GOVERNOR HARRY W. NICE MEMORIAL BRIDGE IMPROVEMENT PROJECT

HARRY W. NICE BRIDGE
IMPROVEMENT PROJECT

FINDING OF NO SIGNIFICANT IMPACT

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

Maryland Transportation Authority

October 2012

GOVERNOR HARRY W. NICE MEMORIAL BRIDGE IMPROVEMENT PROJECT

Charles County, Maryland and King George County, Virginia

FINDING OF NO SIGNIFICANT IMPACT

by the Maryland Transportation Authority
for the
US Department of Transportation – Federal Highway Administration

In cooperation with the US Army Corps of Engineers,
US Environmental Protection Agency, and
Virginia Department of Transportation

October 2012

FEDERAL HIGHWAY ADMINISTRATION
DELMAR DIVISION

FINDING OF NO SIGNIFICANT IMPACT

GOVERNOR HARRY W. NICE MEMORIAL BRIDGE IMPROVEMENT PROJECT
Charles County, Maryland and King George County, Virginia

US Department of Transportation – Federal Highway Administration and
Maryland Transportation Authority
in cooperation with
the US Army Corps of Engineers, the US Environmental Protection Agency, and
Virginia Department of Transportation

The Federal Highway Administration (FHWA) has determined the Maryland Transportation Authority (MDTA) Preferred Alternate, Modified Alternate 7, will have no significant impact on the environment. Modified Alternate 7 consists of the installation of a new four-lane bridge to the north of the existing Governor Harry W. Nice Memorial Bridge. The new bridge will provide four 12-foot lanes, two four-foot inside shoulders, two 12-foot outside shoulders, a median barrier to separate opposing flows, and a single, barrier-separated, two-way bicycle/pedestrian (bike/ped) path on the south side of the bridge. The bike/ped path crosses beneath the bridge on each shore to enable bicyclists and pedestrians to transition to the shoulders of US 301 without crossing the highway. With the construction of a new four-lane bridge and two-way bike/ped path, there will no longer be a transportation need for the existing historic bridge. Therefore, the proposed action includes removal of the existing bridge immediately following construction of the new bridge.

Modified Alternate 7 will require 14.1 acres of right-of-way from the Aqua-Land Marina & Campground, as well as 6.5 acres of recreational land in Virginia. The proposed action will also result in the following impacts: 8.2 acres of farmland soils, 3,660 linear feet of streams, 0.1 acre of wetlands, 0.5 acre of open water, 24.2 acres of Maryland Chesapeake Bay Critical Area, 2.2 acres of Virginia Preservation Areas, 8.4 acres of 100-year floodplain, 65 acres of temporary dredge impacts in the Potomac River, and 2.7 acres of forest. The project is included in the 2012 National Capital Region Constrained Long Range Plan. The analysis presented herein shows the environmental impacts of Modified Alternate 7 are not considered significant, and there is no controversy concerning the environmental effects. Furthermore, the project will not establish a precedent for future actions involving significant effects, there are no highly uncertain effects or unique or unknown risks, there are no significant indirect or cumulative effects, and there will be no violation of environmental laws. Therefore, consistent with 40 CFR 1508.27(a), the project will not result in significant impacts.

The project includes commitments for the mitigation of the project impacts. These commitments are documented in this Finding of No Significant Impact (FONSI), the draft Compensatory Mitigation Plan, a Section 106 Programmatic Agreement (PA) for effect to historic properties, a Final Section 4(f) Evaluation, a Section 7 Biological Assessment (BA), and a Memorandum of Agreement (MOA) for effects to parkland.

The project's Environmental Assessment (EA), completed in July 2009, and this FONSI have been independently evaluated by the FHWA and MDTA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures.

These documents provide sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required.

A Federal agency may publish a notice in the Federal Register, pursuant to 23 USC 139(1), indicating that one or more Federal agencies have taken final action on permits, licenses, or approvals for a transportation project. If such notice is published, claims seeking juridical review of those Federal agency actions will be barred unless such claims are filed within 180 days after the data of publication of the notice, or within such shorter time period as is specified in the Federal laws pursuant to which judicial review of the Federal agency action is allowed. If no notice is published, then the periods of time that otherwise are provided by the Federal laws governing such claims will apply.

11/27/12

FEDERAL HIGHWAY ADMINISTRATION — Date
Gregory Murrill, DelMar Division Administrator

11/21/12

MARYLAND TRANSPORTATION AUTHORITY — Date
Harold Bartlett, Executive Secretary

TABLE OF CONTENTS

I. PURPOSE AND NEED 1
A. Study Area 1
B. Project Purpose 1
C. Project Need 1
II. PROPOSED ACTION 3
A. MDTA's Preferred Alternate 3
B. Modifications to Alternate 7 4
C. Cost Estimate Review 4
III. ALTERNATES EVALUATION 5
A. Preliminary Alternates 5
B. Alternates Retained for Detailed Study (ARDS) 6
IV. ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION 9
A. Socio-economic Resources and Land Use 10
B. Cultural Resources 12
C. Natural Environmental Resources 13
D. Noise 20
E. Air Quality 21
F. Hazardous Materials 23
G. Indirect and Cumulative Effects Analysis 23
V. PUBLIC INVOLVEMENT AND AGENCY COORDINATION 25
A. Public Hearings and Additional Outreach 25
B. Agency Coordination 26
C. Project Website 27
VI. PROJECT COMMITMENTS 27
A. Socio-economic 27
B. Cultural 28
C. Natural Environment 28
D. Noise 30
E. Hazardous Materials 30
F. Permits and Approvals 31

LIST OF TABLES

Table 1: Preliminary Alternates 5
Table 2: Summary of Environmental Impacts* 8

LIST OF FIGURES

Figure 1: Project Location Map 2
Figure 2: Typical Cross Section of Proposed Action 3
Figure 3: Time-of-Year Restrictions 18

APPENDICES

Appendix A Modified Alternate 7 (Selected Alternate)
Appendix B Public Parks Memorandum of Agreement (MOA)
Appendix C Section 106 Programmatic Agreement (PA)
Appendix D Air Quality Technical Analysis - MSAT
Appendix E Public Hearing Comments and MDTA Responses
Appendix F Additional Agency Correspondence

I. PURPOSE AND NEED

The purpose and need for the Governor Harry W. Nice Memorial Bridge (Nice Bridge) Improvement Project was coordinated with the public and regulatory agencies early to ensure a clear understanding of the project from the beginning of the Project Planning process. The regulatory agencies concurred on the project's purpose and need in the *Combined Purpose and Need & Alternates Retained for Detailed Study Package* (January 2008). The complete text is available in the Environmental Assessment (EA) (July 2009) and on the project website at www.nicebridge.maryland.gov.

A. Study Area

US 301 is classified as a Rural Principal Arterial in the Charles County, Maryland and King George County, Virginia comprehensive plans. Approaching the Nice Bridge, the cross section of US 301 in Maryland and Virginia consists of a four-lane divided roadway with two 11 to 12-foot travel lanes in each direction and outside shoulders. The existing 1.7-mile long Nice Bridge has one 11-foot travel lane in each direction with no median separation and a narrow offset (approximately one foot) to the parapet. The posted speed on the bridge varies from 40 to 50 miles per hour (mph). There is a four-lane toll plaza in Maryland that provides one-way toll collection for southbound vehicles. The percentage of trucks crossing the bridge in 2006 was approximately 14 percent of the vehicle mix, with nearly 1,200 wide-load vehicle crossings annually requiring closure of one direction of traffic flow across the bridge due to the limited roadway width on the bridge. Refer to ***Figure 1*** for the project location map.

B. Project Purpose

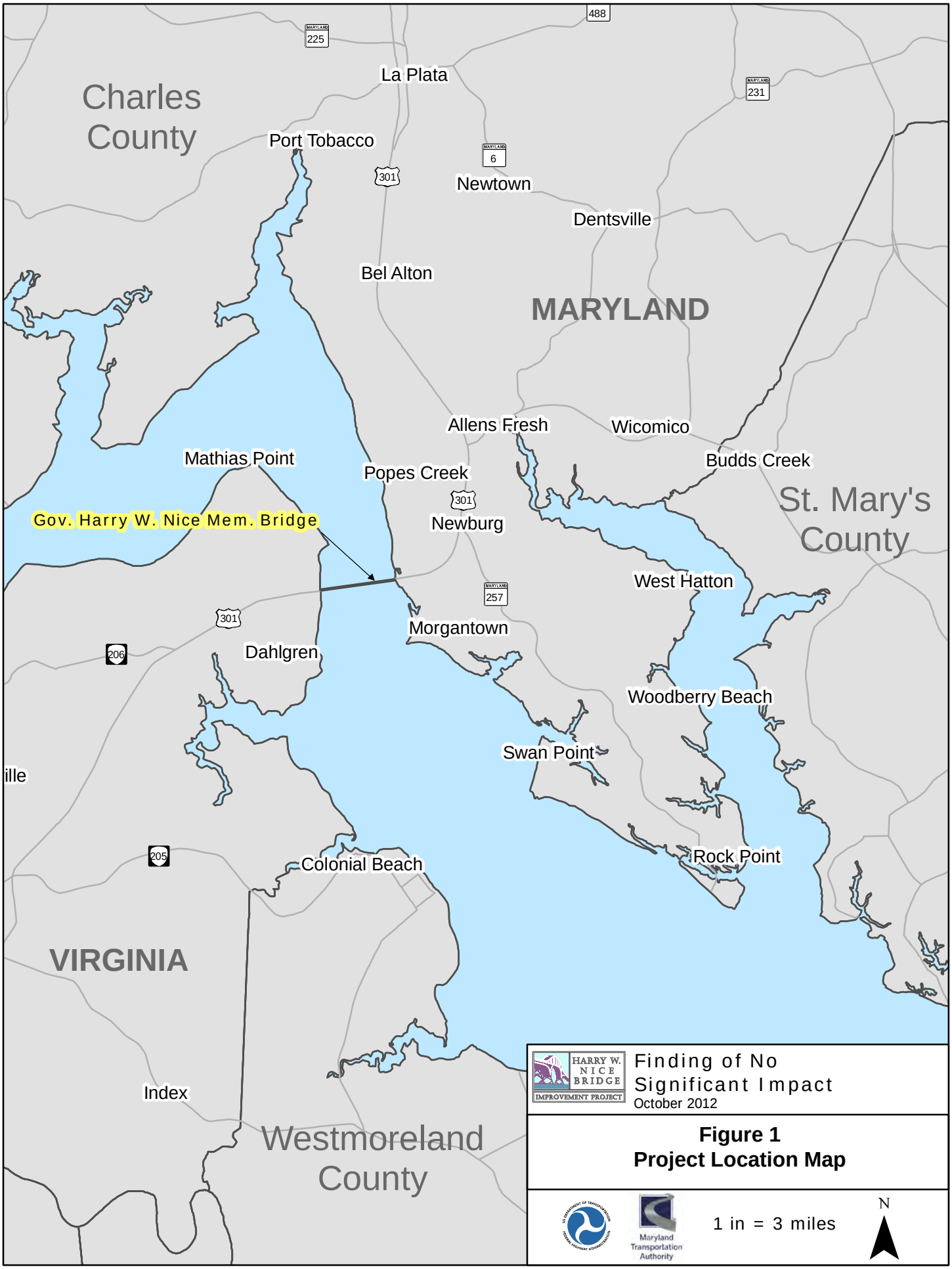
The purpose of the Nice Bridge Improvement Project is to:

- Provide a crossing of the Potomac River that is geometrically compatible with the US 301 approach roadways;
- Provide sufficient capacity to carry vehicular traffic on US 301 across the Potomac River in the design year 2030;
- Improve traffic safety on US 301 at the approaches to the Potomac River crossing and on the bridge itself; and
- Provide the ability to maintain two-way traffic flow along US 301 during wide-load crossings, incidents, poor weather conditions, and when performing bridge maintenance and rehabilitation work.

C. Project Need

The proposed action is intended to address the following needs at the existing Nice Bridge crossing:

- Eliminate geometric inconsistencies, including: separation of opposing flows, number and width of travel lanes, available shoulder, and vertical grade;
- Address current and future capacity limitations of the existing two-lane bridge;
- Improve inefficient traffic operations and resulting safety issues on US 301 approach roadways and on the Nice Bridge;
- Maintain an important transportation element of the National Highway System (NHS) and Strategic Highway Network (STRAHNET);
- Provide a critical evacuation route for Southern Maryland and the Washington DC area to points south; and
- Satisfy incident management and maintenance requirements.



HARRY W. NICE BRIDGE IMPROVEMENT PROJECT

Finding of No Significant Impact
October 2012

Figure 1
Project Location Map

Maryland Transportation Authority

1 in = 3 miles

N

As a result of the clear roadway width and Average Daily Traffic volumes, the bridge is rated functionally obsolete. Current traffic volumes are projected to double by the year 2030 resulting in a substantial increase of traffic queues and travel delays.

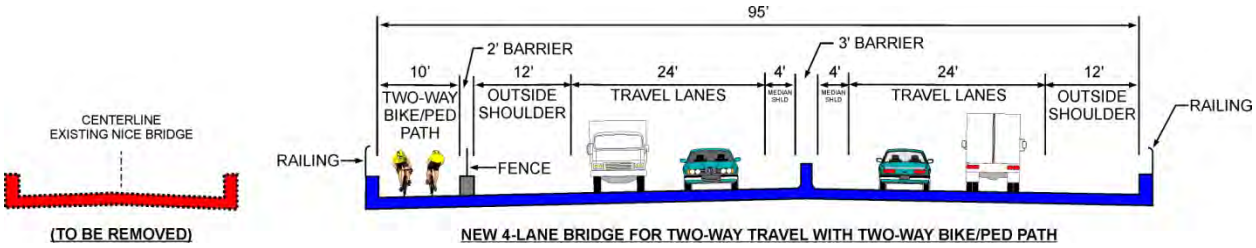
Required maintenance improvements to the Nice Bridge are anticipated to occur between 2020 and 2025, including structural improvements (i.e., replacing the bridge deck and improving load rating of structural members) and safety improvements at the approaches and on the bridge. These maintenance improvements are likely to result in substantial travel time delays as long-term, single-lane or complete bridge closures may be required. The nearest vehicular crossing of the Potomac River is 25 miles to the north, at the Woodrow Wilson Bridge on I-95. Currently, MDTA has $14.7M programmed for FY 2014 and FY 2015 for maintenance activities (i.e., concrete deck repairs, deck sealing, and rehabilitation of the catwalk) to assist in extending the service life of the existing bridge until the Preferred Alternate can be constructed. These maintenance activities are scheduled to begin Summer 2013 with a two-year construction period.

II. PROPOSED ACTION

A. MDTA's Preferred Alternate

The Proposed Action consists of the Maryland Transportation Authority (MDTA) Preferred Alternate, Modified Alternate 7 (see mapping in ***Appendix A***). The alternate was originally presented in the EA in July 2009 as Alternate 7. Modified Alternate 7 consists of the installation of a new four-lane bridge north of the existing bridge. As shown in ***Figure 2***, the new bridge will provide four 12-foot travel lanes, two four-foot inside shoulders, two 12-foot outside shoulders, a median barrier to separate opposing traffic flows, and a single, 10-foot barrier-separated, two-way bicycle/pedestrian (bike/ped) path on the south side of the bridge. The bike/ped path crosses beneath the bridge on each shore to enable bicyclists and pedestrians to transition to the shoulders of US 301 without crossing the highway. Modified Alternate 7 also includes the installation of electronic toll collection from vehicles traveling at highway speeds.

Figure 2: Typical Cross Section of Proposed Action



Modified Alternate 7 will fully satisfy the project's purpose and need through the following features:

- Four 12-foot lanes will satisfy design year (2030) traffic forecasts, eliminate queues, and facilitate emergency evacuation;
- Twelve-foot outside shoulders will accommodate "wide loads," disabled vehicles, emergency responders, maintenance vehicles, and storage of plowed snow;
- The median barrier will separate opposing flows of traffic;
- The bridge cross section will be compatible with the cross section of the US 301 approach roadway in Maryland and Virginia;
- The flatter grade (3%, compared to the existing 3.75%) will better accommodate trucks, military vehicles, and bicyclists; and
- The design will satisfy current HS25 (45ton) loading requirements.

Modified Alternate 7 includes the replacement of the existing tollbooths at the Nice Bridge with Open Road Tolling (ORT) provisions, which permit the electronic collection of tolls without a reduction of vehicle speed. Modified Alternate 7 will provide reasonable tie-in points with the existing and planned highway network, capacity for 2030 demand, the ability to maintain two-way traffic flow, improved safety on the bridge and approaches, and the ability to comply with navigational channel requirements. The type of new bridge (e.g., steel girder, suspension, segmental construction, etc.) would be determined during the design phase, and is independent of the length and location of the crossing. Modified Alternate 7 requires a slight alignment shift of the US 301 approach roadway to connect to the structure's new location. In addition, the profile grade of the new bridge will not be as steep as the existing bridge grade (3% compared to the existing 3.75%), but would maintain or exceed the existing vertical and horizontal clearance of the navigational channel. The revised profile grade results in a shift in the location of the new bridge abutment in Maryland, approximately 800 feet east of the existing bridge abutment. This would not affect the location of the bridge abutment on the Virginia shore.

With the construction of a new four-lane bridge and two-way bike/ped path, there will no longer be a transportation need for the existing historic bridge. Therefore, Modified Alternate 7 includes removal of the existing bridge following the opening of the new four-lane bridge to traffic (see Final Section 4(f) Evaluation).

Consideration was given to phasing the construction of Modified Alternate 7. A phased Modified Alternate 7 could involve the construction of the substructure for an ultimate four-lane bridge, but initially only the superstructure for two lanes of traffic. The additional two lanes of traffic would be constructed in the future, followed by the removal of the existing bridge. However, the delay in the installation of the superstructure for the additional two lanes of traffic would result in higher costs due to the need to fund rehabilitation of the existing bridge and the likely higher costs for materials and labor in the future. A phased installation would also require a second period of traffic disruption, and repeat disturbance of the benthic environment due to dredging for barge access to remove the existing bridge. Therefore, phasing the construction of the Modified Alternate 7 is not effective in terms of cost, traffic impacts, or aquatic impacts.

B. Modifications to Alternate 7

Comments received during the public hearing comment period were overwhelmingly in favor of a build alternate for constructing a new bridge. Of the retained alternates included in the EA, Alternate 7 was the alternate most frequently supported by those who commented, including local elected officials and the Commanding Officer at the Naval Support Facility (NSF) Dahlgren. However, Alternate 7 was modified by the study team for the purpose of reducing costs and impacts. The new alternate, Modified Alternate 7, differs from Alternate 7 with the bike/ped option by consolidation of the two, one-way bike/ped paths on each side of the proposed bridge into a single, two-way path on the south side of the proposed bridge. The single two-way path would incorporate a crossing beneath the structure on each shore to direct bicyclists/pedestrians to the outside shoulders of US 301 without having to cross the highway. Compared to Alternate 7, Modified Alternate 7 would result in approximately $65-70 million in cost savings and slightly less environmental impact.

C. Cost Estimate Review

In July 2012, FHWA conducted a risk-based review of the project's cost estimate to verify its accuracy and reasonableness and develop a probability range for the project cost estimate recognizing the current stage of design. This Cost Estimate Review (CER) was not an independent FHWA estimate, and did not seek to verify quantities or unit prices. Based on MDTA's cost estimate (in 2012 dollars), results of the CER identified a reasonable, estimated cost range for Modified Alternate 7 to be from $961 million to

$1.26 billion, in the year of expenditure. Additionally, it was found that an estimated $30 million cost or savings would be realized for every one-year change in the start of construction.

D. MDTA Financial Commitments

The Nice Bridge meets FHWA requirements for a subsequent phase to be programmed in the STIP/TIP upon completion of the NEPA process. Preventive maintenance activities are programmed in the 2013 Maryland CTP/STIP and the National Capitol Region's TIP. Preventive maintenance activities will continue to be programmed in the STIP/TIP until the bridge reaches the appropriate structurally deficient rating, at which time replacement activities would occur.

The project is also consistent with the Statewide and MPO planning process. The project is listed in the National Capital Region's Constrained Long Range Transportation Plan in the amount of $850M and is planned to be constructed by 2030.

MDTA has identified the following schedule for the Nice Bridge:

- System Preservation (preventive maintenance/rehabilitation): 2012-2018 ($14.8M)
- Preliminary Engineering: 2022-2025 ($105M - $137M)
- ROW: 2024-2026 ($49M - $64M)
- Construction: 2025-2030 ($807M - $1.059B)

The above information clearly demonstrates MDTA's commitment to continue to advance the project upon completion of the NEPA process.

III. ALTERNATES EVALUATION

This section discusses the alternates evaluated for the Nice Bridge project and the evaluation process that led to identification of MDTA's Preferred Alternate.

A. Preliminary Alternates

Fourteen preliminary build alternates were analyzed to determine overall feasibility (***Table 1***).

Table 1: Preliminary Alternates

Alternate	Description	Determination
1: No Build	Conditions in 2030 if a build alternate is not selected	Retained
2: Rehab South	New 2-lane bridge to the south, rehabilitate existing bridge	Retained
3: Replace South	New 2-lane bridge to the south, replace existing bridge	Retained
4: Rehab North	New 2-lane bridge to the north, rehabilitate existing bridge	Retained
5: Replace South	New 2-lane bridge to the north, replace existing bridge	Retained
6: 4-Lane South	New 4-lane bridge to the south, take exist bridge out of service	Retained
7: 4-Lane North	New 4-lane bridge to the north, take exist bridge out of service	Retained – Eventually preferred as Modified Alternate 7
8 North: Off Alignment	Relocate US 301 2.5 miles north of existing bridge	Eliminated - 9.9 miles long, $1.9 billion cost, displaces over 100 residences & businesses, impacts 4 acres wetlands, 17 acres farmland, 58 acres forest.

8 South: Off Alignment	Relocate US 301 1.5 miles south of existing bridge	Eliminated - 7.8 miles long, $3.2 billion cost, displace over 200 residences & businesses, 5 stream crossings, impacts 9 acres farmland and 72 acres forest.
9 MD North: Roadway Shift	Alignment of new 2-lane bridge shifted northward on MD shore, southward in VA	Eliminated - Retains existing bridge and associated deficiencies, impacts NSF Dahlgren, difficult maintenance of traffic.
9 MD South: Roadway Shift	Alignment of new 2-lane bridge shifted southward on MD shore, northward in VA	Eliminated - Retains existing bridge and associated deficiencies, impacts VA parkland, difficult maintenance of traffic.
10: Tunnel	New 4-lane tunnel beneath Potomac River	Eliminated - Adversely affects operations at NSF Dahlgren because hazmats and flammables would be prohibited in tunnel, river substrate has questionable bearing capability. $1.9 bil cost.
11: Stacked Deck	Build new 2-lane bridge above existing bridge	Eliminated - Retains existing bridge and associated deficiencies.
12: Reversible Third Lane	Widen existing bridge to include reversible third lane	Eliminated - Impacts NSF Dahlgren, insufficient capacity, bridge cross-section incompatible with approach road cross-section, would retain 3.75% grade and HS 20 loading.
13: TSM/TDM	Stand-alone TSM & TDM measures	Eliminated - Retains existing bridge and associated deficiencies.
14: Transit	Stand-alone transit improvements	Eliminated - Retains existing bridge and associated deficiencies.
15: Replace in same location	Remove exist bridge,build new 4-lane bridge in same location	Eliminated - Requires closure of river crossing for several years, with 100+ mile detour.

Criteria used to screen the alternates included the degree to which they meet the purpose and need; impacts to socio-economic, natural and cultural resources; and cost. The preliminary alternate screening process is documented in the *Combined Purpose and Need/Alternates Retained for Detailed Study* package (January 2008); the EA (July 2009) and the Final Section 4(f) Evaluation. Each is available on the project website at www.nicebridge.maryland.gov).

B. Alternates Retained for Detailed Study (ARDS)

A total of seven alternates (six build alternates and the No-Build) were retained for detailed study. This section summarizes the ARDS that were not chosen as the Preferred Alternate, and describes why they were dismissed. ***Table 2*** summarizes the environmental impacts of the ARDS compared to the Preferred Alternate, Modified Alternate 7.

Each of the ARDS included the replacement of the existing tollbooths at the Nice Bridge with Open Road Tolling (ORT) provisions, which permit the electronic collection of tolls without a reduction of vehicle speed. Any build alternate retained for detailed study would require a slight alignment shift of the US 301 approach roadway to connect to the structure's new location. In addition, the profile grade of any new bridge, or replacement bridge, would not be as steep as the existing bridge grade (3% compared to the existing 3.75%), but would maintain or exceed the existing vertical and horizontal clearance of the navigational channel. The revised profile grade results in a shift in the location of the new bridge abutment in Maryland, approximately 800 feet east of the existing bridge abutment. This would not affect the location of the bridge abutment on the Virginia shore.

Each of the build alternates included a barrier-separated bike/ped path option. This option was incorporated per Maryland Senate Bill 492 and requests from members of the public prior to and during the public comment period.

Alternates 2, 3, and 6 expand the roadway and bridge footprint along the south side of the existing bridge. Alternates 4, 5, and 7 expand the roadway and bridge footprint along the north side of the existing bridge.

1. Alternate 1 (No-Build)

This alternate depicts conditions in the year 2030 if a build alternate is not selected. It would include other programmed improvements identified in the Consolidated Transportation Program (CTP), as well as extensive rehabilitation to maintain service on the existing bridge. This alternate was retained as a baseline for comparison with the build alternates. *Alternate 1 was not selected because it would not satisfy the purpose and need. Alternate 1 would perpetuate the geometric deficiencies, the capacity limitations, the safety risks, and the design limitations associated with the existing structure.*

2. Alternate 2 (New Two-Lane Bridge to the South, Rehabilitate Existing Bridge)

A new bridge to the south would contain two 12-foot lanes with a 12-foot outside shoulder and 4-foot inside shoulder. The bike/ped option would include a single two-way, 10-foot path on the south side of the new bridge, with a path on each approach to guide users between the two-way path on the bridge and the respective outside shoulder along each direction of the US 301 roadway. *Alternate 2 was not selected because it would not fully meet the purpose and need. Because the existing bridge would no longer be required to accommodate bi-directional traffic, the potential for head-on collisions would be eliminated. However, the existing bridge has 11-foot lanes, no shoulders, and a steep grade, which compromise safety and capacity. Alternate 2 would locate the new bridge south of US 301 which is considered unreasonable because it would impact the critical mission of NSF Dahlgren, which is vital to national security.*

3. Alternate 3 (New Two-Lane Bridge to the South, Replace Existing Bridge)

This alternate would provide increased capacity and safety on both the northbound and southbound bridges as opposed to only the northbound bridge in Alternate 2. This alternate would construct a new two-lane bridge to the south, remove the existing bridge, and construct a new, parallel, two-lane bridge in its place. The bike/ped option for this alternate would include a one-way, 10-foot path on the outside of both new bridges. *Alternate 3 was not selected because it would locate the new bridge south of US 301which is considered unreasonable because it would impact the critical mission of NSF Dahlgren. Alternate 3 would also cost more than Modified Alternate 7 because two bridges would be constructed under this option. Since Alternate 3 would require the existing bridge to be removed before the second two-lane bridge could be constructed, Alternate 3 would involve a longer construction period (which contributes to the higher construction cost) and would expose motorists to a longer period of travel delays through a construction zone. Alternate 3 would also result in greater impacts to aquatic resources, particularly dredging impacts, due to the greater footprint of disturbance necessitated to construct twin bridges and a second phase of dredging.*

4. Alternate 4 (New Two-Lane Bridge to the North, Rehabilitate Existing Bridge)

A mirror image of Alternate 2, this alternate would provide a new bridge to the north rather than the south. The cross section of the new bridge and bike/ped path option would be identical to Alternate 2. *Alternate 4 was not selected for the same reasons Alternate 2 was not selected, as noted above, except Alternate 4 would not impact NSF Dahlgren.*

5. Alternate 5 (New Two-Lane Bridge to the North, Replace Existing Bridge)

A mirror image of Alternate 3, with the first new bridge constructed to the north, rather than the south. *Alternate 5 was not selected for the same reasons Alternate 3 was not selected, as noted above, except Alternate 5 would not impact NSF Dahlgren.*

Table 2: Summary of Environmental Impacts*

Resource	Alternates Retained For Detailed Study							Preferred Alternate
	No-Build	Alt. 2	Alt. 3	Alt. 4	Alt. 5	Alt. 6	Alt. 7	Modified Alt. 7
Cultural Resources								
Historic Standing Structures (no.)	0	1	1	1	1	1	1	1
Archeology Sites[1] (no.)	0	1	1	2	2	1	2	2
Socio-economic Resources								
Business Displacements (no.)	0	0	0	0	0	0	0	0
Institutional Displacements[2] (no.)	0	1	1	2	2	1	2	2
Residential Displacements (no.)	0	0	0	0	0	0	0	0
Business Right-of-Way[3] (acres)	0	0	0	7.0	7.0	0	7.6 (8.5)	7.6
NSF Dahlgren Right-of-Way (acres)	0	3.1 (3.3)	3.1	0	0	3.7	0	0
Residential Right-of-Way (acres)	0	0	0	0	0	0	0	0
Parkland and Recreational Facilities[4] (acres)	0	0	0	3.9	3.9	0	6.5	6.5
Low-Income/Minority Pop. Impacts	0	0	0	1	1	0	1	1
Natural Environmental Resources								
Streams (linear feet)	0	2,480	2,500	3,640	3,670	2,420	3,670	3,660
Wetlands (acres)	0	0.7	0.7	0.1	0.2	0.7	0.1	0.1
Potomac River Open Water Impacts-Piers[5] (acres)	0	0.3 (0.4)	0.7	0.3 (0.4)	0.7	0.5 (0.6)	0.5 (0.6)	0.5
Potomac River Temporary Dredge Impacts (acres)	0	61 (62)	85 (88)	62 (63)	85 (89)	67 (68)	65 (67)	65
MD Chesapeake Bay Critical Area (acres)	0	14.5	14.5	24.4	24.5	14.2	24.2 (24.3)	24.2
VA Chesapeake Bay Preservation Areas [6] (acres)	0	3.3 (3.4)	3.4 (3.5)	1.9 (2.3)	2.2 (2.3)	3.6	2.2	2.2
100-Year Floodplains (acres)	0	5.9 (6.3)	7.7 (7.8)	8.1 (8.4)	8.5 (8.7)	6.4 (6.5)	8.4 (8.6)	8.4
Submerged Aquatic Vegetation	0	0	0	0	0	0	0	0
Rare, Threatened & Endangered Species[7] (no.)	0	0	0	0-1	0-1	0-1	0-1	1
Forests (acres)	0	0.5	0.5	1.0	1.0	0.7	1.8 (1.9)	2.7
Noise (Impacted NSAs)	0	1	1	1	1	1	1	1
Cost								
Total Estimated Cost (Millions)	$110-120	$430-475 ($515-565)	$735-810 ($915-1010)	$485-535 ($570-625)	$765-850 ($945-1040)	$640-705 ($805-885)	$705-775 ($870-955)	$805-885

Note: Limit-of-disturbance does not include potential stormwater management areas or bridge pilings.

