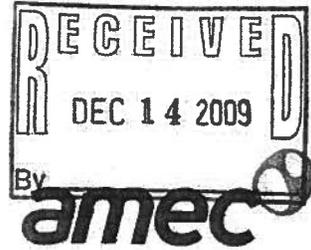

APPENDIX B

CORRESPONDENCE



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) **CSXT/MARC Projects:**
- 1) " **Jessup - Howard County, Maryland** 200904967
- 2) " **JD to Jones Hill Siding Project, Prince George County, Maryland** 200904968
- 3) " **Pepco - Montgomery County, Maryland** 200904969

Dear Mr. Little:

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

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

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

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

200904967 - HBE: 2NA 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

IABC 2/12/10

prior disturbance

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

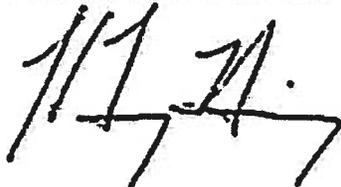
Jessup: Approximately two and a quarter miles of track improvements are occurring at this project site located in Howard County, MD. Rehabilitation of an existing track is planned with an additional new track to be constructed. The new track addition will connect the upgraded line to existing track to 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.

Beth Cole 2/12/2010
Date

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



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

December 19, 2009

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

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

Dear Mr. Neisz:

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

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

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

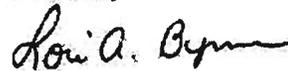
Near Aqueduct Lane in close proximity to the project site, there is a record for state rare Robust Baskettail (*Epiptera spinosa*), an odonate species which is thought to breed in swamp ponds or slow-moving water. Therefore we would discourage the applicant from any activities that would adversely impact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

Page 2

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

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



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

ER # 2009.1680.pg/mo/fr/ho

Cc: D. Brinker, DNR



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



Online Certification Letter

Today's date:

Project:

Dear Applicant for online certification:

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

You have indicated that your project is located on the following USGS topographic map

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

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

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

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

program at (410) 573-4531.

Sincerely,

Leopoldo Miranda
Field Supervisor



March 24, 2010

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

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

Dear Sir/Madam:

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

Project Location

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

Project Purpose

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

Project Activities

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

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

www.amec.com



Maryland Department of the Environment
Water Management Administration
CSX Transportation, Inc. (CSXT) MARC - JD to Jones Hill Project
March 24, 2010

Desktop Review of Project Area

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

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

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

TABLE 1 - SOILS LOCATED IN PROJECT AREA

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

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



Maryland Department of the Environment
Water Management Administration
CSX Transportation, Inc. (CSXT) MARC - JD to Jones Hill Project
March 24, 2010

Field Review of Project Area

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

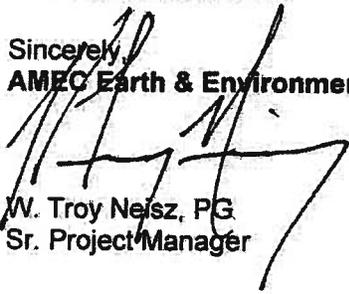
Project Impacts to Waters of the United States

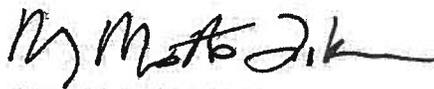
Construction activities will be completed using Best Management Practices (BMPs) including limiting work below the Ordinary High Water Mark, use of sediment fencing, rock checks, and sediment traps during project activities, and immediately reseeding any exposed banks or other disturbed areas with an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

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

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

Sincerely,
AMEC Earth & Environmental, Inc.


W. Troy Neisz, PG
Sr. Project Manager


Mary Motte Fikri, PG
Wetland Scientist

cc: Keith Brinker, CSXT



ATTACHMENT 1

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

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

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

FOR AGENCY USE ONLY

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

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

Please check one of the following:

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

1. APPLICANT INFORMATION:

APPLICANT NAME:

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

ENGINEER INFORMATION:

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

ENVIRONMENTAL CONSULTANT:

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

CONTRACTOR (If known):

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

PRINCIPAL CONTACT:

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

2. PROJECT DESCRIPTION

a. GIVE WRITTEN DESCRIPTION OF PROJECT:

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

Has any portion of the project been completed? Yes No If yes, explain _____

Is this a residential subdivision or commercial development? Yes No
 If yes, total number of acres on property _____ acres

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

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

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

Area of stream impact 1,714 sq. ft. [1,472 sq ft for bridge bents in Anacostia River & 242 sq ft for culvert extension]
 Length of stream affected 38 linear feet [16' - Anacostia River & 22' - unnamed stream A]

c. TYPE OF PROJECTS: Project Dimensions

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

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

W. 1. New 2. Maintenance 3. Hydraulic 4. Mechanical
 Other (explain) _____

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

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

3. **PROJECT LOCATION:**

a. **LOCATION INFORMATION:**

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

D. State stream use class designation: I-P

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

Culvert crossing at latitude: 38.946278, longitude -76.93757

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

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

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

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

J. 1. 38.947114 latitude 2. -76.937513 longitude

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

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

c. **LAND USE:**

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

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

C. Project complies with current zoning Yes No

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

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

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

E. Other _____

F. Explanation _____

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

- | | | |
|---|---|---|
| G. <input type="checkbox"/> Cost | K. <input type="checkbox"/> Parcel size | N. <input type="checkbox"/> Safety/public welfare issue |
| H. <input type="checkbox"/> Extensive wetlands on site | L. <input type="checkbox"/> Other regulatory requirement | O. <input type="checkbox"/> Inadequate zoning |
| I. <input checked="" type="checkbox"/> Engineering/design constraints | M. <input type="checkbox"/> Failure to accomplish project purpose | P. <input type="checkbox"/> Other _____ |
| J. <input type="checkbox"/> Other natural features | | _____ |

Q. Description _____

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

- | | |
|---|--|
| A. <input type="checkbox"/> No significant plant or wildlife value and wetland impact | B. <input type="checkbox"/> Repair existing structure/fill |
| 1. <input type="checkbox"/> Less than 5,000 square feet | C. <input type="checkbox"/> Mitigation Project |
| 2. <input type="checkbox"/> In an isolated nontidal wetland less than 1 acre in size | D. <input type="checkbox"/> Utility Line |
| E. Other (explain) _____ | 1. <input type="checkbox"/> Overhead |
| | 2. <input type="checkbox"/> Underground |

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

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

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

- | | | |
|------------------------------------|---|---|
| A. <input type="checkbox"/> 1 site | B. <input type="checkbox"/> 2 - 4 sites | C. <input type="checkbox"/> 5 or more sites |
|------------------------------------|---|---|

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

- | | | |
|--|--|---|
| D. <input type="checkbox"/> Cost | H. <input type="checkbox"/> Greater wetlands impact | L. <input type="checkbox"/> Other _____ |
| E. <input type="checkbox"/> Lack of availability | I. <input type="checkbox"/> Water dependency | _____ |
| F. <input checked="" type="checkbox"/> Failure to meet project purpose | J. <input type="checkbox"/> Inadequate zoning | _____ |
| G. <input type="checkbox"/> Located outside general/market area | K. <input type="checkbox"/> Engineering/design constraints | _____ |

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

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

- | | | |
|---|--|---|
| A. <input checked="" type="checkbox"/> Economic | C. <input type="checkbox"/> Health/welfare | E. <input type="checkbox"/> Other _____ |
| B. <input type="checkbox"/> Safety | D. <input type="checkbox"/> Does not provide public benefits | _____ |

F. Description _____

8. OTHER APPROVALS NEEDED/GRANTED:

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

9. MITIGATION PLAN: Please provide the following information:

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

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

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

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

10. HAVE ADJACENT PROPERTY OWNERS BEEN NOTIFIED?:

A. Yes B. X No

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

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

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

c.

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

A. X Yes B. No C. Unknown

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

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

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

Refer to SHPO response in Attachment 4

JD to Jones Hill

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

- | | | |
|--|--|---|
| A. <input type="checkbox"/> Soil borings | D. <input checked="" type="checkbox"/> Field surveys | G. <input checked="" type="checkbox"/> Site plan |
| B. <input type="checkbox"/> Wetland data sheets | E. <input type="checkbox"/> Alternate site analysis | H. <input type="checkbox"/> Avoidance and minimization analysis |
| C. <input checked="" type="checkbox"/> Photographs | F. <input type="checkbox"/> Market analysis | |
- I. Other (explain) 1) Letter form MD SHPO, and 2) MD DNR findings letter

CERTIFICATION:

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

LANDOWNER MUST SIGN: *Robert D. Smith For USK Truogger & John* DATE: *3/15/10*

WHERE TO MAIL APPLICATION

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

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

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

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

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

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

1. Delineation of any wetland buffers or expanded buffers, clearly marked and differentiated.
2. Location of mitigation area, if proposed on the same site as the project.

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

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

WETLAND DELINEATION

Wetlands should be identified according to methods described in the publication Federal Manual Identifying and Delineating Jurisdictional Wetlands. Copies of the manual may be obtained by calling the U. S. Government Printing Office at 202-783-3238 and requesting document #024-010-00-683-8 at a cost of \$7.50. Wetlands must be shown on all plans submitted with the application. All wetlands on site must be delineated and shown on the overall site plan. 8 1/2 x 11 inch plans with topography showing relation of the wetlands and project impacts must be submitted. Copies of the wetland reports and data sheets used in making the determination be included with your application submittal.

Regulatory Agencies

Federal Permits

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

Coastal Zone Consistency Statement

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

State Authorizations

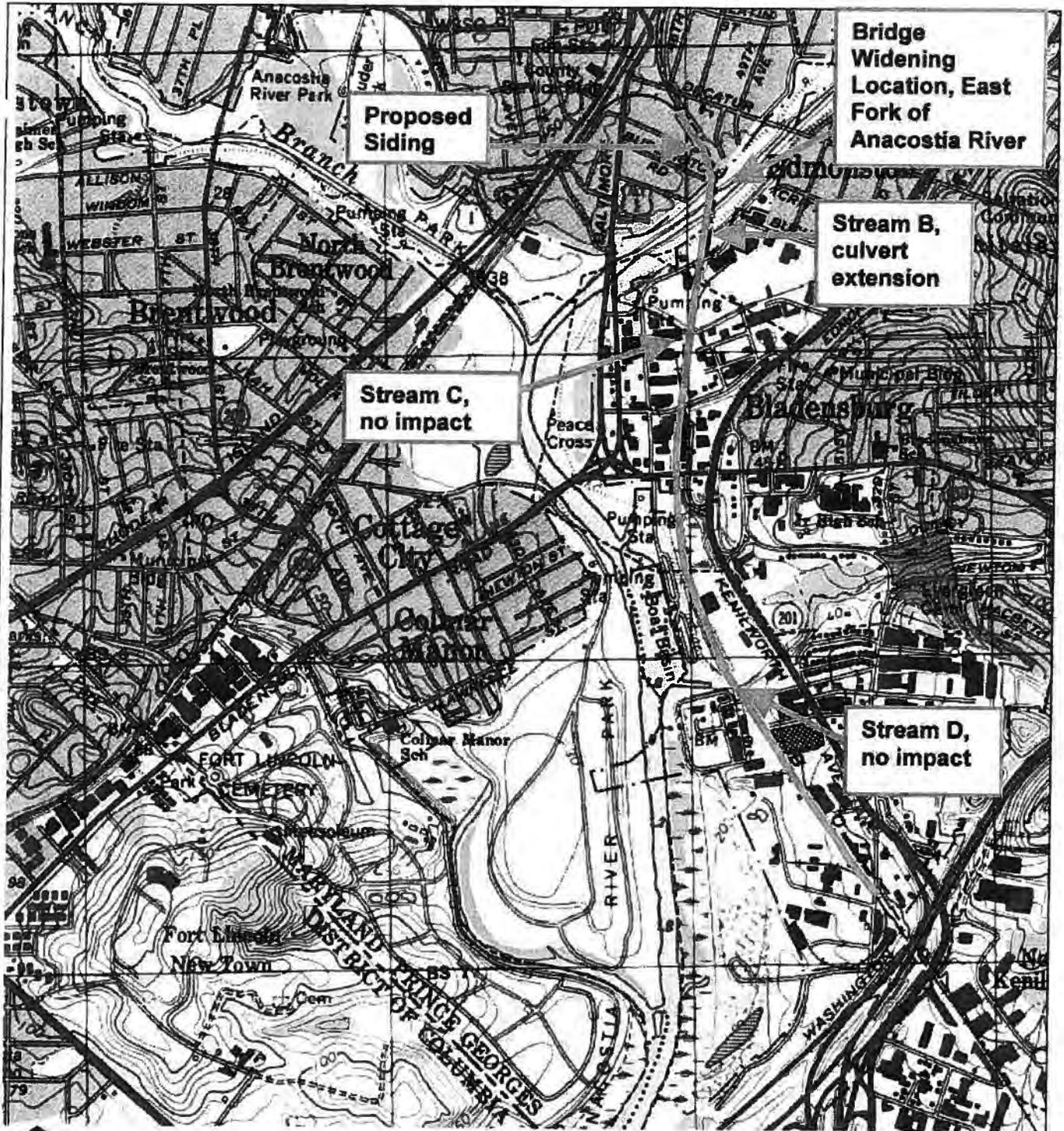
MD Dept. of the Environment
Water Management Administration
Tidal Wetlands Division
1800 Washington Blvd, Ste 430
Baltimore, MD 21230
Telephone: (410) 537-3837

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



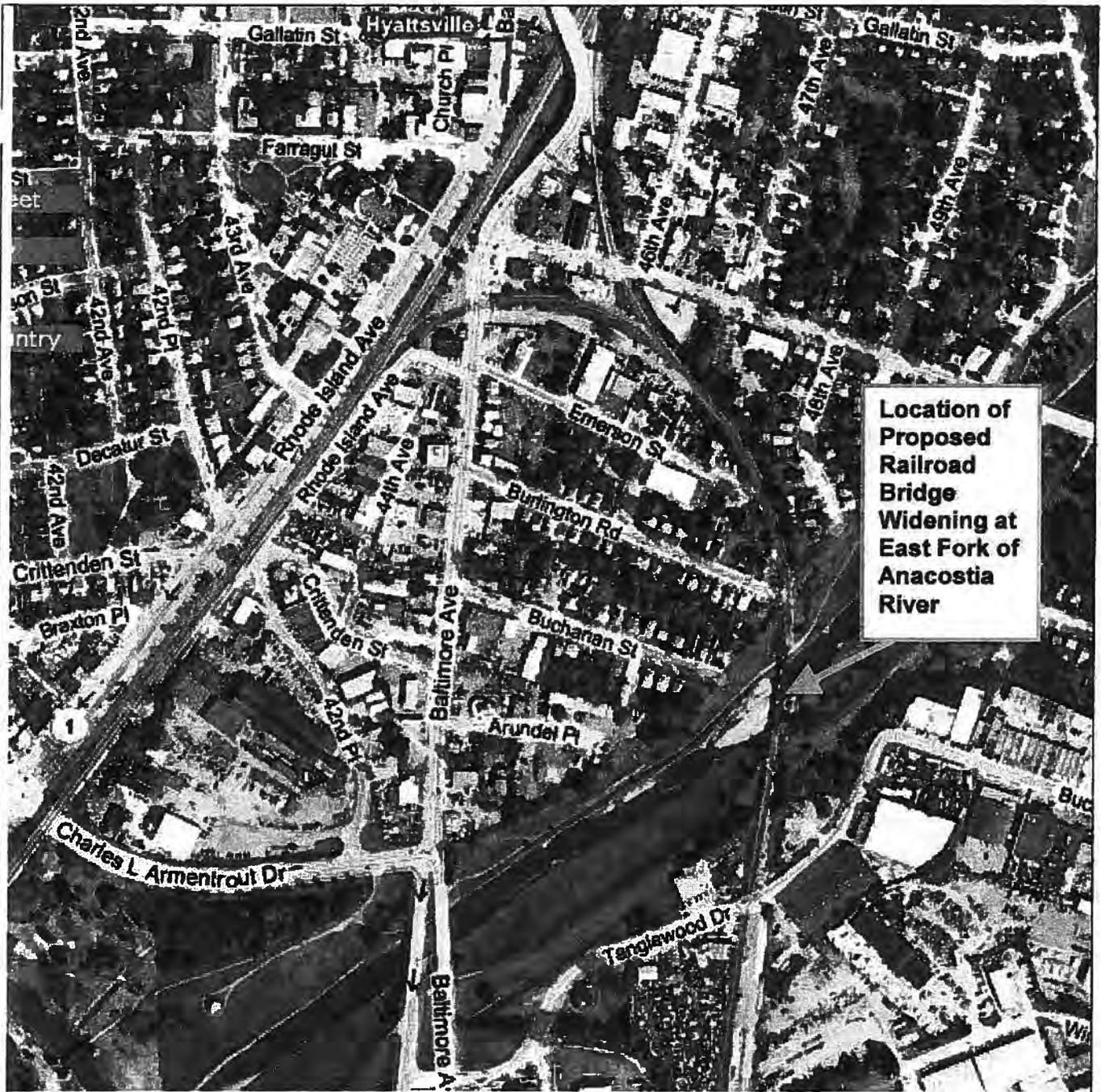
ATTACHMENT 2

Figures



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

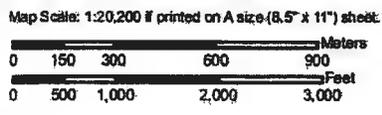
| | | | | | |
|---|--|---|--|-------------|-----------------|
| AMEC Earth & Environmental 3800 Ezell Road, Suite 100 Nashville, Tennessee 37211 | |  | | CLIENT LOGO | CLIENT |
| Proposed JD to Jones Hill Siding Project Prince Georges County, Maryland | | CSX Transportation, Inc. | | DRAWN BY | DATE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



