Modification over Eastern Branch of the Anacostia River
CSXT Project No. R68314
AMEC Project No. 643600-7790**

Dear Ms. Wilson:

On behalf of CSX Transportation, Inc. (CSXT), AMEC Earth & Environmental, Inc. (AMEC), in cooperation with TranSystems, Inc. (TranSystems) has completed the bridge design and HEC-RAS hydraulic modeling for the proposed modification to the existing CSXT-owned bridge over the Eastern Branch of the Anacostia River in Hyattsville, Prince George's County, Maryland. Per conversations with your office and the U.S. Army Corps of Engineers (USACE), the CSXT team has been coordinating the review of our proposed project and the potential impacts to the existing levee system with the USACE. In December 2010, the CSXT project team initiated direct communication with the USACE with respect to the bridge improvements and what impacts these improvements may have to the existing levee systems.

At the USACE's request, AMEC engineers provided the USACE with the previously completed HEC-RAS model for the bridge crossing. Based on the HEC-RAS modeling of the current and proposed bridge design, a "no rise" effect for the proposed construction was determined. Additionally, the CSX project will have no impact on the existing sediment situation. The HEC-RAS model determined that pre- and post-velocities are practically the same. Upon review, the USACE took no exception to the HEC-RAS modeling

Likewise, TranSystems provided detail plan sheets of the proposed bridge modification to the USACE on January 14, 2011. The USACE reviewed the proposed bridge modification, and subsequently, provided comments / conditions addressing their concerns. TranSystems will include the conditions on the plan sets for the selected contractor to follow; by agreeing to post these conditions on the plan sets, the USACE concerns were satisfied.

A copy of the USACE comments and conditions for Permit MM FY009, dated February 22, 2011, is attached for your files. As stated in the February 22, 2011 USACE document, "Water Resources Section has no objection to the proposed bridge modification."

CSX has solicited from the Prince George Department of Public Works and Transportation (PGDPW&T) recommended pier shapes, but none were proposed, so a standard CSXT-approved shape was selected. Correspondence received from your office also referenced "fixing the concrete invert under the bridge." CSXT is unsure of what was meant by this statement. However, please be assured that if the CSXT's proposed pier and foundation penetrates the concrete, the concrete will be repaired prior to the project's conclusion to protect the bridge structure's integrity.

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

www.amec.com

Ms. Maureen P. Wilson
JD to Jones Hill, Hyattsville, Prince George's County, MD
March 7, 2011
Page 2



It is CSXT's belief that with these questions being addressed and approved, the issues involved with the construction of the proposed bridge modification have been adequately resolved. AMEC, on behalf of CSXT, respectfully requests the PGDPW&T's concurrence and approval with the proposed modification to the existing CSXT bridge over the Eastern Branch of the Anacostia River.

Please do not hesitate to contact me with any questions that you may have regarding this matter.

Best regards,
AMEC Earth & Environmental, Inc.


W. Troy Neisz, P.G.
Senior Project Manager

Attachment

cc: K. Brinker, CSXT
M. Chorpening, CSXT
M. Bell, TranSystems
J. Ludlam, USACE
D. Reagle, MTA



**USACE Comments and Conditions for Permit MM FY009
Dated February 22, 2011**

**Permit MD FY10 009 CSX RR Bridge @ Anacostia
Geotechnical and General Review Comments**

1. Prior to the start of construction the pre-condition of the levee in the vicinity of Bent 6 will be inspected and documented by the contractor. Prior to the start of pile driving activity the levee in the vicinity of Bent 6 will be inspected and documented again by the contractor with the intent to identify any adverse impacts to the levee resulting from the pile driving.
2. USACE Baltimore request to be notified prior to the start of excavation, pile driving and backfill activities so that we may, at our discretion send an inspector to the project site to observe.
3. General. The limits of the full levee cross section adjacent to End Bent 6 are not clearly represented on the drawings. Only the approximate limits of the levee crest are shown on Sheets 1 and 4. Based on the typical levee height in the vicinity of the bridge abutment, all earth fill materials between the levee crest and the bridge concrete abutment structure is within the limits of the levee embankment. Therefore, all excavation and backfill activity in this area will be subject to the following requirements.
4. Temporary shoring for the End Bent 6 excavation should be located as far as possible from the crest of the levee. If the clearance is reduced to less than the approximately 9 feet shown on Sheet 4 of the drawings, resubmission with the proposed adjustments will be necessary.
5. All temporary shoring shall be left in place and cut off approximately 1 foot below the ground surface as backfilling is completed. The exact as-built location of the remaining shoring shall be provided to the Baltimore District upon completion of construction.
6. The shoring plan and design documents will be developed and signed by a P.E. and submitted to the Baltimore District for review prior to construction.
7. Provisions shall be made to quickly and temporarily backfill the excavation on short notice in the event of high water during construction. A written plan will be required.
8. Backfill may consist of materials from required excavation if it meets to specifications hereafter. All backfill shall be placed and compacted in accordance with the following requirements:
 - **MATERIAL:** Impervious embankment fill and backfill shall be reasonably well graded containing at least 25% passing the No. 200 mesh sieve and have a PI of at least 6. No organic or other undesirable materials such as frozen soil, ice, snow, etc., shall be permitted in the fill; however, material from required excavation may be used if the above criteria are satisfied. In addition, no stones or rock fragments greater than 2/3 the lift thickness shall be permitted in the fill.