**Impact numbers within parentheses ( ) represent the impact number for build alternates with bike/ped options that is different from build alternates without the bike/ped path option. In most cases, impact numbers for alternates with and without the bike/ped path option are the same.*

[1] Additional testing will be conducted within the expanded limit-of-disturbance to determine the presence of any unrecorded archeological sites.

[2] Institutional displacements include the Naval Support Facility Dahlgren, Nice Bridge Campus Facilities, and Potomac Gateway Welcome Center.

[3] Business right-of-way (ROW) impacts consist of impacts to the Aqua-Land Marina and Campground.

[4] Parkland/Recreational facility impacts are to Barnesfield Park, Dahlgren Wayside Park, and Potomac Gateway Welcome Center.

[5] Potomac River open water impacts are limited to permanent impacts for bridge piers based on conceptual engineering.

[6] Impacts are based on a 100-foot buffer of tidal area within the limit-of-disturbance of the Virginia portion of the study area.

[7] Impacts are based on an encroachment onto the 50-foot buffer of Bald Eagle Concentration Zone area(s). No direct impacts to bald eagle nesting areas or any other state or federal rare, threatened, or endangered species habitat is anticipated.

6. Alternate 6 (New Four-Lane Bridge to the South, Take Existing Bridge Out of Service)

This alternate would construct a new four-lane bridge with 12-foot lanes, 4-foot inside shoulders, and 12-foot outside shoulders, separating the two directions of travel with a median barrier. The bike/ped option would include a one-way, 10-foot path in each direction. *Alternate 6 was not selected because it would locate the new bridge south of US 301, which is considered unreasonable because it would impact the critical mission of NSF Dahlgren.*

IV. ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

This section summarizes the environmental impacts associated with the proposed action (Modified Alternate 7) and describes efforts to minimize and mitigate impacts to affected environmental resources. Impact values have been updated from the July, 2009 EA to reflect the minor changes to Alternate 7 that were incorporated into Modified Alternate 7. These are reflected in the *Summary of Environmental Impacts* table (***Table 2***).

As stated in Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27(a), analysis of "significance," as used in the National Environmental Policy Act (NEPA), requires considerations of both context and intensity:

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

- Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.
- The degree to which the proposed action affects public health or safety.
- Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
- The degree to which the effects on the quality of the human environment are likely to be highly controversial.
- The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
- The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
- Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
- The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) or may cause loss or destruction of significant scientific, cultural, or historical resources.
- The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

- Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

While the project will result in some adverse effects, the project will not have a significant impact on the environment based on the above criteria. Detailed analysis of effects, and an evaluation of their significance per the factors in the CEQ regulations, is provided in the following paragraphs.

A. Socio-economic Resources and Land Use

1. Communities and Community Facilities

No residential displacements will occur with the proposed action. Impacts to community facilities include the removal of the Potomac Gateway Welcome Center (which is currently closed) and the relocation of MDTA's Nice Bridge Administration Campus facilities (administration and maintenance buildings).

At the Aqua-Land Marina & Campground, a portion of the gravel parking lot will be displaced, and US 301 will be moved closer to the campground, but no buildings or structures will be displaced. A portion of the entrance road (Orland Park Road) will be relocated, but the Orland Park Road/US 301 intersection will remain unchanged. The reduction in parking area at Aqua-Land could potentially impact the marina operation. Access to Aqua-Land may also be temporarily disrupted during the relocation of a portion of Orland Park Road.

The Nice Bridge Administration Building and the Nice Bridge maintenance building will be relocated with Modified Alternate 7.

Emergency response will improve on the bridge. The provision of 12-foot outside shoulders will facilitate emergency vehicles responding to incidents on the bridge.

All acquisition of property will be based on fair market value and just compensation, in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended, as well as MDTA and Virginia Department of Transportation (VDOT) property acquisition policies. During right-of-way acquisition, MDTA will complete a review of appropriate compensation for private landowners who are affected by the project. To minimize the loss of parking at Aqua-Land, Orland Park Road will be reconstructed as close as possible to the new bridge and MDTA will consider providing replacement parking elsewhere on the Aqua-Land property. Measures to minimize property impacts, such as retaining walls and steeper side slopes will also be considered as the project advances to the final design phase.

The documented effects on the human environment are not highly uncertain and do not involve unique or unknown risks. Effects to the human environment are not considered highly controversial by those who commented on the project. Based on the above analysis, the impacts do not rise to the level of significant.

2. Environmental Justice

The campground at Aqua-Land was identified as an Environmental Justice community, with seasonal and year-round low-income residents residing in mobile homes. Modified Alternate 7 will result in US 301 being closer to the residents, but will not displace any mobile home sites, change their access, or result in noise impacts. Because some of the marina parking lot will be displaced by the project, coordination will be undertaken with Aqua-Land during the project's final design phase to ensure there is adequate parking for vehicles/boat trailers, and that any internal roads between the boat ramp and trailer parking area remain accessible. Therefore, Modified Alternate 7 will not result in disproportionately high or adverse

effects to Environmental Justice communities. There would be no effect to public health or safety resulting from Modified Alternate 7, and these effects do not rise to the level of significant.

3. Visual Quality

The Nice Bridge is a dominant feature in the visual landscape and is visible from a distance of several miles both upstream and downstream along the Potomac River. Modified Alternate 7 will construct a new bridge upstream of the current bridge location, rising to maintain or exceed the elevation of the existing bridge, but with a grade that is not as steep as the existing bridge (3% compared to the existing 3.75%). This will result in a shift in the location of the bridge abutment in Maryland approximately 800 feet east of the existing bridge abutment, and will alter the views of the bridge. On the approaches to the bridge, the new bridge will be up to 25 feet higher than the existing bridge. The greatest change in the view of the bridge will therefore occur from the Aqua-Land Marina & Campground and Morgantown Generating Station. Views from the new bridge are not expected to be substantially different from the existing bridge, as the highest point of the bridge will not change.

During the design phase, aesthetic treatments will be considered for the selected structure type to keep it visually pleasing to adjacent homes, businesses, and motorists. Landscaping and signage appropriate for a gateway to Charles County will be employed as the bridge touches down in Charles County. Visual effects are therefore not expected to be significant.

4. Economic Environment

The proposed action will substantially benefit local and regional business activity by reducing traffic delays and improving mobility throughout the region. The improved mobility will support economic growth by maintaining the ability of residents and travelers along US 301 to support local businesses, and make the area more desirable for future business ventures. The proposed improvements will also create more predictable travel times, which will benefit commercial transport fleets and freight delivery services. Aside from temporary changes to traffic patterns during construction, there will be no economic impact on the two largest employers in the study area, NSF Dahlgren and Morgantown Generating Station. Following construction of the new bridge, commuting to these two employment centers from opposite sides of the river will no longer be delayed by long queues. The benefits from the project on the economic environment will not adversely affect public health or safety, and are not considered significant.

5. Land Use

Modified Alternate 7 will result in the conversion of commercial, forested, and park property to transportation use. However, the overall land use in the study area will not be substantially affected because the proposed project will not increase the capacity of the corridor as a whole; it will merely address a localized bottleneck. The project will not result in new access within the corridor. Modified Alternate 7 will support planned growth and redevelopment within the corridor, consistent with county master plans, by precluding the significant delays that would be a daily occurrence in the design year if no improvements were implemented.

The portion of the proposed improvements in Maryland will occur within a Charles County Priority Funding Area. Therefore, the project is consistent with Maryland's Priority Funding Areas Act, which targets State investments in infrastructure to locally-designated growth areas. The project would not incur changes in land use that would lead to significant impacts.

6. Section 4(f) and Section 6(f) Properties

The project would result in the removal of the NRHP-eligible Nice Bridge and associated Administration Building, and use land from three publicly-owned parks, as follows:

- 2.2 acres from the 146.5-acre Barnesfield Park, resulting in *de minimis* impact;

- 2.2 acres from the 14.7-acre Dahlgren Wayside Park; and
- All 2.1 acres of the Potomac Gateway Welcome Center.

A Final Section 4(f) Evaluation has been prepared pursuant to 23 CFR 774. The Final Section 4(f) Evaluation contains sufficient documentation to conclude there are no feasible and prudent alternatives to the use of the historic Nice Bridge, and that Modified Alternate 7 includes all possible planning to minimize harm. Furthermore, the Federal Highway Administration (FHWA) has determined Modified Alternate 7 will have a *de minimis* impact on Barnesfield Park (***Appendix B***).

Parcel A of Barnesfield Park is protected under Section 6(f) of the Federal Land and Water Conservation Fund (LWCF) Act (16 USC 460). The National Park Service (NPS) must approve the conversion of any portion of this Section 6(f) property from parkland to any other use, including conversion to highway right-of-way, in accordance with the following conditions:

- Replacement property must be of equal fair market value;
- Replacement property must be of reasonably equivalent usefulness, recreational value, and location to that being converted;
- Property proposed for substitution must meet the eligibility requirements for LWCF assisted acquisition; and
- Impacts to the remainder of the park, as a result of the conversion, shall be considered.

Due to the anticipated extended time frame for funding availability and project implementation, MDTA cannot currently secure the specific property, or properties, that will be used for Section 6(f) replacement. Specific replacement property will be identified during the project's design phase, once funding is available. A series of meetings have been conducted with the agencies having jurisdiction over the affected parklands or approval authority for the mitigation. A Memorandum of Agreement (MOA) between MDTA, VDOT, FHWA, NPS, Virginia Tourism Corporation (VTC), Virginia Department of Conservation and Recreation (DCR), and the King George County Board of Supervisors outlines MDTA's commitments to park mitigation. The MOA is included as ***Appendix B***. Based on the above analysis, effects to Section 4(f) and Section 6(f) properties are not considered significant.

B. Cultural Resources

Modified Alternate 7 will result in the removal of the NRHP-eligible Nice Bridge (CH-376) and its original Administration Building, which is a contributing resource to the historic bridge. The removal of the existing bridge and the contributing Administration Building will constitute an adverse effect to historic properties per Section 106 of the National Historic Preservation Act, as amended.

Two archeological sites have been identified. One site with prehistoric materials (18CH797 – a stratified shell midden) was identified in Maryland. In Virginia, one site recovered both historic and prehistoric resources (44KG171 – Barnesfield Plantation). Both sites will be affected by the Nice Bridge project. However, no archeological sites have been determined eligible for the NRHP based on completed investigations.

The Section 106 Area of Potential Effect (APE) could potentially be expanded as a result of the following construction activities: construction staging areas, dredge material dewatering and disposal sites, barge berthing area, transport of bridge rubble and dredge material, causeways, cofferdams, temporary construction haul roads, utility relocations, erosion and sediment controls, and stormwater management controls. If such work involves excavation, these additional impact areas will be investigated for their archeological potential. The selected parkland, forest, and aquatic resource mitigation sites will also be surveyed for the presence of archeological resources.

A Section 106 Programmatic Agreement (PA) has been developed among the FHWA, MDTA, VDOT, the Maryland Historical Trust (MHT), and Virginia Department of Historic Resources (DHR), and to resolve adverse effects to historic properties identified in the future (***Appendix C***). A PA, rather than an MOA, was prepared at the recommendation of DHR with the concurrence of MHT, because all of the potential effects of the project are not yet known. The Advisory Council on Historic Preservation (ACHP) was notified of the PA by letter dated December 9, 2010, and responded on January 6, 2011 that their involvement was not needed.

Of the eighteen federally recognized tribes invited to participate as consulting parties, only the Oneida Indian Nation responded. The tribe requested the opportunity to review the results of any additional cultural resources studies for this project, and to be notified in the event of the discovery of human remains or if Native American cultural materials are encountered during any subsequent phases of the project. The PA incorporates the requirements to coordinate additional cultural resource studies of Native American sites with the Oneida Indian Nation, and to contact them if human remains or Native American cultural materials are discovered.

In determining whether the impacts of the proposed action rises to the level of "significant," consideration was given to the degree to which the proposed action adversely affects the NRHP-eligible Nice Bridge historic site and potential NRHP-eligible archeological sites. MHT and DHR have agreed that the measures in the PA are sufficient to mitigate the effects caused by removal of the historic bridge and administration building. Based on this analysis, the impacts to cultural resources do not rise to the level of significant.

C. Natural Environmental Resources

1. Geology and Soils

The Virginia portion of the study area is principally underlain by unconsolidated silt, clay, sand, and gravel of the Sedgefield member of the Tabb formation. This formation has the potential to become acidic upon exposure at the surface, creating low pH runoff that can cause premature failure of concrete and metal structures, and negatively affect surface water quality and aquatic life. Since most of the proposed earthwork is fill rather than excavation, the completed roadway should not result in any lasting effects due to exposure of acidic soils. Nevertheless, attention will be given to minimizing the length of time that excavations are exposed. Coordination will continue with the Virginia Department of Mines, Minerals and Energy – Division of Mineral Resources during the project's final design phase to address this issue.

In addition, naturally-occurring levels of arsenic in Virginia soils were identified. No on-site remediation of the soil is required. Any excess soil materials generated during construction on the Virginia side, and not used on-site, will need to be properly handled and disposed in accordance with applicable solid waste regulatory requirements.

Modified Alternate 7 will impact 8.2 acres of Prime Farmland Soils / Soils of Statewide Importance, all in Virginia. These soils are not actively farmed. During design, a sediment and erosion control plan will be developed consistent with the requirements of the *Virginia Erosion and Sediment Control Handbook*, for the Virginia side, and consistent with the requirements of the *Maryland Standards and Specifications for Soil Erosion and Sediment Control*, for the Maryland side. Such controls will be deployed during construction. Therefore, the impacts to soils are not considered significant.

2. Waters of the US, Including Wetlands

Modified Alternate 7 will impact 0.5 acre of tidal open water (for bridge piers), 65 acres of tidal open water for dredging, 3,660 linear feet of ephemeral and intermittent streams (3,360 feet in Maryland and 300 feet in Virginia), and 0.1 acre of non-tidal wetlands (0.08 acre in Maryland and 0.02 acre in Virginia). The impacted streams and wetlands are ditch-type systems with very little flow except following precipitation events (see mapping in ***Appendix A*** for impact locations). Shading impacts are not anticipated as there are no wetlands, streams, or submerged aquatic vegetation (SAV) located beneath the proposed structure. The quantification of impacts is a worst-case assessment, which includes all streams and wetlands located within the limits of disturbance depicted on the mapping of Modified Alternate 7 (***Appendix A***).

The permanent tidal open-water impact to the Potomac River bed from installation of bridge piers will amount to approximately 0.5 acre. The worst-case temporary impact to tidal open water resulting from dredging will be approximately 65 acres. Additional aquatic impacts could potentially result from the following construction activities: construction staging areas, dredge material dewatering and disposal sites, barge berthing area, transport of bridge rubble and dredge material, causeways, cofferdams, temporary construction haul roads, utility relocations, erosion and sediment controls, and stormwater management controls. The additional temporary impacts likely to be attributable to these activities will be determined during the project's final design phase, and will be reflected in the calculation of impacts for the permit applications. Because some of these activities are at the discretion of the contractor, any permits obtained during the final design phase may subsequently need to be modified to reflect any revised impacts that might result from the contractor's choice of construction methods, sequence, or schedule. It should be noted that the regulatory agencies do not typically require mitigation for dredging in open water in cases where SAV is not present.

Modified Alternate 7 reduces some aquatic impacts compared to other alternates:

- The new bridge will be longer than the existing bridge, thus reducing the footprint of fill on the Maryland approach, and avoiding approximately 110 linear feet of stream impact;
- Construction of a single, four-lane bridge rather than two parallel bridges, will reduce the impact to open water attributable to dredging by 22 acres; and
- The incorporation of a single, two-way bike/ped path, rather than two one-way paths, will further reduce the impact to open water for piers and for dredging by 2.1 acres.

Impacts to Waters of the U.S. will be further minimized in later phases of the project as design elements are refined. To the extent practicable, stormwater management measures will be designed to avoid impacting aquatic resources.

Impacts to wetlands and streams located in Virginia in the Lower Potomac River Watershed will be mitigated through the use of wetland mitigation banks, consistent with the U.S. Environmental Protection Agency (EPA) / U.S. Army Corps of Engineers (USACE) *Compensatory Mitigation Rule*. There are no established wetland or stream mitigation banks in the Lower Potomac River Watershed in Maryland. Therefore, MDTA must provide project-specific mitigation for aquatic impacts in Maryland.

Several potential aquatic mitigation sites were identified and coordinated with the regulatory agencies, including both in-kind and out-of-kind mitigation, and are documented in the Conceptual Mitigation Plan included in the EA. At an April 20, 2009 field tour of potential aquatic mitigation sites attended by USACE, Maryland Department of the Environment (MDE), National Marine Fisheries Service (NMFS), and Maryland Department of Natural Resources (DNR) Critical Area Commission (CAC) staff, the attendees expressed unanimous preference for construction of an off-shore breakwater along Maryland's eroding shoreline of the Potomac River. Such mitigation will serve the aquatic needs of the watershed by

reducing the heavy siltation of shallow-water habitat caused by the severely eroding banks. The cessation of erosion will improve water quality and benthic habitat, which will lead to improved fisheries. Although out-of-kind, this mitigation would provide far greater function and value than is currently provided by the impacted ephemeral and intermittent stream/ditch-type systems.

A Joint Permit Application (JPA) will be submitted to MDE and the USACE Baltimore District during the project's final design phase. A JPA for impacts on the Virginia shore will be submitted to Virginia Marine Resources Commission (VMRC), USACE Norfolk District, and Virginia Department of Environmental Quality (DEQ). A U.S. Coast Guard (USCG) permit will also be obtained.

In consideration of the proposed mitigation and the permits that will be obtained, the impacts to waters of the US and wetlands do not rise to the level of significant.

3. Surface Water and Water Quality

Impacts to water quality during dredging and in-water bridge substructure removal could include a temporary increase in turbidity of the Potomac River, and potential release of nutrients and contaminants from bottom sediments. With the proposed action, up to 65 acres of the Potomac River bottom will be dredged for barge access. Dredging to a depth of approximately 4-5 feet below mean low water will be required for barges, and to approximately 9 feet below mean low water for tug boats.

Dredging will be restricted to certain times of the year (see ***Section IV.C.7. Aquatic Habitat and Wildlife***, below). Dredge material disposal sites will be identified during the project's final design phase, pursuant to obtaining a USACE Section 10/404 permit. However, coordination with the U.S. Fish and Wildlife Service (USFWS) has occurred regarding potential disposal sites for dredge material from construction of the bridge. USFWS indicated that they have several islands, all located on the east side of the Chesapeake Bay opposite the mouth of the Potomac, where they would accept dredge material in order to stem erosion. This beneficial re-use of dredge material will be evaluated during the project's final design phase. Additional minimization efforts during design will focus on reducing the number of piers and the required size of the dredge area. Because dredging and disposal is a costly item, the contractor will have an incentive to reduce the extent of dredging to the absolute minimum acreage necessary.

During construction, releases of sediment from land-disturbing activities will be minimized through erosion and sediment controls. Stormwater will be managed to limit downstream erosion and impairment of water quality. Erosion and sediment control plans and stormwater management plans will be submitted for approval by DCR and MDE, pursuant to obtaining National Pollutant Discharge Elimination System (NPDES) permits. Therefore, the impacts to surface waters and water quality do not rise to the level of significant.

4. Floodplains

The Modified Alternate 7 proposed structure will be elevated above approximately 8.4 acres of the Potomac River's 100-year floodplain (see ***Appendix A),*** resulting in a negligible impact to the floodplain**.** Pursuant to obtaining an MDE Waterway Construction Permit, a hydrologic and hydraulic study will be conducted during the projects' final design phase to determine the effect, if any, on Potomac River flood elevations. The project is consistent with applicable local floodplain protection standards. Therefore, the project will be consistent with Executive Order 11988 - Floodplain Management, the National Flood Insurance Act of 1968, and US Department of Transportation (DOT) Order 5650.2 - Floodplain Management and Protection. The impacts to floodplains do not rise to the level of significant.

5. Shoreline Erosion

Shoreline erosion rates of two feet per year have been documented on the Potomac River within the study area. The portion of shoreline that will be affected by the proposed bridge is not currently forested on either side of the river, and the bridge will not pose a constriction in the passage of a 100-year flood. Therefore, construction of the proposed bridge and approach roadway are not expected to accelerate shoreline erosion at the site of the bridge, upstream, or downstream. Potential changes to shoreline erosion rates are therefore not anticipated, and do not rise to the level of significant.

6. Water Supply/Groundwater

Impacts to groundwater are not anticipated since the proposed action will not involve substantial excavation. Best Management Practices (BMPs) will be employed to substantially reduce the potential for contaminants to enter the groundwater. Therefore, the impacts to groundwater do not rise to the level of significant.

7. Aquatic Habitat and Wildlife

Overwintering waterfowl (diving ducks, dabbling ducks, and Canada geese) may be affected by construction activities. Potential dredging and blasting timeframes have been coordinated with the DNR CAC and the DNR Environmental Review Unit in an attempt to protect waterfowl that might overwinter in the area. Cormorants have been nesting on the bridge for several years, but DNR has been relocating their nests to discourage their use of the bridge.

Essential Fish Habitat for summer flounder, juvenile bluefish, and their prey occurs within the project area. During the design phase, additional coordination will be undertaken with the NMFS to discuss their conservation recommendations, which relate to measures to mitigate the effects of pile driving and subaqueous blasting on anadromous fish.

SAV has not been documented on either state's shoreline from 2000 to the present; therefore, no impacts to SAV are currently anticipated by the project. If SAV is documented during a five-year period preceding the design phase, avoidance/minimization/mitigation measures will be developed, and appropriate time-of-year restrictions imposed.

Typical time-of-year restrictions imposed for anadromous fish, in combination with the time-of-year restrictions typically imposed for Historic Waterfowl Concentration Areas, would have prohibited construction in the Potomac River during the entire year. In addition, while dredging is normally conducted between October 16 and February 14, this time period may coincide with the presence of federally endangered shortnose sturgeon (*Acipenser brevirostrum*), which overwinter in the vicinity of the Nice Bridge.

In an October 6, 2010 email, the NMFS Northeast Region, Protected Resources Division commented that although shortnose sturgeon are likely to be present in the project area throughout the year, the most sensitive life stages are likely to be pre-spawning adults that may migrate through the project area on the way to upstream spawning grounds, and overwintering adults which may be less responsive to disruptions. Therefore, time-of-year restrictions were developed to afford maximum protection to the shortnose sturgeon. Coordination in 2011 between MDTA, FWHA and NMFS regarding the Section 7 Biological Assessment for the shortnose sturgeon resulted in time-of-year restrictions for bridge construction and demolition. The Biological Assessment and time-of-year restrictions were revised in June 2012 to reflect the April 6, 2012 listing of five Distinct Population Segments (DPS) of Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*) as endangered. The resulting time-of-year restrictions continue to restrict work in the river to emphasize protection of pre-spawning migrations and sturgeon

that may be overwintering near the bridge site. ***Figure 3*** shows the Nice Bridge project's time-of-year restrictions that were proposed to NMFS in the Revised Biological Assessment (June 2012).

These time-of-year restrictions will be revisited with NMFS and other resource agencies during the project's final design phase. The time-of-year restrictions will limit the impact to aquatic habitat and wildlife, and therefore ensure impacts do not rise to the level of significant.

8. Terrestrial Habitat and Wildlife

Modified Alternate 7 will impact 2.7 acres of forest, of which 1.6 acres occur in Maryland and the remainder in Virginia. The increase in forest impact compared to the EA is attributable to the manner in which forest impacts were calculated, and is not attributable to any increase in the project footprint.

There are no specimen or champion trees within the project area in Maryland or Virginia. No direct impacts to Important Bird Areas or habitat for Forest Interior Dwelling Species (FIDS) are anticipated.

In Virginia, VDOT projects are exempt from the forest mitigation requirements of the Chesapeake Bay Preservation Act. In Maryland, mitigation for forest impacts will be governed by both the Chesapeake Bay Critical Area Act and the Maryland Roadside Tree Law. To comply with both laws, MDTA will provide a total of approximately 4.1 acres of reforestation. Numerous reforestation sites have been identified in Charles County and presented to the regulatory agencies in the July 27, 2010 Preferred Alternate/Conceptual Mitigation report. The DNR CAC favors sites which may extend FIDS habitat and can provide habitat for rare, threatened, or endangered species. Potential reforestation sites will be evaluated and coordinated with DNR CAC again during the project's final design phase.

Based on the above analysis, the impacts to forests from the project will not be significant.

9. Rare, Threatened, and Endangered Species

The federally endangered Shortnose sturgeon (*Acipenser brevirostrum*) and the (*Acipenser oxyrinchus oxyrinchus*) may be affected by the project. FHWA, in accordance with the Endangered Species Act (ESA), has been consulting with National Marine Fisheries regarding the project and the potential impacts to the ESA listed species. FHWA submitted a Section 7 Biological Assessment (BA) for the Shortnose sturgeon to NMFS with a "not likely to adversely affect" determination in December 2011. FHWA submitted a Revised BA (June 2012) that reflected the April 2012 listing of the Atlantic sturgeon on the endangered species list and determined the Nice Bridge Improvement Project is not likely to adversely affect either species of sturgeon. NMFS responded on September 24, 2012 that a Final BA will be required during the final design phase of the project before NMFS could concur with the effect determination. NMFS acknowledged the path forward described in the Revised BA will minimize effects to listed species. The consultation process to date, including this letter from NMFS, has provided us reasonable assurance that we can fulfill our ESA Section 7 requirements for the project. The information from the Final BA will be used to complete the Section 7 consultation which will be part of the re-evaluation of the environmental document during final design. MDTA is aware that delaying the completion of the ESA Section 7 process until final design could result in significant project delays and potential additional costs to the project. If any federal funds are used for this project, FHWA approval will be required prior to awarding any construction contract and any advanced work contract that may affect the listed Shortnose sturgeon or Atlantic sturgeon, such as in-water geotechnical work.

Figure 3: Time-of-Year Restrictions

PILE DRIVING											
January	February	March	April	May	June	July	August	September	October	November	December
All pile driving will employ construction techniques to limit pressure waves to 4 psi, and to satisfy the Underwater Noise Standards (UNS). Pile driving will be prohibited during the spring migration (Feb 15-Jul 14) if the deep water area cannot be maintained below 150 dB.											

DREDGING											
January	February	March	April	May	June	July	August	September	October	November	December
12/16 – 7/14 (muck removal from inside a cofferdam is permitted)							7/15 – 12/15				12/16 to 7/14

SUBAQUEOUS BLASTING											
January	February	March	April	May	June	July	August	September	October	November	December
12/16 – 7/ 14							7/15 – 10/31 (must be inside a double-wall dewatered cofferdam)			11/1 – 12/15	12/16 to 7/14

DEBRIS REMOVAL, RUBBLE REMOVAL, DROPPING / DISMANTLING PORTIONS OF TRUSS*											
January	February	March	April	May	June	July	August	September	October	November	December
12/16-7/14							7/15-12/15				12/16 to 7/14

JETTING OF PILES											
January	February	March	April	May	June	July	August	September	October	November	December
12/16-7/14							7/15-12/15				12/16 to 7/14

If peregrine falcons are present and nesting, the prohibition period would be extended through August 31st.