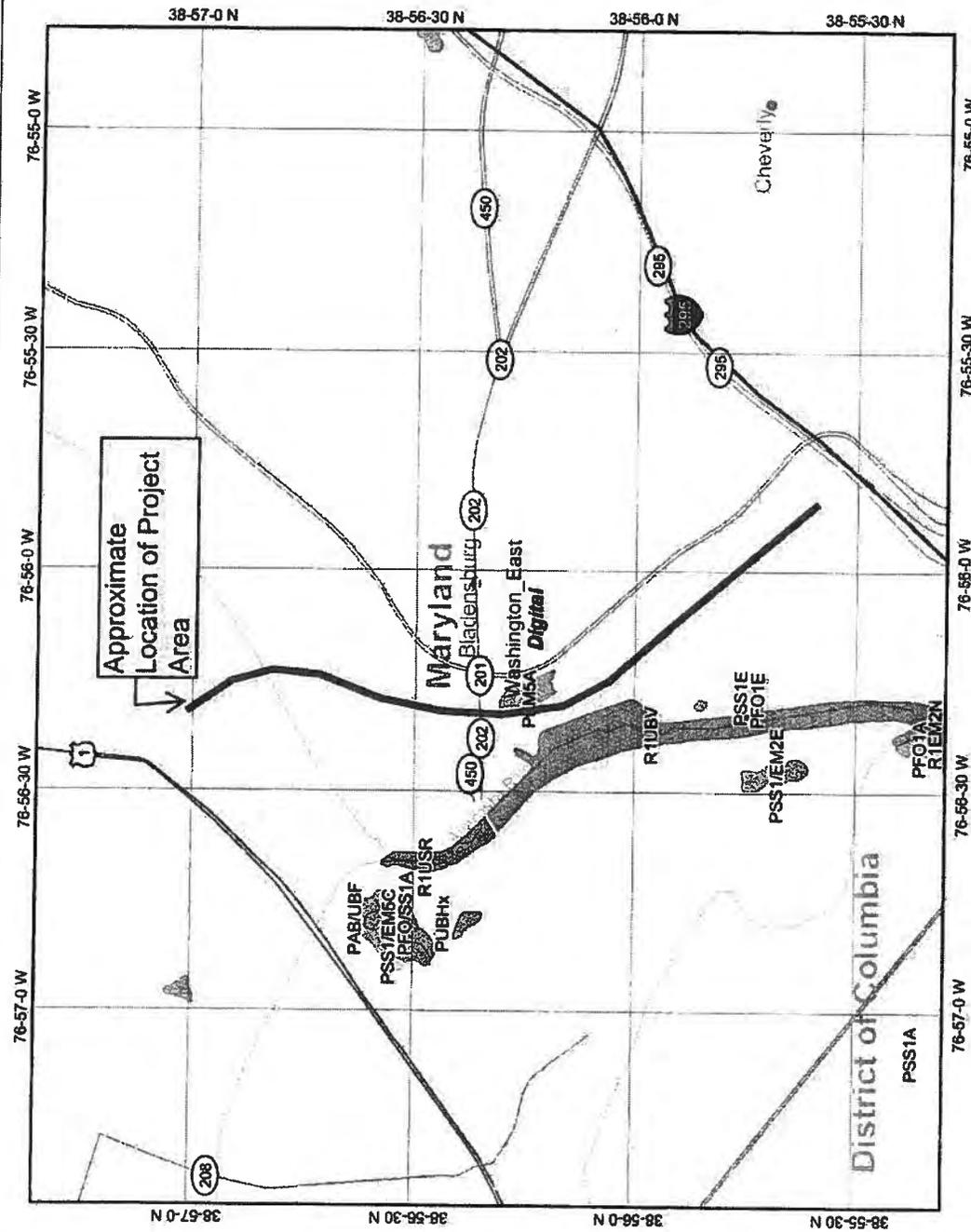
SOURCE:: Bing Maps.

| | | | | | |
|---|--|---|-----|-------------|-----------------|
| AMEC Earth & Environmental 3800 Ezell Road, Suite 100 Nashville, Tennessee 37211 | |  | | CLIENT LOGO | CLIENT |
| Proposed JD to Jones Hill Siding Project Prince Georges County, Maryland | | DESIGN BY | BES | DATUM | DATE |
| Aerial View of Northern Extent of Project Area | | CHECK'D BY | MEF | REV. NO. | PROJECT NO. |
| | | PROJECTION | | SCALE | FIGURE NO. |
| | | | | AS SHOWN | FIGURE 2 |

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



JD to Jones Hill Siding Project



Approximate Location of Project Area

Legend

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

Figure 4. NWI Map

Scale: 1:26,667



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

Notes: NWI Map

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



ATTACHMENT 6

Stream JD Form

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

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

SECTION I: BACKGROUND INFORMATION

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

B. DISTRICT OFFICE, FILE NAME, AND NUMBER:

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: MD County/parish/borough: Montgomery City:
Center coordinates of site (lat/long in degree decimal format): Lat. 38.946278 ° N, Long. 76.93757° W.
Universal Transverse Mercator:

Name of nearest waterbody: East Fork Anacostia River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: East Branch of Anacostia River

Name of watershed or Hydrologic Unit Code (HUC):

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

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

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

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

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

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

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

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

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
 Wetlands adjacent to TNWs
 Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
 Non-RPWs that flow directly or indirectly into TNWs
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
 Impoundments of jurisdictional waters
 Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 3000 linear feet: width (ft) and/or acres.
Wetlands: 0 acres.

c. Limits (boundaries) of jurisdiction based on: Established by OHWM.

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

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

1. TNW

Identify TNW: East Fork, Anacostia River.

Summarize rationale supporting determination: Tidally influenced.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

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

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

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

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

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

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

(i) General Area Conditions:

Watershed size: acres

Drainage area: acres

Average annual rainfall: inches

Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through Pick List tributaries before entering TNW.

Project waters are 1 (or less) river miles from TNW.

Project waters are Pick List river miles from RPW.

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

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

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵:

Tributary stream order, if known:

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

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

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

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

Tributary properties with respect to top of bank (estimate):

Average width: 4 feet
Average depth: 0.5 feet
Average side slopes: 2:1.

Primary tributary substrate composition (check all that apply):

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

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Meandering**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume:

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

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

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain:

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

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

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

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

⁷ibid.

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

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

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

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

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

Surface flow is: **Pick List**

Characteristics:

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

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

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

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

Flow is from: **Pick List**.

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

(ii) **Chemical Characteristics:**

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

Identify specific pollutants, if known:

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

Riparian buffer. Characteristics (type, average width):

Vegetation type/percent cover. Explain:

Habitat for:

Federally Listed species. Explain findings:

Fish/spawn areas. Explain findings:

Other environmentally-sensitive species. Explain findings:

Aquatic/wildlife diversity. Explain findings:

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

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

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

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

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

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

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

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

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

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

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:
 TNWs: 3000 linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.
2. RPWs that flow directly or indirectly into TNWs.
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

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

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

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

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.,"¹⁰ or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

- which are or could be used by interstate or foreign travelers for recreational or other purposes,
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 which are or could be used for industrial purposes by industries in interstate commerce.
 Interstate isolated waters. Explain:
 Other factors. Explain:

Identify water body and summarize rationale supporting determination:

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

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

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Poolsville, MD.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Prince Georges County, MD.
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):
or Other (Name & Date): Site photographs 11-20-2010.
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD:



ATTACHMENT 7

Site Photographs



Photo 1. North end of project area, looking north

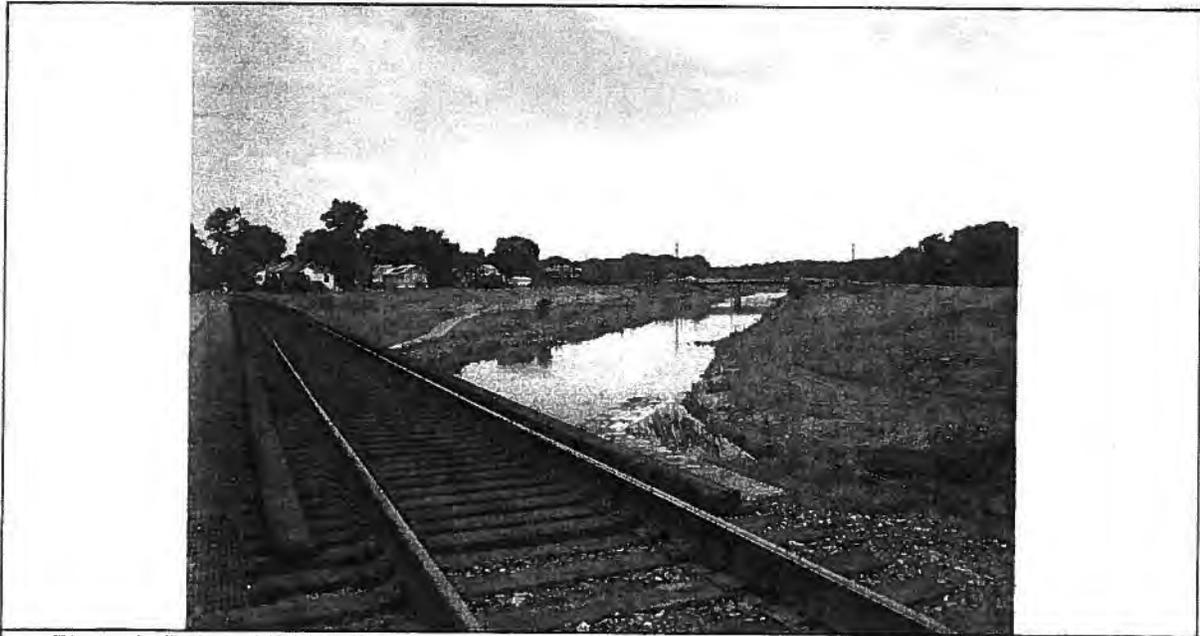


Photo 2. Railroad bridge over East Fork of Anacostia River, looking upstream, STA 24+00.

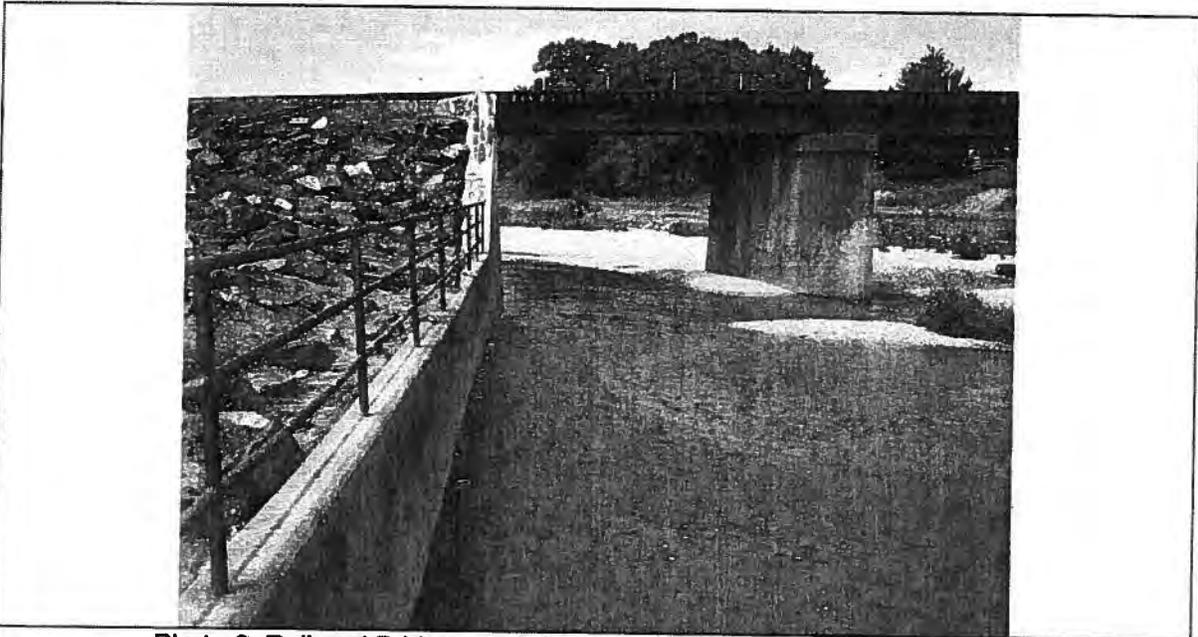


Photo 3. Railroad Bridge over East Fork of Anacostia River, STA 24+00.



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



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



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



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



Photo 8. Project area near Lloyd Street.



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

May 13, 2010

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

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

Dear Mr. Neisz:

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

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

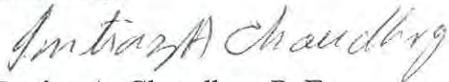
1. Because of the Maryland Historical Trust review, the project qualifies for a major project, therefore, an additional fee of \$750.00 should be submitted to the Maryland Department of the Environment P. O. Box 2057, Baltimore, Maryland 21203-2057. Please add on the check PCA 13910 and OBJ 4142 and also mail a copy to this letter along with the check.
2. Please show on the plans the stream channel and the 100-year floodplain impacts. Please quantify those impacts in square feet and label them temporary and permanent as applicable.

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

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

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

Sincerely,



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

cc: U. S. Army Corps of Engineers

Attachments: Notification and Certification forms

CERTIFICATION OF NOTIFICATION

ATTENTION APPLICANT:

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

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

Description of the project: _____

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

| NAME | ADDRESS |
|-------|---------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

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

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

Signature of Applicant _____ Date _____

Please Print Name _____ Telephone Number _____

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
Fifth Coast Guard District

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

16590
20 MAY 10

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

Dear Ms. Fikri:

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

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

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

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

Sincerely,

A handwritten signature in blue ink that reads "Waverly W. Gregory, Jr.".

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



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".

W. Troy Neisz, PG
Sr. Project Manager

A handwritten signature in black ink, appearing to read "Mary Motte Fikri".

