



IV. STATUS OF COMPLIANCE WITH REGULATORY REQUIREMENTS

1. Section 4(f)

The Preferred Alternate would not result in a use of any Section 4(f) properties; however portions of Linover Park and Cowenton Avenue Park would be temporarily impacted during the construction of the project. The access to Linover Park is necessary to provide enhancements to Stemmers Run, and would include stream relocation and stabilization, bio-engineered slope stabilization, grading inside meander bends to provide floodplain access, and riparian and wetland plantings. The temporary occupancy of the Cowenton Avenue Park is necessary due to the realignment of the Cowenton Avenue Bridge over I-95, and would involve removal of a private driveway. The Authority has received concurrence from Baltimore County that the proposed actions would not have any adverse effects on Linover or Cowenton Avenue Parks (Appendix D). No further Section 4(f) coordination is required.

2. Section 106 of the Historic Preservation Act

The State Historic Preservation Officer (SHPO) has determined that one historic site is eligible for listing in the National Register of Historic Places (NRHP) is located within the Area of Potential Effect (APE). This site, a residence located at 11204 Lilac Lane referred to as the Koch property, is an example of a stone residence likely dating to the early-to-mid-nineteenth century. The Preferred Alternate will have no adverse effects on this or any other historic sites (Appendix D).

3. Nongame and Endangered Species Conservation Act

Correspondence concerning State-listed threatened or endangered species with the Maryland Department of Natural Resources (DNR) indicated the presence and location of a Least Tern (*Sterna antillarum*) and the potential presence of four plant species of concern within the study area. Field habitat surveys conducted during the Summer of 2004 indicated that the habitat of the Least Tern would not be affected by the Preferred Alternate and identified no State species of concern within the study area. Except for the occasional transient individuals, no federally proposed, listed endangered or threatened species are known to exist within the study area.

4. Section 404 of the Clean Water Act

The Preferred Alternate will impact Waters of the United States, including wetlands. Based upon these impacts, Section 404 of the Clean Water Act requires the Authority to obtain a permit from the United States Army Corps of Engineers (USACE). The USACE has actively participated in the NEPA and project planning process as a cooperating agency. The Authority will file a permit application with the USACE to obtain the required Section 404 permit after completion of the NEPA process. It is anticipated that the USACE will comply with NEPA and Section 404 requirements in making its permit decision.

The Authority and the USACE has developed design criteria (See Appendix F) in order to protect streams and wetlands and minimize the need for permit modifications during the design and construction phases of the Section 100 project. As the project moves into design and construction phases, if design modifications do occur, the Authority will coordinate with the USACE to determine environmentally friendly measures to address the modifications.