COLOR KEY:

Prohibited	Restricted	Permitted

MDTA coordinated extensively with FHWA and NMFS to identify a number of protection measures that could be implemented during the project's construction phase. These protection measures include construction techniques to reduce pressure waves during pile driving similar to those successfully employed on the Woodrow Wilson Bridge (WWB) project; requirements for demolition, blasting, dredging, and jetting; and a plan to monitor underwater noise levels during installation of test piles to determine a structure type and foundation pattern that minimizes noise impact to the endangered sturgeon species. Construction specifications and a sequence of construction will be developed to ensure recommended noise thresholds are met during the spring migration. For detailed descriptions of the protection measures and time-of-year restrictions, please refer to the June 2012 *Revised Biological Assessment for the Shortnose and Atlantic Sturgeon*.

Further coordination with NMFS will be conducted, including submittal of a final BA, when the type of bridge has been determined, and the design details and construction requirements have been identified. Furthermore, FHWA and MDTA have not made any irreversible and irretrievable commitments that would foreclose the further consideration of reasonable and prudent alternative structures and/or measures. Early and continued coordination with NMFS during design will preserve the flexibility to consider alternative construction methods to minimize the risk of impacts to the endangered sturgeon.

Based on the available scientific data, the experience gained in successfully minimizing resource impacts on other bridge projects, and commitments to minimize any potential effects, impacts to the shortnose and Atlantic sturgeon do not rise to the level of significant.

Bald eagles are present along both shorelines, and there are concentration areas on the Virginia shore, north of the bridge, and on the Maryland shore. The bald eagle is no longer protected under the Endangered Species Act, but continues to be protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act, and remains a state threatened species in Virginia. Bridge construction activities will be managed to comply with the USFWS's May 2007 *National Bald Eagle Management Guidelines*, and the Virginia Department of Game and Inland Fisheries (DGIF) May 15, 2000 *Bald Eagle Protection Guidelines for Virginia* which restrict certain construction activities within 330 feet of a nest. Currently, there are no nests that are within 330 feet of the limit of disturbance. A new survey of bald eagle nest sites would be conducted during the project's final design phase. The prohibition of dredging and blasting between December 16 and July 14, which was imposed to protect the federally endangered shortnose sturgeon, will also minimize disturbance during the bald eagle nesting season.

Peregrine falcons (*Falco peregrinus*), which are protected under the Migratory Bird Treaty Act, and are listed as a state threatened species in Virginia, are nesting and breeding on the Nice Bridge. Disturbance of the nest is prohibited from mid-April through August. There will be no dismantling of the bridge during this period, so as not to impact the falcons.

Further discussions with NMFS on construction methodology and time-of-year restrictions will limit the impact to rare, threatened, and endangered species, and therefore will not rise to the level of significant.

10. Unique and Sensitive Areas

No impacts to Natural Heritage Areas or Green Infrastructure will occur in either Maryland or Virginia as a result of the proposed action.

11. Chesapeake Bay Critical Areas

Modified Alternate 7 will impact 24.2 acres of land subject to the Maryland Chesapeake Bay Critical Area Act and 2.2 acres of land subject to the Virginia Chesapeake Bay Preservation Act. In Virginia,

VDOT-owned public roads are exempt from the *Chesapeake Bay Preservation Area Designation and Management Regulations*, provided erosion and sediment control plans and a stormwater management plan have been approved by DCR.

In Maryland, any earth disturbance within the 100-foot Critical Area buffer of the Potomac River will be mitigated with reforestation equal to three times the acreage disturbed. From the 100-foot buffer to 1,000 feet inland, the project is located within an Intensely Developed Area (IDA). Trees that are removed within the IDA will be replaced at a 1:1 ratio. Construction in this area is also subject to the 10% rule, which requires phosphorus loads in highway runoff from impervious surfaces to be reduced to a level at least 10% below the pre-development conditions. The project design will include the use of stormwater BMPs such as dry swales, infiltration trenches, sand filters, bioretention, wet swales, and grass swales to satisfy the 10% rule.

Based on the above analysis, impacts to Critical Areas will not rise to the level of significant.

D. Noise

A noise impact is deemed to occur when the projected design year noise levels approach or exceed the Noise Abatement Criterion (i.e., 66 dBA for Category B locations), or when the projected design year noise levels are at least 57 dBA and exceed the ambient noise levels by 10 dBA or more. Under the proposed action, a noise impact is projected to occur in Dahlgren Wayside Park at the picnic, beach, and lawn areas, where the noise will increase by as much as 12 dBA to a level as high as 74 dBA at this location. Consideration of noise mitigation is appropriate.

A sound barrier is considered to be both feasible and reasonable to mitigate noise at Dahlgren Wayside Park. The barrier will need to be approximately 430 feet long with an average height of 10.5 feet in order to meet current noise abatement criteria. A decision to build this barrier has not yet been made. It is MDTA's policy to make final decisions on the construction of noise abatement during preliminary design, after final horizontal and vertical engineering alignments are determined and detailed engineering evaluations of barriers can be made. The desires of the property owner (in this case, King George County) are also considered when making a decision to proceed with noise mitigation. MDTA will coordinate with VDOT concerning any noise mitigation proposed on future VDOT property. Noise analysis findings and recommendations will be re-evaluated during design for consistency with the Final Rule 23 CFR 772 published by FHWA on July 13, 2010 and current noise policies for VDOT. Consideration of noise mitigation will not be limited to construction of barriers; landscaping and berms will also be considered.

Land uses that are sensitive to vehicular noise will also be sensitive to temporary construction noise, which could be substantial. Sensitive land uses located 100 feet from the construction could expect to experience noise levels between 78 dBA and 83 dBA. Construction activity will generally occur during normal working hours on weekdays. However, some construction could potentially occur at night, such as work that requires a lane closure, to take advantage of lighter traffic volumes. The Charles County noise ordinance limits construction noise to 90 dBA on residential properties weekdays from 7:00 a.m. to 10:00 p.m., and to 50 dBA on residential properties from 10:00 p.m. to 7:00 a.m. The King George County noise ordinance exempts highway construction projects; however, VDOT's 2007 *Road and Bridge Specifications* limits construction noise to 80 dBA at an adjoining property that has noise-sensitive activities. Noise will be monitored and managed during construction to ensure local noise ordinances are not exceeded at sensitive receptors.

The portion of Dahlgren Wayside Park located in proximity to US 301 will be impacted by noise and could be shielded from noise by a reasonable and feasible mitigation measure (i.e., wall, berm, or landscaping). Therefore, the effect of the noise impact at Dahlgren Wayside Park is not considered to be significant.

E. Air Quality

1. Carbon Monoxide (CO) Micro-Scale Evaluation

The EPA CAL3QHC (1993) dispersion model was used to predict carbon monoxide (CO) concentrations for air quality sensitive receptors for the Open-to-Traffic Year (2015) and Design Year (2030). Modified Alternate 7 will result in no violations of one-hour (35 ppm) or eight-hour (9.0 ppm) State and National Ambient Air Quality Standards (S/NAAQS) for CO at any receptor locations.

2. $PM_{2.5}$ Regional and Hot-Spot Conformity Determination

King George County, Virginia is not designated as a non-attainment area for particulate matter ($PM_{2.5}$). However, Charles County, Maryland is in the Washington, DC-MD-VA $PM_{2.5}$ non-attainment area; therefore, a project-level $PM_{2.5}$ Conformity Determination is required.

The Nice Bridge Improvement Project is included in Maryland Department of Transportation's (MDOT) 2012-2017 Consolidated Transportation Program (CTP) (pg. MDTA-31), MDOT's Draft 2013-2018 CTP (pg. MDTA-29), 2012 National Capital Region Constrained Long Range Plan (CLRP) (Project ID: CLRP 2617), and FY 2013-2018 Transportation Improvement Program (MTIP) for the Metropolitan Washington Region (MTIP ID: 5527) for Air Quality Conformity. The CLRP is a comprehensive plan of transportation projects and strategies that the National Capital Region Transportation Planning Board realistically anticipates can be implemented over the next 30 years. The MTIP is a six-year program that describes the time-frame for federal funds to be obligated to state and local projects. US DOT determined that the 2012 CLRP and the 2013-2018 MTIP met the systems level $PM_{2.5}$ conformity requirements of the Clean Air Act; therefore, the current conformity determination is consistent with EPA's Transportation Conformity Rule (40 CFR Parts 93). The project's inclusion in the TIP as a Regionally Significant project is referenced in Maryland's 2013 Statewide Transportation Improvement Program (STIP), which is a four-year, fiscally constrained, program containing Federally funded projects plus regionally significant State and local projects, all which have been identified as "high priority" through Maryland's planning process and qualify to receive available transportation funding.

The project is not "a project of air quality concern" for particulate matter, as defined under 40 CFR 93.123(b)(1), because the project is an expansion (minor widening) of an existing highway to relieve congestion and will not have a significant increase in the number of diesel vehicles. Therefore, a project level hot-spot analysis is not required. Since the project meets the requirements of 40 CFR 93.109, the project will not be expected to cause or contribute to a new violation of the $PM_{2.5}$ NAAQS, or increase the frequency or severity of a violation.

By email dated November 10, 2010, the $PM_{2.5}$ analysis was approved by MDTA, and was sent to FHWA. By email dated December 13, 2010, the analysis was approved by FHWA and forwarded to EPA, MDE and Metropolitan Washington Council of Governments (MWCOG) for interagency consultation. On December 14, 2010, a minor comment was received from MDE, which was addressed on December 15, 2010. On January 24, 2011, approval was received from EPA. The respondents agree with the conclusion that the Nice Bridge Improvement Project **is not a project of air quality concern under 40 CFR 93.123(b)(1).** The $PM_{2.5}$ Conformity Determination was placed on MDTA's website for a 15-day public review and comment period. No comments were received.

3. Qualitative MSAT Analysis

Modified Alternate 7 will be considered a project with low potential Mobile Source Air Toxics (MSAT) effects because it is an example of a minor widening project where 2030 design year traffic is not projected to exceed 150,000 vehicles. For such projects, FHWA's September 30, 2009 *Interim Guidance Update on Mobile Source Air Toxic Analysis in NEPA Documents* indicates that a qualitative assessment of emissions should be conducted.

The amount of MSAT emissions will be proportional to the vehicle miles traveled (VMT). Compared to the year 2030 No-Build traffic projection of 35,000 vehicles per day, Modified Alternate 7 will result in 43,300 vehicles per day in 2030. This increase in VMT will lead to slightly higher MSAT emissions along the highway corridor. The emissions increase is offset somewhat by lower MSAT emission rates due to increased speeds. According to EPA's MOBILE 6.2 model, emissions of all of the priority MSATs, except diesel particulate matter, decrease as speed increases. The extent to which these speed-related emissions decreases will offset VMT-related emissions increases cannot be reliably projected due to the inherent deficiencies of technical models. Local conditions may differ from these national projections in terms of fleet mix and turnover, VMT growth rates, and local control measures. However, the magnitude of the EPA-projected reductions is so great (even after accounting for VMT growth) that MSAT emissions in the study area are likely to be lower in the future. Therefore, the effects on the human environment are not highly uncertain and do not involve unique or unknown risks. For additional information on the project-specific MSAT Health Impacts Analysis, refer to ***Appendix D***.

4. Ozone (O_3)

The Metropolitan Washington Region [DC-MD-VA] is in moderate non-attainment for the 8-hour ozone (O_3) standard. The 1-hour O_3 standard was revoked on June 15, 2005. The approved State Implementation Plan (SIP) for the Region includes a mobile source emissions budget for precursors of O_3 (volatile organic compounds and nitrogen oxides) and a plan to improve air quality in the region to meet the NAAQS for O_3 by June 15, 2010. However, the region is actually required to demonstrate attainment of the standard by the end of the last ozone season before that date, which is September 2009. Therefore, the actual date for planning purposes was September 2009. The 2012 CLRP and FY 2013-2018 MTIP demonstrate that attainment is achieved within the required timeframe[1].

The SIP consists of a Reasonable Further Progress (RFP) Plan, 2002-2008; an attainment plan; an analysis of reasonably available control measures; an attainment demonstration; contingency plans for RFP and attainment; and mobile budgets for 2008, 2009, and 2010. The plan also presents a Base-Year Inventory for 2002 and projected inventories for 2008 and 2009. The plan is intended to show the progress being made to improve air quality in the Metropolitan Washington Region nonattainment area and the efforts underway to assure that all necessary steps are taken to reach the federal health standard for ground-level O_3 by 2009. The plan was prepared by the Metropolitan Washington Air Quality Committee (MWAQC).

[1] On March 27, 2008, EPA issued a Final Rule [73FR16436] revising the Primary and Secondary Ozone Standards from 0.08 ppm to 0.075 ppm. The Final Rule further stated that "*Upon promulgation or revision of a national ambient air quality standard, the Administrator shall promulgate the designations of all areas (or portions thereof) * * * as expeditiously as practicable, but in no case later than 2 years from the date of promulgation. Such period may be extended for up to one year in the event the Administrator has insufficient information to promulgate the designations.*" On January 6, 2010, EPA extended the deadline for designating areas for the March 2008 NAAQS for ground-level ozone. The new deadline for area designations was March 12, 2011. The 2008 standard does not apply to this project since the 2008 designations are not finalized. In addition to the above, on January 19, 2010 EPA issued a Propose Rule [75FR2938] to further reduce the 8-hour Ozone stand to a range of 0.06 to 0.07 ppm. This rule was to have been finalized prior to August 31, 2010, but the Final Rule has been delayed and has not yet been issued.

5. Construction Emissions

During the construction period, all appropriate measures would be incorporated to avoid impacts to the air quality of the area (COMAR 26.11.06.03D). Specifically, applying water or appropriate liquids during land clearing, grading, and construction operations can minimize fugitive dust. At all times when in motion, open-body trucks transporting materials should be covered, and all excavated material should be removed promptly.

Mobile source emissions can be minimized during construction by not permitting idling trucks or equipment during periods of unloading or other non-active use. The existing number of traffic lanes should be maintained, to the maximum extent possible, and construction schedules should be planned in a manner that would not create traffic disruption and increase air pollutants. Applying these measures would ensure air quality would not be degraded during construction.

6. Summary

No air quality impacts are projected to occur as a result of the proposed action; therefore, the project will not result in significant air quality effects. The documented effects on the human environment are not highly uncertain and do not involve unique or unknown risks. Effects to the human environment are not considered highly controversial by those who commented on the project. The proposed action will not establish any precedent for future actions with significant effects. The project will not violate Federal, State, or local laws for protection of the environment. Based on the above, the impacts do not rise to the level of significant.

F. Hazardous Materials

Based on an Initial Site Assessment (ISA) prepared in December 2008, one hazardous material site, NSF Dahlgren, was identified within the limit of disturbance for the proposed action. Areas determined hazardous within the NSF Dahlgren site will not be affected by the proposed action. The results of the ISA also documented the presence of naturally-occurring levels of arsenic in the soils on the Virginia side; however, no on-site remediation of the soil is required. Any excess soil materials generated during construction on the Virginia side, and not used on-site, will be properly handled and disposed in accordance with applicable solid waste regulatory requirements. In addition, the Health and Safety Plan prepared for construction will include information on arsenic management and avoidance.

Potential hazards associated with munitions and explosions of concern (MEC) in the study area were evaluated. Results of land-based MEC investigations did not identify any significant MEC. Investigations for MEC in the Potomac River will be initiated prior to construction of the project.

The health of area residents and employees, including construction workers, will be safeguarded to ensure that there is no impact to public health or safety. If MEC are discovered, safe handling and disposal procedures outlined in an approved work plan to protect the people residing and working in the vicinity of the site. These measures will be sufficient to ensure that significant impacts do not occur.

G. Indirect and Cumulative Effects Analysis

The Indirect and Cumulative Effects (ICE) Analysis documented in the *Nice Bridge Improvement Project Indirect and Cumulative Effects Analysis Technical Report* and summarized in the EA concluded that no major indirect or cumulative effects are anticipated with the proposed action. Refer to ***Section II.G.2*** of the *Nice Bridge Improvement Project Indirect and Cumulative Effects Analysis Technical Report* for a more detailed assessment of potential indirect and cumulative effects.

1. Indirect Effects

Indirect effects are effects that are caused by the action and are later in time or further removed in distance, but are still reasonably foreseeable. Indirect effects could include changes in temperature, volume of runoff, erosion, and water quality effects that typically accompany added impervious surface; dredging-related turbidity effects on downstream populations of benthic invertebrates; or invasive species colonization of cleared roadside areas.

The wider bridge would better accommodate and facilitate the commuting trend and bring growth pressure to these fast growing areas in both states. Both Maryland and Virginia have laws and regulations in place to direct development to priority areas. Additionally, local jurisdictions responsible for growth management within the ICE boundary have zoning and other planning strategies in place to guide development into areas that can accommodate it while preserving more sensitive areas that might be otherwise vulnerable to growth.

The indirect effects of impervious surface could be minimized through compliance with State laws. For example, erosion and sediment controls and stormwater management will be implemented in compliance with MDE and DCR requirements. Compliance with the CAC's 10 percent rule will ensure that the pollutant levels in runoff are at least 10 percent below pre-existing levels. Supplement 1 (dated April 2009) to the *2000 Maryland Stormwater Design Manual* emphasizes environmental site design, which includes the use of small-scale stormwater management practices (such as rain gardens, micro bioretention, infiltration berms, dry wells, rainwater harvesting, and green roofs), non-structural techniques, and improved site planning to mimic natural hydrologic runoff characteristics (such as sheetflow to conservation areas). The Supplement also requires water quality treatment for a minimum of 50 percent of the existing impervious area within the limit of disturbance, versus 20 percent under the original Manual.

Although benthic organisms will be impacted during dredging, benthic organisms typically re-colonize an area after construction ceases; however, the assemblages are likely to change as opportunistic species are the first to re-colonize. Invasive species will be minimized by seeding disturbed areas before volunteer invasive vegetation becomes established.

The increase in the profile of the bridge and approach road on the Maryland shore could disrupt the setting at Aqua-Land, as the highway becomes a more dominant feature of the landscape. Changes in access could result in a change in the number of future visitors to Aqua-Land Marina, Barnesfield Park and Dahlgren Wayside Park. Increases in traffic volumes, changes in access, and the loss of park acreage could potentially impact future park usage. Vegetative buffers and replacement acreage will minimize these impacts.

2. Cumulative Effects

Cumulative effects relate to the incremental impact of the Nice Bridge Improvement Project in the context of other past, present, and reasonably foreseeable future actions. Therefore, cumulative effects take into account impacts associated with past and future transportation and development projects within the ICE boundary, regardless of whether they are related to the Nice Bridge project. There are 267 development projects and 34 transportation projects that are currently planned within the ICE boundary, totaling more than 51,000 acres; none are dependent upon the Nice Bridge project.

In general, resources within the ICE boundary have experienced cumulative effects over the past few decades from urban development. These cumulative effects have been more prominent in Maryland due

to the greater development pressures that exist, compared to Virginia. It is expected that these trends would continue as additional growth occurs.

The highest concentrations of development that would have the greatest effect on natural resources in Maryland are anticipated around Waldorf (which is designated a Development District in the Comprehensive Plan), La Plata, Swan Point, and Morgantown. The highest concentrations of development in Virginia include Weedonville, Carmel Church, Bowling Green-Milford, and Ladysmith.

Most impacts to environmental resources are regulated by applicable state, local, and federal laws that mandate avoidance, minimization, and/or mitigation measures which reduce the overall contribution to cumulative effects associated with this project, as well as other future residential, commercial, industrial, and transportation projects within the project area. Therefore, the overall contribution to cumulative impacts on resources within the ICE analysis boundary resulting from this project was determined to be minimal. Future development and growth within the ICE area would be regulated by state and county land development plans. MDTA would support local governments and agencies to promote beneficial controls and suggest that local jurisdictions develop resource preservation plans. However, efforts to avoid, minimize, and mitigate impacts caused by cumulative development within the ICE Analysis boundary would be beyond the control and funding authority of MDTA.

Indirect and cumulative effects will be minimized through state and federal environmental laws and local environmental and zoning ordinances. In light of the impact analysis presented in this section, as well as in the EA, and the agency agreement with the coordination efforts and decision-making conducted to date, the indirect and cumulative effects have not been identified as significant.

V. PUBLIC INVOLVEMENT AND AGENCY COORDINATION

Outreach strategies were implemented to gather input and inform citizens and regulatory agencies about the project, including public meetings, informational publications, and a project website. A summary of the public involvement activities conducted since the publication of the EA in July 2009 is provided below. For a complete summary of all public and agency coordination prior to this date refer to ***Chapter IV*** of the EA. Public and agency coordination will continue during the project's final design phase to ensure all stakeholders have the opportunity to provide input and have their questions answered.

A. Public Hearings and Additional Outreach

Public hearings were held on September 17, 2009 at Dr. Thomas L. Higdon Elementary School in Newburg, MD, and on September 24, 2009 at Potomac Elementary School in Dahlgren, VA. A total of 158 individuals offered oral or written comments. The most common themes included:

- Supported the Bike/Ped Option (89, mostly from the Wash DC/Oxon Hill area)
- Supported a build alternate (82); with Alternate 7 (24), Alternate 6 (22), and Alternate 4 (10) most frequently supported
- Offered design suggestion (27)
- Requested acceleration of project and funding (21)
- Concerned for existing and future traffic congestion (20)
- Concerned about safety (17)
- Concerned about environmental impacts (13)
- Concerned about cost (11)
- Noted emergency evacuation (11)
- Recognized economic impacts (10)
- Noted impacts to NSF Dahlgren (9)

- Noted impacts to Parkland (7)
- Supported retaining existing bridge (7)

Responses to the public hearing comments are provided in ***Appendix E*.**

Additional outreach has been conducted since the public hearings. Project presentations were made to the following groups:

- King George County Chamber of Commerce on October 13, 2009;
- La Plata Business Association on December 10, 2009;
- South Potomac Community Relations Council on August 5, 2010 and November 16, 2011;
- King George County Board of Supervisors on October 19, 2010;
- Southern Maryland Delegation in Annapolis on March 11, 2011; and
- King George County Board of Supervisors on July 19, 2011.

B. Agency Coordination

1. Coordination for Park Properties in Virginia

On September 14, 2009 and November 16, 2010, meetings were held with the public agencies that have interest in Virginia properties affected the project. These agencies included: FHWA, NSF Dahlgren, NPS, VDOT, DCR, VTC, King George County, and MDTA. The purpose of the meetings was to present the project, alternates and potential impacts, public hearing comments, and to initiate discussion on resolution of property impacts. The discussion focused on right-of-way and mitigation and the process to begin identifying mitigation requirements for the property impacts in Virginia. These meetings led to an MOA, executed in September 2011, outlining MDTA's park mitigation commitments (refer to ***Appendix B***).

Comments dated October 16, 2009 from the U.S. Department of the Interior (DOI) advised that DOI would consider approving a Section 6(f) conversion provided the uses and impacts are minimized, and mitigation includes replacement lands of equal acreage, appraised value, and recreation usefulness.

2. Preferred Alternate/Conceptual Mitigation

MDTA presented Modified Alternate 7 as the Preferred Alternate at an Interagency Review Meeting in May 2010. A Draft *Preferred Alternate/Conceptual Mitigation* report was distributed at this meeting and circulated to other regulatory agencies not in attendance. The following federal and state offices supported the identification of Modified Alternate 7 as the Preferred Alternate (see copies of correspondence in ***Appendix E***):

- US Environmental Protection Agency
- US Army Corps of Engineers
- National Marine Fisheries Service, Chesapeake Bay Program Office (also concurred on the time-of-year restrictions)
- US Fish and Wildlife Service
- Virginia Department of Historic Resources
- Virginia Department of Game and Inland Fisheries
- Maryland Department of Planning
- Maryland Department of Natural Resources
- Charles County Department of Planning and Growth Management
- The commanding officer of NSF Dahlgren stated at the September 17, 2009 public hearing that NSF Dahlgren cannot agree to an easement for Alternates 2, 3, or 6, and, while Dahlgren is fully supportive of Alternates 4, 5, or 7, they would prefer Alternate 7.

The Preferred Alternate/Conceptual Mitigation report was completed by MDTA and approved by FHWA in August 2010.

3. Coordination on Threatened and Endangered Species

By email dated October 6, 2010, NMFS Northeast Region concurred with the proposed time-of-year restrictions for working in the Potomac River. By letter dated December 12, 2011, FHWA requested NMFS' concurrence with the finding that the Nice Bridge Improvement Project "is not likely to adversely affect" shortnose sturgeon. By letter dated August 10, 2012, FHWA submitted the June 2012 Revised BA to NMFS to include the Atlantic sturgeon which was listed as endangered in April 2012, and requested NMFS' concurrence that the commitments outlined in the Revised BA are sufficient to ensure the project is not likely to adversely affect either species of endangered sturgeon. NMFS responded by letter dated September 24, 2012 that the path forward described in the Revised BA would minimize effects to the endangered sturgeon species.

4. Coordination on Cultural Resources

By letter dated June 7, 2010, MDTA requested the concurrence of MHT and DHR in the adverse effect determination for the Governor Harry W. Nice Memorial Bridge and the Potomac River Bridge Administration Building, and determinations of no effect for Marshall's Rest, Ravens Crest, and the Naval Surface Warfare Center, Dahlgren Laboratory. On August 10, 2010, MDTA requested the concurrence of MHT in a determination of National Register eligibility and a no effect determination for Pasquahanza. By letter dated August 31, 2010, MHT concurred with both requests, and advised that an underwater archeological survey of the proposed project will be needed. By letter dated December 12, 2009, the ACHP was notified of the adverse effect determination and invited to participate in the consultation to resolve adverse effects. On January 6, 2011, the ACHP declined to participate. Comments from MHT dated November 24, 2010, and from DHR dated December 30, 2010, were incorporated into the Section 106 PA. The PA was executed in July 2011 (refer to ***Appendix C***).

C. Project Website

In an effort to obtain public feedback and keep the public informed throughout the project planning process, the MDTA created a Nice Bridge project website. The website can be accessed at www.nicebridge.maryland.gov. The website provides the EA, the public hearing displays and brochure, a project timeline, and information on how to ask questions, request information, and submit comments.

VI. PROJECT COMMITMENTS

Full funding for the design, right-of-way acquisition, and construction phases of this project is not expected to be available within the foreseeable future. Therefore, mitigation and other commitments that were relied upon in making this Finding of No Significant Impact are being carefully documented to ensure that these actions will be implemented when project activities resume.

A. Socio-economic

1. During design, further minimization of property impacts will be evaluated through measures such as retaining walls, MSE walls, steeper side slopes, U-wing abutments on the approaches to the bridge, etc.

2. Any property acquisition will be based on fair market value and just compensation, in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended, as well as MDTA and VDOT property acquisition policies.

3. To minimize the impact of the loss of parking at Aqua-Land, Orland Park Road will be designed to be as close as possible to the new bridge and MDTA will consider providing replacement parking elsewhere on the Aqua-Land property. Coordination will be undertaken with Charles County Department of Planning and Growth Management and Aqua-Land to minimize any impact to the County's planned public boat launch facilities at Aqua-Land, including considerations related to increased boater access (e.g., trailer access along Orland Road, additional trailer parking, internal circulation to and from the boat ramp, etc).

4. Aesthetic treatments for the bridge will be considered in coordination with Charles County Department of Planning and Growth Management. Landscaping and architectural treatments appropriate for a gateway to Charles County, as well as visual screening/signage of Morgantown Generating Station, will be considered.

5. Commitments related to parkland are documented in the Parks MOA (***Appendix B***).

6. Coordination will continue with Charles County Department of Planning and Growth Management and King George County during the project's final design phase concerning whether to locate the bike/ped path on the north or south side of the proposed bridge.

7. Additional coordination will be undertaken with the Virginia Outdoors Foundation to determine whether the Foundation has subsequently acquired any property or easements that could be affected by the project.

B. Cultural

1. The commitments of the Section 106 PA (***Appendix C***) will be implemented.

C. Natural Environment

1. During design, a sediment and erosion control plan will be developed that is consistent with the requirements of the *Virginia Erosion and Sediment Control Handbook*, and in accordance with the Virginia Erosion & Sediment Control Law and Regulations, and the requirements of the *Maryland Standards and Specifications for Soil Erosion and Sediment Control* (Maryland).

2. Any disturbance of river and stream banks for construction access or for temporary stream crossings will be stabilized during construction. Upon removal of the access, the disturbed area will be planted with native tree species (subject to approval of the property owner).

3. Stormwater management plans will be developed. To the extent practicable, the design of stormwater management measures will avoid aquatic resources. The use of low impact development techniques (LID) will be considered for this project.

4. Time-of-year restrictions have been developed to prohibit and/or restrict work in the Potomac River as appropriate, emphasizing protection of pre-spawning migrations and overwintering populations of shortnose sturgeon near the bridge site, as well as Atlantic sturgeon which may migrate through the area. Please refer to MDTA's June 2012 *Revised Biological Assessment for Shortnose and Atlantic Sturgeon* and ***Figure 3*** of this FONSI. All time-of-year restrictions will be revisited with the

regulatory agencies during the final design phase, to ensure assumptions that led to the establishment of the restrictions are still applicable.

5. During the design phase, further minimization efforts will focus on limiting the amount of dredging required for barge access, and the disturbance of the river bottom for pier placement. Techniques will be considered to minimize the amount of sediment released to the water column during dredging.