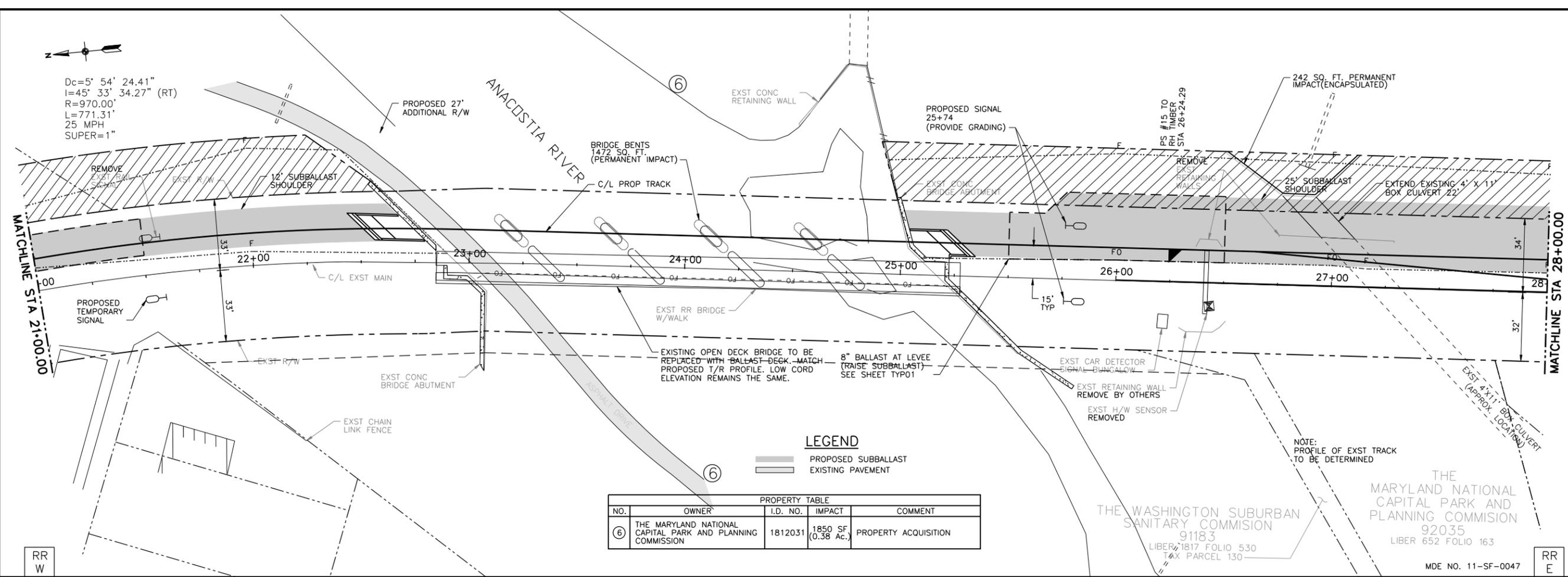
Mary Motte Fikri, PG
Wetland Scientist

cc: Keith Brinker, CSXT

Enclosure: Revised Sheet No. PP4



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



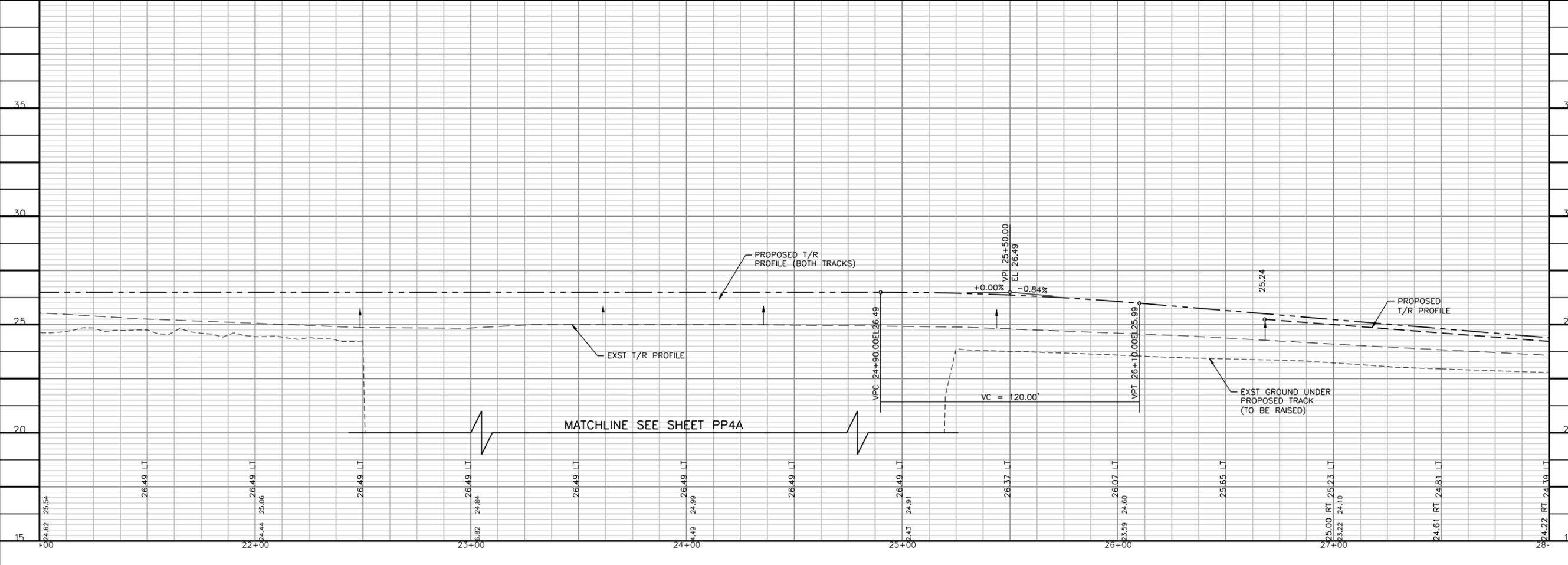
PROPERTY TABLE

| 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



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

Project Limits: JD to Jones Hill



Attachment 2



December 11, 2009

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

F
FRA
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
IABC 2/12/10

200904969 - HBE: 2NA TJT 2/4/10 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.



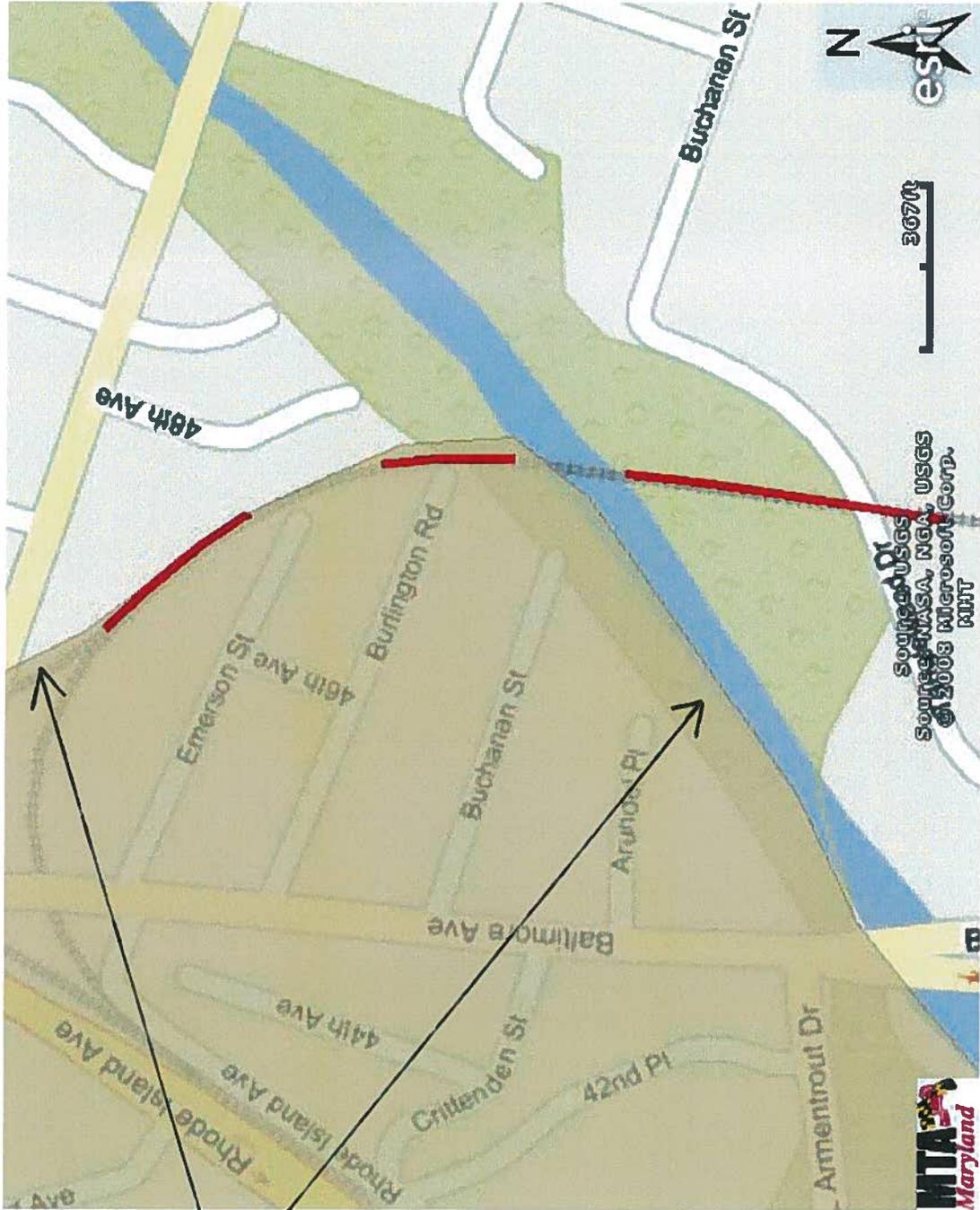
W. Troy Neisz
Senior Project Manager

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

Boths Cole 2/12/2010
Date

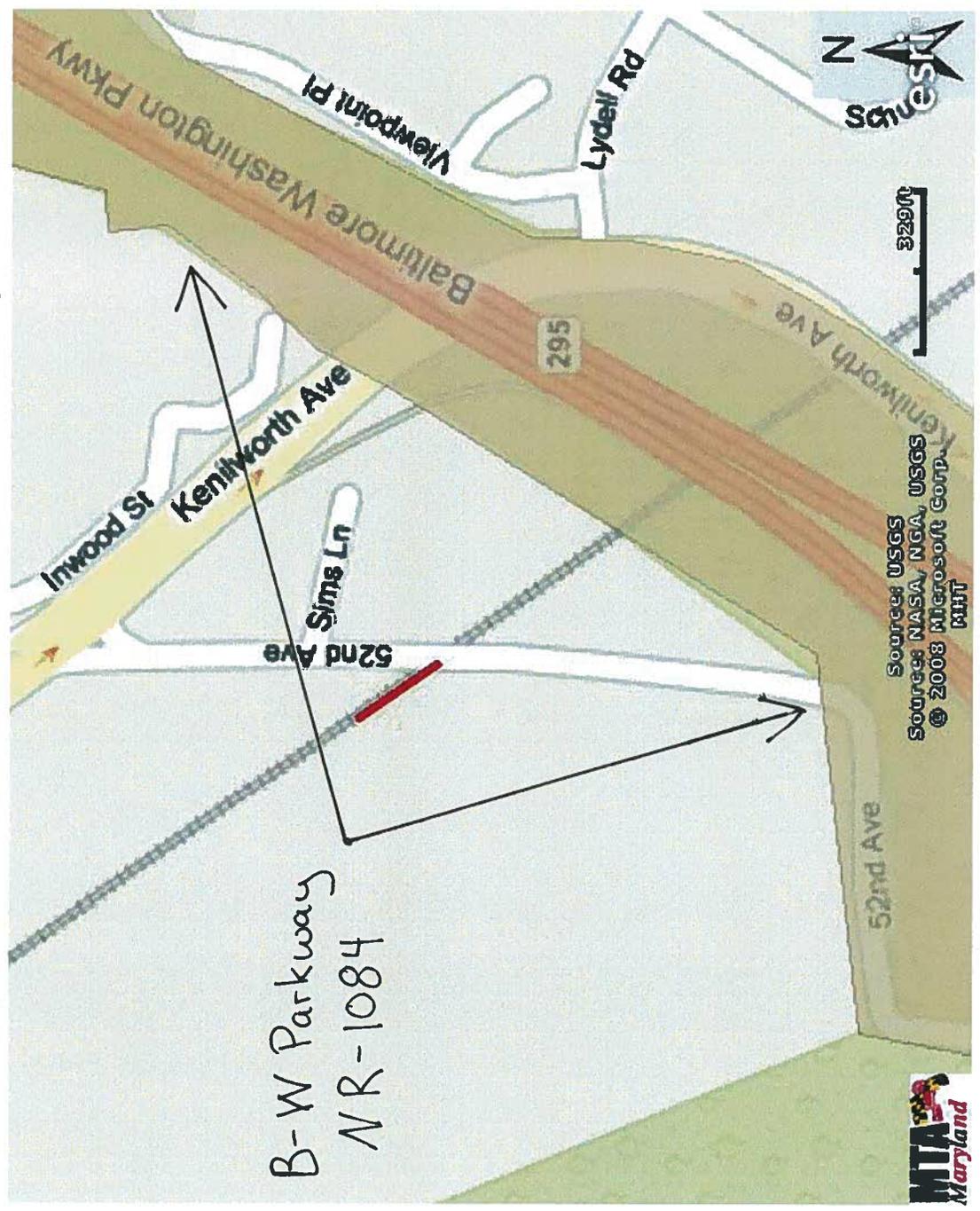
Attachment: Site Vicinity Maps
Site Topo Maps
SHPO project review forms

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



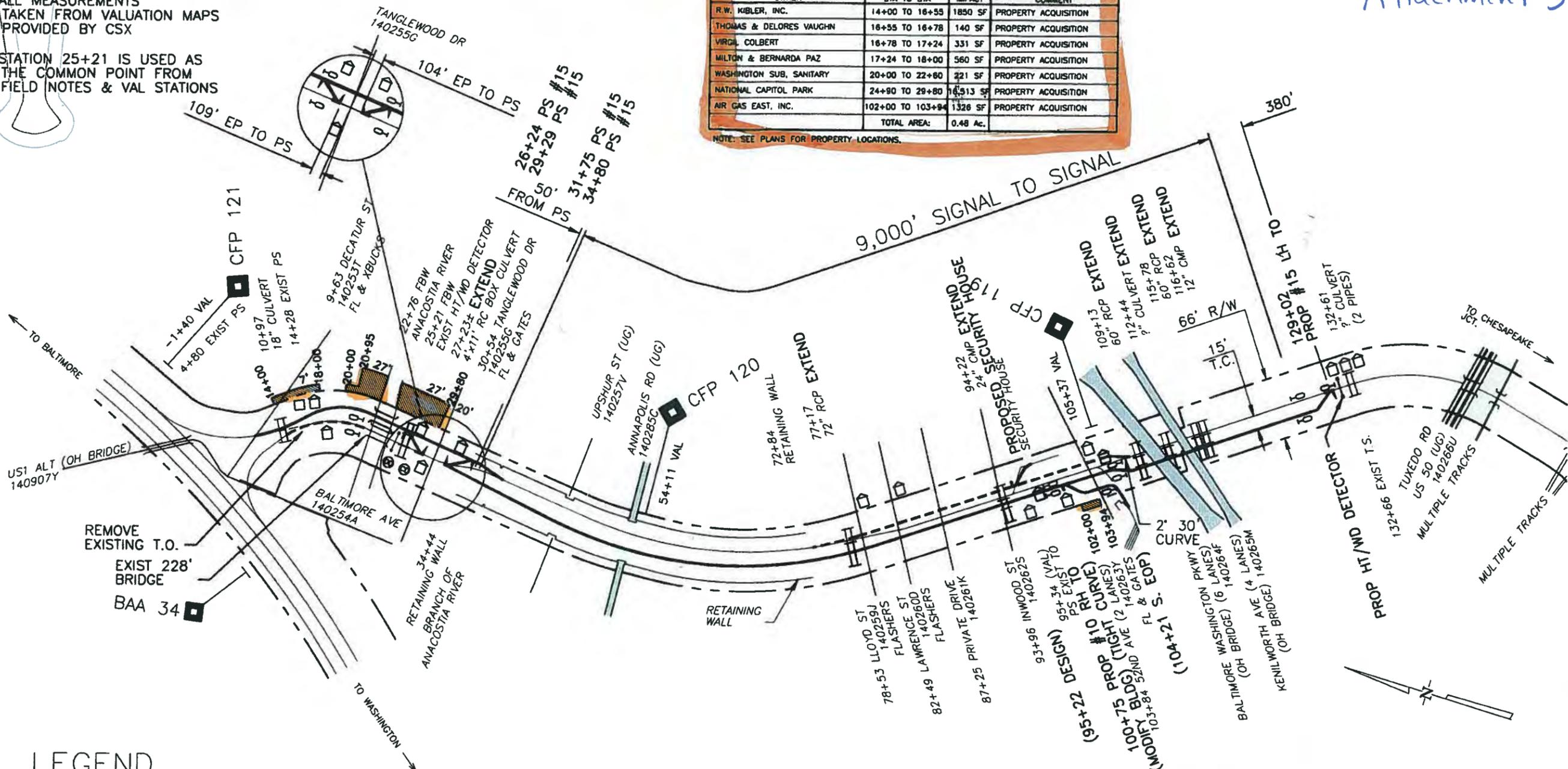
B-W Parkway
NR-1084



- 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 |

CSX TRANSPORTATION ENGINEERING DEPARTMENT
TRANSPORTATION PROJECTS
JACKSONVILLE, FLORIDA

REVISIONS

| |
|----------|
| 08/27/09 |
| 09/08/09 |
| 09/28/09 |
| 10/29/09 |
| 07/07/10 |