- **PLACEMENT:** Materials compacted within confined areas with hand-operated mechanical tampers shall be placed and spread in layers not exceeding 4 inches in thickness. Materials compacted with heavy equipment shall be placed and spread in layers not exceeding 8 inches in thickness prior to compaction. Backfill shall be graded to provide satisfactory drainage during construction. All fill shall be placed in the dry. No fill shall be placed against frozen ground. Immediately prior to the placement of fill, the entire earth surface, including the excavated side slopes on or against which fill is to be placed, shall be scarified in a direction parallel to the centerline. This shall be done at the beginning of each backfill operation.
- **MOISTURE CONTROL:** The intent of these specifications is to obtain an embankment having the maximum density obtainable with the natural moisture content. Materials too wet or too dry should be conditioned by aerating or sprinkling before placing. The moisture content should generally not exceed the limits of plus or minus 2% above or below optimum as obtained by the Standard ASTM Compaction Test (Method D-698).
- **COMPACTION:** When the moisture content and condition of the spread layers are satisfactory, each layer of fill shall be compacted by at least four passes of a tamping roller conforming to the requirement of paragraph 2.2. If the minimum number of passes does not produce densities of 95% of maximum obtained at optimum moisture content using the Standard ASTM Compaction Test cited in paragraph 5.2 above, then additional rolling shall be performed until the desired compaction is obtained. In inaccessible areas, and within 3 feet of concrete structures, the desired compaction shall be obtained through the use of mechanical tampers conforming to the requirements of paragraph 2.1. When employing mechanical tampers, the compacted lift thickness shall be restricted to 3 inches and each lift thoroughly compacted to the minimum density required above.
- **COMPACTION EQUIPMENT:** Within confined backfill areas, mechanical tampers shall be of the internal combustion or pavement breaker type operated by pneumatic pressure and having sufficient weight and striking power to produce the required compaction.

Outside of confined areas, tamping rollers, consisting of one or more units, shall be used. Each unit shall consist of a cylindrical drum not less than 48 inches in length and not less than 40 inches in diameter. The drums shall be water or sand and water ballasted. Each drum shall have staggered feet uniformly spaced over the cylindrical surface such as to provide approximately three tamping feet for each two square feet of drum surface. The tamping feet shall be 7 to 9 inches in clear projection from the cylindrical surface of the roller and shall have a face area of not less than 5 nor more than 7 square inches. The units shall be equipped with a suitable device for cleaning the feet. The rolling units of multi-type tamping rollers shall be pivoted on the main frame in a manner which will permit the units to adapt themselves to uneven ground surfaces and to rotate independently. The weight of the roller shall be not less than 1300 pounds per linear foot of drum length weighted, and shall be not more than 750 pounds per foot of drum length empty. The roller shall be self propelled or tractor drawn at a speed not to exceed 3.5 miles per hour.

9. Earth fill placed on the levee will have no slopes greater than 2.5 horizontal to one vertical (2.5H:1V) and in addition to the above requirements will be covered with a minimum of 6 inches of topsoil and approved seed mixture for turf establishment
10. No vehicular traffic of any kind shall be allowed on the levee system except for that portion which is specifically involved in this bridge construction work.
11. The levee crest or levee side slopes shall not be used for materials or equipment storage.
12. There is insufficient detail in these drawings to indicate the impact on the levee section and top of protection elevation by the proposed new rail line. Where the new rail line crosses the line of protection, it is necessary that impervious earth fill extent fully to the design top of levee protection at elevation 23.7 (NAVD88). Therefore, all railroad ballast and granular fill materials must be located above the design crest of the levee.
13. Any signs, gates, signals, bollards, post, poles, conduits, utilities or structures of any type placed temporarily or permanently above, on and/or within the levee will need to be shown on the next submittal for USACE Baltimore approval.
14. The hydraulic analysis performed by AMEC indicates that the proposed bridge will not impact the 100-year flood elevations along the Northeast Branch. This makes sense based on the waterway opening not being reduced by the proposed bridge.

Water Resources Section has no objection to the proposed bridge modification.

END