6. Impacts to wetlands and streams located in Virginia will be mitigated through the use of approved mitigation banks, consistent with the EPA/USACE mitigation regulations. Aquatic impacts in Maryland will likely be mitigated by constructing an off-shore breakwater along an eroding stretch of the Potomac River. Prior to selecting a final mitigation site, the preferred breakwater site will be investigated for the presence of MECs in the river bed, underwater archeological resources, submerged aquatic vegetation, and proximity to leased oyster beds. If the breakwater location is determined to be within 1,500 feet of an oyster bed, the breakwater construction may be subject to time-of-year restrictions. Coordination will be undertaken with the appropriate regulatory agencies, and the necessary permits obtained.

7. During the project's final design phase, coordination will continue with the Virginia Department of Mines, Minerals, and Energy – Division of Mineral Resources to address the issue of acidic soils.

8. During the project's final design phase, an environmental reevaluation will be prepared. Consideration will be given to any additional environmental impacts associated with mitigation sites for forest, parkland, and aquatic resources, as well as construction activities such as: construction staging areas; dredge material dewatering and disposal sites; barge berthing areas; boat ramps; areas to stockpile earthwork, construction materials, and bridge rubble; transport of bridge rubble and dredge material; causeways/cofferdams; riprap; bulkheads; temporary haul roads; utility relocations; erosion and sediment controls; stormwater management controls; and other permanent or temporary measures which could not be considered during project planning. FHWA will ensure coordination of a reevaluation with MDTA and the regulatory agencies, as needed.

9. Coordination will be undertaken with DNR's Maryland Reef Initiative to determine whether DNR has a preferred site for the disposal of the rubble from the dismantled bridge and the availability of private matching funds to defray the added expense of barging the rubble to a disposal site.

10. The USFWS, NMFS, DGIF, DCR's Division of Natural Heritage, and DNR's Wildlife and Heritage Service will be contacted to determine whether any newly listed threatened or endangered species are in the vicinity of the project, including within the expanded limit of disturbance and proposed mitigation sites.

11. Prior to construction, bald eagle nests will be surveyed and further coordination undertaken with the DGIF, DNR, and USFWS. Bridge construction activities will be managed to comply with the USFWS May 2007 National Bald Eagle Management Guidelines, and May 15, 2000 Bald Eagle Protection Guidelines for Virginia. Compliance with these guidelines may result in time-of-year restrictions, or activity modifications, for some construction operations such as tree clearing, grading, and blasting.

12. Coordination with the USFWS, DGIF, and DNR will be undertaken prior to construction to evaluate potential impacts of the bridge removal on nesting peregrine falcons (Falco peregrines) and to determine the most appropriate time-of-year to dismantle the existing bridge. Disturbance of falcon nests is prohibited from mid-April through August.

13. Additional coordination of bridge construction techniques will be undertaken with the NMFS to obtain their approval of the conservation recommendations for Essential Fish Habitat and to re-evaluate the best available technologies for protecting fish from the effects of bridge construction and demolition, pursuant to completing Section 7 consultation for the shortnose and Atlantic sturgeon. Underwater noise monitoring will be conducted during the installation of test piles. The resulting information will be considered in the selection of a bridge type, and development of a foundation plan, to ensure NMFS' Underwater Noise Standards will be met during the spring migration of sturgeon (February 15 through July 14). Consultation will continue with NMFS regarding construction techniques that will be employed to reduce fish mortality during pile driving, dredging, demolition, and jetting. These commitments and a sequence of construction will be documented in a final BA, which will be submitted to NMFS to conclude Section 7 consultation.

14. If SAV has been documented during the five-year period preceding the conclusion of the design phase, avoidance/minimization/mitigation measures will be developed and coordinated with NMFS, DNR, and DGIF.

D. Noise

1. Noise analysis findings and recommendations will be re-evaluated during design for consistency with the Final Rule 23 CFR 772 published by FHWA on July 13, 2010 and current noise policies for VDOT.

2. During design, MDTA will re-evaluate the cost and feasibility of noise mitigation for Dahlgren Wayside Park, and will coordinate their recommendations with VDOT and King George County.

3. A number of measures will be considered to limit construction noise. The project will comply with local noise ordinances and the noise provisions of the VDOT and Maryland State Highway Administration (SHA) road and bridge specifications. The contractor will prepare a plan for minimizing construction noise and monitor compliance with the plan throughout construction. The plan will include measures such as the following:

   - Equip any internal combustion engine used for any purpose with a properly operating muffler;
   - Conduct truck loading, unloading, and hauling so that noise is kept to a minimum;
   - Route construction equipment and vehicles in areas that will cause the least disturbance to nearby receptors;
   - Place continuously operated diesel-powered equipment, such as compressors and generators, in areas as far as possible from, or shielded from, noise-sensitive locations.
   - Wherever possible, noise barriers to be constructed as part of the project will be constructed as soon as possible to allow the barriers to protect noise-sensitive areas from construction noise.

E. Hazardous Materials

1. Underwater investigations for MECs will be initiated prior to construction.

2. Support services will be provided to identify MECs prior to conducting any subsurface disturbance on land or in the water, such as archeological investigations and construction activities. These services will include identification of potential site hazards, safety briefings, subsurface anomaly detection, emergency response procedures, reporting, and coordination with local response personnel. If MECs are discovered, recommendations will be developed for its safe handling and disposal, to protect the people residing and working in the vicinity of the site.

3. In Virginia, exposed slopes will be promptly stabilized to manage runoff from acidic soils. Due to the naturally occurring levels of arsenic in the soil on the Virginia side, any excess soil materials generated during construction and not used on-site will need to be properly disposed in accordance with applicable solid waste regulatory requirements. In addition, the Health and Safety Plan prepared for construction will include information on arsenic management and avoidance.

F. Permits and Approvals

1. During design, an interagency review team will be established to facilitate coordination of the many permits and approvals (discussed below) that are required to construct this project.

2. A Joint Permit Application (JPA) will be submitted to MDE for review by MDE and the USACE Baltimore District during the project's final design phase. A JPA for impacts on the Virginia side will be submitted to Virginia Marine Resources Commission (VMRC), for review by VMRC, USACE Norfolk District, and Virginia Department of Environmental Quality (DEQ). The permit application will include an Avoidance, Minimization, and Mitigation Report (AMMR) which identifies the permanent and temporary impacts to wetlands, streams, and river bottom within the footprint of the Modified Alternate 7 limit of disturbance, the additional minimization efforts that have been undertaken during the design phase, and the proposed mitigation. The report will also identify any temporary construction impacts to aquatic resources needed to construct the bridge. The permit application will also identify the dredge material disposal site(s). Beneficial re-use of dredge material will be considered during the design phase. A final Compensatory Mitigation Plan will be prepared with the permit application.

3. Pursuant to obtaining an MDE Waterway Construction Permit, a hydrologic and hydraulic study will be conducted during the project’s final design phase to determine what effect the construction of the new bridge will have on Potomac River flood elevations.

4. A Section 9 permit application will be submitted to USCG early in the design phase.

5. During design, the project will seek an NPDES General Permit for Discharges of Stormwater Associated with Construction Activities, and a Stormwater Pollution Prevention Plan (SWPPP) will be prepared to address water quality and quantity. Approvals of stormwater management plans will be obtained from DCR and MDE, pursuant to obtaining NPDES permits. Stormwater management plans in Maryland will be developed in accordance with approved MDE specifications, while stormwater management plans in Virginia will be developed in accordance with the DCR-approved VDOT SWM annual specifications.

6. Reforestation in Maryland will comply with the Critical Area Commission (CAC) requirements that are in effect at that time. Preference will be given to forest mitigation sites which are within the Critical Area, expand FIDS habitat, or provide habitat for protected species. The project will include the use of stormwater BMPs to reduce phosphorus loads in stormwater by at least 10% below pre-construction conditions, in conformance with the Critical Area 10% rule.

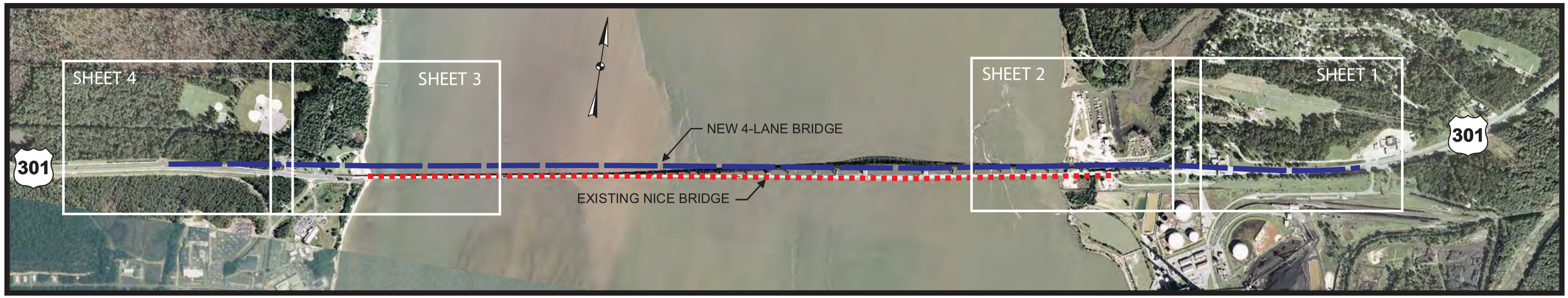
7. Mitigation for forest impacts in Maryland outside the Critical Area will be mitigated in accordance with Maryland’s Roadside Tree Law, administered by DNR.

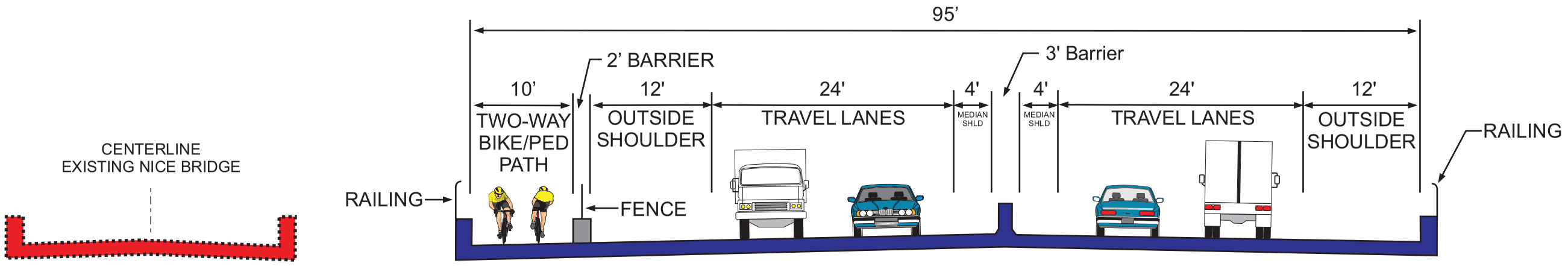
8. Pursuant to Section 7 of the Endangered Species Act, a final BA will be submitted to NMFS to determine the project’s effect on the shortnose sturgeon and Atlantic sturgeon.

9. During construction, the contractor will be responsible to obtain permits/approvals for any additional impacts which are identified subsequent to the permits/approvals obtained by MDTA during the project's final design phase.

APPENDIX A

MODIFIED ALTERNATE 7 (SELECTED ALTERNATE)





MODIFIED ALTERNATE 7

Nice Bridge Improvement Project

Appendix A

Modified Alternate 7
Index Sheet

November 2010

Match Line – See Sheet 2 of 4

Aqua–Land Campground

MD–WUS 2

MD–WUS 3

MD–WUS 4

MD–WUS 5

MD–WUS 1

MD–WET 1

Nice Bridge
Campus Facilities

D

NRE

D

D

LOD

H

FP

Orland Park Road

301

Morgantown Generating Plant

N

VA MD

PLATE LAYOUT

0 100 200 300 400

Scale: 1" = 200'

LEGEND

- Bridge Structure
- New Roadway
- Pavement Removal
- Retaining Wall
- Proposed Fence
- LOD — Limit of Disturbance
- Existing Property Line
- Proposed Acquisition
- Traffic Barrier
- Parkland
- Critical Area (MD)
- Forest Stand
- 100 Year Floodplain
- Jurisdictional Wetland
- Jurisdictional Water of U.S.
- NRE — National Register of Historic Places – Eligible
- D — Potential Displacement
- Bike / Pedestrian Traffic Flow

Nice Bridge Improvement Project

Appendix A November 2010

Preferred Alternate

Modified Alternate 7 (Sheet 1 of 4)

US Department of Transportation Federal Highway Administration

Harry W. Nice Bridge Improvement Project

Maryland Transportation Authority

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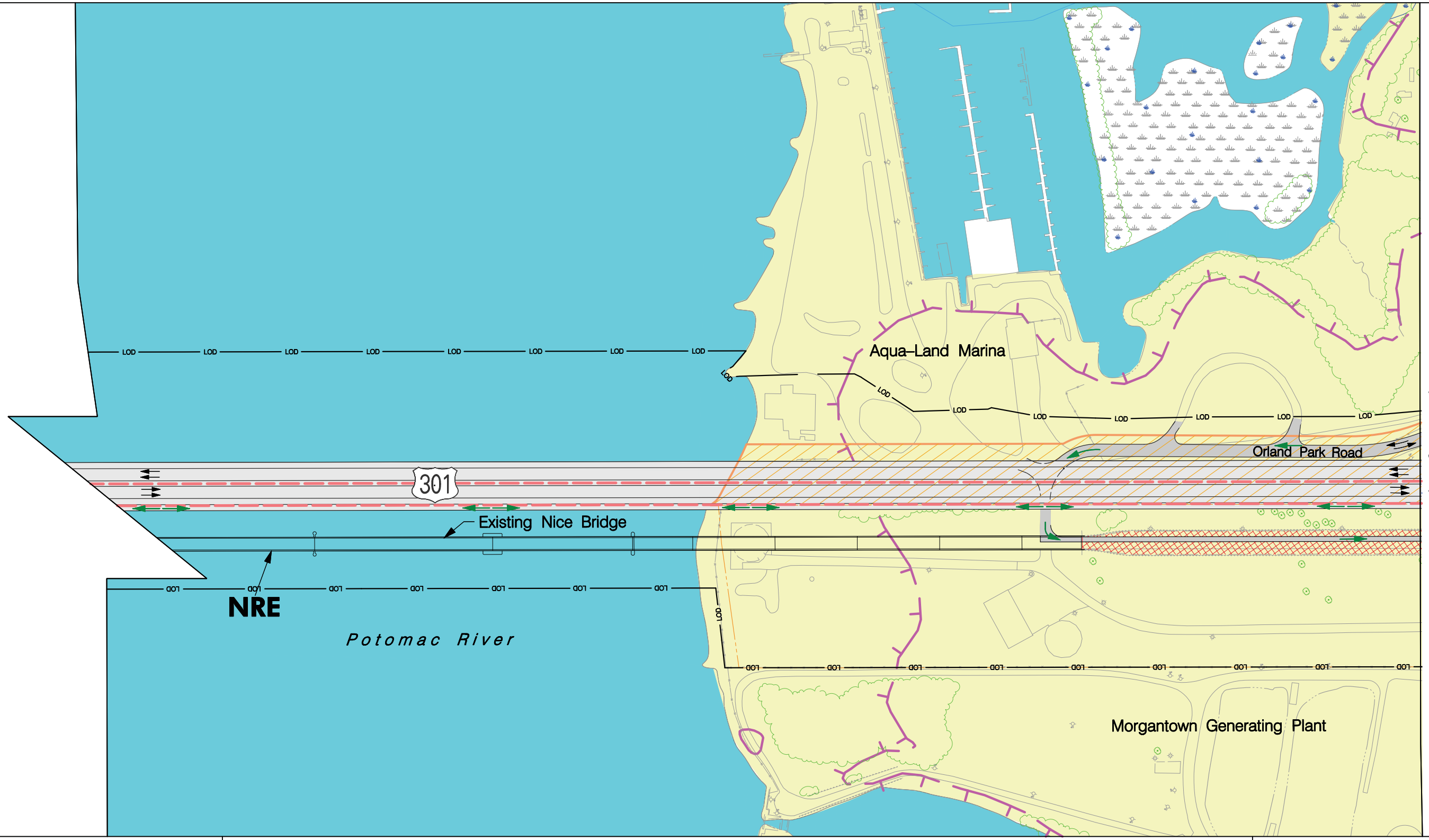

VA MD

PLATE LAYOUT

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Scale: 1" = 200'

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- Jurisdictional Water of U.S.
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- Bike / Pedestrian Traffic Flow

Nice Bridge Improvement Project

Appendix A November 2010

Preferred Alternate

Modified Alternate 7 (Sheet 2 of 4)

HARRY W. NICE BRIDGE IMPROVEMENT PROJECT

Maryland Transportation Authority

T:\Nice Bridge Study\Preferred Alternate\pHD-MODALT7-2.dgn

V I R G I N I A

M A R Y L A N D

Barnesfield Park

BASKETBALL COURTS

Roseland Road

Potomac Gateway Welcome Center

VA–WUS 7

Dahlgren Wayside Park

D

LOD

301

Existing Nice Bridge

NRE

Potomac River

VA–WET 7

VA–WET 6

Naval Support Facility Dahlgren

Match Line – See Sheet 4 of 4

N

VA MD

PLATE LAYOUT

0 100 200 300 400

Scale: 1" = 200'

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Nice Bridge Improvement Project

Appendix A November 2010

Preferred Alternate

Modified Alternate 7 (Sheet 3 of 4)

HARRY W. NICE BRIDGE IMPROVEMENT PROJECT

Maryland Transportation Authority

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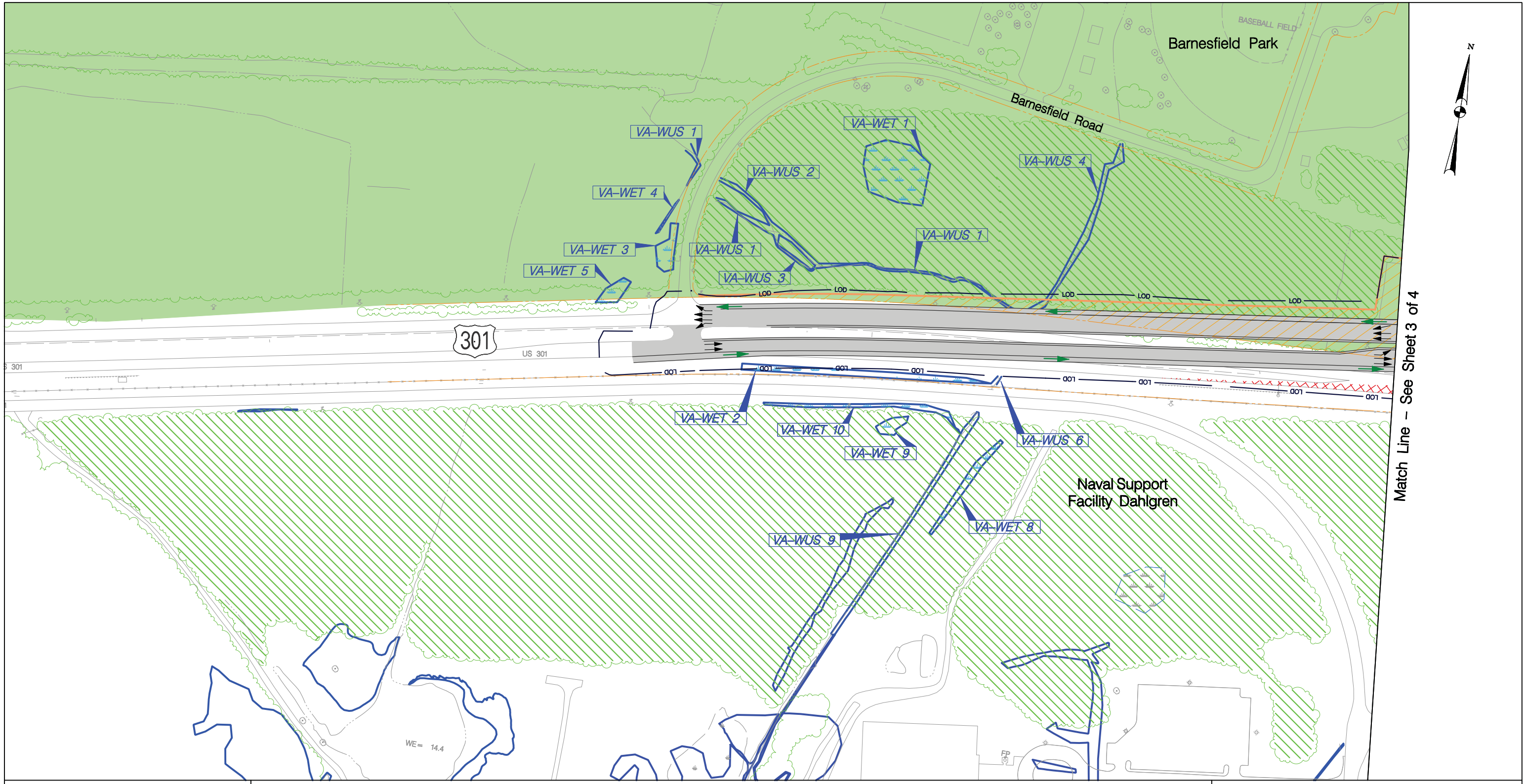

VA MD

PLATE LAYOUT

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Nice Bridge Improvement Project

Appendix A November 2010

Preferred Alternate

Modified Alternate 7 (Sheet 4 of 4)

US Department of Transportation Federal Highway Administration

HARRY W. NICE BRIDGE IMPROVEMENT PROJECT

Maryland Transportation Authority

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APPENDIX B

PUBLIC PARKS
MEMORANDUM OF AGREEMENT (MOA)

MEMORANDUM OF AGREEMENT

Among the
MARYLAND TRANSPORTATION AUTHORITY,
VIRGINIA DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY ADMINISTRATION,
NATIONAL PARK SERVICE,
VIRGINIA TOURISM CORPORATION,
VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION, and the
KING GEORGE COUNTY BOARD OF SUPERVISORS

Regarding
MITIGATION OF EFFECTS TO PUBLIC PARKS from the
GOVERNOR HARRY W. NICE MEMORIAL BRIDGE IMPROVEMENT PROJECT in
KING GEORGE COUNTY, VIRGINIA

WHEREAS, the Maryland Transportation Authority (MDTA), in cooperation with the Virginia Department of Transportation (VDOT), and the Federal Highway Administration (FHWA), proposes to construct a new four-lane bridge and approach roadways that would carry US 301 over the Potomac River between Maryland and Virginia and replace the existing Governor Harry W. Nice Memorial Bridge (MDTA Project No. NB543-000-006), herein referred to as the PROJECT; and

WHEREAS, federal funding administered through the FHWA has been identified by MDTA as a potential funding source for the PROJECT and FHWA is functioning as the lead federal agency; and

WHEREAS, the FHWA DelMar Division is the lead FHWA office for the PROJECT; and

WHEREAS, the FHWA has determined the provision of financial assistance for the project would be an action of the US Department of Transportation which is subject to Section 4(f) of the US Department of Transportation Act (23 CFR §774); and

WHEREAS, the MDTA has identified Modified Alternate 7, which would construct a new four-lane bridge north of the existing bridge, as the PROJECT's Preferred Alternate, as shown in **Attachment A**; and

WHEREAS, the PROJECT's Preferred Alternate would require acquisition of 2.2 acres of Barnesfield Park, 2.1 acres and displacement of the Potomac Gateway Welcome Center property, and 2.2 acres of Dahlgren Wayside Park, which are considered Section 4(f) uses of those properties per 23 CFR § 774.17, shown on **Attachment B**; and

WHEREAS, Barnesfield Park and Dahlgren Wayside Park are located in the Commonwealth of Virginia in the County of King George and owned by the King George County Board of Supervisors (KGC), and the Potomac Gateway Welcome Center is likewise

located in the Commonwealth of Virginia in the County of King George and is owned by the Virginia Tourism Corporation (VTC); and

WHEREAS, an Environmental Assessment/Draft Section 4(f) Evaluation was signed by FHWA in July 2009 and a Final Section 4(f) Evaluation is expected to be completed to demonstrate there is no feasible and prudent avoidance of the use of Section 4(f) property, and, in conjunction with the execution of this Memorandum of Agreement (MOA), all possible planning has been done to minimize harm to those Section 4(f) properties; and

WHEREAS, Barnesfield Park, Dahlgren Wayside Park and the Potomac Gateway Welcome Center were donated from the United States in 1972 as part of the Federal Lands to Parks Program (FLPP) which is administered by the National Park Service (NPS), and use restrictions are included in the deeds for each property in accordance with the FLPP; and

WHEREAS, Barnesfield Park received grant funding from the National Park Service (NPS) through the Land and Water Conservation Fund, and Parcel A of the property (shown on **Attachment B**) is subject to Section 6(f) of the LWCF Act (36 CFR § 59) which is administered by the Virginia Department of Conservation and Recreation (DCR) and NPS; and

WHEREAS, the parkland impacted by the PROJECT is presently used as undeveloped woodland in Barnesfield Park; a paved and unpaved parking lot, trail, waterfront recreational area, small craft boat launch, picnic areas, and open areas in Dahlgren Wayside Park; and lawn adjacent to the Potomac Gateway Welcome Center building. These conditions will be taken into account during the development of mitigation options; and

WHEREAS, the MDTA, with input from the other signatories, has identified that parkland replacement and resolving deed restrictions are appropriate mitigation measures to address PROJECT parkland property impacts subject to Section 4(f), FLPP, and Section 6(f) requirements; and

WHEREAS, the MDTA currently has not programmed funding for PROJECT final design, right-of-way acquisition, construction, or mitigation, including parkland replacement, and funding for future PROJECT phases may not be available for several years; and

WHEREAS, the MDTA completed the Preferred Alternate / Conceptual Mitigation (PACM) report in September 2010 (**Attachment C**) which includes an example of parkland replacement site search criteria. Through development of the PACM, the MDTA has coordinated with the other signatories of this Agreement to identify preferred criteria for parkland replacement sites; and

WHEREAS, the MDTA shall not own any land within the Commonwealth of Virginia;

NOW, THEREFORE, the MDTA, VDOT, FHWA, NPS, VTC, DCR, and KGC agree to implement the following stipulations as an expression of commitment to Section 4(f), FLPP, and Section 6(f) of the LWCF Act mitigation. This Agreement does not resolve any regulatory obligations by the signatories for Section 4(f), FLPP, or Section 6(f) of the LWCF Act approval of the PROJECT.

STIPULATIONS

MDTA shall ensure the following measures are carried out once funds are programmed prior to construction of the PROJECT:

I. Parkland Replacement Site Search

MDTA shall determine the area of parkland needed from Barnesfield Park, Dahlgren Wayside Park, and the Potomac Gateway Welcome Center for PROJECT appurtenances based on final engineering design plans. The area needed for the PROJECT shall be the basis for identifying replacement requirements. Other impacts to any remaining parkland, as a result of the conversion from park to transportation use, shall also be considered in determining the replacement requirements. A no less than 2:1 ratio of replacement parkland to impacted parkland shall be used when identifying replacement parkland needs.

MDTA will prepare and conduct a site search for potential parkland replacement sites at its sole cost. Example parkland site search criteria originally identified in the PACM (**Attachment C**) will first be reviewed to determine if these criteria remain reasonable. MDTA, in coordination with KGC, will then identify additional appropriate criteria, and recommend potential mitigation sites for review. MDTA, in coordination with KGC and VDOT, will contact the landowners of potential sites to determine their interest in providing replacement parkland. As part of the site search, riverfront properties that provide open area for the public to enjoy and have minimal impact to adjoining property owners shall be considered. MDTA will coordinate the site search with all Agreement signatories, and identify one or more preferred replacement site(s) based on input from the Agreement signatories.

MDTA and VDOT will follow the Federal standards for right of way appraisal and acquisition as outlined by the Uniform Appraisal Standards for Federal Land Acquisition (the UASFLA "Yellow Book"), as well as procedures which will be agreed to by MDTA and VDOT prior to the future right-of-way acquisition phase for the PROJECT. To satisfy requirements of Section 6(f) of the LWCF Act, the value of land needed from Barnesfield Park Parcel A by the PROJECT will also be established using this method. King George County may choose to have an additional separate and independent appraisal(s) performed at their expense.

Coordination among the signatories will ensure the proposed replacement parkland would be acceptable under an LWCF Program Section 6(f) conversion of use request (for Barnesfield Park, Parcel A) and an FLPP land exchange (for all impacted park properties). The process for acquiring the replacement parkland is outlined in Stipulation II. Replacement parkland for Barnesfield Park Parcel A shall be of at least equal fair market value to the appraised value of parkland converted from Parcel A. The replacement property for Barnesfield Park Parcel A shall also be of reasonably equivalent usefulness, recreational value, and location as the parkland converted from Parcel A.

II. Parkland Replacement

Following identification of potential replacement parkland as described in Stipulation I, MDTA will coordinate with the signatories to develop and implement a process for acquiring replacement parkland. As owner of Barnesfield Park and Dahlgren Wayside Park, it will be KGC's responsibility to determine which of the potential replacement parklands identified in

Stipulation I would be most beneficial to its needs. The proposed process for acquiring replacement parkland is described below.