SIDING PROJECT
JD TO JONES HILL
MP CFP 118.5 TO CFP 120.6

PRINCE GEORGE'S COUNTY MARYLAND
BALTIMORE DIV. CAPITAL SD - ALEXANDRIA EXTENSION

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

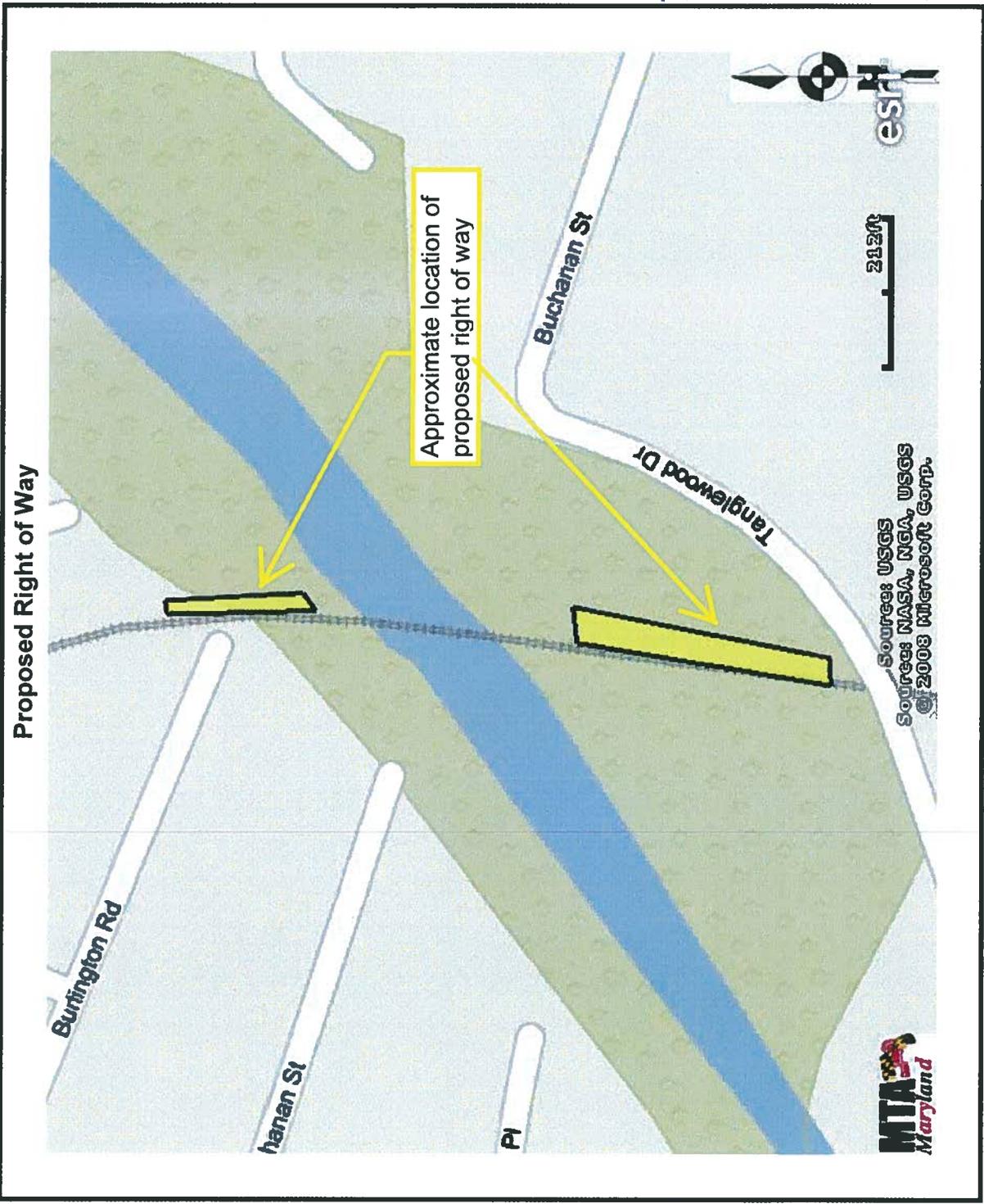
cc. Mr. Brandon Knapp, CSXT
Mr. Dan Reagle, Maryland Transit Administration

Attachment 1

Project Limits: JD to Jones Hill



Attachment 2





MARYLAND 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

201004503

F
MTA
TJT /

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

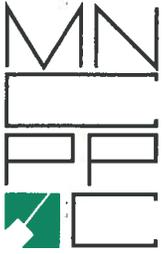


Register all newly planted trees today!

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.

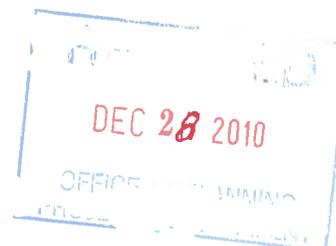
The referenced parcel contains encumbrances that may affect disposal of parkland and permitting of future construction. The only developed park facility in the vicinity of this parcel is the Northeast Branch Trail that runs along the northwest side of the Anacostia River. The park is within the Army 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



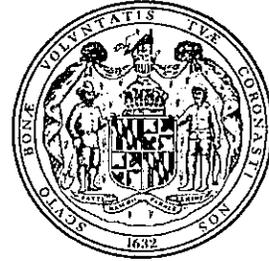
STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION
LETTER OF AUTHORIZATION

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:**

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
I.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.



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

REPLY TO
CENTRAL FILE

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
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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.

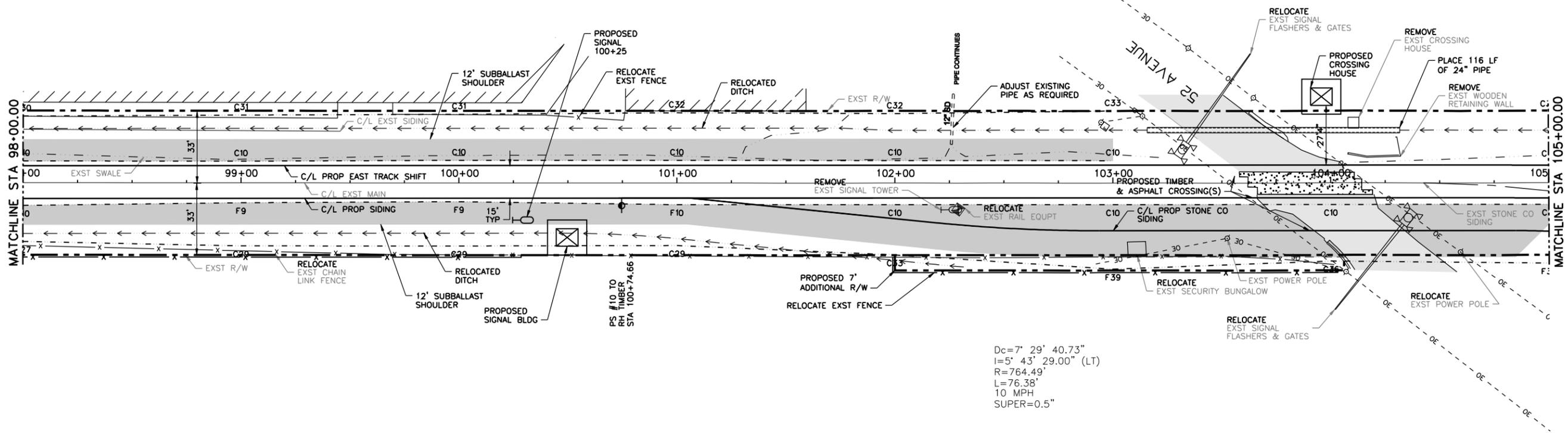
- **PLACEMENT:** Materials compacted within confined areas with hand-operated mechanical tampers shall be placed and spread in layers not exceeding 4 inches in thickness. Materials compacted with heavy equipment shall be placed and spread in layers not exceeding 8 inches in thickness prior to compaction. 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.

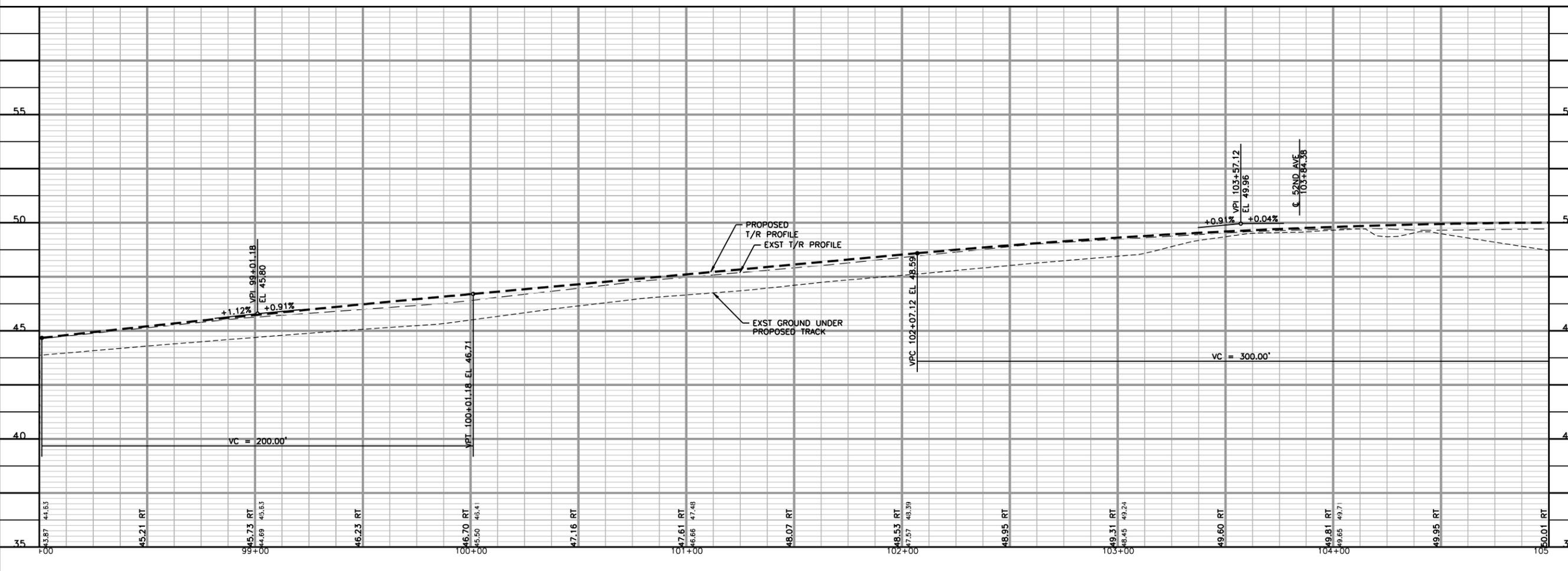
9. Earth fill placed on the levee will have no slopes greater than 2.5 horizontal to one vertical (2.5H:1V) and in addition to the above requirements will be covered with a minimum of 6 inches of topsoil and approved seed mixture for turf establishment
10. No vehicular traffic of any kind shall be allowed 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 extend 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



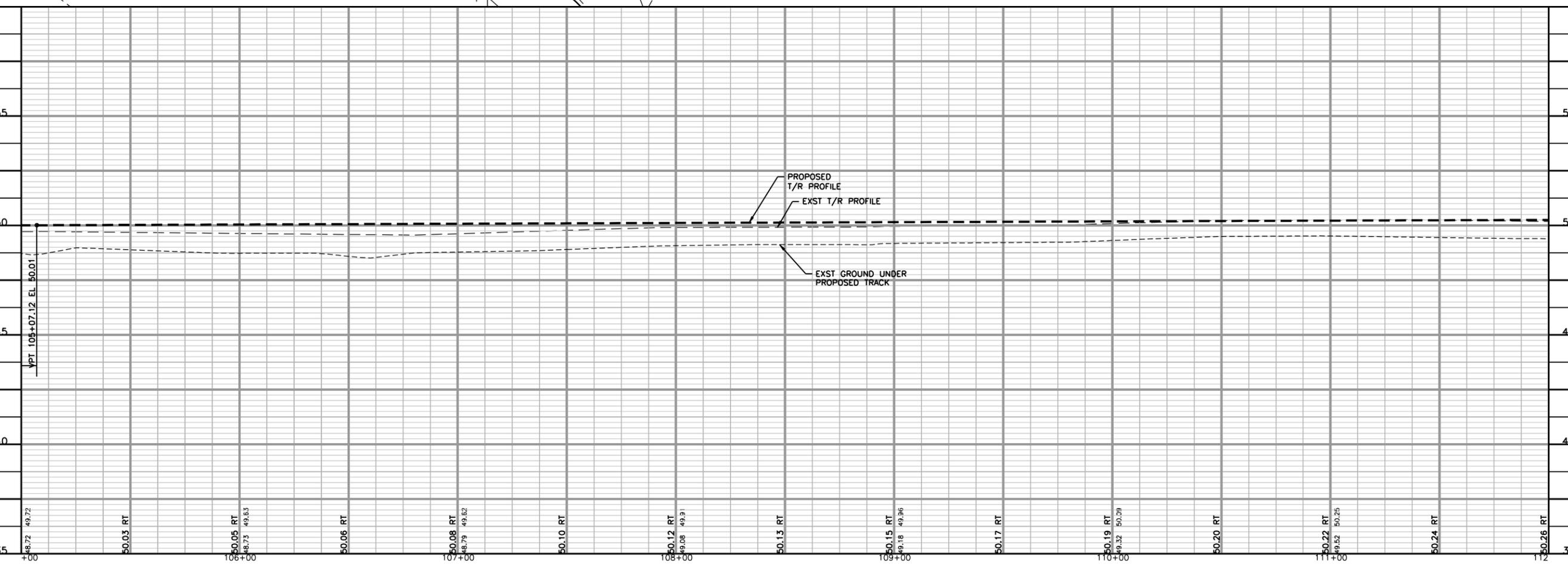
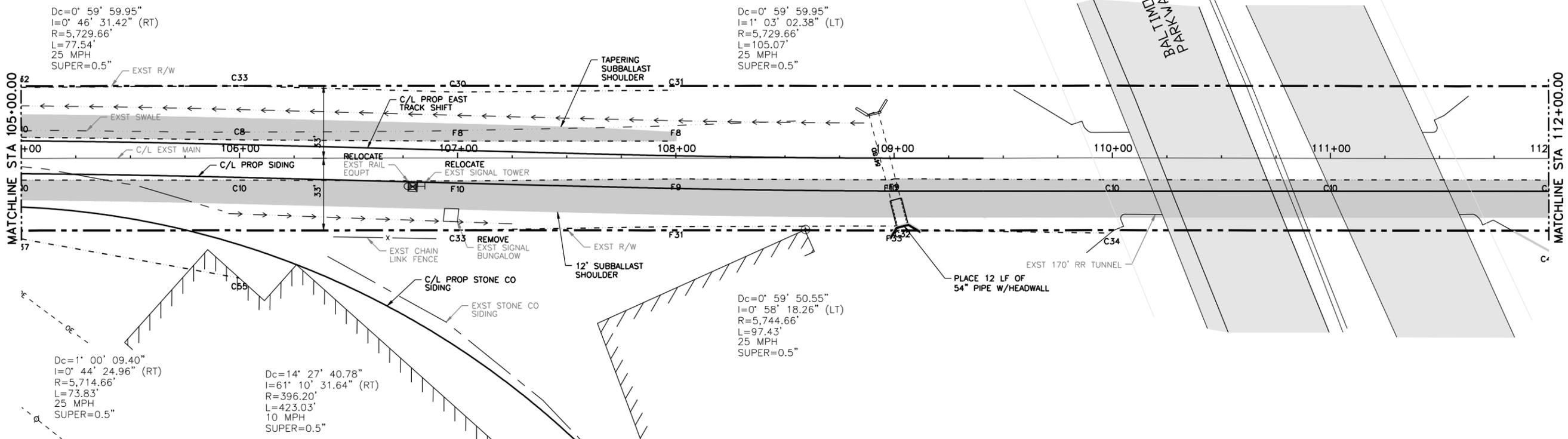
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 4600 SALISBURY ROAD
 SUITE 440
 JACKSONVILLE, FLORIDA 32216
 PHONE: 904-245-6500
 FAX: 904-245-6510

CHECK PRINT
 DATE 01/27/2010

CONSULTANTS:

JD TO JONES HILL
 PRINCE GEORGES COUNTY, MARYLAND

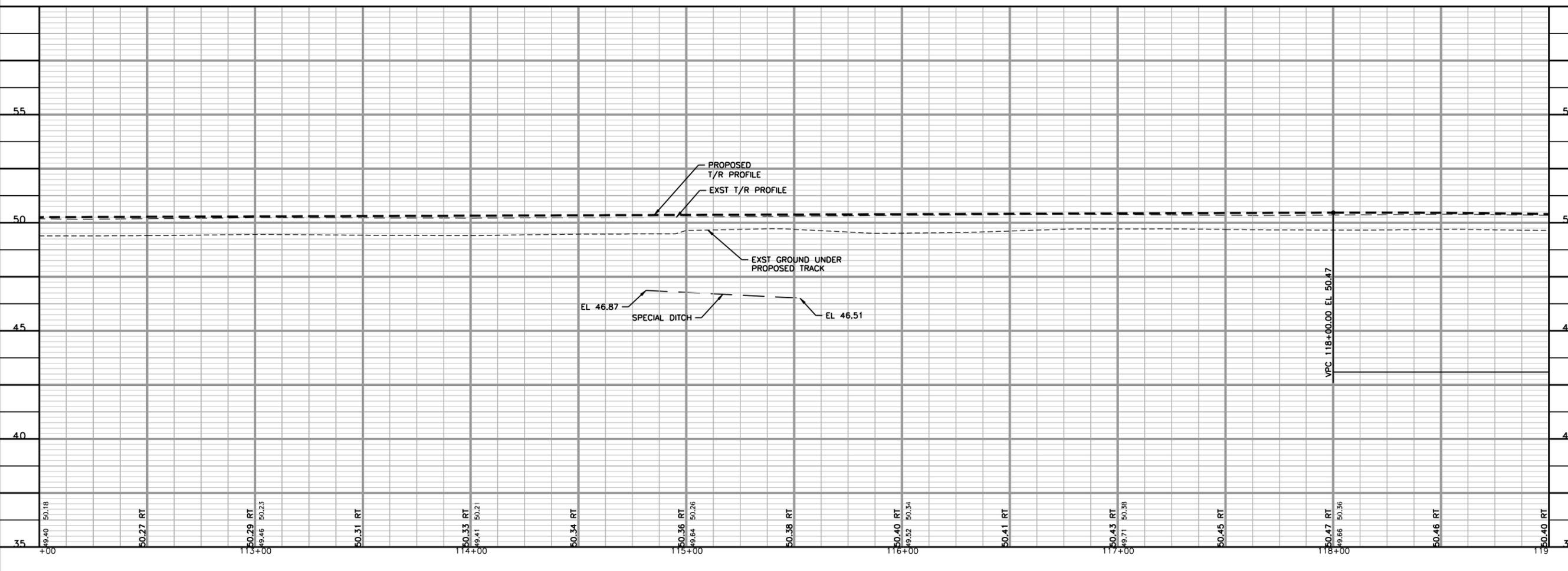
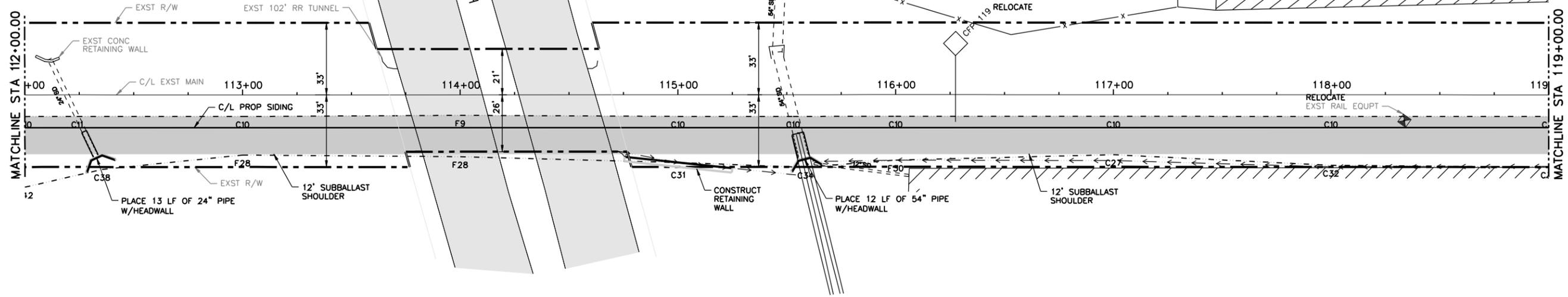
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 4600 SALISBURY ROAD
 SUITE 440
 JACKSONVILLE, FLORIDA 32216
 PHONE: 904-245-6500
 FAX: 904-245-6510

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 DATE 01/27/2010

CONSULTANTS:

JD TO JONES HILL
 PRINCE GEORGES COUNTY, MARYLAND

ENGINEERING DEPARTMENT
 TRANSPORTATION PROJECTS
 JACKSONVILLE, FLORIDA

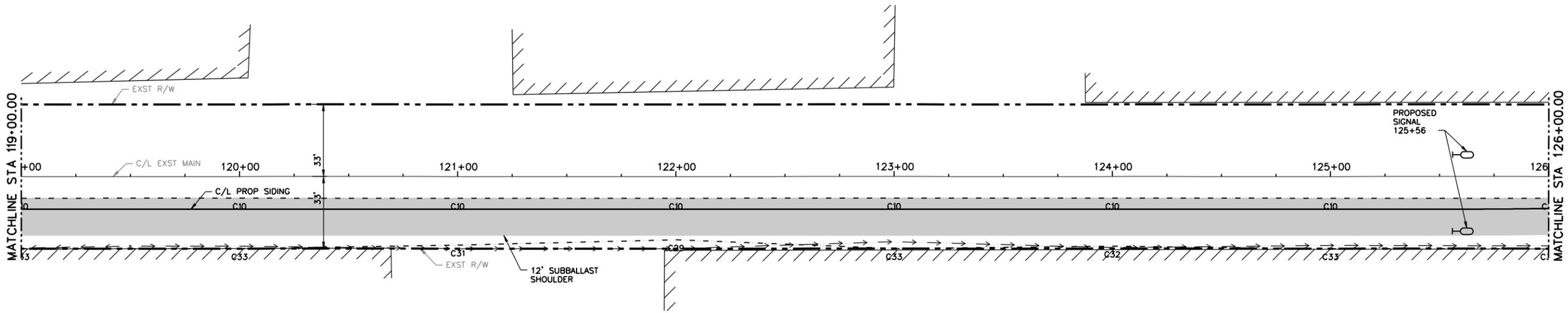


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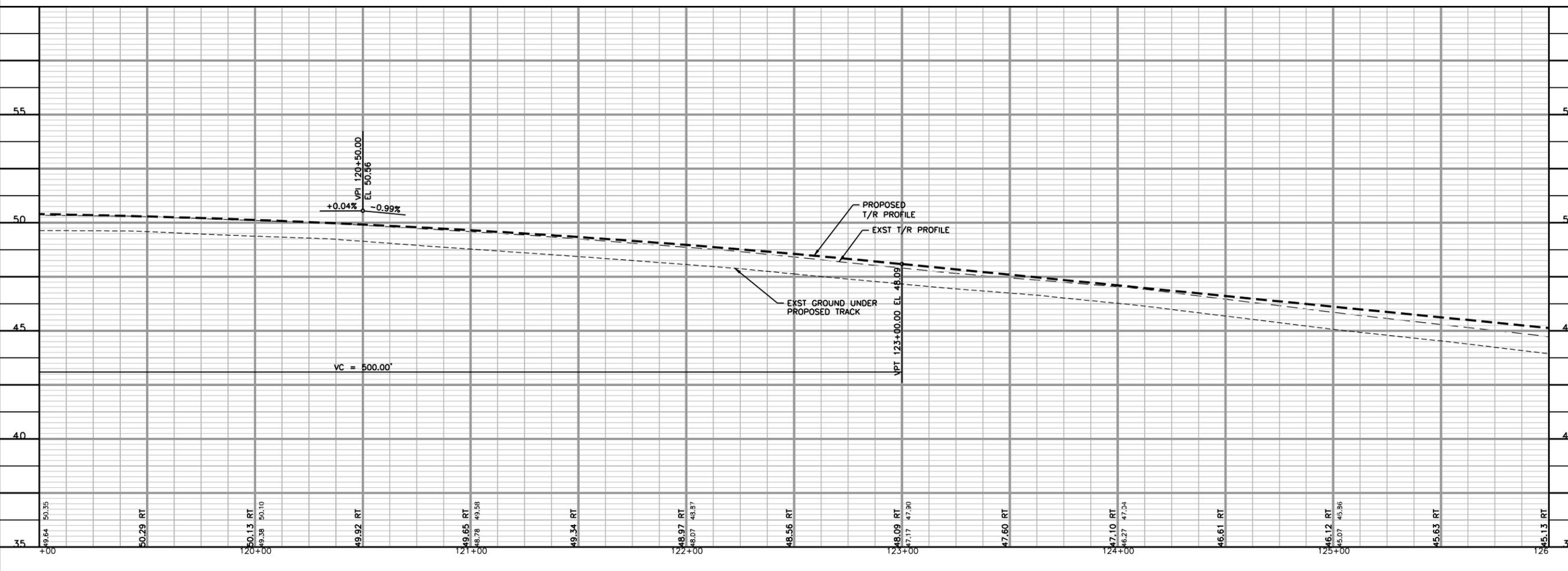
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JD TO JONES HILL

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 $L = 153.70'$
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 4600 SALISBURY ROAD
 SUITE 440
 JACKSONVILLE, FLORIDA 32216
 PHONE: 904-245-6500
 FAX: 904-245-6510

CHECK PRINT
 DATE 01/27/2010

CONSULTANTS:

JD TO JONES HILL
 PRINCE GEORGES COUNTY, MARYLAND


 ENGINEERING DEPARTMENT
 TRANSPORTATION PROJECTS
 JACKSONVILLE, FLORIDA

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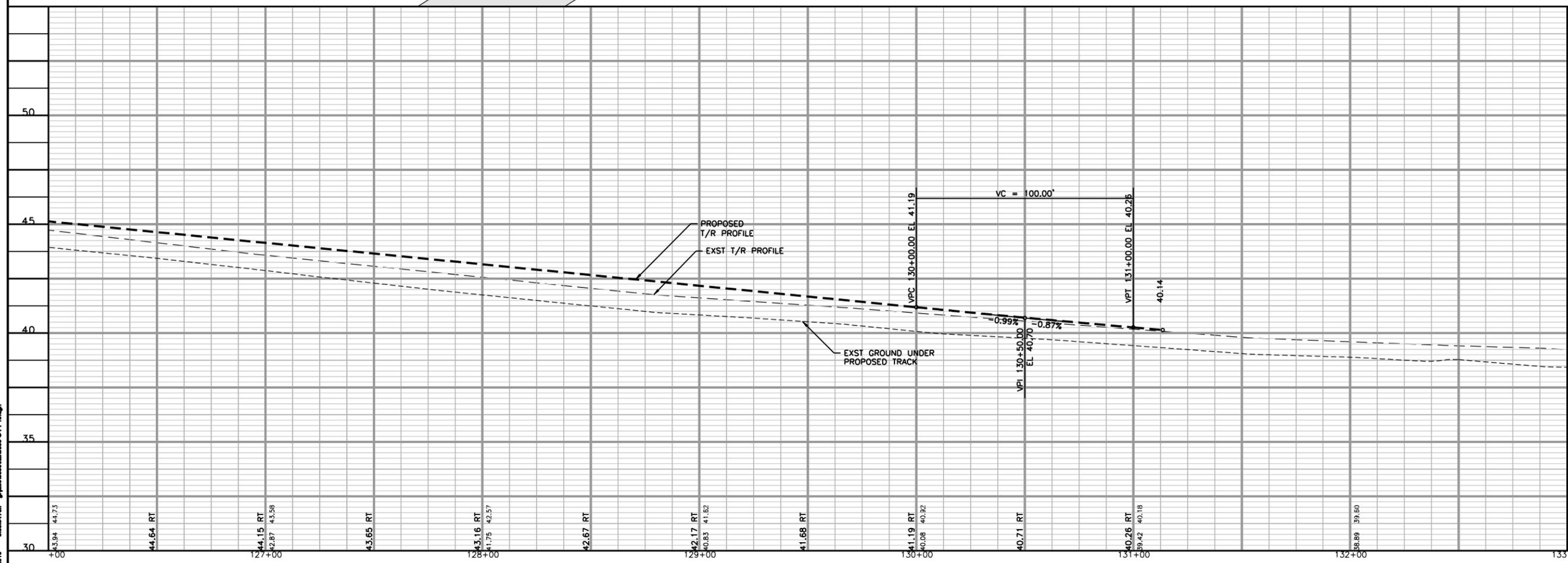
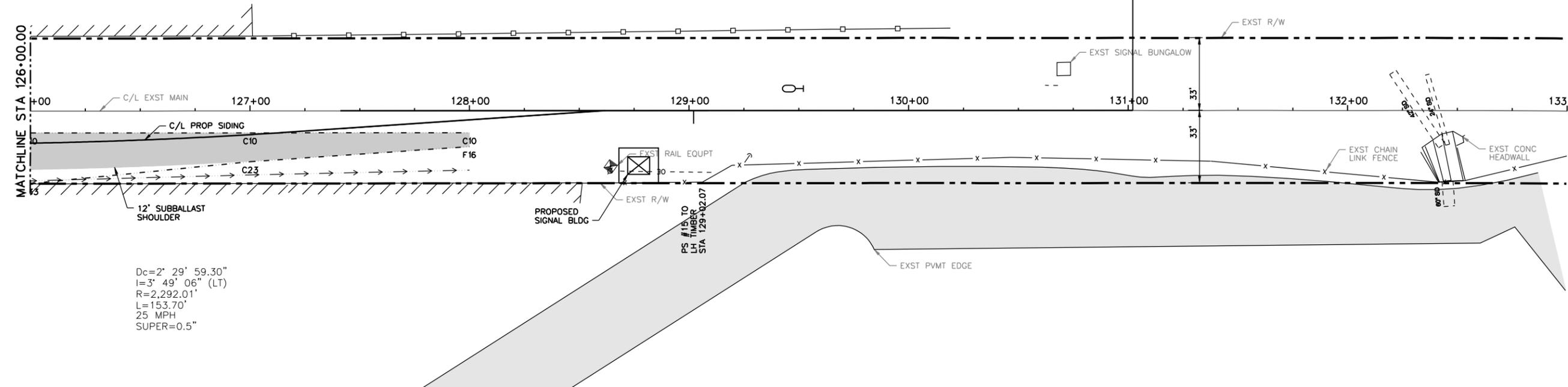
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JD TO JONES HILL

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CONSULTANTS:

JD TO JONES HILL
 PRINCE GEORGES COUNTY, MARYLAND

 ENGINEERING DEPARTMENT
 TRANSPORTATION PROJECTS
 JACKSONVILLE, FLORIDA

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JD TO JONES HILL

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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

June 6, 2011

Cheryl L. Kelly
National Capital Planning Commission
401 9th Street, NW, Suite 500N
Washington, DC 20004

Project: JD to Jones Hill Double-Tracking Project
Prince George's County, Maryland
Draft Environmental Assessment and De Minimis Finding

Dear Ms. Kelly:

Please find enclosed a draft Environmental Assessment (EA) for your comment. The EA describes a proposed joint-benefit project between the Maryland Transit Administration (MTA) and CSX Transportation (CSX). The project consists of double tracking a two-mile portion of the single-track, four-mile long Alexandria Extension. The EA discloses that the project will require an approximately 0.38 acre strip of right-of-way from the Anacostia River Park which was partially funded by the Capper-Cramton Act. The MTA understands the National Capital Planning Commission would like to adopt this EA to fulfill its National Environmental Policy Act requirements and as such, offers NCPC a 30-day period to send any comments on the draft EA to the MTA.