1) A Level 1/Phase 1 environmental investigation shall be prepared and paid for by the MDTA for the preferred replacement parkland to identify environmental effects that might limit the property's ability to provide equivalent recreational value, and to determine whether the site(s) are environmentally clean and safe for public park use. The LWCF Proposal Description and Environmental Screening Form (PD/ESF) shall be completed for any property submitted for NPS approval as well as the entire park proposed for partial conversion.
2) MDTA shall provide funding to VDOT for acquisition of the identified replacement parkland, in accordance with the procedures that will be agreed to by MDTA and VDOT prior to the future right-of-way acquisition phase for the PROJECT.
3) KGC will formally propose to DCR and NPS a land exchange which would substitute the replacement parkland for the existing parkland needed for the PROJECT. DCR and NPS will approve the land exchange if the appropriate Section 6(f) of the LWCF Act and FLPP conditions are met.
4) Subject to paragraph 2) above, VDOT shall acquire the replacement parkland.
5) The FLPP deed restrictions on the use of the land would be removed from the portions of Barnesfield Park, Dahlgren Wayside Park, and the Potomac Gateway Welcome Center properties needed for the PROJECT, pursuant to Virginia law and after the required advertisement, public hearing, comment and vote. The removal of the public park and recreation use restriction in the properties' quitclaim deeds will occur in a release and transfer deed, which will be prepared by the NPS. At no time will there be a reduction of acreage of protected parkland at Barnesfield Park, Dahlgren Wayside Park, or the Welcome Center without a simultaneous replacement of similar parkland. The deed for the replacement parkland property must contain protections per Section 6(f) of the LWCF Act.
6) KGC and VTC will convey the unrestricted former parkland (now impacted by the PROJECT) to VDOT for PROJECT purposes.
7) VDOT will donate the replacement parkland to KGC, which will be restricted pursuant to any applicable State and Federal laws and deed restrictions.
8) MDTA shall complete any additional NPS and DCR administrative requirements (e.g., property descriptions, forms and coordination) which NPS and DCR usually need from conversion applicants prior to Section 6(f) approval.

The general steps described above are subject to minor revision based on circumstance at the time of implementation of Stipulation II. Should significant alteration to these steps be required, a signatory may request an amendment to this MOA per Stipulation VII.B.

III. Park Enhancement and Landscape Design

MDTA shall prepare a landscape plan for the portions of Barnesfield Park, Dahlgren Wayside Park, and the Potomac Gateway Welcome Center property, which are adjacent to the proposed roadway, including areas that are currently within VDOT right-of-way as part of project final design activities, at its sole cost. The plans shall be developed by a professional landscape architect registered in the Commonwealth of Virginia and be approved by VDOT and KGC. The landscape plan shall be in keeping with the recreational character of Barnesfield Park and Dahlgren Wayside Park. Plantings proposed in the landscape plan will have the intent to provide

screening between US 301 and park properties. MDTA shall implement the final landscape plan during construction of the PROJECT.

The landscape plan shall accommodate the change in existing ground elevations caused by construction of the PROJECT, and shall include treatment of surrounding slopes and enhancement and/or replacement of existing landscape features. MDTA shall also construct a new public trail within Dahlgren Wayside Park that would provide access from the park to the bicycle / pedestrian path proposed by the Preferred Alternate across the replacement bridge as part of the PROJECT. The Dahlgren Wayside Park entrance and parking lot shall be relocated. The landscape plan shall recommend, and MDTA shall install, as appropriate, hardscape features such as picnic tables, flagpoles, replacement boat landing (if required) and barbecue grills within Dahlgren Wayside Park.

Also as part of the landscape plan, MDTA, VDOT and KGC will evaluate whether noise abatement measures for US 301 would be desirable adjacent to Dahlgren Wayside Park. If noise abatement at Dahlgren Wayside Park is determined feasible and reasonable per FHWA and VDOT noise abatement criteria during the PROJECT design phase, MDTA shall design appropriate noise abatement measures to be installed during the construction phase of the PROJECT. MDTA will be responsible for the design and installation of any sound abatement measures incorporated in the final design of this project.

MDTA shall provide sixty (60) calendar days for review and comment on the landscape plan by the signatories. MDTA shall ensure all comments received within that sixty (60) calendar day period are considered as appropriate in the final landscape plan.

IV. Potomac Gateway Welcome Center Property

It is anticipated that the entire Potomac Gateway Welcome Center Property would be acquired for the PROJECT, following procedures which will be agreed to by MDTA and VDOT prior to the future right-of-way acquisition phase for the PROJECT. Any remaining land from this property not needed for the PROJECT will be donated to KGC and incorporated into Barnesfield Park for the purpose of recreational use in perpetuity. Donation of the remaining, unneeded portion of the property to KGC will not be considered replacement parkland. Nevertheless, the MDTA is committed to completing this stipulation in conjunction with other mitigation measures.

V. Review of Project Design Plans

MDTA shall provide the signatories an opportunity to review and provide comments on relevant sections of the PROJECT design plans that affect existing park property at two stages of the design phase (semi-final and final) following design review funding procedures which will be agreed to by MDTA and VDOT prior to the future design phase for the PROJECT. If after sixty (60) calendar days following submittal of the design plans no comments are received, MDTA may assume the non-responding party has no comments. MDTA may proceed with implementation of the plans and development of property acquisition documents (i.e., plats). MDTA shall ensure that all comments received within that sixty (60) calendar day period are considered as appropriate in the design plans, including a written response to the responding party.

VI. Subsequent Changes to the Project

If, subsequent to the implementation of Stipulation V, any significant changes to the PROJECT affecting design of the Preferred Alternate or parkland area needed by the PROJECT are proposed, MDTA shall provide the signatories with information concerning the proposed changes. If after sixty (60) calendar days following submittal of project changes no comments are received by MDTA, MDTA may assume the non-responding party has no comments. MDTA shall ensure that all comments received within that sixty (60) calendar day period are considered as appropriate in the proposed changes.

VII. Administrative Stipulations

A. Resolving Objections

The signatories of the MOA shall notify all other signatories in writing of any instance where a signatory objects to the implementation of any of the stipulations set forth above. The signatories shall consult to resolve the objection. If MDTA determines the objection cannot be resolved, MDTA's responsibility to carry out all actions under this MOA that are not the subject of the dispute shall remain unchanged. MDTA shall coordinate with VDOT and FHWA to determine whether the subject of the dispute requires an amendment to this MOA (as described in Stipulation VII.B) or requires termination of the MOA (as described in Stipulation VII.E).

B. Amendments

This MOA may be amended only upon written agreement of the signatories. Any signatory party may request an amendment, whereupon the other signatory parties will respond with any comments within sixty (60) days of the request date.

C. Duration

This MOA shall remain in full force and effect from the date of its execution until five (5) years following commencement of construction for the PROJECT. Prior to five (5) years following commencement of construction, MDTA may consult with the other signatories to consider an extension to the MOA. Such an extension shall be treated as an amendment in accordance with Stipulation VII.B.

D. Review of Implementation

MDTA shall review the PROJECT annually to monitor progress of the implementation of the terms of this MOA. Upon completion of each review, MDTA shall submit a memorandum summarizing the status of MOA implementation to the signatories. The review should occur in January each year following implementation of the MOA.

E. Termination

If any signatory to this MOA determines that the terms of this MOA will not or cannot be completed, that signatory may immediately coordinate with the other signatories to draft an amendment to the MOA per Stipulation VII.B. If within thirty (30) calendar days an amendment cannot be drafted, any signatory may terminate its commitments in the MOA upon written notification to the other signatories.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

Execution of this MOA by the signatories, and implementation of its terms, is evidence that MDTA is committing to address Section 4(f), Section 6(f) and FLPP effects to parks that result from the Governor Harry W. Nice Memorial Bridge Improvement Project during design and construction of the PROJECT.

SIGNATORIES

MARYLAND TRANSPORTATION AUTHORITY

By: _____ Date: 6/29/11
Randolph P. Brown, Acting Executive Secretary

Approved as to form and legal sufficiency:

_____
Sherita D. Harrison, Assistant Attorney General

FEDERAL HIGHWAY ADMINISTRATION

By: _____ Date: 9/22/2011
for Hassan Raza, DelMar Division Administrator

By: _____ Date: 8/8/11
for Irene Rico, Virginia Division Administrator

VIRGINIA DEPARTMENT OF TRANSPORTATION

By: _____ Date: 7/12/11
Steve Long, Assistant Administrator, Environmental Division

NATIONAL PARK SERVICE

By: _____ Date: 8/20/11
Dennis Reidenbach, Regional Director Northeast Region

VIRGINIA TOURISM CORPORATION

By: _____ Date: 7/27/11
Roy Knox, Vice President, Administration and Revenue

VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION

By: _____ Date: 7/20/11
Danette Poole, Director, Division of Planning and Recreational Resources

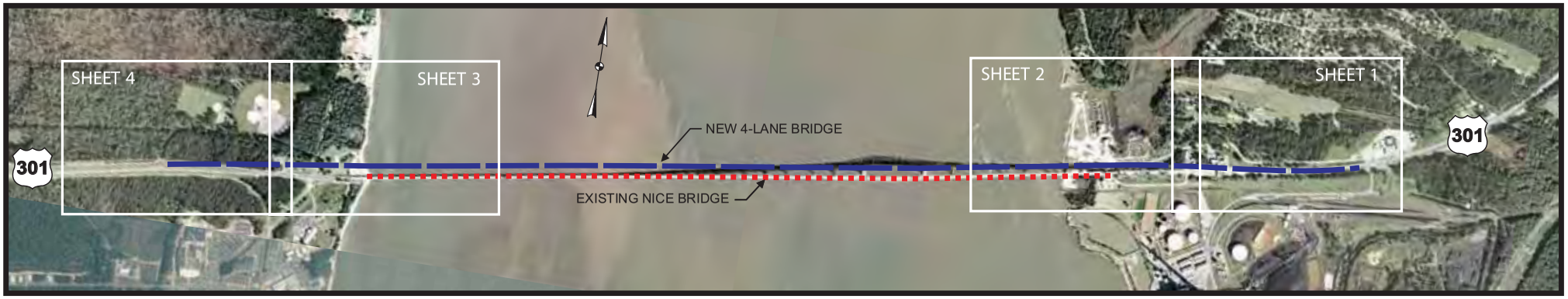
KING GEORGE COUNTY

By: _____ Date: 7/6/11
Travis Quesenberry, County Administrator

Attachment A

Project Location Map and Plans of
the Preferred Alternate (Modified Alternate 7)


Charles County
La Plata
Port Tobacco
Newtown
Dentsville
Bel Alton
MARYLAND
Allens Fresh
Wicomico
Mathias Point
Popes Creek
Budds Creek
Gov. Harry W. Nice Mem. Bridge
Newburg
St. Mary's County
West Hatton
Morgantown
Dahlgren
Woodberry Beach
Swan Point
Rock Point
Colonial Beach
VIRGINIA
Index
Westmoreland County
225
488
231
6
301
257
206
205
HARRY W. NICE BRIDGE
IMPROVEMENT PROJECT
Public Parks MOA
November 2010
Figure 1
Project Location Map
Maryland Transportation Authority
1 in = 3 miles
N



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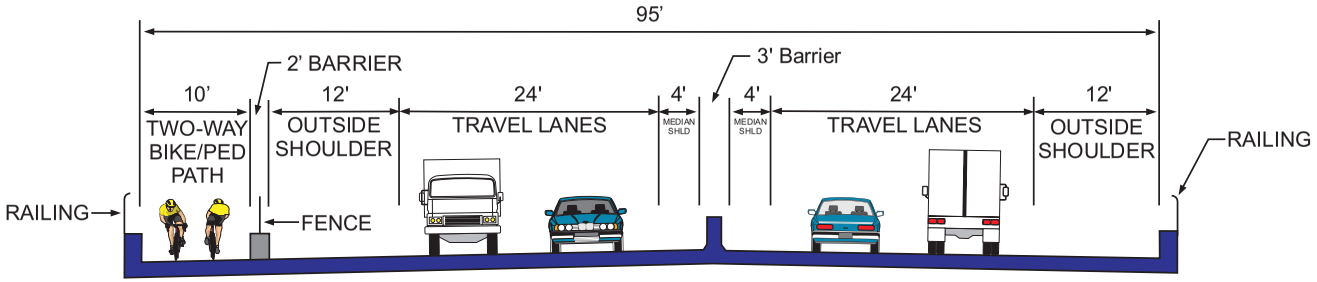


NEW 4-LANE BRIDGE FOR TWO-WAY TRAVEL WITH TWO-WAY BIKE/PED PATH

MODIFIED ALTERNATE 7

Nice Bridge Improvement Project

Appendix A

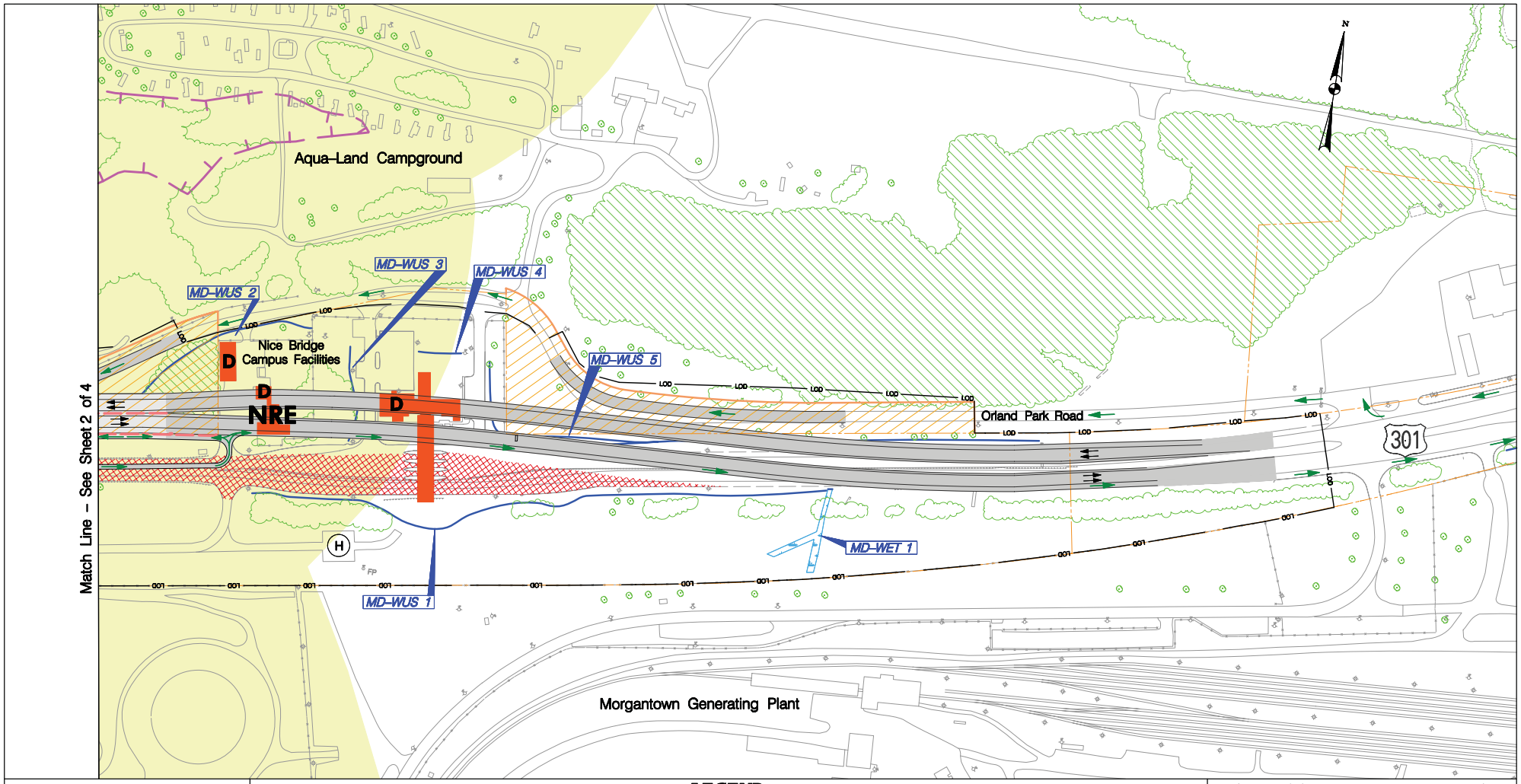
Modified Alternate 7

Index Sheet

November 2010

HARRY W. NICE BRIDGE IMPROVEMENT PROJECT

Maryland Transportation Authority



VA MD

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Nice Bridge Improvement Project

Appendix A November 2010

Preferred Alternate

Modified Alternate 7 (Sheet 1 of 4)

HARRY W. NICE BRIDGE IMPROVEMENT PROJECT

Maryland Transportation Authority

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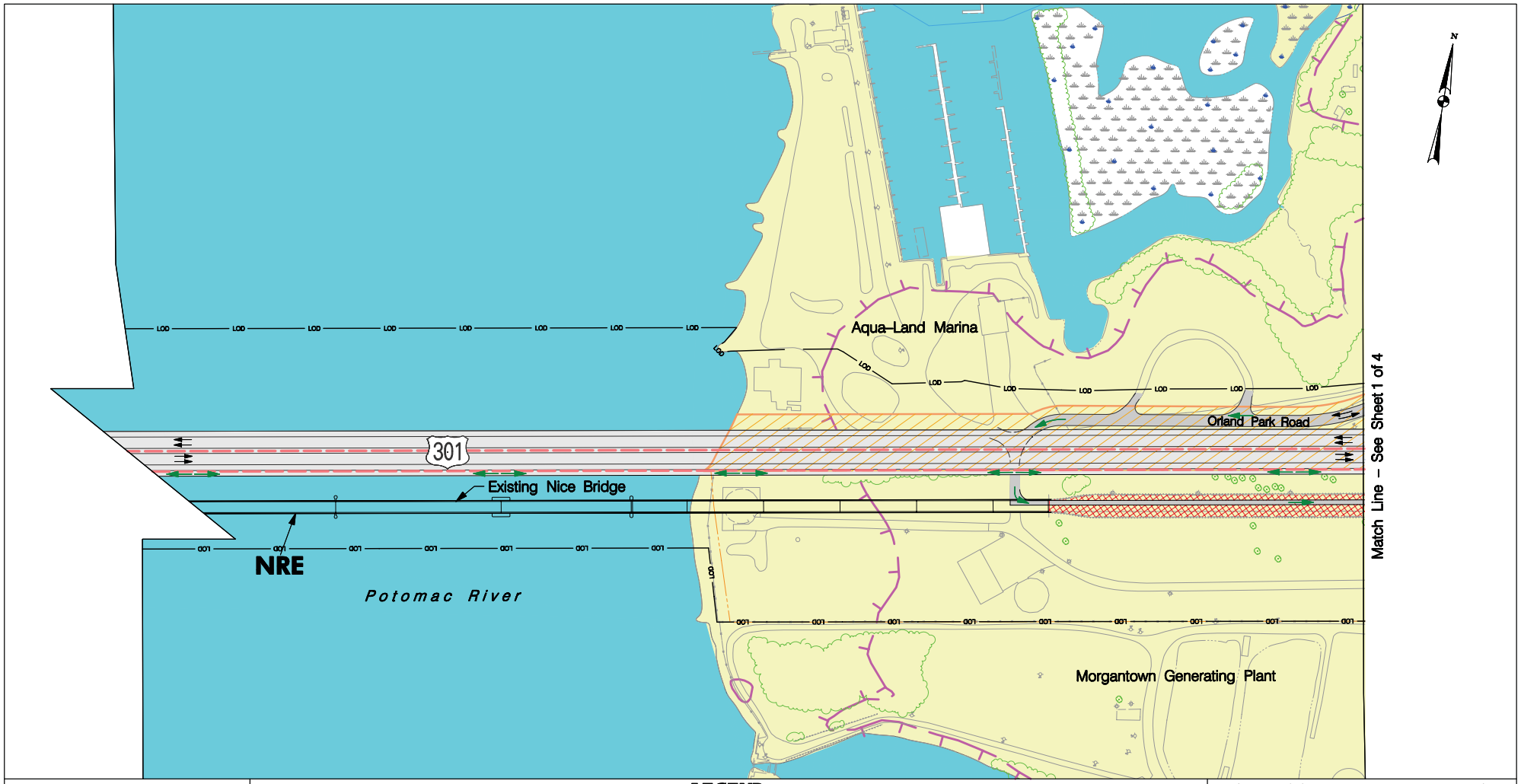

VA MD

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Nice Bridge Improvement Project

Appendix A November 2010

Preferred Alternate

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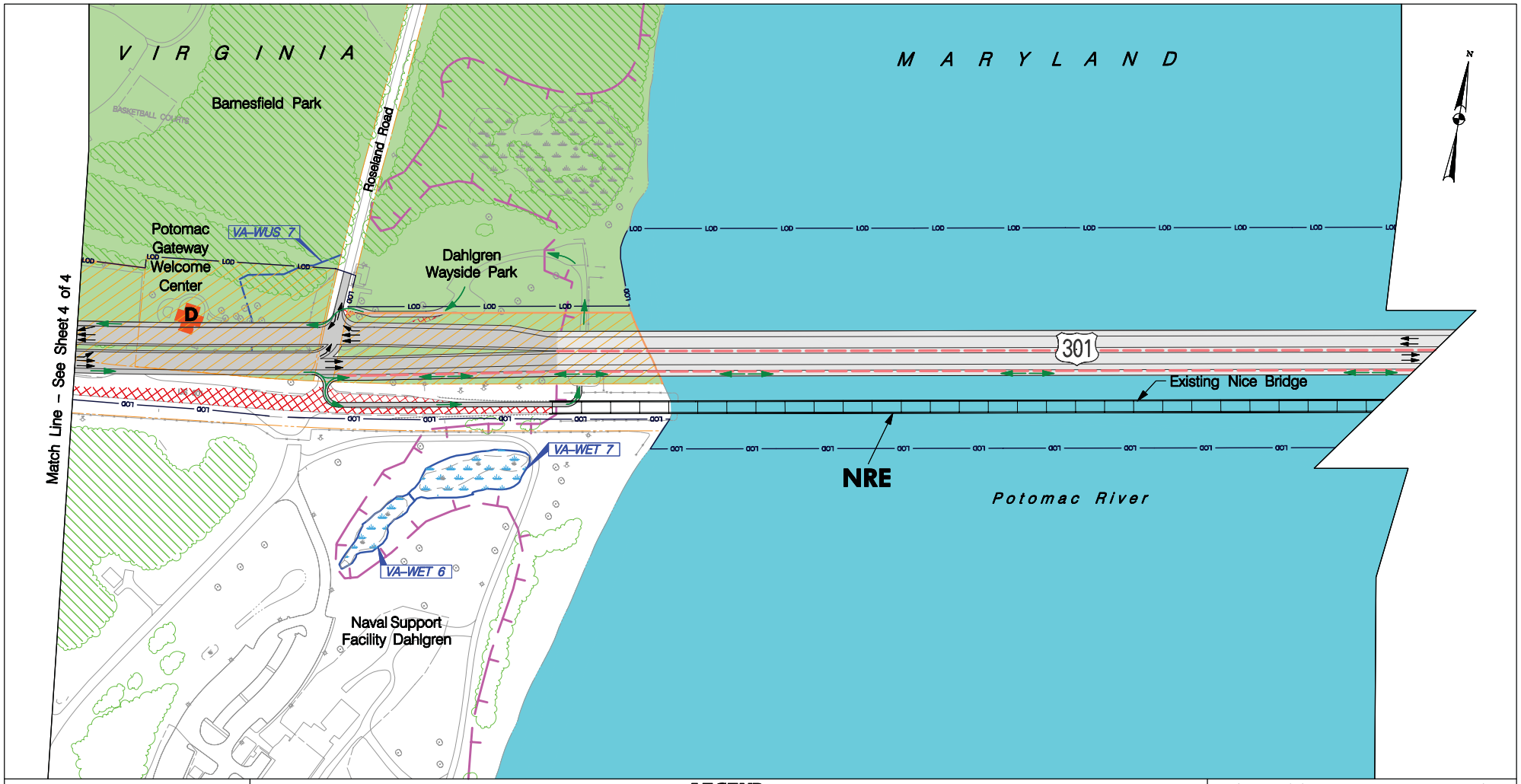
Maryland Transportation Authority

T:\Nice Bridge Study\Preferred Alternate\pHD-MODALT7-2.dgn



VA MD

PLATE LAYOUT

0 100 200 300 400

Scale: 1" = 200'

LEGEND

- Bridge Structure
- New Roadway
- Pavement Removal
- Retaining Wall
- Proposed Fence
- LOD — Limit of Disturbance
- Existing Property Line
- Proposed Acquisition
- Traffic Barrier
- Parkland
- Critical Area (MD)
- Forest Stand
- 100 Year Floodplain
- Jurisdictional Wetland
- Jurisdictional Water of U.S.
- NRE — National Register of Historic Places – Eligible Potential Displacement
- Bike / Pedestrian Traffic Flow

Nice Bridge Improvement Project

Appendix A November 2010

Preferred Alternate

Modified Alternate 7 (Sheet 3 of 4)

HARRY W. NICE BRIDGE IMPROVEMENT PROJECT

Maryland Transportation Authority

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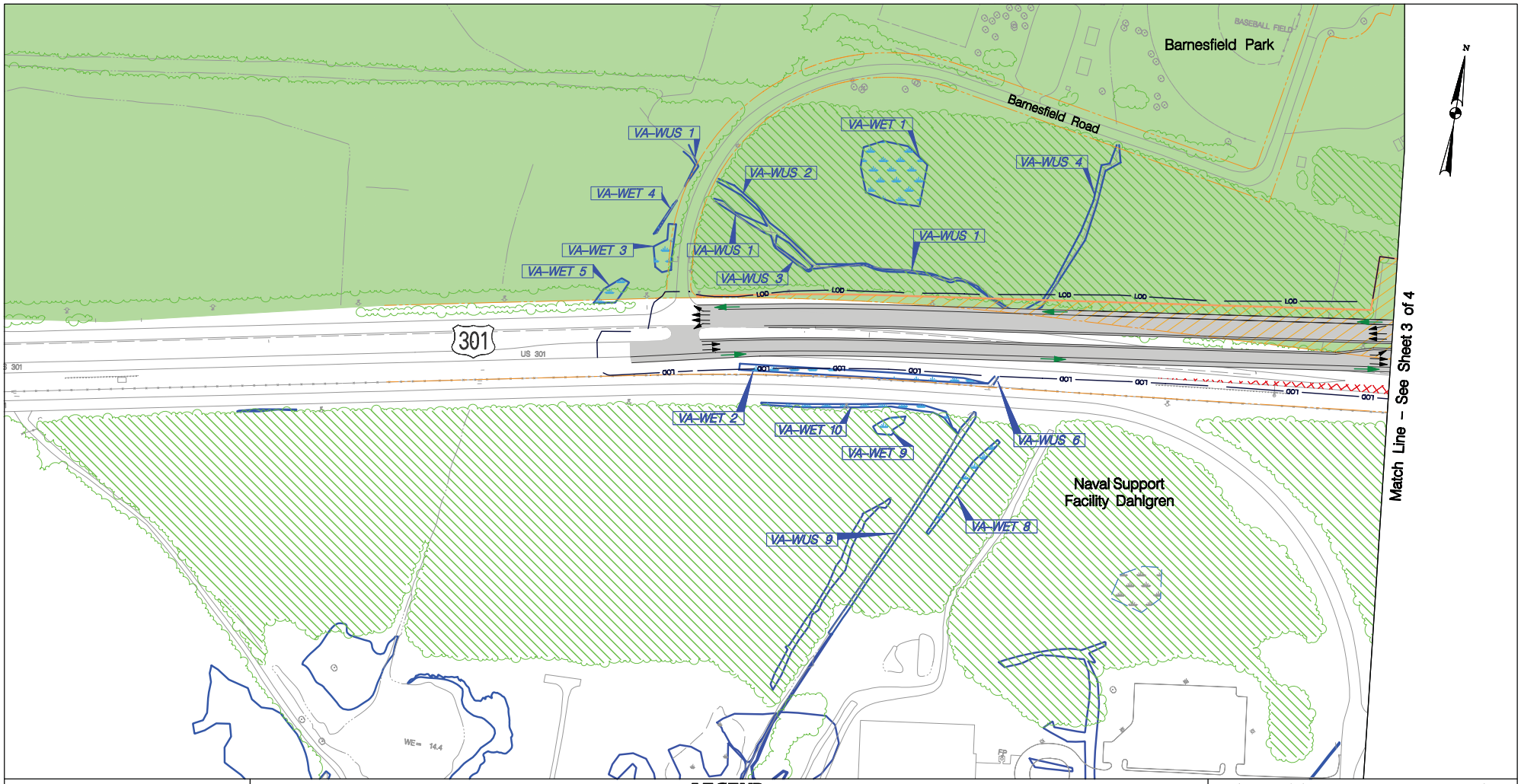

VA MD

PLATE LAYOUT

0 100 200 300 400

Scale: 1" = 200'

LEGEND

- Bridge Structure
- New Roadway
- Pavement Removal
- Retaining Wall
- Proposed Fence
- LOD — Limit of Disturbance
- Existing Property Line
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- Traffic Barrier
- Parkland
- Critical Area (MD)
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- NRE — National Register of Historic Places – Eligible Potential Displacement
- Bike / Pedestrian Traffic Flow

Nice Bridge Improvement Project

Appendix A November 2010

Preferred Alternate

Modified Alternate 7 (Sheet 4 of 4)

HARRY W. NICE BRIDGE IMPROVEMENT PROJECT

Maryland Transportation Authority

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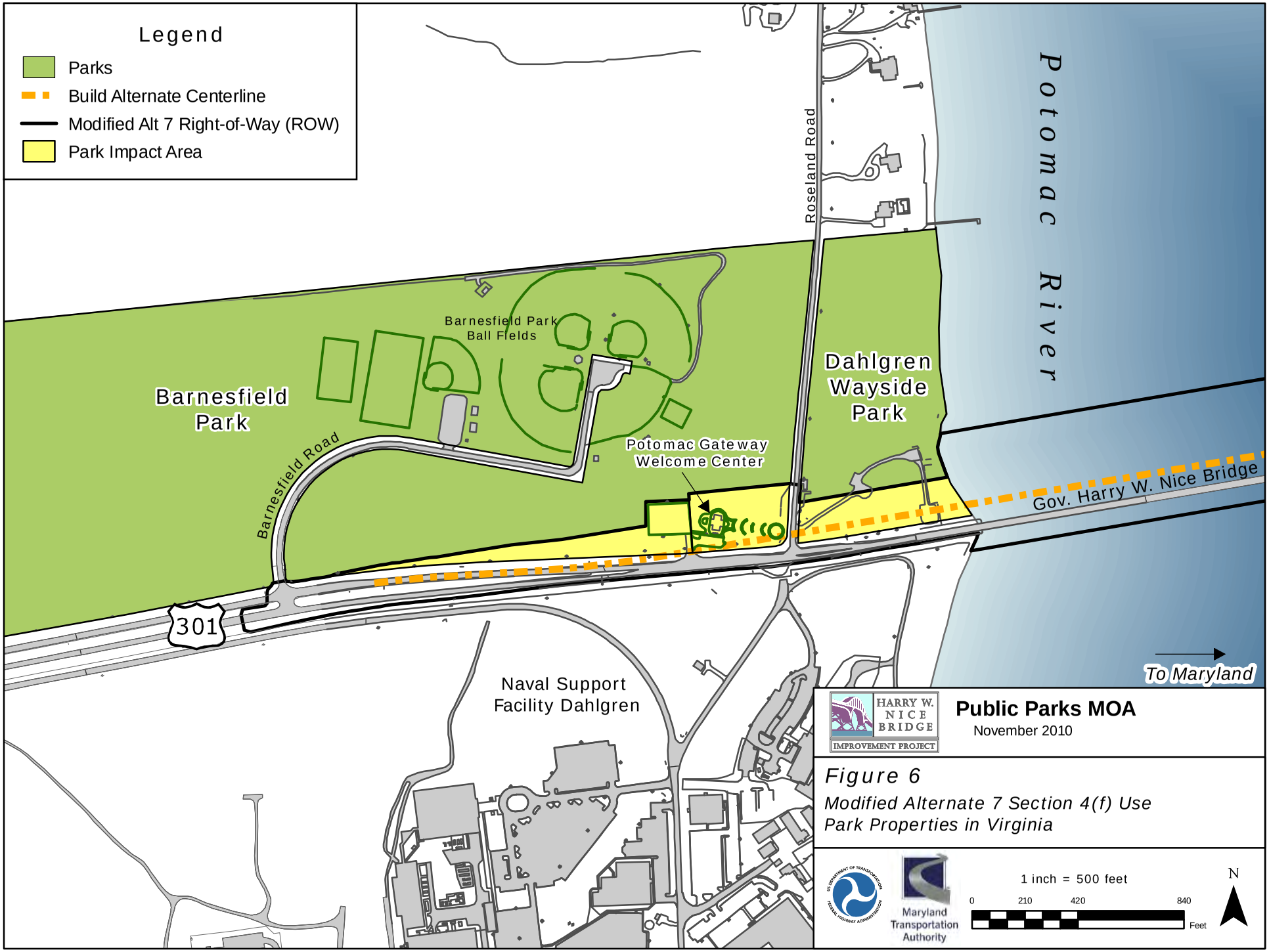
Attachment B

Virginia Parkland Impacts


Legend
Parks
Build Alternate Centerline
Modified Alt 7 Right-of-Way (ROW)
Park Impact Area
Barnesfield Park
Barnesfield Park Ball Fields
Barnesfield Road
Roseland Road
Dahlgren Wayside Park
Potomac River
Potomac Gateway Welcome Center
Gov. Harry W. Nice Bridge
301
Naval Support Facility Dahlgren
To Maryland
HARRY W. NICE BRIDGE IMPROVEMENT PROJECT
Public Parks MOA
November 2010
Figure 6
Modified Alternate 7 Section 4(f) Use
Park Properties in Virginia
Maryland Transportation Authority
1 inch = 500 feet
0 210 420 840
Feet
N

Attachment C

Excerpts from Preferred Alternate / Conceptual Mitigation (PA/CM) Package

NICE BRIDGE IMPROVEMENT PROJECT

Charles County, Maryland and King George County, Virginia

MODIFIED ALTERNATE 7

Preferred Alternate and Conceptual Mitigation (PACM) Package

MARYLAND TRANSPORTATION AUTHORITY — Date 09/20/10
Dennis N. Simpson, Acting Director

FEDERAL HIGHWAY ADMINISTRATION — Date 09/29/10
Nelson Castellanos, Division Administrator, Maryland Division

The Maryland Transportation Authority seeks concurrence from the Federal Highway Administration and the concurring agencies (U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and National Marine Fisheries Service) for the selection of Modified Alternate 7 as the Preferred Alternate for the Governor Harry W. Nice Memorial Bridge Improvement Project. The purpose of the Preferred Alternate is to provide a crossing of the Potomac River that is compatible with the approach roadway, increases capacity to accommodate design year traffic, improves safety conditions, and accommodates two-way traffic flow on the bridge during wide-load crossings, incidents, poor weather conditions, and when performing bridge maintenance and rehabilitation work.

All of these public expenditures would be difficult to justify for a bridge that ceases to have any transportation function. In addition, the cost and responsibility for maintaining bridge security would be an unreasonable burden to MDTA.

Consideration was also given to retaining the existing bridge to serve as a bicycle/pedestrian trail. This would allow the bridge to continue to have a transportation function, which would make the annual costs to preserve the bridge somewhat more justifiable as a public expenditure. Furthermore, the elimination of the bicycle/pedestrian trail from the new bridge would result in cost savings which could be used to defray the maintenance of the historic bridge for a number of years. However, at some point in the future, the mounting cost of maintenance would become too great a financial burden for a bicycle/pedestrian trail, and the bridge would be permanently closed, and fall into disrepair. At that time, it would be more costly and structurally challenging to retrofit the four-lane bridge with a trail than it would be to include the trail as part of the initial new bridge construction.

C. Consistency with Section 4(f) and Section 6(f)

1. Section 4(f) (23 CFR Part 774)

Modified Alternate 7 would impact the following significant historic properties and publicly-owned public parks which are protected under Section 4(f) of the US Department of Transportation Act of 1966: the Governor Harry W. Nice Memorial Bridge and Potomac River Bridge Administration Building, Barnesfield Park, Potomac Gateway Welcome Center, and Dahlgren Wayside Park.

In order to address the impacts of the ARDS on these resources, a Draft Section 4(f) Evaluation was completed in July 2009. The evaluation compared all of the ARDS as well as other alternates that avoid or minimize the use of Section 4(f) property. Under 23 USC Part 774, impacts to Barnesfield park were evaluated as *de minimis* in the July, 2009 EA. The Preferred Alternate has greater impacts to Section 4(f) resources compared to the other ARDS. Therefore, in order for FHWA to select Modified Alternate 7, a Final Section 4(f) Evaluation will be prepared to demonstrate 1) there are no feasible and prudent avoidance alternates to the use of Section 4(f) property; and 2) that all possible planning has been done to minimize harm to Section 4(f) property.

Based on the Draft Section 4(f) Evaluation, and coordination with the DOI, National Park Service (NPS), Virginia Department of Conservation and Recreation (DCR), the Virginia Department of Historic Resources (DHR), the Maryland Historical Trust (MHT), King George County (KGC), and the US Navy, it appears that there are no feasible and prudent alternates that avoid use of Section 4(f) property, and that Modified Alternate 7 includes all possible planning to minimize harm. However, this determination cannot be made until the Final Section 4(f) Evaluation is completed and signed by FHWA, which is scheduled for late 2010.

2. Section 6(f) (36 CFR Part 59)

In 1985, King George County received $240,000 from the Federal Land and Water Conservation Fund (LWCF) to improve ball fields, utilities, concessions, restrooms, playgrounds, parking, landscaping, and other support facilities in Parcel A of Barnesfield Park. Consequently, this parcel is protected under Section 6(f) of the LWCF Act (16 USC 460). The NPS must approve the conversion of any portion of this Section 6(f) property from parkland to any other use, including highway right-of-way. To obtain approval, replacement property must be provided which meets the following conditions:

- Replacement property must be of equal fair market value;
- Replacement property must be of reasonably equivalent usefulness, recreational value, and location to that being converted;
- Property proposed for substitution must meet the eligibility requirements for LWCF assisted acquisition; and
- Impacts to the remainder of the park, as a result of the conversion, shall be considered.

It is the MDTA's intent to also provide replacement lands of equal or greater acreage to those impacted.

To meet Section 6(f) requirements, MDTA has completed a map search of potential replacement park sites. Example replacement properties are discussed in **Section VII. A.** Due to the anticipated extended time frame for funding availability and project implementation, MDTA cannot currently secure the specific property, or properties, that would be used for Section 6(f) replacement. Specific replacement property will be identified during the project's design phase, once funding is available. However, a Memorandum of Agreement will be implemented in the coming months with NPS, DCR, KGC, VDOT, VTC, and FHWA to formalize the process which will be followed to obtain approval for a Section 6(f) conversion. Based on the large number of potential parkland mitigation properties identified, it is expected that suitable replacement parkland will be secured to ensure compliance with Section 6(f).

D. Consistency with Section 404 of the Clean Water Act

The U.S. Environmental Protection Agency's (EPA's) *Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material* [40 CFR 230] allow the U.S. Army Corps of Engineers (USACE) to authorize a Section 404 permit for impacts to waters of the US, including wetlands, only for the practicable alternative which results in the least adverse impact to the aquatic ecosystem, unless that alternative has other significant adverse environmental consequences. This alternative is often referred to as the "Least Environmentally Damaging Practicable Alternative" (LEDPA).

As discussed above under **Section V. C. 1. Section 4(f)**, Alternate 1 would not satisfy the stated purpose and need; therefore it is not a practicable alternative. Alternates 2, 3, and 6 would result in encroachment onto NSF Dahlgren property, resulting in an unacceptable decrease in the required standoff distance between the public right-of-way and several unique facilities that are critical to the Navy's mission. Therefore, Alternates 2, 3, and 6 are not practicable alternates.

Of the three northern alternates (Alternates 4, 5, and 7), Alternate 4 is not preferred because it would only partially meet the purpose and need by failing to address the safety deficiencies, capacity limitations, and operational inefficiencies of the existing bridge and not fully satisfying the requirements of STRAHNET. While Alternate 4 would result in a minor reduction in aquatic impacts (including dredging) compared to the Preferred Alternate (see ***Table 2***), this reduction in aquatic impacts is not sufficient to justify choosing an alternate that would compromise the engineering, operational, safety, and capacity benefits of the Preferred Alternate. Therefore, Alternate 4 is not practicable.

Table 2: Natural Environmental Impacts of the Northern Alternates

Environmental Resource	Alt 4	Alt 5	Mod Alt 7
Prime farmland soils and soils of statewide importance	7.2 Ac	7.5 Ac	8.2 Ac
Streams	3,640 LF	3,670 LF	3,660 LF
Wetlands	0.1 Ac	0.2 Ac	0.1 Ac
Open water pier impacts	0.4 Ac	0.7 Ac	0.5 Ac
Temporary dredge impacts	63 Ac	89 Ac	65 Ac
Chesapeake Bay Critical Area (MD)	24.4 Ac	24.5 Ac	24.2 Ac
Chesapeake Bay Preservation Area (VA)	2.3 Ac	2.3 Ac	2.2 Ac
RTE Species	0-1	0-1	0-1
100-year FEMA designated floodplain	8.4 Ac	8.7 Ac	8.4 Ac
Forests	1.0 Ac	1.0 Ac	2.7 Ac

Alternate 5 would have higher cost and greater aquatic impacts (with 89 acres of dredging) than Alternate 7 (67 acres dredging) or Modified Alternate 7 (65 acres dredging). In addition, the construction of two bridges with Alternate 5 would require a longer period of construction, requiring a second season of dredging and pile driving to construct the second bridge. This would prolong the period aquatic species would be exposed to the detrimental effects of increased turbidity and shock waves. Therefore, in terms of aquatic impacts, Alternate 5 has no advantage over the Preferred Alternate.

Based on the above discussion, Modified Alternate 7 is the LEDPA. Although a USACE Section 404 permit will not be sought at the conclusion of the planning phase, with this document MDTA seeks formal concurrence from USACE that Modified Alternate 7 is the LEDPA. A *Draft Compensatory Mitigation Plan* for unavoidable impacts to aquatic resources was included in the EA and has been coordinated with the resource agencies (for further details, see **Section VII. C.**)

VI. ENVIRONMENTAL IMPACTS OF PREFERRED ALTERNATE

As a result of comments received during the 2009 Public Hearing comment period, minor modifications were made to Alternate 7 to create a more cost-effective, and less environmentally-impactive alternate. The minor modifications made to Alternate 7 include the consolidation of two one-way bicycle/pedestrian paths into a single two-way path, and the paths on each shore that are needed to transition the bicyclists/pedestrians from the bridge to the appropriate shoulder of US 301.

This section provides a summary of environmental impacts associated with the Preferred Alternate (Modified Alternate 7) and describes efforts to minimize impacts to affected environmental resources. Impact values have been updated from the July, 2009 EA to reflect the minor changes to Alternate 7; however, the qualitative discussions of the impacts of Alternate 7 described in the EA remain valid.

A. Socioeconomic Resources

1. Communities and Community Facilities

No residential displacements would occur with the Preferred Alternate. Impacts to community facilities include the demolition of the Potomac Gateway Welcome Center and the MDTA's Nice Bridge Administration Campus facilities, and acquisition of land from Dahlgren Wayside Park, Barnesfield Park, and Aqua-Land Marina and Campground. The Preferred Alternate would acquire 2.2 acres of the 146.5-acre Barnesfield Park, 2.2 acres of the 14.7-acre Dahlgren Wayside Park, and the entire 2.1-acre Potomac Gateway Welcome Center (which is considered to have a public park and recreation purpose).

The acquisition required from Barnesfield Park would be from a wooded area, and would not affect the ball fields, playground, concessions, park facilities, or entrance. Acquisition of property from Barnesfield Park must comply with Section 6(f), as described in Section V.C.2 of this document.

The 2.2-acre acquisition from Dahlgren Wayside Park would include a portion of the park entrance on Roseland Road, a parking area, a portion of the picnic area, and a portion of the beach area. Access would be improved with the provision of a left turn storage lane in the northbound direction of US 301 at Roseland Road.

At the privately-owned Aqua-Land Marina and Campground, a portion of the entrance road (Orland Park Road) would be relocated, a portion of the gravel parking lot would be displaced, and US 301 would be moved closer to the campground, but no buildings or structures would be displaced and the intersection of US 301 and Orland Park Road would remain unchanged. Charles County has developed a concept plan to accommodate public access to the river at Aqua-Land. Coordination will be undertaken with the Charles County Department of Planning and Growth Management during the design phase concerning the accommodation of an increased number of boaters at Aqua-Land.

Minimization measures have been employed, and will continue to be considered as the project advances to final design. The project footprint, and corresponding impacts, have been reduced by the choice of an alternative that would construct a single four-lane bridge rather than two parallel bridges. The consolidation of two bicycle/pedestrian paths into a single path also reduces the encroachment of relocated Orland Park Road onto the Aqua-Land property. Finally, by accommodating the bicycle/pedestrian path on the south side of the bridge rather than the north, the grade-separated loop path beneath the bridge can be constructed without encroaching into Dahlgren Wayside Park.

During final design, further minimization of property impacts will be evaluated through measures such as 2:1 side slopes and retaining walls or U-wing abutments on the approaches to the bridge, and by returning any unused portion of the Potomac Gateway Welcome Center property to King George County for park usage. Any acquisition or easements would be purchased based on fair market value and just compensation, in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended, as well as MDTA and Virginia Department of Transportation (VDOT) property acquisition policies.

Potential park mitigation sites are discussed in **Section VII. A**.

2. Environmental Justice

The campground at Aqua-Land, was identified as a potential Environmental Justice community, with seasonal and year-round low-income residents. The Preferred Alternate would result in the roadway being closer to the residents, but would not result in any displacements or noise impacts. Therefore, the Preferred Alternate does not result in a disproportionately high and adverse human health or environmental effect to Environmental Justice communities.

3. Visual Quality

The Nice Bridge is a dominant feature in the visual landscape and is visible from a distance of several miles both upstream and downstream along the Potomac River. The Preferred Alternate would construct a new bridge on the upstream side of the existing bridge, with a grade not as steep as the existing bridge. This results in a shift in the location of a new bridge abutment in Maryland approximately 800 feet east of the existing bridge abutment. This would alter the views of the bridge, and from the bridge, with the greatest change in the bridge profile occurring at properties adjacent to the bridge on the Maryland shore (Aqua-Land Marina & Campground and Morgantown Generating Station). The type of structure may also change, which could affect the appearance of the bridge as viewed from properties on both shores. During the design phase, aesthetic treatments for the bridge would be considered to keep it visually pleasing to adjacent homes, businesses, and motorists. Also, during the design phase, coordination will be undertaken with the Charles County Department of Planning and Growth Management regarding signage and landscaping that would be appropriate for the gateway to Charles County. Appropriate vegetative screening adjacent to the Morgantown Generating Station will be considered.

4. Economic Environment

The Preferred Alternate would substantially benefit local and regional business activity by reducing traffic delays and improving mobility throughout the region. The improved mobility would support economic growth by maintaining the ability of residents and travelers along US 301 to support local businesses, and make the area more desirable for future business ventures. The proposed improvements would also create more predictable travel times, which would benefit commercial transport fleets and freight delivery services.

There would be no acquisition of property from the two largest employers in the study area, NSF Dahlgren (with over 4,500 military personnel and civilian government employees and more than 4,200

to the Metropolitan Washington Council of Governments (MWCOG) Transportation Improvement Program prior to conclusion of project planning.

F. Climate

The Preferred Alternate is not expected to have an impact on climate change, as it does not induce significant new traffic volumes.

G. Hazardous Materials

Potential hazards associated with unexploded ordnance (UXO) in the study area, including the Potomac River, were identified by NSF Dahlgren. Results of land-based UXO investigations did not identify any significant UXO. Investigations for UXO in the Potomac River would be initiated prior to construction of the Preferred Alternate.

One hazardous material site, NSF Dahlgren, was identified within the Preferred Alternate's limit of disturbance. An Initial Site Assessment (ISA) was prepared in December, 2008, with soil sampling adjacent to the north and south sides of US 301. The results of the ISA documented the presence of naturally occurring levels of arsenic in the soils on the Virginia side; however, no on-site remediation of the soil is required. Any excess soil materials generated during construction and not used on-site will need to be properly disposed in accordance with applicable solid waste regulatory requirements. In addition, the Health and Safety Plan prepared for construction will include information on arsenic management and avoidance. No further regulatory compliance with DEQ is required.

H. Indirect and Cumulative Effects (ICE) Analysis

The proposed bridge improvements are expected to add an insignificant amount of new trips at the crossing. There are no developments or transportation projects that are contingent upon the construction of the Preferred Alternate. No new access points and no additions to the highway network would be provided as a result of the project. Indirect impacts could include temperature, runoff, and water quality effects that typically accompany added impervious surface; construction-related impacts on terrestrial and aquatic wildlife; dredging-related turbidity effects on benthic invertebrates; invasive species colonization of cleared roadside areas; effects of blasting and pile driving on fish populations; and access/mobility changes at Aqua-Land Marina and Dahlgren Wayside Park as a result of impacts to parking lots and entrances. Cumulative effects would be minor and are expected to primarily occur in areas zoned for development. Cumulative effects to environmental resources will be regulated by existing applicable federal, state, and local legislation and through individual avoidance, minimization and/or mitigation strategies. A detailed review of potential indirect and cumulative effects is included in the EA.

VII. MITIGATION MEASURES

This section describes the conceptual mitigation measures developed to address the unavoidable impacts of the Preferred Alternate. Funding for design, right-of-way acquisition, and construction of the Nice Bridge project is not currently programmed. Therefore, at this time, the measures presented in this document are offered as examples of the types of mitigation that may be implemented. A mitigation discussion is provided for those resources that incur an adverse effect from the project.

A. Section 4(f) / 6(f) Park Mitigation

Construction of Modified Alternate 7 would impact approximately 2.2 acres of Barnesfield Park, 2.2 acres of Dahlgren Wayside Park, and 2.1 acres of the Potomac Gateway Welcome Center. Mitigation for park impacts would be used to minimize harm to the park resources (per USDOT-FHWA Section 4(f)) and provide replacement parkland (per USDOI-NPS Section 6(f)).

The following mitigation measures were considered for impacts to all three parks:

- Replacement of property with lands that have comparable value and reasonably equivalent usefulness and location;
- Provision of new or replacement park amenities and facilities;
- Restoration and landscaping of disturbed areas;
- Incorporation of design features and habitat features where necessary;
- Payment of fair market value/just compensation for the land; and
- Enhancement of existing parkland.

In addition, mitigation measures for impacts to Parcel A of Barnesfield Park must also meet the requirements of Section 6(f) of the LWCF Act and be approved by the NPS. This mitigation requirement is due to the fact that King George County received LWCF funding for improvements to the park.

Section 6(f) requirements include:

- Evaluation of all practicable alternatives;
- Replacement property must be of equal fair market value;
- Replacement property must be of reasonably equivalent usefulness, recreational value, and location to that being converted;
- Property proposed for substitution meets the eligibility requirements for LWCF assisted acquisition; and
- Impacts to the remainder of the park, as a result of the conversion, shall be considered.

It is the intent of MDTA to identify replacement parkland which is of equal or greater acreage than the impacted area of Barnesfield Park.

Coordination and approval for the project's park mitigation will be sought in consultation with FHWA, DCR, NPS, and King George County. MDTA has conducted a series of meetings among these and other agencies having jurisdiction over the affected parklands or an approval action for the mitigation. This interagency team will be reviewing the impacts to parkland and evaluating the potential mitigation measures that are described in this report. A Memorandum of Agreement (MOA) outlining the coordination that will be undertaken to obtain final approval of the park mitigation is being developed between MDTA, VDOT, FHWA, NPS, VTC, DCR, and the King George County Board of Supervisors.

1. Mitigation Site Search

Various mitigation options that satisfy the mitigation requirements for park properties have been investigated. Primarily, mitigation options such as park enhancement, creation, and expansion were identified. The following criteria were used to identify parcels as potential sites for these mitigation options:

- The park impact areas include both active and passive recreation land. The impacted developed facilities include parking lot, picnic area, and a beach. Within the impacted park area are forests and streams, which add value to the recreation experience in terms of scenic qualities, enjoyment of wildlife, a buffer from surrounding roads and development, and protection of natural resources. Therefore, the mitigation search focused on identifying opportunities to provide lands having equivalent recreational value within a similar natural setting.
- Section 6(f) guidance recommends property adjacent to the impacted 6(f) resource be given priority; therefore, parcels of land located adjacent to the impacted parkland were considered

favorable mitigation options. Additionally, the impacts to the existing park facilities were relatively small. Therefore, acquisition of land to expand an existing park offers greater benefits than acquiring a few acres of isolated land.

- Parcels with water access were considered more favorably because the land use would replace functions lost through the conversion of the Dahlgren Wayside Park and would satisfy recommendations of the *King George County Comprehensive Plan*, which recognizes the need for aquatic recreational opportunities.
- Sites without constraints such as wetlands; rare, threatened, and endangered species; historic resources; or hazardous materials would allow for further development of recreational park features.

Twenty-two example park mitigation sites were identified, 16 of which appear viable (see **Figure 4**). Parcels located adjacent to Barnesfield Park, Dahlgren Wayside Park, and Caledon Natural Area State Park have been identified as potential replacement and park expansion lands. Enhancements to the existing Barnesfield Park have been considered. Finally, additional properties within King George County that are not adjacent to the impacted parks, but contain large open fields for park development, water access, and natural areas for trails, were considered.

Using Geographic Information Systems (GIS) data, the acreage of open space and forest was calculated for the identified mitigation options. The example properties described in this section may either be acquired in whole or in part; however, it is anticipated that MDTA would not mitigate at greater than a 2:1 ratio of replacement parkland to impacted parkland. Thus the approximate acreage of replacement land needed is not more than approximately 13 acres. Furthermore, the fair market value of the impacted parkland will be considered in the selection of any mitigation site.

Because MDTA does not intend to proceed with park mitigation until funding is available, no property owners have been contacted at this time. The sites identified present a potential menu of mitigation opportunities the MDTA could further investigate when funding is available for design and construction of the project. The property search provides evidence of sufficient replacement land for park mitigation. A property search update would be completed once design and construction funding becomes available. The MOA will detail the necessary steps to obtain agency approval of the park mitigation sites.

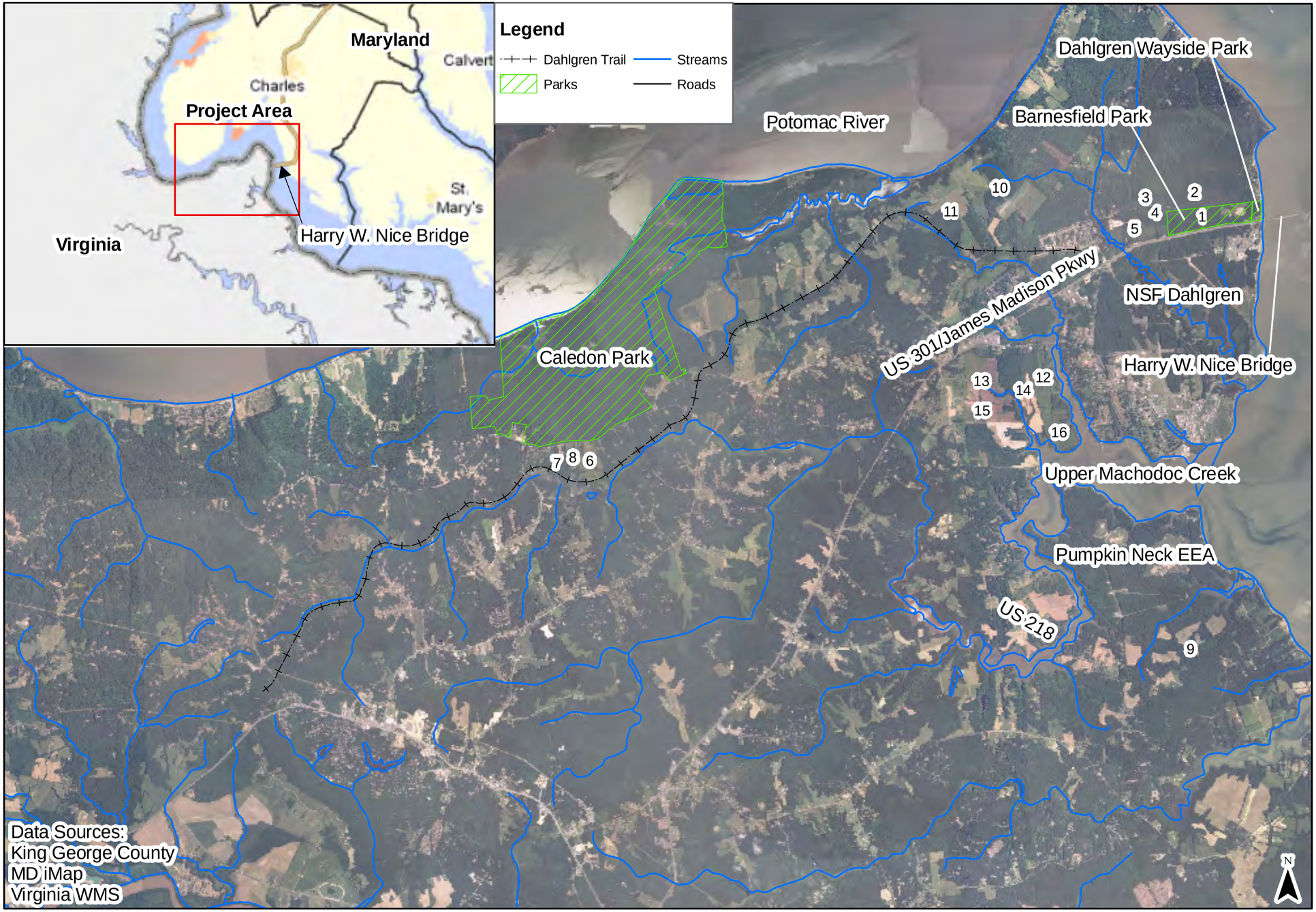
Although not identified in this report, any chosen park mitigation site will require a determination from the NPS that the property is of comparable size, reasonably equivalent usefulness and location, and of at least equal fair market value to the impacted Barnesfield Park property (36 CFR 59.3). Under any park mitigation option, the Potomac Gateway Welcome Center property would be divided so that the remaining, unaffected portion would revert back to King George County for recreational use in Barnesfield Park.

a. Mitigation Site Opportunities at or near Barnesfield Park

Option 1 - Barnesfield Park Enhancements

Option 1 consists of enhancements to Barnesfield Park. Barnesfield Park functions as a community and county park serving the recreational needs of thousands of people in King George County. Per the *King George County Capital Improvement Plan (CIP)*, possible enhancements for Barnesfield Park include the installation of additional playground equipment, lights for sports fields, a well for irrigation, the construction of a group pavilion, and the installation of additional parking. As a stand-alone option, enhancements to the park would not likely meet Section 6(f) replacement land requirements.