The document also discloses the Federal Transit Administration will make a de minimis determination for the Section 4(f) use of the park and includes correspondence from the Maryland-National Capital Park and Planning Commission supporting a de minimis finding.

If you have any questions or need additional information, please feel free to contact Dan Reagle by phone at 410.767.3771 or by e-mail at DReagle1@mta.maryland.gov. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Newton". The signature is fluid and cursive, with a large loop at the beginning and a wavy end.

John Newton, Manager
Environmental Planning
Maryland Transit Administration

cc: Mr. Tim Lidiak, FTA
Mr. Dan Reagle, MTA

Enclosure

APPENDIX C

AIR QUALITY CONFORMITY



Maryland Department of Transportation

CONSOLIDATED TRANSPORTATION PROGRAM

2010 State Report on Transportation • FY 2010–2015

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
Beverley K. Swaim - Staley, Secretary



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STATUS: Improvements are ongoing.

PROJECT: MARC Improvements on Camden, Brunswick and Penn Lines (ARRA)

DESCRIPTION: Ongoing improvement program of the MARC Camden, Brunswick and Penn lines to ensure safety and quality of service. Program is implemented through CSX and Amtrak operating agreements. On CSX projects, the existing signal system will be upgraded and three crossovers will be added to increase track capacity. Amtrak projects will include passenger upgrades at Baltimore Penn Station, BWI Rail Station and Washington Union Station.

JUSTIFICATION: Investments in passenger rail corridor infrastructure improvements are necessary to continue quality MARC service.

SMART GROWTH STATUS:

- Project Not Location Specific or Location Not Determined
- Project Within PFA
- Project Outside PFA; Subject to Exception
- Grandfathered
- Exception Approved by BPW/MDOT

ASSOCIATED IMPROVEMENTS:

None.

SIGNIFICANT CHANGE FROM FY 2009 - 14 CTP: Cost increased \$29.5 million due to the addition of the Gateway project which is a joint effort by Maryland and several other states, the federal Government and CSX to enhance the movement of rail freight.

| <u>POTENTIAL FUNDING SOURCE:</u> | | <input checked="" type="checkbox"/> SPECIAL | | <input checked="" type="checkbox"/> FEDERAL | | <input type="checkbox"/> GENERAL | | <input type="checkbox"/> OTHER | | |
|----------------------------------|------------------------------|---|-------------------|---|--|----------------------------------|--------------|--------------------------------|----------------|---------------------|
| PHASE | TOTAL ESTIMATED COST (\$000) | EXPEND THRU 2009 | CURRENT YEAR 2010 | BUDGET YEAR 2011 | PROJECTED CASH REQUIREMENTS FOR PLANNING PURPOSES ONLY | | | | SIX YEAR TOTAL | BALANCE TO COMPLETE |
| | | | | |2012.... |2013.... |2014.... |2015.... | | |
| Planning | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Engineering | 1,723 | 1,723 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Right-of-way | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Construction | 176,841 | 75,013 | 34,005 | 39,694 | 13,508 | 10,610 | 4,011 | 0 | 101,828 | 0 |
| Total | 178,564 | 76,736 | 34,005 | 39,694 | 13,508 | 10,610 | 4,011 | 0 | 101,828 | 0 |
| Federal-Aid | 123,585 | 55,992 | 19,307 | 27,963 | 9,064 | 8,052 | 3,207 | 0 | 67,593 | 0 |

#8007, #8008 and #8010 added as an ARRA-related project
0183, 0687, 8007, 8008, 8010



TRANSPORTATION IMPROVEMENT PROGRAM

For the Metropolitan Washington Region

FY 2010 – 2015



JULY 15, 2009

The preparation of this report was financially aided through grants from the District of Columbia Department of Transportation, the Maryland Department of Transportation, the Virginia Department of Rail & Public Transportation, the Virginia Department of Transportation, Federal Highway Administration, and the U.S. Department of Transportation, Federal Transit Administration, under the Urban Mass Transportation Act of 1964, as amended.

**National Capital Region Transportation Planning Board
Metropolitan Washington Council of Governments**

**SUBURBAN MARYLAND
TRANSPORTATION IMPROVEMENT PROGRAM
CAPITAL COSTS (in \$1,000)**

| Source | Fed/St/Loc | Previous Funding | FY 10 | FY 11 | FY 12 | FY 13 | FY 14 | FY 15 | Source Total |
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MDOT/Maryland Transit Administration

Transit

Baltimore/Washington Investment Corridor project

TIP ID: **4890** Agency ID: **1175** Title: **Baltimore/Washington Investment Corridor - previously known as WMATA Green Line E** Complete:

| | | | | | | | | | | |
|---------------------|-------|---------|-------|---------|--|--|--|--|--|--------------|
| Facility: | State | 0/100/0 | 542 d | 1,458 d | | | | | | 1,458 |
| From: | | | | | | | | | | |
| To: | | | | | | | | | | |
| Total Funds: | | | | | | | | | | 1,458 |

Description: Project is outcome of recently completed studies of extending the Metrorail Green Line from its current terminus at Greenbelt to Laurel and continuing north to BWI Airport. The corridor extends along a portion of the MARC Camden Line. This study will identify specific transit markets and targeted investments for the Baltimore-Washington Investment Corridor. The study outcomes could be the focus of subsequent studies to determine specific alignments, station locations, operations and other investment details.



Corridor Cities Transitway (CCT)

TIP ID: **3468** Agency ID: **1108** Title: **Corridor Cities Transitway (CCT)** Complete:

| | | | | | | | | | | |
|---------------------|-----------------|---------|--|---------|---------|---------|---------|---------|--|---------------|
| Facility: | Section 5307 | 80/20/0 | | 3,506 a | | | | | | 3,506 |
| From: | Section 5309-NS | 80/20/0 | | | 3,125 a | 6,250 a | 6,250 a | 6,250 a | | 21,875 |
| To: | | | | | | | | | | |
| Total Funds: | | | | | | | | | | 25,381 |

Description: This is a joint project with SHA. The transit portion of the multi-modal project extends from the Shady Grove Metro station to the COMSAT facility just south of Clarksburg. The multi-modal project overall studies transit and highway improvements in the I-270/US 15 corridor in Montgomery and Frederick Counties from Shady Grove Metro Station to Biggs Ford Road north of Frederick. The Corridor Cities Transitway would be either a light rail transit or bus rapid transit line along a 14-mile corridor from Rockville through Quince Orchard, Gaithersburg and Germantown to Clarksburg. Another option under study is "premium bus" service along a proposed I-270 High Occupancy Vehicle (HOV) or Express Toll Lane managed facility. Public hearing scheduled Fall 2008.



CSX & Amtrak Efficiency Improvements

TIP ID: **3008** Agency ID: **0183/0687** Title: **CSX & Amtrak Efficiency Improvements** Complete:

| | | | | | | | | | | |
|---------------------|-----------------|---------|---------|---------|----------|----------|---------|---------|--|---------------|
| Facility: | Section 5307 | 80/20/0 | 1,805 c | 446 c | 10,481 c | 11,304 c | 7,137 c | 2,250 c | | 31,618 |
| From: | Section 5309-FG | 80/20/0 | | 2,811 c | 6,088 c | 2,509 c | | | | 11,408 |
| To: | | | | | | | | | | |
| Total Funds: | | | | | | | | | | 43,026 |

Description: MARC system track improvement project for efficient service as identified and recommended in the MARC Master Plan from the MARC Comprehensive Study.

Local Bus Replacement - Montgomery & Prince George's

TIP ID: **2713** Agency ID: **0892/0893** Title: **local bus acquisition** Complete:

| | | | | | | | | | | |
|---------------------|-------|---------|---------|---------|---------|---------|---------|---------|--|---------------|
| Facility: | State | 0/100/0 | 3,340 e | 5,860 e | 2,500 e | 2,500 e | 2,500 e | 2,500 e | | 15,860 |
| From: | | | | | | | | | | |
| To: | | | | | | | | | | |
| Total Funds: | | | | | | | | | | 15,860 |

Description: The State of Maryland will allocate funds for the replacement of buses that have exceeded their useful life. The buses will replace older buses used by Prince George's County and Montgomery County in the delivery of local transit service.



**APPENDIX D - PUBLIC MEETING
COMMENTS AND RESPONSES**

Town of Bladensburg



COUNCIL MEMBERS
WARD I
TRINA BROWN
CRIS MENDOZA

MAYOR
WALTER L. JAMES

COUNCIL MEMBERS
WARD II
WALTER FICKLIN
WALTER GEORGE

December 16th, 2011

Mr. John Newton
Manager, Environmental Planning Division
Maryland Transportation Administration
#6 Paul Street
Baltimore, Maryland 21202-6806
Email: JNewton@mtamaryland.com

Re: JD to Jones Hill Double Tracking Project: *COMMENTS FROM THE TOWN OF BLADENSBURG*

Dear Mr. Newton,

The Town and Council and I are always concerned for the continuity and development of economic opportunities within our Town. Thus, factors that curtail or encumber these opportunities are sought to be resolved and/ or removed. The Bladensburg Waterfront Park is a key component of our community' economic vitality whose opportunities may be vastly improved as a result forethought and actions within the JD to Jones Hill Double Tracking Project.

While the project in and of itself is rather innocuous, we are aware that there is a bridge which crosses the Anacostia that must be re-built to allow and conform to double tracking standards. The bridge at its current height is an impediment to boat traffic, thus our economic growth in the area of the waterfront park. In this light, we are requesting that if this bridge is re-built, that it is in fact raised to allow such boat traffic to traverse the river.

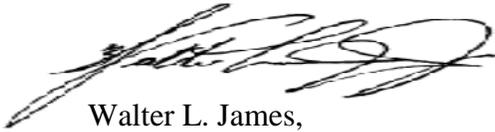
We also believe that preservation of the natural flora and fauna in our area is critical to maintain both the watershed as well as a positive community feature. Thus, native vegetation where disturbed by the project is sought to be restored or preserved as most reasonably practical. Most distinctly, the implementing of rail with trail enhancement is directly applicable to this project linking to our urbanized trail system so that this area becomes more of an amenity than a distraction. Additionally, we request that all CSX crossings should be designed with both bicycle and pedestrian-safe surfaces in mind and with adequate signal and other safety measures in place.

JD to Jones Hill
Town of Bladensburg Comments
Page #2

Finally, we ask that there is a comprehensive attempt by CSX at outreach to our connected communities and community partners. This outreach will ensure that they will stay abreast of the issues, but also they may provide important information that can assist or facilitate this project.

We appreciate you hearing our comments and concerns on this matter. Should you require further information, please do not hesitate to contact me at 301-927-7048.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter L. James", written in a cursive style.

Walter L. James,
Mayor

cc: Town Council



JD To Jones Hill Double Tracking Project

THURSDAY, December 8, 2011

Bladensburg Elementary SCHOOL

COMMENT FORM

The Maryland Transit Administration (MTA) and CSX Transportation are working cooperatively to complete this project. The project consists of adding a two-mile section of second railroad track to an existing single-track corridor and widening an existing railroad bridge over the Northeast Branch of the Anacostia River. Now is your opportunity to comment on the proposed improvements and share your ideas. Your comments are appreciated and will be reviewed by the project team.

Name: Mayor Walter L. James and Council of the Town of Bladensburg
Organization: TOWN OF BLADENSBURG
Email: wjames@bladensburg.net & jmoss@bladensburg.net
Postal Address: 4229 Edmonston Road
City: Bladensburg State: Maryland Zip Code: 20710

I/We wish to submit the following comments on this project:

The Mayor and Town and Council are always concerned for the continuity and development of economic opportunities within our Town. Thus, factors that curtail or encumber these opportunities are sought to be resolved and/ or removed. The Bladensburg Waterfront Park is a key component of our community' economic vitality whose opportunities may be vastly improved as a result forethought and actions within the JD to Jones Hill Double Tracking Project.

While the project in and of itself is rather innocuous, we are aware that there is a bridge which crosses the Anacostia that must be re-built to allow and conform to double tracking standards. The bridge at its current height is an impediment to boat traffic, thus our economic growth in the area of the waterfront park. In this light, we are requesting that if this bridge is re-built, that it is in fact raised to allow such boat traffic to traverse the river.

SEE CONTINUATION ON SHEET #2



Maryland Transit Administration
Maryland Department of Transportation

John Newton
Manager, Environmental Planning Division
Office of Planning

6 St. Paul Street • Baltimore, Maryland 21202-6806
410-767-3769 • Fax: 410-333-0489
E-Mail: JNewton@mtamaryland.com • www.mtamaryland.com
General Information: 410-454-7222 • Toll Free: 1-888-218-2267



JD To Jones Hill Double Tracking Project
THURSDAY, December 8, 2011
Bladensburg Elementary SCHOOL
COMMENT FORM

The Maryland Transit Administration (MTA) and CSX Transportation are working cooperatively to complete this project. The project consists of adding a two-mile section of second railroad track to an existing single-track corridor and widening an existing railroad bridge over the Northeast Branch of the Anacostia River. Now is your opportunity to comment on the proposed improvements and share your ideas. Your comments are appreciated and will be reviewed by the project team.

Name: Mayor Walter L. James and Council of the Town of Bladensburg
Organization: TOWN OF BLADENSBURG
Email: wjames@bladensburg.net & jmoss@bladensburg.net
Postal Address: 4229 Edmonston Road
City: Bladensburg State: Maryland Zip Code: 20710

I/We wish to submit the following comments on this project:

We also believe that preservation of the natural flora and fauna in our area is critical to maintain both the watershed as well as a positive community feature. Thus, native vegetation where disturbed by the project is sought to be restored or preserved as most reasonably practical. Most distinctly, the implementing of rail with trail enhancement is directly applicable to this project linking to our urbanized trail system so that this area becomes more of an amenity than a distraction. Additionally, we request that all CSX crossings should be designed with both bicycle and pedestrian-safe surfaces in mind and with adequate signal and other safety measures in place.

Finally, we ask that there is a comprehensive attempt by CSX at outreach to our connected communities and community partners. This outreach will ensure that they will stay abreast of the issues, but also they may provide important information that can assist or facilitate this project.

We appreciate you hearing our comments and concerns on this matter. Should you require further information, please do not hesitate to contact me at 301-927-7048.



January 17, 2012

Mr. John Newton
Manager, Environmental Planning Division
Maryland Transportation Administration
#6 Paul Street
Baltimore, Maryland 21202-6806
Email: JNewton@mtamaryland.com

The Town of Cheverly, in keeping with its commitment to the environmental, agrees with the stated goal of the CSX-JD to Jones Hill project is to increase the traffic flow of MARC commuter trains. Hopefully this will also increase ridership, reducing the stress on our highways.

In this vein, we'd like to see a key objective of this project to be "improve non-motorized traffic in the area". The State of Maryland, Department of Transportation and the District of Columbia have invested heavily to build the Anacostia River Trail. This project provides a unique opportunity to maximize that investment, by allowing neighboring communities' access to the Anacostia River Trail. Please consider the following:

- Design a safe crossing at Lloyd Street by providing a bicycle and pedestrian-safe surface and by providing adequate signal and other safety measures.
- Design a rail-with-trail that would build a pedestrian-bicycle trail parallel to track. The trail should run from the near Belmont Street in Cheverly, to Lloyd Street, where it would join the connector trail.

The Town of Cheverly also concurs with Bladensburg Mayor Walter L. James that the bridge crossing the Anacostia River be raised in an effort to improve boat traffic allowing economic growth of the Bladensburg Water Park.

We expect the project will be executed in a manner that is respectful to the already stressed environment in the area. Hopefully, "meeting existing regulations" will not be the goal. Instead we would like to see this project exceeding standards when restoring the areas of disturbance.

One key area of environmental concern is any impact to Quincy Run. Today, Quincy Run is piped under the tracks. If during the design of the project it becomes possible to daylight the stream in this area that would be a significant benefit.

Sincerely,


Mike Callahan
Mayor, Town of Cheverly



CC: Andrea Harrison, 47th Delegation, Mayor Walter, John Moss.

Dan Reagle

From: Brent Bolin [bbolin@anacostiaws.org]
Sent: Thursday, December 08, 2011 5:25 PM
To: Dan Reagle
Subject: JD to Jones Hill Double Tracking Project

Hello,

My name is Brent Bolin and I am Director of Advocacy at the Anacostia Watershed Society (AWS), located in Bladensburg, MD. We have been working since 1989 to restore the health of the Anacostia River and its communities.

I just found out today, via a concerned citizen, that there will be a public meeting tonight on the JD to Jones Hill Double Tracking Project. This is the first I have ever heard of this project or the meeting. I am absolutely astonished that AWS would not receive notification of a project that will widen a bridge over the Anacostia River and impact several culverts, potentially affecting runoff and drainage to the river.

The citizens I spoke to today tell me that their mayor received a letter earlier this week notifying of the meeting 12/8. I have make several inquiries to nearby elected officials and civic leaders and no one has heard of this project or this meeting (including the Town of Bladensburg and other Port Towns). Based on the lack of notification to AWS and the other local stakeholders, I am left with a lot of questions about this project and how it is being handled.

Finally, I will go firmly on the record as saying that having a 30-day comment period that runs over the holiday season is totally unacceptable. I anticipate working with local stakeholders to formally request an extension of this comment period, and proper notice to the affected communities.

Given the relative lack of notice and the running of the comment period over the holidays I can't help but wonder about MTA's interest in including the public in this process. Citizens I spoke to today share that view.

Unfortunately because of the late notice I will be unable to attend tonight's meeting. I plan to follow up with the citizens that do attend and develop next steps.

I look forward to a detailed exchange with you in the near future.

Best regards,
Brent

Brent Bolin
Director of Advocacy
Anacostia Watershed Society
4302 Baltimore Ave
Bladensburg, MD 20710

From: RJ Eldridge [mailto:reldridge@tooledesign.com]
Sent: Monday, January 16, 2012 9:58 PM
To: Dan Reagle
Cc: RJ Eldridge
Subject: CSX/MTA Joint Development Project

Dan,

I believe we've worked together before on the MD Climate Action Plan implementation project, and possibly on the Maryland Statewide Trails Plan.

I'm writing to you as an vested citizen of Prince George's County. I live in Cheverly, MD where I am on the town council and have been working for several years with Delegate Jolene Ivey and Senator Victor Ramirez, Cheverly Mayor Mike Callahan, Bladensburg Mayor James, and MNCPPC staff to improve nonmotorized connections to the Bladensburg Waterfront Park and the Anacostia Trails system from Bladensburg, Cheverly and other surrounding areas. We have had modest success- the formalized Lloyd Street Connector Trail which allows access to Kenilworth Avenue from the southern edge of the Waterfront Park. This connector is currently reached by two functional, but relatively unattractive on-road routes that carry heavy volumes of truck traffic along roadways with poor surfaces for bicycling.

I have sketched up the existing routes (Kenilworth Avenue and Quincy Run), as well as the alignment of a proposed Rail with Trail. Not only would this allow significantly enhanced connection from Cheverly, it would also continue a proposed bike route from New Carrollton (that actually may connect to the WB&A Trail). This would allow greatly enhanced access for the new residents and workers at the New Carrollton TOD development to the Anacostia Trail System (which will connect to DC, College Park and Silver Spring). Here is a link to a google map of the sketch: <http://g.co/maps/gqdhx>.

As you know, opportunities like this come up once in a generation, and we must think creatively and holistically. I am not aware of the full scope for the project (although it is my understanding that the Lloyd Street Connector was not indicated on existing conditions maps), but I do trust that you will incorporate this into your work. I have spoken with Senator Ramirez about this and I will also be contacting Delagete Ivey to see how they can help. I know that they see this as an important connection to be maintained and improved.

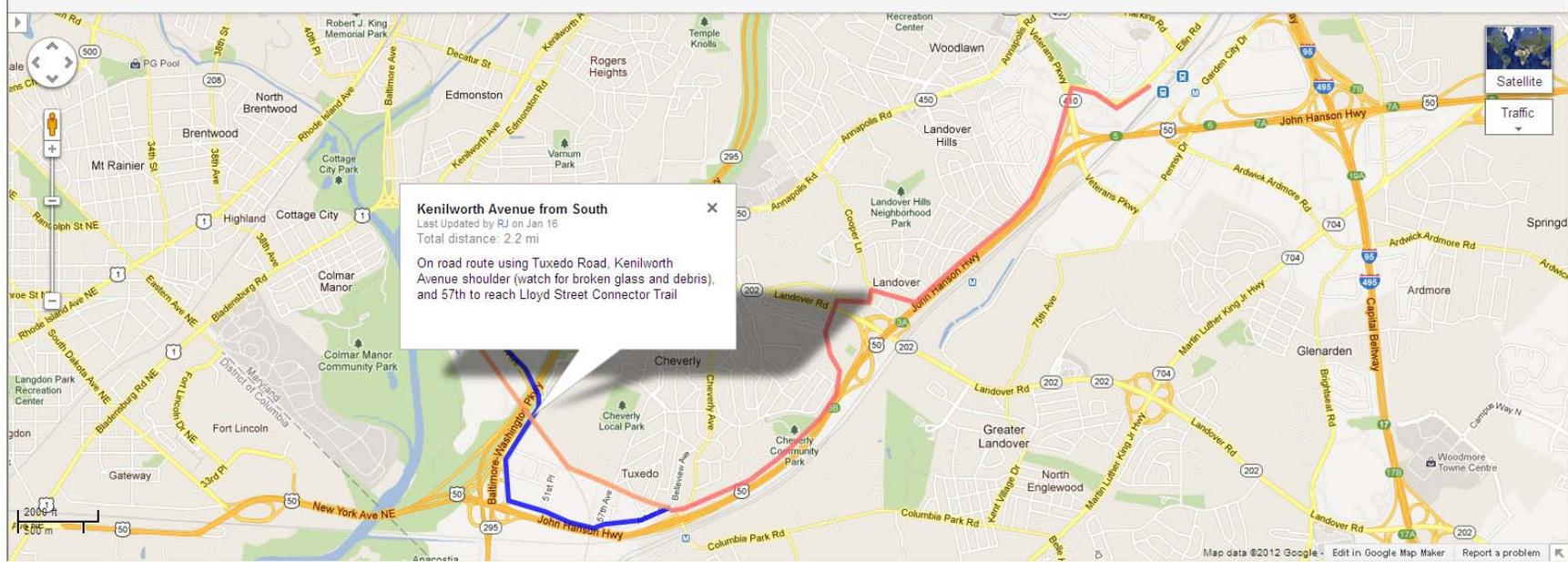
Please feel free to contact me by phone or email if you have additional questions.

Thank you,
RJ Eldridge

RJ Eldridge
Director of Planning

Toole Design Group
6525 Belcrest Road, Suite 400
Hyattsville, Maryland 20782
www.tooledesign.com
reldridge@tooledesign.com
p 301.927.1900 x107 f 301.927.2800

The map displays a route starting in Cheverly and heading west towards Bladensburg. Key roads shown include Annapolis Rd, Baltimore-Washington Pkwy, and John Hanson Hwy. Landmarks such as Glenridge Recreation Center and Prince George's Hospital Center are labeled. The map interface includes a search bar at the top, navigation controls on the left, and a layers menu on the right. A scale bar and map data information are visible at the bottom of the map area.



Email to: DReagle1@mta.maryland.gov; Greg.breedlove@csx.com; troy.neisz@amec.com

Date: December 20, 2011

From: Arthur D. Heath & Mary J. Heath, General Partners
F&H Associates

Re: **Comments/questions on the JD to Jones Hill Project**

I am property owner at 3000 52nd Avenue, Hyattsville, MD 20781 which is adjacent to the proposed project. The drawings on your web site do not indicate that the new design will eliminate the flooding caused by CSX at our location. After attending the open house and reviewing the site plans, we would like the following clarified from your web site:

<http://mta.maryland.gov/joint-benefit>

Appendix A – Plan Sheets – PP 14

1. Drawings indicate to relocate existing Derail but does not show this on PP 15. Will this be relocated and if so, will this impede water flow from the swale?
2. No elevations are shown on drainage swale. Please state elevations.

Appendix A – Plan Sheets – PP 15

1. Are the Derail tracks going to extend to where they end now?
2. Are there any plans to install a retaining wall along the back of the old railroad loading dock on our building to keep from eroding the foundation? Will the new swale have the required slope to keep from eroding the foundation of our Quonset Hut?
3. Between the railroad loading dock and our Quonset hut, there is an existing ally that floods due to CSX's blocked drainage ditch. Will this be corrected?
4. Will the drainage swale be sufficiently lower than the floor of our Quonset hut to alleviate the flooding problem?
5. The water that flows down the east side of 52nd Ave., currently must cross over 52nd Ave. to get to the swale on the northwest side of the street. **This is because the swale on the east of the street was improperly filled in by CSX and has created major flooding. Do you plan to clean out and reopen this swale before the new project begins?**
6. The plans call for adding a 24" culvert under 52nd Ave. which will tremendously increase the flow of water to the swale next to our property which is already flooding.
7. Is there a possibility that a new culvert could be added at the vicinity of the proposed signal at 100 + 25.

Appendix A – Plan Sheets – PP 16

1. Why is the water being diverted to head northwest when there are no provisions allowing this now?

General Questions/Comments:

1. The postcard notifying of the Dec. 8, 2011 open house re JD to Jones Hill Project was addressed to “Resident”. It should have been addressed to the “Building Owners” for proper notification. The postcard was received only 2 weeks before the meeting.
2. Your plans refer to a tapering subballast. Please explain what this is.
3. Drawings do not indicate inverts of swales. Will there be any drawings of this?
4. We were told at the meeting that this new design will not increase train traffic. Is this true?
5. What guarantee will property owners have that CSX will provide drainage maintenance on this new project? CSX’s lack of maintenance is currently causing business and street flooding which they have refused to correct after years of complaints (see CSX Ref #0168h3547022). This needs to be addressed before the new project begins.

Please direct all future correspondence as follows:

Arthur D. Heath, Jr., General Partner
Mary J. Heath, General Partner
F & H Associates
3000 52nd Ave., Hyattsville, MD 20781
maryjaneheath@msn.com
Phone: 301-343-759

cc mailed to: Mark Holder, Director, Public Agency Services
CSX Transportation, Inc.
500 Water Street, Jacksonville, FL 32202

cc mailed to: Greg Breedlove, Director, Business nit Services
6737 Southpoint Drive South, Ste. 100, Jacksonville, FL 32216

cc mailed to: Mr. W. Troy Neisz, Professional Geologist
CSX/AMEC Environment & Infrastructure
3800 Ezell Rd., Suite 100, Nashville, TN 37211

cc mailed to: Mr. William Hildebrand
CSX Corporation
8439 Dorsey Run Rd, Jessup, Maryland 20794

From: Sheila Salo [mailto:sheila.salo@gmail.com]
Sent: Monday, December 12, 2011 2:05 PM
To: Dan Reagle
Cc: Michael Callahan
Subject: Revised notes on JD to Jones Hill project

Dear Mr. Reagle:

Please use the revised notes, attached.

Thank you.

Sheila Salo

--

Sheila Salo
5607 Greenleaf Rd
Cheverly MD 20785



Maryland now features 511 traveler information!
Call 511 or visit: www.md511.org



Please consider the environment before printing this email

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Notes for MTA/CSX double-tracking project

Make safety provisions for existing bicycle trail at grade crossing and consider rail-with-trail

Currently there is a bicycle trail, the Lloyd Street Connector Trail to the Anacostia River Trail, at the Lloyd Street grade crossing.



Map showing the Lloyd Street Connector Trail in proximity to the track

There are no signals or safety measures at this crossing, beyond a sign indicating that there are no safety measures.

Page 33 of the assessment document deals with bicycle paths along the railroad route, yet mentions only the Northeast Branch Trail. The Lloyd Street Connector Trail is not considered.

Page 4 of the assessment document and Drawing EXH01 indicates that there will be flashers at this crossing; page 33 indicates that the current safety measures are adequate. The assessment document indicates that “New asphalt and timber crossings would be provided at the crossing of ..., Lloyd Street....”

“In addition, railroad signals, signal buildings, fencing, turnouts, derailleurs, and retaining walls would be relocated or installed, as required.” The latter statement does not indicate how the Lloyd Street crossing, in particular, would be handled.



**Detail from Drawing EXH01,
showing flashers at the Lloyd Street crossing and a feature (arrow) not explained in the key**

We request a detailed description of the safety measures proposed for this crossing.

How many trains are expected to cross at Lloyd Street per day?

We request that the present project be revised to handle this in two ways.

1. Design a safe crossing by providing a bicycle and pedestrian-safe surface and by providing adequate signal and other safety measures.
2. Design a rail-with-trail that would build a pedestrian-bicycle trail along with the added tracking. The trail would run from the southernmost double track, near Belmont Street in Cheverly, to Lloyd Street, where it would join the connector trail. This would provide an important public service to communities underserved by alternative transportation options. That would also be good public relations.

Below are some resources.

The FHWA: Railroad-Highway Grade Crossing Handbook - Revised Second Edition August 2007, provides that “Non-motorist crossing safety should be considered at all highway-rail grade crossings, particularly ... at non-motorist facilities, such as *bicycle/walking trails*.....

“Passive and active devices may be used to supplement highway-related active control devices to improve non-motorist safety at highway-rail crossings. Passive devices include fencing; swing gates; pedestrian barriers; pavement markings and texturing; refuge areas; and fixed message signs. Active devices include flashers; audible active control devices; automated pedestrian gates; pedestrian signals; variable message signs; and blank-out signs.

“These devices should be considered at crossings with high pedestrian traffic volumes; high train

speeds or frequency; extremely wide crossings; complex highway-rail grade crossing geometry with complex right-of-way assignment; school zones; inadequate sight distance; and/or multiple tracks. All pedestrian facilities should be designed to minimize pedestrian crossing time, and devices should be designed to avoid trapping pedestrians between sets of tracks.

“Guidelines for the use of active and passive devices for non-motorist signals and crossings are found in MUTCD Section 10D, Part 10.”

See also: <http://www.fhwa.dot.gov/environment/rectrails/rwt/section5c.htm>

Some engineering suggestions:

<http://www.techtransfer.berkeley.edu/railroad06downloads/ciccarelli.pdf>

For rail-with-trail designs:

http://www.railstotrails.org/resources/documents/resource_docs/Rails-with-Trails%20Report%20reprint_1-06_lr.pdf

Research alternative culvert designs or alternatives to culverts

Updated stormwater management measures are not considered in the Environmental Assessment.

Use environmental safeguards beyond the minimal regulatory requirements

Minimize disturbance of soil and vegetation.