Figure 4: Potential Park Mitigation Sites



Option 2 - Land Acquisition from Site 2

Option 2 consists of acquiring private property located near Barnesfield Park. The property is a wooded, 150+ acre parcel with several extensive wetlands. There is sufficient upland acreage on the site to satisfy Section 6(f) requirements for land of equal recreational value, even if only a portion of the parcel is acquired.

Option 3 - Land Acquisition from Site 3

Site 3 is a 50+ acre parcel of wooded land located near Barnesfield Park. The parcel includes several extensive wetlands. Acquisition of land from this property would provide sufficient upland acreage to satisfy Section 6(f) requirements for land of equal recreational value and usefulness. Access would need to be provided to this property.

Option 4 - Land Acquisition from Site 4

Site 4 is a wooded parcel of 20+ acres located near Barnesfield Park. The parcel contains several wetlands, but has sufficient upland acreage to satisfy Section 6(f) requirements for land of equal recreational value and usefulness.

Option 5 - Land Acquisition from Site 5

Site 5 is a 50+ acre wooded tract near Barnesfield Park that would have direct access from US 301. The parcel contains several wetlands and would provide an opportunity for floodplain reforestation. The acquisition of land from Site 5 would provide sufficient upland acreage to satisfy Section 6(f) requirements for land of equal recreational value and usefulness.

b. Opportunities near Caledon Natural Area

The state operated Caledon Natural Area is a 2,579-acre state park located approximately seven miles west of the Nice Bridge. Located between Route 218 and the Potomac River, it contains approximately three miles of shoreline. Currently, the park features amenities such as cabins, campsites, hiking trails, a visitor center with environmental education facilities, and a picnic shelter. Some of the land is protected for bald eagle habitat. Caledon Natural Area adjoins the 1431-acre Chotank Creek State Natural Area Preserve which lies to the east. The preserve is privately owned and not open for public visitation.

Option 6 - Land Acquisition from Site 6

Site 6 is located near Caledon Natural Area and is accessible from Route 218. Option 6 is a 50+ acre forested tract. The acquisition of land from Site 6 would likely satisfy Section 6(f) replacement requirements.

Option 7 - Land Acquisition from Site 7

Site 7 is a 30+ acre tract of forested land located near the Caledon Natural Area and accessible from Route 218. The acquisition of land from Site 7 would likely satisfy Section 6(f) replacement requirements.

Option 8 - Land Acquisition from Site 8

Site 8 is an approximately 50-acre tract of forested land located near Caledon Natural Area and accessible from Route 218. Acquisition of land from Site 8 would likely satisfy Section 6(f) mitigation requirements.

c. Opportunities at Dahlgren Railroad Heritage Trail

Dahlgren Railroad Heritage Trail (DRHT) is an existing, privately-owned, 240-acre trail located in King George County. A permit is required to use the trail. The DRHT begins along Route 605 and extends to the south of Caledon Natural Area eastward towards the B Gate at the Naval Surface Warfare Center, Dahlgren Division. It ends approximately two miles west of the Nice Bridge and approximately 1.6 miles west of Barnesfield Park. The DRHT has potential to be part of the Potomac Heritage National Scenic Trail, a network of locally managed trails stretching from the Potomac River to the Allegheny Highlands. Options were considered to (1) purchase portions of the trail to make it publicly accessible, and (2) purchase land to extend the trail to Barnesfield Park. Because there is local opposition from property owners along the trail, these options were dropped from consideration.

d. Opportunities Near Dahlgren Wayside Park

There are several residential properties located between Dahlgren Wayside Park and the Potomac River which could potentially replace the Potomac River access that would be impacted in Dahlgren Wayside Park. Increasing access to the river is a recommendation of the *King George County Comprehensive Plan* and the *Virginia Outdoor Plan*. Because these properties are smaller than the required park replacement acreage, they would not satisfy Section 6(f) mitigation requirements. In addition, all of these sites would likely require residential relocation. Consequently, they were dropped from further consideration.

e. Opportunities With River Access or Open Fields

Option 9 – Land Acquisition from Site 9

Site 9 is a 350+ acre parcel located south of NSF Dahlgren in the Pumpkin Neck Explosive Experiment Area (EEA). This Option has more than 100 acres of open space. The location of the property adjacent to the Pumpkin Neck EEA would provide a buffer between Base properties and local residents. Creation of a park on a portion of this parcel would likely satisfy Section 6(f) requirements for mitigation.

Option 10 – Land Acquisition from Site 10

Site 10 is a 300+ acre parcel bordering the Potomac River. The property contains wooded regions, small amounts of freshwater wetlands, and more than 200 acres of open fields. The acquisition of a small portion of Site 10 would provide sufficient upland acreage to satisfy Section 6(f) requirements for land of equal recreational value and usefulness. Acquisition of land from along the river would provide additional recreational access to waterways, satisfy Section 6(f) mitigation requirements, and be consistent with *King George County Comprehensive Plan* and *Virginia Outdoor Plan*. The site is accessible from Mathias Point Road. The acquisition of a portion of waterfront would likely require the construction of a new entrance road to the waterfront parcel.

Option 11 – Land Acquisition from Site 11

Site 11 is a 250+ acre parcel located along the Potomac River. The property contains wooded regions, small amounts of freshwater wetlands, and more than 150 acres of open fields. The acquisition of land from this site would provide sufficient upland acreage to satisfy Section 6(f) requirements for land of equal recreational value and usefulness. The site is accessible from Mathias Point Road and borders the DRHT. Acquisition of land from this parcel would provide additional recreational access to state waters, satisfy Section 6(f) mitigation requirements, and be consistent with the *King George County Comprehensive Plan* and *Virginia Outdoor Plan.*

Option 12 – Land Acquisition from Site 12

Site 12 is a 200+ acre parcel located south of Route 206 (Dahlgren Road) and west of NSF Dahlgren. The property borders a tributary to the Potomac River and contains wooded regions, freshwater and marine wetlands, and more than 50 acres of open fields. There is sufficient upland acreage to satisfy Section 6(f) requirements for land of equal recreational value and usefulness, and to provide opportunities for floodplain reforestation. The acquisition of land from this parcel could provide additional recreational access to state waters, satisfy Section 6(f) mitigation requirements, and meet the *King George County Comprehensive Plan* and *Virginia Outdoor Plan.*

Option 13 – Land Acquisition from Site 13

Site 13 is a 150+ acre parcel located south of Route 206 and west of NSF Dahlgren. The property abuts a stream and an estuarine wetland, and consists of small patches of woods, a small area of estuarine wetland, and more than 150 acres of open fields. The acquisition of land from this parcel would likely satisfy Section 6(f) mitigation requirements and be consistent with the *King George County Comprehensive Plan* and *Virginia Outdoor Plan.*

Option 14 – Land Acquisition from Site 14

Site 14 is a 100+ acre parcel located south of Route 206 and west of NSF Dahlgren. The property borders a tributary to the Potomac River and an estuarine marsh and contains wooded regions, freshwater and marine wetlands, and more than 50 acres of open fields. The acquisition of portions of this property would provide sufficient upland acreage to satisfy Section 6(f) requirements for land of equal recreational value and usefulness. The acquisition of land from this parcel would provide additional recreational access to state waters, satisfy Section 6(f) mitigation requirements, be consistent with the *King George County Comprehensive Plan* and *Virginia Outdoor Plan*, and provide opportunities for floodplain reforestation. The acquisition of a portion of this property may require the construction of a new entrance road to the acquired parcel.

Option 15 – Land Acquisition from Site 15

Site 15 is a 100+ acre parcel located east of Route 218 (Windsor Drive) and west of NSF Dahlgren. The property abuts a stream and an estuarine wetland, and consists of wooded regions, a small area of estuarine marsh, and more than 100 acres of open fields. The large areas of open land would be easily accessible from Route 218. Acquisition of land from a portion of this parcel would satisfy Section 6(f) mitigation requirements and be consistent with the *King George County Comprehensive Plan* and *Virginia Outdoor Plan*. A new entrance road would be needed to the acquired portion of the parcel.

Option 16 – Land Acquisition from Site 16

Site 16 is a 50+ acre parcel located west of NSF Dahlgren adjacent to tributaries to the Potomac River. The property consists of small patches of woods, small areas of freshwater and estuarine wetlands, and more than 50 acres of open fields. Acquisition of land from this property would provide sufficient upland acreage to satisfy Section 6(f) requirements for land of equal recreational value and usefulness. Acquisition of land from this parcel would also provide additional recreational access to state waters, be consistent with the *King George County Comprehensive Plan* and *Virginia Outdoor Plan*, and provide opportunities for riparian reforestation.

2. Evaluation of Mitigation Site Options

Each of the identified Mitigation Site Options has been evaluated based on the following four criteria:

- Criterion 1: Meets Section 4(f)/6(f) requirements;
- Criterion 2: Could provide recreation needs without substantial impacts to other environmental or social resources;
- Criterion 3: Meets *King George County Comprehensive Plan* recommendations—creation of parkland with recreational access to waterways; and
- Criterion 4: Located adjacent to an existing state/local park.

Table 4 displays the park mitigation options and evaluation criteria.

Table 4: Park Mitigation Options and Criteria

Option	Location	Size (acres)	Open Space (acres)	Forest (acres)	Wetlands (acres)	Criteria			
						1	2	3	4
1	Barnesfield Park	140	15+	123	30.50				X
2	Near Barnesfield Park	150+	0	168	42.50	X	X		X
3	Near Barnesfield Park	50+	0	90	10.78	X	X		X
4	North of Rt. 301 and near Barnesfield Park	20+	0	27	2.92	X	X		X
5	Adjacent to Route 301 near Barnesfield Park	50+	50+	22	7.30	X	X		X
6	Near Caledon Natural Area	50+	40+	22	0.07	X	X		X
7	Near Caledon Natural Area	30+	5	31	0	X	X		X
8	Near Caledon Natural Area	50	20	27	0.37	X	X		X
9	Pumpkin Neck EEA	350+	100+	290	5.32	X	X		
10	Potomac River, North of US 301	300+	200+	114	14.55	X	X	X	
11	Potomac River, North of US 301	250+	150+	110	12.72	X	X	X	
12	South of Route 206, west of Dahlgren	200+	50+	145	13.66	X	X	X	
13	South of Route 206, west of Dahlgren	150+	150+	8	0.35	X	X		
14	South of Route 206, west of Dahlgren	100+	50+	55	9.80	X	X	X	
15	East of Route 218, west of Dahlgren	100+	100+	17	2.18	X	X		
16	West of Dahlgren	50+	50+	15	6.05	X	X	X	

Evaluation Criteria: (X = meets criteria)

(1) Meets Section 4(f)/6(f) requirements.
(2) Could provide recreation needs without substantial impacts to other environmental or social resources.
(3) Meets *King George County Comprehensive Plan* recommendations—creation of park land with recreational access to waterways.
(4) Located adjacent to an existing state/local park.

While no option satisfies all four criteria, twelve options satisfy three of the four criteria. All but Option 1 potentially satisfy Section 4(f)/6(f) replacement requirements. There are numerous sites that are adjacent to existing parks, and numerous waterfront sites, but no sites satisfying both criteria.

The above list provides examples of the types of park mitigation sites that could potentially be acquired, when funding becomes available to advance the project. Ultimately, a decision on the parcel or parcels most likely to be acquired for mitigation will be dependent upon the willingness of the property owners to participate, and the approval of several local, state, and federal agencies that have a role in the Section 6(f) conversion process. Although the requirements for a Section 6(f) conversion are stringent, there are

numerous examples of potential parkland replacement sites cited above which could satisfy all of the Section 6(f) requirements.

B. Historic Mitigation

As noted previously, the project would result in an adverse effect to historic properties per Section 106 of the NHPA. Mitigation measures are currently being identified to address the adverse effect. Potential mitigation measures could include documentation of the existing Nice Bridge which would be appropriate for the Historic American Engineering Record (HAER) and Historic American Bridge Survey (HABS), administered through the NPS. A Section 106 MOA or PA will be developed among the MDTA, FHWA, MHT and DHR which will outline the measures necessary to address the adverse effects. In addition, the MOA or PA will prescribe a Phase II evaluation of identified archeological deposits to determine their extent and significance, and Phase III data recovery for those sites determined eligible for the NRHP. The signatures of all parties to the MOA or PA will constitute agreement on the sufficiency of the proposed mitigation measures for historic resources.

C. Aquatic Resource Mitigation

1. Essential Fish Habitat Mitigation

Essential Fish Habitat for summer flounder, juvenile bluefish, and their prey occurs within the project area. Specialized protection measures based on best available technology will be implemented during construction to reduce impacts to these populations. Potential water quality impacts will be addressed and managed through erosion and sediment control BMPs. Submerged Aquatic Vegetation (SAV) does not currently occur within the project area but the results of the annual SAV survey are posted on the Virginia Institute of Marine Science (VIMS) website and this data will be revisited as the project is advanced to final design. If SAV are determined present at that time, mitigation efforts will be considered.

The Essential Fish Habitat Assessment stated that construction activities can be mitigated through time-of-year restrictions, conditional blast design requirements, blast pressure wave maximum thresholds, and other methods. As the Nice Bridge progresses through the design phase, avoidance and minimization measures will be clarified in consultation with the NMFS to ensure the protection of sensitive resources. Specifically, NMFS has provided the following conservation recommendations for use during construction (see August 15, 2008 letter, **Appendix B**):

1) During power driving of large (>48 inch diameter) hollow steel piles, the pile being driven should be surrounded by a “can” (larger diameter pile), with a bubble curtain contained within the can.
2) Any subaqueous blasting should be prohibited from March 1 – October 30, the primary period of finfish migrations and nursery activities in the project area.

Use of a “can” and bubble curtain during pile driving activities for the recent Woodrow Wilson Bridge construction reduced shock waves up to 95 percent immediately outside of the “can”. The levels were well below those lethal to fish. The same construction techniques could be applied to the construction of the Preferred Alternate.

Prior to commencing construction, MDTA must provide NMFS with a detailed written response to the NMFS conservation recommendations. Justification must be provided for any disagreements with the NMFS recommendations. Because the construction is currently not funded, and may not occur in the near future, MDTA will address the NMFS recommendations during final design. If, in the interim, techniques are developed that are proven more effective in protecting fish from underwater shock waves, MDTA will consider such measures during the future NMFS coordination.

2. Wetland and Stream Mitigation

The Preferred Alternate would impact 0.1 acres of wetlands, 0.5 acres of open water for pier placement, and 3,660 linear feet of streams. In addition, there would be up to 65 acres of temporary dredge impacts. Impacts to wetlands and streams located in Virginia will be mitigated through the use of wetland mitigation banks, as preferred by EPA and USACE's *Compensatory Mitigation Rule*. However, no Maryland mitigation banking opportunities exist within the Lower Potomac River Watershed. Therefore, MDTA must provide project specific mitigation. Mitigation should occur in the same watershed and in close proximity to the impacted resources. This provides local compensation for lost resource functions. In-kind mitigation is preferred, but out-of-kind mitigation can also provide valuable ecological functions. Out-of-kind mitigation is defined as the improvement of a different aquatic resource than the one actually affected.

Regulatory agencies have recognized the Lower Potomac River Watershed as not meeting clean water and other natural resource goals. This is due to high rates of historic wetland loss, low SAV populations, eutrophication, high bacteria presence, high erosion rates, and polychlorinated biphenyl (PCB) contamination. The watershed was targeted by the 1998 Maryland Clean Water Action Plan for restoration.

Due to the biological deficiencies of the watershed, MDTA sought to identify sites that:

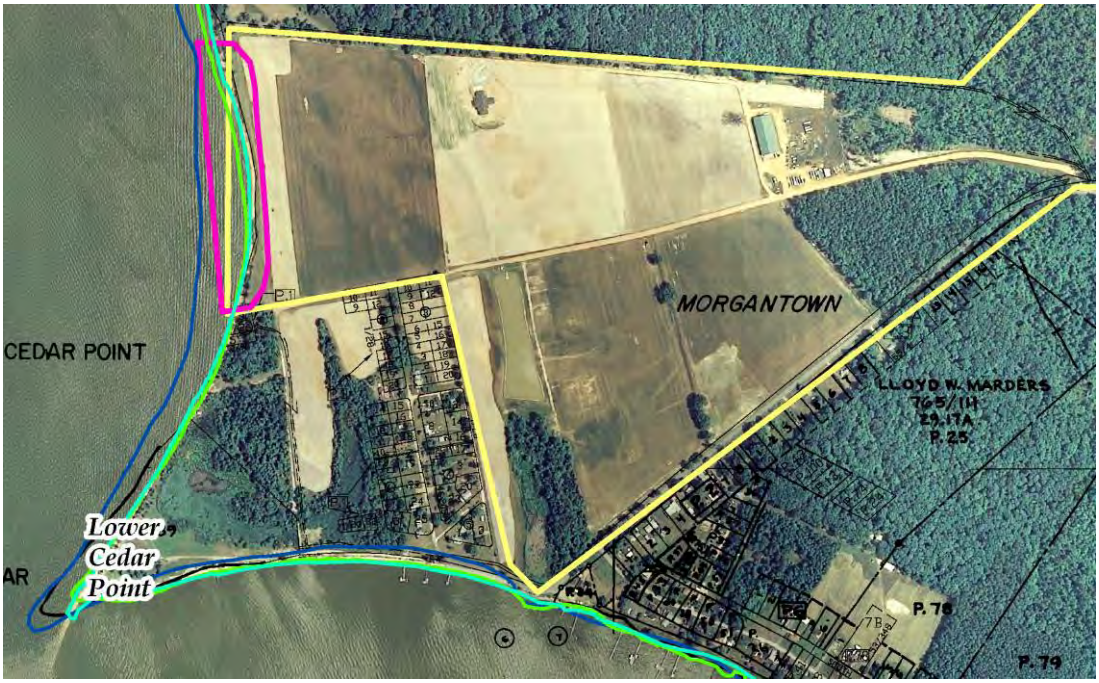
1) Expand existing tidal marshes to improve water quality and increase biological diversity,
2) Provide shoreline stabilization to areas identified with high rates of erosion, and/or
3) Protect Wetlands of Special State Concern and other sensitive resources.

To accomplish these goals, a *Draft Compensatory Mitigation Plan* was prepared. Site selection efforts were focused on lands adjacent to the Potomac River and its tidal tributaries within ten miles of the Nice Bridge.

a. Mitigation Site Search

Using aerial photography and GIS data, 23 sites were identified. Because funding is not currently available for the design or construction of the project, the mitigation site search attempted to identify the type of site that could best meet the mitigation needs, as opposed to identifying a specific site(s) to acquire. Property owners were identified and contacted by letter, followed by phone calls, seeking approval to enter the properties. Site visits were conducted to assess suitability of the sites and to further explain the mitigation components of the project and determine property owner interest. Sites which were inaccessible, under the stewardship of the Maryland Environmental Trust (MET), or had existing land uses that conflicted with mitigation goals were not visited. A rating form was used to assess site suitability based on soils, amount of excavation required, slope, hydrology, opportunity for water quality improvement, habitat value, site constraints, and potential functions. Sites which were not preferred for a variety of reasons were dropped from further consideration. Ultimately, five preferred sites were identified: 2, 4, 11, 13, and 14 (see the *Draft Compensatory Mitigation Plan* included in the July, 2009 EA). A field tour of these five sites was conducted with state and federal regulatory agencies to identify their concerns and preferences for a mitigation site. Site 2 received the most favorable comments from the environmental agencies (see ***Figure 5***).

Figure 5: Aquatic Mitigation Site #2



b. Site 2 - Shoreline Stabilization

Site 2 is located directly on the Potomac River, approximately one mile south of the Nice Bridge. The shoreline is approximately 1,500 feet long, with vertical bluffs 15-20 feet high and erosion rates of one foot/year. The soils at this site are rated fair for highway embankments and are not hydric. The site would require the installation of some form of shore erosion control device, most likely a breakwater, to protect the shoreline from wave action. The vertical bluff would not need to be re-graded, as it would seek a natural angle of repose within a few years. Due to good access from the Potomac, the off-shore breakwater could be constructed entirely from the water, eliminating the need for the MDTA to acquire property or purchase conservation or construction easements. This would also prevent any disturbance of the American Indian shell middens which may be located on the site. Time-of-year restrictions would apply due to an oyster bed located off the shoreline, prohibiting construction within 1500 feet from December 16 – March 14 and June 1 – September 30. Shoreline stabilization would benefit Potomac River and Chesapeake Bay water quality as well as the oyster bar and other aquatic fauna by controlling erosion. The breakwater would also provide wildlife habitat, potentially allow SAV regeneration, and prevent the erosion of shell middens. The regulatory agencies indicated that this site demonstrated the most compelling need for erosion control. Therefore, the agencies favored shoreline stabilization efforts to be undertaken at this site. NMFS favored the installation of an off-shore breakwater, which would allow the bank to remain untouched. Off-shore breakwater projects typically cost approximately $300/LF of shoreline. This cost would be partially reduced by constructing the breakwater without encroaching on the property. Additional dredging may not be needed to access the site by barge. However, due to the proximity to Blossom Point, breakwater construction would require an underwater search for unexploded ordnance and may require additional monitoring during construction.

c. Conclusion

Coordination with the regulatory agencies provided additional insight into the suitability of the five sites for mitigation efforts. Shoreline stabilization was generally favored over marsh creation due to the immediate environmental benefit of preventing further shoreline erosion. Out-of-kind mitigation through

shoreline stabilization would adequately compensate for all functions and values lost from impacted resources. In addition, a shoreline stabilization site could be constructed entirely from the water, and would not require a purchase of property or a right-of-entry from any land owner. Site 2, or a similar type of site, would be pursued when funding becomes available for the project. Upon receipt of design and construction funding for the Nice Bridge Improvements, conceptual mitigation plans will be developed and reviewed by the regulatory agencies. Regulatory agency comments will be incorporated into the final design plans.

Prior to construction, MDTA will acquire permits from MDE and USACE and obtain CAC approval for construction within the Potomac River. In addition, an erosion and sediment control plan will need to be approved by the local Soil Conservation District. The DCR approves erosion and sediment control plans in Virginia.

D. Noise Mitigation

With the Preferred Alternate, Dahlgren Wayside Park would be impacted by noise. A sound barrier was evaluated to determine whether it would be both feasible and reasonable to mitigate noise at the park. A sound barrier at Dahlgren Wayside Park would not restrict vehicular/pedestrian access, would not cause safety or maintenance issues, would not create drainage problems, and could be constructed, given the topography of the area. A barrier approximately 429-foot long with an average height of 10.5 feet would provide up to a 7.3 dBA insertion loss, which satisfies the criterion for a feasible sound barrier. Preliminary estimates of the cost suggest that a barrier built to these dimensions would be considered reasonable in terms of cost. It is MDTA's policy to make final decisions on the construction of noise abatement during preliminary design, after final horizontal and vertical engineering alignments are determined and detailed engineering evaluations of barriers can be made. It should be noted that the MDTA would also consider alternatives to barriers, such as landscaping and berms. The desires of the property owner (in this case, King George County) are considered when making a decision to proceed with noise mitigation. MDTA will coordinate with VDOT concerning any noise mitigation proposed on future VDOT property.

E. Forest Mitigation

The Preferred Alternate would impact approximately 2.7 acres of forest in Maryland and Virginia, of which 1.6 acres occur in Maryland. Forest impacts from highway projects are exempt from the Critical Area Act in Virginia, and are not regulated by any other law. Therefore, Modified Alternate 7 would require approximately 4.1 acres of reforestation in Maryland only, which includes both 3.9 acres of Critical Area mitigation and 0.15 acres of Roadside Tree Law mitigation. Although mitigation for forest impacts is not a requirement in Virginia for highway projects, parkland mitigation options that would provide opportunities for forest preservation could be considered. There are no specimen or champion trees within the study area in Maryland or Virginia.

1. Mitigation Site Search

Potential forest mitigation sites were identified in Charles County, Maryland and assessed for their ability to compensate for unavoidable impacts to wooded natural resources. The search for desirable compensatory traits focused on finding four to five-acre sites that have potential to provide socioeconomic and ecological functions equal to or greater than the functions lost by the proposed activity. The mitigation requirements could be satisfied through partial acquisition from a site such as the ones identified below. High priority sites consisted of areas containing non-forested soil (farm land) situated within the first 100 feet of the Critical Area (the area referred to as the Critical Area buffer). The second priority for compensatory mitigation sites included those lands within the Critical Area and areas that could increase Forest Interior Dwelling Species (FIDS) habitat. A list of other desirable ancillary traits used to identify potential mitigation sites is presented in the bullets listed below:

APPENDIX C

SECTION 106
PROGRAMMATIC AGREEMENT (PA)

PROGRAMMATIC AGREEMENT

Among the

**FEDERAL HIGHWAY ADMINISTRATION,
MARYLAND TRANSPORTATION AUTHORITY,
VIRGINIA DEPARTMENT OF TRANSPORTATION,
MARYLAND STATE HISTORIC PRESERVATION OFFICER,**

and

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

Regarding the

**US 301 OVER POTOMAC RIVER
GOVERNOR HARRY W. NICE MEMORIAL BRIDGE IMPROVEMENT PROJECT in
CHARLES COUNTY, MARYLAND AND KING GEORGE COUNTY, VIRGINIA**

WHEREAS, the Maryland Transportation Authority (**MDTA**), in cooperation with the Virginia Department of Transportation (**VDOT**) and Federal Highway Administration (**FHWA**), proposes to construct a new bridge and approach roadways that would carry US 301 over the Potomac River and replace the existing Governor Harry W. Nice Memorial Bridge (**Nice Bridge**) (MDTA Project No. NB543-000-006), herein referred to as the Project; and

WHEREAS, federal funding administered through the FHWA has been identified by MDTA as a potential funding source for the Project, and FHWA is functioning as the lead federal agency; and

WHEREAS, FHWA has determined the provision of federal financial assistance for the Project would be an undertaking as defined in 36 CFR Part 800.16(y) which is subject to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the FHWA DelMar Division is the lead FHWA office for the Project and is responsible for ensuring the stipulations are carried out, and

WHEREAS, pursuant to Section 9 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401 and 403) and the General Bridge Act of 1946, a Coast Guard Bridge Permit will likely be required from the U.S. Coast Guard for this Project, and pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401 and 403) and Section 404 of the Clean Water Act of 1973 (33 U.S.C. 1344), a Department of the Army permit will likely be required from the U.S. Army Corps of Engineers (**Corps**) for this Project. Therefore, FHWA has assumed the role as lead federal agency to fulfill federal responsibilities under Section 106 of the National Historic Preservation Act (16 U.S.C. 470); and

WHEREAS, this Project is located in both Maryland and Virginia, and therefore involves agencies, organizations, and members of the public in both states; and

WHEREAS, FHWA has authorized MDTA to conduct consultation with the Maryland State Historic Preservation Officer (**MD SHPO**) and Virginia State Historic Preservation Officer (**VA SHPO**) for the Project on its behalf pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), including the initiation of the Section 106 process, identification of historic properties, and assessment of adverse effects; and

WHEREAS, following consideration of the Environmental Assessment/Draft Section 4(f) Evaluation completed for the Project in July 2009, and comments from the public, elected officials, environmental agencies, and affected property owners received on the document and other information presented at public hearings in September 2009, MDTA identified Modified Alternate 7 as the Project's Preferred Alternate, which would construct a new four-lane bridge, with a bicycle/pedestrian lane, north of the existing Nice Bridge, as shown in **Attachment A**; and

WHEREAS, MDTA, in cooperation with FHWA and in consultation with the MD SHPO and VA SHPO, has defined the Project's preliminary Area of Potential Effects (**APE**) for historic architecture to include areas subject to direct impacts as well as geographic areas within the viewshed of the Project (see **Attachment B**); and

WHEREAS, MDTA, in cooperation with FHWA and in consultation with the MD SHPO and VA SHPO, completed Maryland's *Historic Resources Survey and Determination of Eligibility Report* (October 2008) and the *Virginia Historic Resources Survey and Identification Report* (October 2008) to identify and evaluate all architectural historic properties within the Project's preliminary APE in Maryland and Virginia; and

WHEREAS, MDTA, in cooperation with FHWA and in consultation with the MD SHPO, has determined that four Maryland architectural properties located within the preliminary APE are eligible for listing on the National Register of Historic Places (**NRHP**): Governor Harry W. Nice Memorial Bridge (including the Potomac River Bridge Administration Building) (CH-376), Marshall's Rest (CH-140), Ravens Crest (CH-164), and Pasquahanza (CH-32); and

WHEREAS, MDTA, in cooperation with FHWA and in consultation with the VA SHPO, has determined that one Virginia architectural property located within the preliminary APE is eligible for listing on the NRHP: Naval Surface Warfare Center, Dahlgren Laboratory (consisting of four separate historic districts) (048-0104); and