Replant trees on stream banks.

Use all measures to prevent siltation of all streams and seeps.

Comments on the public face of this project

Publicity was minimal and should have extended beyond 1/4 mile on either side of track to encompass the entire Anacostia watershed.

The open house event provided the bare minimum for public discussion.

The scope of the discussion is narrow and does not allow for consideration of the project in the context of the needs of the communities through which the tracks pass.

The discussion period allowed is very short.

John Wright

Carol Hamilton

JOHNLWRIGHT61@gmail.com

4618 Burlington Road
Hyattsville, MD 20781

1. **We are experiencing flooding** of our garage during rainstorms. There is always a lot of debris in the ditch along the track, which blocks the water flow in effect creating a dam. Railroad ties are being dumped in the ditch.

2. **The noise levels are very high as trains go around the curve.** The sound is a high pitched squeal that is painful when we are outside or the windows are open. I plan to measure the decibel level and report on that.



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

April 6, 2012

The Honorable Walter Lee James, Jr.
Mayor
Town of Bladensburg
4229 Edmonston Road
Bladensburg MD 20710

Re: JD to Jones Hill Double Tracking Project
Prince George's County

Dear Mayor James:

Thank you for submitting your comments on the JD to Jones Hill Double Tracking Project environmental assessment (EA) to the Maryland Transit Administration (MTA).

Raising the bridge structure over the Northeast Branch of the Anacostia River would require considerable alterations of the railroad profile on both the east and west side of the river. The elevation changes would significantly impact the property requirements immediately adjacent to the railroad. The current configuration minimizes these impacts to the community.

We are minimizing areas of impact to vegetation and will return areas of vegetation temporarily disturbed to their previous state. All work will be done in accordance with applicable federal, state and local regulations to minimize impacts, like stream siltation, to the natural environment.

Ms. Sharon Daboin, CSX Transportation's Resident Vice-President for State and Community Affairs, met with Mayor Callahan and Councilman Eldridge on March 2, 2012 in Cheverly to discuss the project and the Town of Cheverly's bicycle trail network plans. Ms. Daboin explained that the addition of a 2nd track will not require modification of the underpasses below MD 295 and MD 201. To do so for the trail would add a very significant expense and project delay in coordinating this modification with National Park Service and the Maryland State Highway Administration. The MTA will revise the existing conditions section of the EA to include the Lloyd Street Connector as an existing bicycle facility.

The Honorable Walter Lee James, Jr.
Page Two

Upon approval by the Federal Transit Administration of the final EA, which will include your written comments and the MTA's response, it will be posted on the project website at <http://mta.maryland.gov/joint-benefit>.

Thank you for your support and interest in public transportation. Please feel free to contact me at 410-767-3763 or by email at cblake1@mta.maryland.gov with any questions on this or any other public transit matters.

Sincerely,



Christiaan Blake, Director
Office of External Affairs
Maryland Transit Administration

cc: Keith Brinker, CSX Transportation
Sharon Daboin, CSX Transportation
Brandon Knapp, CSX Transportation
John Moss, Town of Bladensburg
John Newton, Maryland Transit Administration



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April 6, 2012

The Honorable Michael H. Callahan
Mayor
Town of Cheverly
6401 Forest Road
Cheverly MD 20785-3196

Re: JD to Jones Hill Double Tracking Project
Prince George's County

Dear Mayor Callahan:

Thank you for submitting your comments on the JD to Jones Hill Double Tracking Project environmental assessment (EA) to the Maryland Transit Administration (MTA).

As you will recall, Ms. Sharon Daboin, CSX Transportation's Resident Vice-President for State and Community Affairs, met with you and Councilman Roswell Eldridge on March 2, 2012 in Cheverly to discuss the project and the Town of Cheverly's bicycle trail network plans. Ms. Daboin explained that the addition of a 2nd track will not require modification of the underpasses below MD 295 and MD 201. To do so for the trail would add a very significant expense and project delay in coordinating this modification with National Park Service and the Maryland State Highway Administration. The MTA will revise the existing conditions section of the EA to include the Lloyd Street Connector as an existing bicycle facility.

Raising the bridge structure over the Northeast Branch of the Anacostia River would require considerable alterations of the railroad profile on both the east and west side of the river. The elevation changes would significantly impact the property requirements immediately adjacent to the railroad. The current configuration minimizes these impacts to the community.

The existing pipes currently under the track at Quincy Run are to remain. All work will be done in accordance with applicable federal, state and local regulations to minimize impacts, like stream siltation, to the natural environment.

The Honorable Michael H. Callahan
Page Two

Upon approval by the Federal Transit Administration of the final EA, which will include your written comments and the MTA's response, the final EA will be posted on the project website at <http://mta.maryland.gov/joint-benefit>.

Thank you for your support and interest in public transportation. Please feel free to contact me at 410-767-3763 or by email at cblake1@mta.maryland.gov with any questions on this or any other public transit matters.

Sincerely,

A handwritten signature in blue ink that reads "Christiaan Blake". The signature is fluid and cursive, with the first name being more prominent.

Christiaan Blake, Director
Office of External Affairs
Maryland Transit Administration

cc: Keith Brinker, CSX Transportation
Sharon Daboin, CSX Transportation
Brandon Knapp, CSX Transportation
John Newton, Maryland Transit Administration



MARYLAND TRANSIT ADMINISTRATION

MARYLAND DEPARTMENT OF TRANSPORTATION

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor
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April 3, 2012

Mr. Brent Bolin
Director of Advocacy
Anacostia Watershed Association
4302 Baltimore Avenue
Bladensburg, MD 20720

Re: JD to Jones Hill Double Tracking Project
Prince George's County, MD

Dear Mr. Bolin:

Thank you for submitting your comments on the JD to Jones Hill Double Tracking Project environmental assessment (EA) to the Maryland Transit Administration (MTA). We apologize for not directly notifying the Anacostia Watershed Society of the open house meeting. However, please note that on November 16, 2011, the MTA notified the Council and Mayor of the Town of Bladensburg and the Town of Cheverly, in addition to state elected officials, about the open house meeting.

The MTA placed advertisements about the open house meeting in the Prince George's County Gazette on November 24, 2011, the Washington Hispanic on November 25, 2011, El Tiempo Latino on November 25, 2011 and the Prince George's Sentinel on November 17, November 24 and December 1, 2011. The MTA also mailed approximately 250 postcards to residents and businesses adjacent to the project corridor and hung approximately 90 English/Spanish door hangers in the residential areas at the northern end of the project informing people of the project and the open house meeting.

As you are aware, Mr. John Newton, Manager of the Environmental Planning Division, contacted you after the MTA received your concerns about the official comment period occurring over the holidays and informed you that all written comments submitted to the MTA between December 8, 2011 and January 23, 2012 would be included in the final EA. All work will be done in accordance with applicable federal, state and local regulations to minimize impacts, like stream siltation, to the natural environment.

Upon approval by the Federal Transit Administration of the final EA, which will include your written comments and the MTA's response, the final EA will be posted on the project website at <http://mta.maryland.gov/joint-benefit>.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of connected loops and a long horizontal stroke extending to the right.

John Newton, Manager
Environmental Planning Division
Maryland Transit Administration

cc: Keith Brinker, CSX Transportation
Brandon Knapp, CSX Transportation
Dan Reagle, Maryland Transit Administration



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April 3, 2012

Mr. RJ Eldridge
Director of Planning
Toole Design Group
6525 Belcrest Road, Suite 400
Hyattsville, MD 20782

Re: JD to Jones Hill Double Tracking Project
Environmental Assessment Comments
Prince George's County

Dear Mr. Eldridge:

Thank you for submitting your comments on the JD to Jones Hill Double Tracking Project environmental assessment (EA) to the Maryland Transit Administration (MTA).

As you recall, Ms. Sharon Daboin, CSX Transportation's Resident Vice-President for State and Community Affairs, met with you and Mayor Callahan on March 2, 2012 in Cheverly to discuss the project and the Town of Cheverly's bicycle trail network plans. Ms. Daboin explained that the addition of a 2nd track will not require modification of the underpasses below MD 295 and MD 201. To do so for the trail would add a very significant expense and project delay in coordinating this modification with National Park Service and the Maryland State Highway Administration.

As you requested, the MTA will revise the existing conditions section of the EA to include the Lloyd Street Connector.

Upon approval by the Federal Transit Administration of the final EA, which will include your written comments and the MTA's response, the final EA will be posted on the project website at <http://mta.maryland.gov/joint-benefit>.

Sincerely,

A handwritten signature in black ink, appearing to read "John Newton".

John Newton, Manager
Environmental Planning Division
Maryland Transit Administration

cc: Keith Brinker, CSX Transportation
Sharon Daboin, CSX Transportation
Brandon Knapp, CSX Transportation
Dan Reagle, Maryland Transit Administration



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April 3, 2012

Ms. Mary Heath
Mr. Arthur Heath
General Partners
F&H Associates
3000 52nd Avenue
Hyattsville, MD 20781

Re: JD to Jones Hill Double Tracking Project
Prince George's County

Dear Ms. Heath and Mr. Heath:

Thank you for submitting your comments on the JD to Jones Hill Double Tracking Project environmental assessment (EA) to the Maryland Transit Administration (MTA). You raised several general questions and several very specific questions which this letter will address.

We are sorry for any confusion related to the salutation on the post cards. It is often difficult to determine who occupies a property and if the owner or resident receives the mail at the address found in property tax databases. The MTA believes a minimum of two weeks is sufficient notice prior to an open house meeting. Please also note that on November 16, 2011, the MTA notified by email the Council and Mayor of the Town of Bladensburg and the Town of Cheverly, in addition to state elected officials. The MTA also placed advertisements in the Prince George's County Gazette on November 24, 2011, the Washington Hispanic on November 25, 2011, El Tiempo Latino on November 25, 2011 and the Prince George's Sentinel on November 17, November 24 and December 1, 2011. The MTA also mailed approximately 250 postcards to residents and businesses adjacent to the project corridor and hung approximately 90 English/Spanish door hangers in the residential areas at the northern end of the project informing people of the project and the open house meeting.

In your comments, you raised several questions about the drainage design and elevations. Please find enclosed revised plans PP1 to PP19, XS40 to XS44 and EC15 to EC16. They provide the details you requested on elevation and drainage patterns.

- The area called tapering sub ballast is the transition from the proposed new sub ballast to the existing sub ballast.

On PP14:

- The relocated "derail" is on an existing track currently.
- The existing track will not be removed or lengthened.
- The proposed ditching will construct a culvert under the existing track to direct drainage to the other side, thus relieving any flooding issues.

On PP15:

- The existing stub track will not be extended.
- The project does not include constructing a retaining wall and the new swale will have a slope of 1.2:1 to 2:1 in the area of the Quonset hut.
- A proposed ditch will be parallel with the track and have a pipe that direct drainage to the other side of the track to correct the flooding of the alley between the loading dock and Quonset hut.
- The proposed ditch will be approximately four feet lower than the existing ground elevation which should be sufficiently lower than the floor of our Quonset hut to alleviate the flooding problem.
- The plans do include a culvert crossing the existing track in the vicinity of 100+25.
- The plans were redesigned to make 52nd Ave the high point in the drainage system, thus reducing drainage towards the northwest and to reduce the flow of water towards your property.

If you require further information about your current concerns and existing conditions, please contact Brandon Knapp, Project Engineer, at 904.359.4818 or Brandon_Knapp@csx.com with your reference number.

Upon approval by the Federal Transit Administration of the final EA, which will include your written comments and the MTA's response, the final EA will be posted on the project website at <http://mta.maryland.gov/joint-benefit>.

Sincerely,



John Newton, Manager
Environmental Planning Division
Maryland Transit Administration

Attachments

cc: Keith Brinker, CSX Transportation
Brandon Knapp, CSX Transportation
Dan Reagle, Maryland Transit Administration



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April 3, 2012

Ms. Sheila Salo
5607 Greenleaf Road
Cheverly, MD 20785

Re: JD to Jones Hill Double Tracking Project
Prince George's County

Dear Ms. Salo:

Thank you for submitting your comments on the JD to Jones Hill Double Tracking Project environmental assessment (EA) to the Maryland Transit Administration (MTA).

The purpose of the project is to improve service on the MTA's MARC Camden line. The MTA/CSX value input from residents about how the project could be designed to enhance the surrounding community and your suggestions will be taken into consideration as we complete design. All work will be done in accordance with applicable federal, state and local regulations to minimize impacts, like stream siltation, to the natural environment.

On November 16, 2011, the MTA notified by email the Council and Mayor of the Town of Bladensburg and the Town of Cheverly, in addition to state elected officials. The MTA also placed advertisements in the Prince George's County Gazette on November 24, 2011, the Washington Hispanic on November 25, 2011, El Tiempo Latino on November 25, 2011 and the Prince George's Sentinel on November 17, November 24 and December 1, 2011. The MTA also mailed approximately 250 postcards to residents and businesses adjacent to the project corridor and hung approximately 90 English/Spanish door hangers in the residential areas at the northern end of the project informing people of the project and the open house meeting. We believe these efforts provided sufficient notification to area residents.

The purpose of the open house was to allow residents to learn more about the project, express concerns and ask questions directly of the project team. Attendees were informed that the EA was available online or at Bladensburg, Hyattsville or Mount Rainer Libraries, for further review. Attendees were also encouraged to send any comments in writing via letter or email about the project until January 9, 2012. Because of the holidays during the official comment period, all written comments (letter and email) submitted to the MTA between December 8, 2011 and January 23, 2012 are included in the final Environmental Assessment (EA).

Thank you for providing details on the Lloyd Street Connector to the MTA. The Environmental Assessment will be revised to include the Lloyd Street Connect as an existing feature and to assess

possible impacts to the Lloyd Street Connector from this project. The existing crossing protection at Lloyd Street consists of rail road signals (flashing lights). The proposed protection would be the same.

Ms. Sharon Daboin, CSX Transportation's Resident Vice-President for State and Community Affairs, met with Mayor Callahan and Councilman Eldridge on March 2, 2012 in Cheverly to discuss the project and the Town of Cheverly's bicycle trail network plans. Ms. Daboin explained that the addition of a 2nd track will not require modification of the underpasses below MD 295 and MD 201. To do so for the trail would add a very significant expense and project delay in coordinating this modification with National Park Service and the Maryland State Highway Administration.

The purpose of our project is not to increase the number of trains moving through this area, but to reduce congestion. There are currently 25 to 35 daily trains using this portion of track.

Upon approval by the Federal Transit Administration of the final EA, which will include your written comments and the MTA's response, the final EA will be posted on the project website at <http://mta.maryland.gov/joint-benefit>.

Sincerely,



John Newton, Manager
Environmental Planning Division
Maryland Transit Administration

cc: Keith Brinker, CSX Transportation
Sharon Daboin, CSX Transportation
Brandon Knapp, CSX Transportation
Dan Reagle, Maryland Transit Administration



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April 3, 2012

Mr. John Wright
Ms. Carol Hamilton
4618 Burlington Road
Hyattsville, MD 20781

Re: JD to Jones Hill Double Tracking Project
Prince George's County

Dear Mr. Wright and Ms. Hamilton:

Thank you for submitting your comments on the JD to Jones Hill Double Tracking Project environmental assessment (EA) to the Maryland Transit Administration (MTA).

Please forward any concerns you have about maintenance of the ditch adjacent to your residence directly to Mr. Brandon Knapp, Project Engineer, 904.359.4818 or Brandon_Knapp@csx.com. There is a wheel greaser located east of the Anacostia River designed to reduce the train wheel/rail friction for trains heading west onto the Capital Subdivision. Please also contact the above if you believe it is not working correctly or have other concerns about existing noise.

Upon approval by the Federal Transit Administration of the final EA, which will include your written comments and the MTA's response, the final EA will be posted on the project website at <http://mta.maryland.gov/joint-benefit>.

Sincerely,

A handwritten signature in black ink, appearing to read "John Newton", with a stylized, flowing script.

John Newton, Manager
Environmental Planning Division
Maryland Transit Administration

cc: Keith Brinker, CSX Transportation
Brandon Knapp, CSX Transportation
Dan Reagle, Maryland Transit Administration