WHEREAS, as part of the Preferred Alternate, the existing Nice Bridge and the associated Potomac River Bridge Administration Building (**Administration Building**) would be removed, thus likely constituting an adverse effect (36 CFR Part 800.5); and

WHEREAS, MDTA, in cooperation with FHWA, does not expect any other architectural historic properties within the preliminary APE would have their character defining features diminished by the Project; and

WHEREAS, MDTA, in cooperation with FHWA and in consultation with the MD SHPO and VA SHPO, established a preliminary archaeological APE (see **Attachment B**); and

WHEREAS, MDTA, in cooperation with FHWA and in consultation with the MD SHPO and VA SHPO, completed Phase IA and IB terrestrial archaeological studies for Maryland and Virginia [*Maryland Archeological Phase IA Memorandum* (October, 2008), *Virginia Archeological Phase IA Memorandum* (October, 2008), *Phase IB Archeological Investigations in Maryland for the Governor Harry W. Nice Bridge Improvement Project* (February, 2010), and *Phase IB Archaeological Investigations in Virginia for the Governor Harry W. Nice Bridge Improvement Project* (February, 2010)] using the preliminary archaeological APE; and

WHEREAS, underwater archeological investigations have not yet been conducted within part of the preliminary APE; and

WHEREAS, MDTA, in cooperation with FHWA and in consultation with the MD SHPO, has determined that the Nice Bridge Shell Midden Site (18CH0797) in Maryland may be eligible for inclusion on the NRHP under Criterion D; and

WHEREAS, MDTA, in cooperation with FHWA and in consultation with the VA SHPO, has determined that the Barnesfield Plantation Site (44KG0171) in Virginia may be eligible for inclusion on the NRHP under Criterion D; and

WHEREAS, MDTA, in cooperation with FHWA, has phased the final identification, evaluation, and determination of effects on terrestrial and underwater archeological resources pursuant to 36 CFR Part 800.4(b)(2) and 36 CFR Part 800.5(a)(3) pending the completion and results of ongoing archeological identification and evaluation studies conducted pursuant to this Programmatic Agreement (**PA**); and

WHEREAS, the Project's APE has not yet been finalized because of the potential expansion of the Project area due to factors such as construction staging areas, dredge material dewatering and disposal sites, barge berthing area, temporary construction haul roads, utility relocation, and mitigation sites. These expanded limits cannot be determined by MDTA until the bridge type is selected and additional areas of impact are incorporated into the bridge design. Therefore, although preliminary cultural resources studies were done, all investigations have not yet been completed for the Nice Bridge and effects on historic properties cannot be fully finalized prior to approval of this undertaking; and

WHEREAS, because the Project design and construction will take place at an unspecified future date, the Project's APE is not yet finalized, and MDTA has not completed the studies necessary to identify all potential properties meeting the criteria for listing on the NRHP, MDTA has elected to comply with Section 106 of the National Historic Preservation Act through execution and implementation of this PA pursuant to 36 CFR Part 800.14(b)(1)(ii); and

WHEREAS, FHWA notified the Advisory Council on Historic Preservation (**ACHP**) of the Project's potential adverse effect on historic properties and its intent to use a PA for this Project pursuant to 36 CFR Part 800.14(b)(1)(ii), and ACHP has chosen not to participate in the consultation by letter dated January 6, 2011; and

WHEREAS, MDTA, participating in the consultation pursuant to 36 CFR Part 800.2(c)(4), has responsibility for implementing the stipulations under this PA, and FHWA has invited MDTA to be a signatory to this PA pursuant to 36 CFR Part 800.6(c)(2)(iii); and

WHEREAS, VDOT has participated in this consultation pursuant to 36 CFR Part 800.2(c)(4), and FHWA has invited VDOT to be a signatory to this PA pursuant to 36 CFR Part 800.6(c)(2)(iii); and

WHEREAS, FHWA and MDTA invited the following eighteen federally recognized tribes to participate as consulting parties: Absentee-Shawnee Tribe of Indians of Oklahoma, Catawba Indian Nation, Cayuga Nation of New York, Cherokee Nation, Delaware Nation, Eastern Band of the Cherokee Indians, Eastern Shawnee Tribe, Oneida Indian Nation, Oneida Tribe of Indians of Wisconsin, Onondaga Indian Nation, Saint Regis Mohawk Tribe, Seneca-Cayunga Tribe of Oklahoma, Seneca Nation of Indians, Shawnee Tribe, Stockbridge Munsee Community of Wisconsin, Tonawanda Band of Seneca, Tuscarora Nation, and United Keetoowah Band of Cherokee Indians. Of these tribes only the Oneida Indian Nation responded. The tribe requested the opportunity to review the results of any additional cultural resources studies for this project, and to be notified in the event of the inadvertent discovery of human remains or if native cultural materials are encountered during any later phases of the Project; and

WHEREAS, FHWA and MDTA invited both the Maryland Commission on Indian Affairs (**MCIA**) and Virginia Council on Indians (**VCI**) to participate as consulting parties. MCIA and VCI requested to participate as a consulting party, and FHWA and MDTA have invited MCIA and VCI to concur with this PA pursuant to 36 CFR Part 800.14(b)(2)(i); and

WHEREAS, FHWA and MDTA invited the following tribal organizations to participate as consulting parties: three bands of the Piscataway tribe in Southern Maryland (i.e., Piscataway Indian Nation, Inc., Piscataway-Conoy Confederacy and Subtribes, Inc., and the Cedarville Band of Piscataway Indians). None of these tribal organizations responded or requested to participate as consulting parties;

WHEREAS, FHWA and MDTA have consulted with the following seven Section 106 consulting parties, pursuant to 36 CFR Part 800.2(c)(5): Charles County Government, Planning and Growth Management; The Northern Neck of Virginia Historical Society; MCIA; Town of Colonial Beach; Mr. Joseph Knott; Mr. Jerry Volman; and Mr. David Rose regarding the effects of the Project on historic properties and have invited these other consulting parties to concur with this PA pursuant to 36 CFR Part 800.6(c)(3); and

WHEREAS, MDTA, in cooperation with FHWA, has afforded the public an opportunity to comment on the effect of the Project on historic properties. A series of Public Workshops and Hearings were held from 2007 through 2009 where the public commented on historic properties:

- Public Workshop, May 31, 2007 in Newburg, Maryland
- Public Workshop, June 7, 2007 in Dahlgren, Virginia
- Public Hearing, September 17, 2009 in Newburg Maryland
- Public Hearing, September 24, 2009 in Dahlgren, Virginia; and

WHEREAS, throughout the Project planning and consultation process, FHWA and MDTA, in consultation with the MD SHPO, VA SHPO and other consulting parties, have considered alternatives that avoid or minimize the adverse effects that the Project will have on historic properties; and

WHEREAS, the MD SHPO agrees that fulfillment of the terms of this PA will satisfy the responsibilities of MDTA and any Maryland state agency under the requirements of the Maryland State historic preservation law (§§ 5A-325 and 5A-326 of the State Finance and Procurement Article, Annotated Code of Maryland) for any components of the Project that require licensing, permitting, and/or funding actions from Maryland state agencies;

NOW, THEREFORE, the signatories (FHWA-DelMar Division, FHWA-Virginia Division, MDTA, VDOT, MD SHPO, and VA SHPO) agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties.

STIPULATIONS

FHWA shall ensure that the following measures are carried out:

I. Roles and Responsibilities

A. The signatories and other consulting parties to this PA shall have the opportunity to review materials and issues resulting from the stipulations in this PA that are relevant to their state of interest. This means that the MD SHPO shall only be responsible for review and comment of materials and issues affecting historic properties in Maryland, while the VA SHPO shall only be responsible for review and comment of materials and issues affecting historic properties in Virginia. It is assumed that MDTA and VDOT shall only review materials and issues located within their respective rights-of-way or proposed rights-of-way.

B. Regarding issues related to prehistoric and historic Native American sites in Maryland, MDTA shall submit its findings to the MCIA, and for prehistoric and historic Native American sites in Virginia, MDTA shall submit its findings to VCI, for their respective review and comment.

C. Only the signatories have active roles in Stipulations XV-XVII (Amendments, Termination, and Duration).

D. Excluding Stipulations XII and XIII (Post-Review Discoveries and Treatment of Human Remains) and the administrative stipulations, MDTA shall provide a draft of products prepared pursuant to this PA to the signatories and other consulting parties for review and comment. The consulting parties shall have thirty calendar days upon receipt of complete information to review and comment on the products provided. MDTA shall address those comments received within the thirty day review period prior to developing the final product. MDTA may assume that the parties not responding within the thirty day review period have no comment.

II. Treatment of the Governor Harry W. Nice Memorial Bridge

A. <u>Documentation and Photographic Records</u>

1. Prior to removal of the Nice Bridge and Administration Building, MDTA shall develop a recordation plan to document and photograph the historic property. The draft recordation plan will be provided to the MD SHPO for review and comment per Stipulation I.D.

2. As part of the recordation plan development, the MDTA shall contact the National Park Service (**NPS**) Northeast Region Historic American Engineering Record (**HAER**) office to determine what level and kind of recordation is required for the property. Unless otherwise agreed to by NPS and the MD SHPO, the MDTA shall ensure that all documentation is completed and accepted by HABS/HAER and that copies of this documentation are provided to the MD SHPO and appropriate local archives designated by the MD SHPO prior to demolition.

3. All written, graphic and photographic documentation submitted to the MD SHPO must include the Maryland Inventory of Historic Properties (**MIHP**) number

associated with the documented resources. All photographic documentation in the HAER submittal to the MD SHPO must be prepared in accordance with current MD SHPO guidelines. The photographs shall depict significant aspects of the Nice Bridge and the Administration Building, as well as their historic settings. Appropriate historic photographs and original plans of the Nice Bridge and Administration Building shall be included in the photographic documentation, should they be available. The images shall be suitable for use in public presentations and/or exhibits.

4. In developing the documentation and photographic recordation, MDTA will make a comprehensive effort to research the Nice Bridge, including the Administration Building, at repositories such as MDTA, MD SHPO, Historical Society of Charles County, Maryland Historical Society, Maryland State Archives, Maryland State Highway Administration, and local libraries.

5. Draft products, such as a copy of the written history and scanned copies of the photographic documentation, shall be reviewed by all relevant parties per Stipulation I.D.

6. The MDTA shall ensure that the documentation is accepted by MD SHPO prior to demolition. If the MD SHPO does not provide comments on the recordation package within thirty (30) calendar days of receipt, the MDTA may assume that the MD SHPO has no comments on the submittal.

B. Interpretive Signage

1. Using the information obtained from the documentation in Stipulation II.A.3, as well as any additional research conducted at the repositories described under Stipulation II.A.4, MDTA shall mount interpretive signage in public locations adjacent to and/or on the new Nice Bridge. Signage would mainly be located along the bicycle/pedestrian lane, mounted at regular intervals on the bridge, as well as at the bridge approaches. MDTA would be responsible for the installation and maintenance of the signage. In consultation with the MD SHPO, VA SHPO, and other consulting parties, MDTA shall carefully evaluate public interpretation options and select those that are reasonable, have a good opportunity to reach a broad range of the public, and correlate with other aspects of the Project, such as the bicycle/pedestrian lane.

2. The interpretive signage shall provide such information as a brief history of the Nice Bridge and Administration Building, the reasons for the bridge's replacement, the bridge's engineering features and characteristics, the role the bridge played in the development of the area, and the historic properties surrounding it.

3. The interpretive signage shall include historic and contemporary mounted photographs of the Nice Bridge and Administration Building, accompanied by relevant narrative, plans, and maps.

4. Draft products such as signage text, scanned copies of photographs and maps, and layout and design shall be reviewed per Stipulation I.D.

5. The signs shall be erected within one year of completion of construction of the undertaking.

C. Interpretive Displays

1. Using the information obtained from the documentation in Stipulation II.A.3, as well as any additional research conducted at the repositories described under Stipulation II.A.4, MDTA shall create an interpretive display that illustrates the history of the Nice Bridge, to be installed in an interior public space near the Project area. In consultation with the MD SHPO, VA SHPO, and other consulting parties, MDTA shall carefully evaluate public interpretation options and select those that are reasonable, have a good opportunity to reach a broad range of the public, and correlate with other aspects of the Project, such as the bicycle/pedestrian lane.
2. The interpretive displays shall provide such information as a history of the Nice Bridge and Administration Building, the bridge's engineering features and characteristics, the role it played in the development of the area, and the reasons for its replacement.
3. The interpretive displays shall include historic and contemporary mounted photographs of the Nice Bridge and Administration Building, accompanied by relevant narrative, plans, and maps.
4. Draft products such as display text, scanned copies of photographs and maps, and layout and design shall be reviewed per Stipulation I.D.
5. The displays shall be erected within one year of completion of construction of the undertaking.

D. Electronic Informational Site

1. MDTA shall establish and maintain an electronic informational site which describes the history of the Nice Bridge and Administration Building. The site would be made broadly available to the public.
2. The site would provide public access to material such as written and photographic documentation resulting from Stipulation II.A.3; additional historic and current photographs, plans, and maps obtained through research at repositories such as those identified in Stipulation II.A.4; and information about the signage and interpretive displays associated with Nice Bridge.
3. Draft products such as an outline of the content, and layout and design shall be reviewed per Stipulation I.D.
4. The electronic informational site shall be established and operational within one year after construction of the undertaking is completed.

III. Expansion of APE and Additional Identification of Historic Properties

A. MDTA shall establish the expanded limits of the APE, in accordance with 36 CFR Part 800.4(a)(1), during the design of the Preferred Alternate. The expanded APE shall include, but may not be limited to, construction staging areas, dredge material

dewatering and disposal sites, barge berthing area, temporary construction haul roads, utility relocation, and mitigation sites.

B. Pursuant to 36 CFR Part 800.4(a), MDTA shall assess the architectural and archeological potential of the expanded APE, in consultation with the MD SHPO and/or VA SHPO, and other consulting parties to determine the level of survey effort warranted for the expanded APE, and shall obtain MD SHPO and VA SHPO concurrence on that effort.

C. Architectural Potential of the Expanded APE

1. Within the potential architectural expanded APE, MDTA shall consult with the MD SHPO and/or VA SHPO, and other consulting parties to identify and evaluate historic buildings, structures, and/or districts for the NRHP in the newly affected areas, and assess the effects of the Project on any newly identified historic properties, in accordance with 36 CFR Part 800.4(c) and 36 CFR Part 800.5. MDTA shall seek ways to avoid or minimize adverse effects in the design of the Project.

2. When these additional adverse effects cannot be avoided in the design, MDTA shall apply the mitigation measure described in Stipulation II.A (Documentation and Photographic Records) to these historic properties, and if appropriate incorporate them into Stipulation II.B-D (Interpretive Signage, Interpretive Displays, and Electronic Information Site) of this PA. In addition, should the adverse effect be indirect, for example visual, atmospheric, or audible, then mitigation options may include, but are not limited to, screening, earth berming, landscaping, fencing, or other appropriate barriers. To the degree practicable, FHWA and MDTA shall ensure that any mitigation elements installed are complementary to the surrounding element and/or natural vegetation, without introducing additional visual effects to historic properties.

D. Archaeological Potential of the Expanded APE

1. For any archeological investigations conducted on state-owned or state-controlled lands and waters in Maryland, MDTA shall obtain a permit from the MD SHPO, pursuant to State Finance and Procurement §§ 5A-341 and 5A342 of the Annotated Code of Maryland, as appropriate. For any archaeological investigations conducted in Virginia within VDOT right-of-way or other state controlled land, MDTA shall obtain a permit from the VA SHPO pursuant to the Virginia Antiquities Act § 10.1-2300 of the *Code of Virginia*.

   Due to the presence of the Naval Surface Warfare Center in Dahlgren, Virginia, and prior to the implementation of any archaeological survey, a survey for Munitions and Explosives of Concern (**MEC**) shall be undertaken within the expanded APE. The survey should employ the required equipment to make a determination of whether or not there are MEC's within the expanded APE and how these may affect future investigations.

2. MDTA shall ensure that Phase IB archaeological investigations of the expanded APE are conducted in accordance with 36 CFR Part 800.4(b). The survey shall be

conducted in a manner consistent with the *Secretary of the Interior's Standards and Guidelines for Identification* (48 FR 44720-23) and shall take into account the NPS publication, *The Archaeological Survey: Methods and Uses* (1978: GPO Stock #024-016-00091), MHT *Standards and Guidelines for Archeological Investigations in Maryland* (1994), and Virginia Department of Historic Resources' (**VDHR**) *Guidelines for Archaeological Investigation in Virginia* (2009), as appropriate, or any replacements or subsequent revisions to these documents.

3. Any archaeological sites identified within the expanded APE shall be evaluated in accordance with 36 CFR Part 800.4(c). If there is the potential for the sites to be eligible for the NRHP, additional background research and archaeological testing, consistent with a Phase II archaeological investigation, shall be conducted to determine the boundary and eligibility of the archaeological resources. If no archaeological resources have the potential to be eligible, MDTA shall provide the other consulting parties with a copy of the report for their review and comment per Stipulation I.D.

4. MDTA shall follow Stipulation VI of this PA if, as a result of Phase II investigations, the MDTA in consultation with the MD SHPO and/or VA SHPO, and the other consulting parties, determines that the archaeological resources are eligible and will be affected by the Project.

5. If the MDTA, in consultation with the MD SHPO and/or VA SHPO and other consulting parties, determine(s) that an archaeological site eligible for the NRHP will be adversely affected by the Project, MDTA shall follow Stipulation VII of this PA.

IV. Nice Bridge Shell Midden Site and Barnesfield Plantation Site

A. Prior to the construction of the Preferred Alternative, MDTA shall ensure that a Phase II archaeological investigation is conducted for the Nice Bridge Shell Midden Site (18CH0797) and the Barnesfield Plantation Site (44KG0171) in accordance with 36 CFR Part 800.4(c). The survey shall be conducted in a manner consistent with the *Secretary of the Interior's Standards and Guidelines for Identification* (48 FR 44720-23), and shall take into account the NPS publication, *The Archaeological Survey: Methods and Uses* (1978: GPO Stock #024-016-00091), MHT's *Standards and Guidelines for Archeological Investigations in Maryland* (1994), and VDHR's *Guidelines for Archaeological Investigation in Virginia* (2009), as appropriate, or any replacements or subsequent revisions to these documents.

B. MDTA shall follow Stipulation VI of this PA if, as a result of Phase II investigations, the MDTA in consultation with the MD SHPO and/or VA SHPO and the other consulting parties determines that the archaeological resources are eligible and will be affected by the Project.

C. If the MDTA, in consultation with the MD SHPO and/or VA SHPO and other consulting parties, determine(s) that an archaeological site eligible for the NRHP will be adversely affected by the Project, MDTA shall follow Stipulation VII of this PA.

V. Underwater Archaeological Resources

A. The *Maryland Archaeological Phase IA Memorandum* sensitivity assessment determined that the potential for both prehistoric and historic resources exists within the Potomac River Channel. Prior to the implementation of the Preferred Alternate, MDTA shall ensure that a Phase IB underwater archaeological survey of the Potomac River within the APE where disturbance will occur is conducted in accordance with 36 CFR Part 800.4(b). MDTA shall consult with the MD SHPO regarding the level of effort for the survey. The survey shall be conducted in a manner consistent with the *Secretary of the Interior's Standards and Guidelines for Identification* (48 FR 44720-23) and shall take into account the NPS publication, *The Archaeological Survey: Methods and Uses* (1978: GPO Stock #024-016-00091), and MHT's *Standards and Guidelines for Archeological Investigations in Maryland* (1994), as appropriate, or any replacements or subsequent revisions to these documents.

B. Given the high potential for MEC in the Potomac River, the survey shall employ the required equipment to make a determination of whether or not there are MEC's within the area of the underwater archaeological survey.

C. Any underwater archaeological resources identified within the APE where disturbance will occur shall be evaluated in accordance with 36 CFR Part 800.4(c), and in consultation with the MD SHPO and the other consulting parties. The methods follow those presented in Stipulation III.D.3 and III.D.4.

D. MDTA shall follow Stipulation VI of this PA if, as a result of Phase II investigations, the MDTA in consultation with the MD SHPO and the other consulting parties determines that the underwater archaeological resources are eligible and will be affected by the Project.

E. If the MDTA, in consultation with the MD SHPO and other consulting parties, determine(s) that an underwater archaeological site eligible for the NRHP will be adversely affected by the Project, MDTA shall follow Stipulation VII of this PA.

VI. Assessment of Adverse Effects on Archaeological Sites Determined Eligible for Listing on the NRHP

In accordance with 36 CFR Part 800.5, MDTA shall assess the adverse effects of the undertaking on any archaeological sites determined eligible for listing on the NRHP as a result of the processes described in Stipulations III to V of this PA. MDTA shall submit its findings to the other consulting parties for their review and comment per Stipulation I.D. For prehistoric and historic Native American sites, MDTA shall also submit its findings to the MCIA and/or VCI for their review and comment.

VII. Treatment of Archaeological Sites Determined Eligible for Listing on the NRHP

A. If MDTA, in consultation with the signatories and other consulting parties, determines that an archaeological site eligible for the NRHP will be adversely affected by the Project, MDTA, in consultation with FHWA, shall determine whether avoidance or minimization of adverse effects to the property is appropriate. If adverse effects cannot be avoided, MDTA, in consultation with the signatories and

other consulting parties, shall develop a treatment plan for the archaeological historic property. MDTA shall also consult with the MCIA and/or VCI on the development of any treatment plan for a prehistoric or historic Native American archaeological site adversely affected by the Project.

B. MDTA shall submit all treatment plans to the signatories and other consulting parties for review and comment per Stipulation I.D. For prehistoric and historic Native American sites, MDTA shall also submit its findings to MCIA and/or VCI for their review and comment.

C. Any treatment plan MDTA develops for an archaeology property under the terms of this Stipulation shall be consistent with the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation*, ACHP's *Treatment of Archaeological Properties: A Handbook*, ACHP's *Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites* (1999), MHT's *Standards and Guidelines for Archeological Investigations in Maryland* (1994), VDHR's *Guidelines for Archaeological Investigations in Virginia* (July 2009), and the VDHR's *Guidelines for Conducting Cultural Resources Survey in Virginia* (January, 2003), as appropriate, or any replacements or subsequent revisions to these documents.

The treatment plan shall include, at a minimum:

1. Information on the portion of the property where data recovery or controlled site burial, as appropriate, is to be carried out, and the context in which the property is eligible for the NRHP;
2. The results of the previous research relevant to the Project;
3. Research problems or questions to be addressed, with an explanation of their relevance and importance;
4. The field and laboratory analysis methods to be used, with a justification of their cost-effectiveness and how they apply to this particular property and the research needs;
5. The methods to be used in artifact, data, and other records management;
6. Explicit provisions for disseminating in a timely manner the research findings to professional peers, and to MCIA and/or VCI in the case of prehistoric or historic Native American archaeological sites;
7. Arrangements for presenting to the public the research findings, focusing particularly on the community or communities that may have interests in the results;
8. The curation of recovered materials and records resulting from the data recovery in accordance with 36 CFR Part 79, Curation of Federally-Owned and Administered Archaeological Collections; and
9. Procedures for evaluating and treating discoveries of unexpected remains during the course of the Project, including necessary consultation with other parties.

D. MDTA, in cooperation with FHWA, shall ensure the treatment plan is implemented and that any agreed upon data recovery field operations are complete before ground disturbing activities associated with the Project are initiated at the affected archaeological historic property.

MDTA and the MD SHPO and/or VA SHPO may, as necessary, meet on-site to evaluate the success of the fieldwork phase of any data recovery program, near the end of the fieldwork efforts. MDTA shall submit a management summary to the MD SHPO and/or VA SHPO documenting the completion of fieldwork for a fifteen day review. Upon receipt of the written concurrence from the MD SHPO and/or VA SHPO, MDTA may proceed with construction activities in the site areas concurrently with completion of the remaining laboratory analyses, and reporting phases of the data recovery work.

MDTA shall notify the other consulting parties once data recovery field operations have been completed. The proposed Project construction may proceed following this notification while the technical report is in preparation. MDTA shall ensure that the archaeological site form on file in the MD SHPO's Inventory of Historic Properties and/or VA SHPO's Data Sharing System (**DSS**) is updated to reflect the implementation of the treatment plan for each affected site.

VIII. Curation Standards

A. MDTA shall ensure that all materials and records resulting from cultural resources investigations conducted in Maryland for the Project will be curated in accordance with 36 CFR 79 at the MD SHPO's Maryland Archeological Conservation Laboratory, unless clear title or Deed of Gift to the collection cannot be obtained.

B. MDTA shall ensure that all original archaeological records (research notes, field records, maps, drawings, and photographic records) produced in connection with this Project and all archaeological collections recovered from VDOT right-of-way in association with the Project are provided to the VA SHPO for permanent curation. In exchange for its standard collections management fee, as published in the *Virginia Department of Historic Resources State Collections Management Standards* (June 26, 2009), or subsequent revisions or replacements to that document, the SHPO agrees to maintain such records and collections in accordance with 36 CFR 79, "Curation of Federally Owned and Administered Archaeological Collections."

IX. Personnel Qualifications

MDTA shall ensure that all archaeological work pursuant to this PA is carried out by or under the direct supervision of a person or persons meeting at a minimum the *Secretary of the Interior's Professional Qualifications Standards for Archaeologists* (48 FR 44738-9), and that all historic preservation work is carried out by or under the direct supervision of a person or persons meeting, at a minimum, the *Secretary of the Interior's Professional Qualification Standards for Architectural Historian Professionals* (48 FR 44738-9).

X. Review of Project Related Plans

MDTA shall provide relevant sections of preliminary, semi-final, and final Project plans to the other consulting parties for review and comment. Upon circulation and assurance that relevant sections have been distributed, the signatories and other consulting parties shall be provided an opportunity for review and comment per Stipulation I.D.

XI. Subsequent Changes to the Project

If, subsequent to the implementation of Stipulation X, MDTA proposes any significant changes to the location or relative footprint of the Project affecting the design or disturbance area of the Project, MDTA shall provide the signatories and any other consulting party deemed appropriate with information concerning the proposed changes per Stipulation I.D.

XII. Post-Review Discoveries

A. In the event that previously unidentified historic properties are discovered or if unanticipated effects on historic properties occur during construction activities, MDTA shall require the construction contractor to halt all construction work in the area of the resource. In addition, for any discovered archaeological resources, work shall also halt in surrounding areas where additional subsurface remains can reasonably be expected to occur. Work in all other areas of the Project may continue.

B. MDTA shall notify the signatories and other consulting parties within two working days of the discovery (36 CFR Part 800.13). In the case of prehistoric or historic Native American sites, MDTA shall notify appropriate state and federally recognized tribal leaders, and MCIA and/or VCI within two working days of the discovery.

   MDTA shall ensure that an archaeologist or architectural historian meeting the Secretary of the Interior's Professional Qualifications Standards (48 FR 44739) shall investigate the work site and the resource, and then MDTA shall forward to the signatories and other consulting parties (and MCIA and/or VCI in the case of Native American sites) an assessment of the NRHP eligibility of the resource (36 CFR Part 60.4) and/or proposed treatment actions to resolve any adverse effects on the resource. The signatories, other consulting parties, and, when relevant, MCIA and/or VCI shall respond within five working days of receipt of MDTA's assessment of NRHP eligibility of the resource and proposed action plan. MDTA, in consultation with FHWA, shall take into account the recommendations of the signatories, other consulting parties, tribal leaders, and MCIA and/or VCI regarding NRHP eligibility of the resource and/or the proposed action plan to resolve adverse effects, and then carry out appropriate actions.

C. MDTA shall ensure that construction work within the affected area does not proceed until appropriate treatment measures are developed and implemented, or the determination is made that the located resource is not eligible for inclusion on the NRHP.

D. Disputes between the signatories over the treatment of historic properties shall be resolved as provided for in Stipulation XIV.A of this PA.

XIII. Treatment of Human Remains

A. MDTA shall make all reasonable efforts to avoid disturbing gravesites individually eligible for the NRHP or contributing to the historic significance of a NRHP eligible property, including those containing Native American human remains and associated funerary artifacts. MDTA shall treat all such gravesites in a manner consistent with the ACHP's *Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects* (February 23, 2007), or any replacement or subsequent revision to this document.

B. In the event human burials are encountered during archaeological investigations or construction in any portion of the Project in Maryland, MDTA shall immediately halt subsurface disturbance in the area of the discovery and in the surrounding area where additional remains can reasonably be expected to occur. MDTA will ensure that human remains and associated funerary objects are brought to the immediate attention of the MD SHPO, FHWA, and Charles County State's Attorney, as appropriate. No activities that might disturb or damage the remains will be conducted until the MD SHPO has determined whether excavation is necessary and/or desirable. MDTA, in consultation with the MD SHPO and other interested parties, as appropriate, shall develop a plan for the appropriate treatment of the remains and comply with the Maryland State burial law (Title 10 Subtitle 4 Parts 10-401 through 10-404 of the Annotated Code of Maryland), or any replacement or subsequent revision to this law. MDTA shall submit the plan for review and approval by the MD SHPO pursuant to the terms of this PA. Work in the affected area shall not proceed until development and implementation of appropriate treatment plan or other recommended mitigation measures are completed; however, work outside the area of archeological features may continue.

   In Virginia, human remains and associated funerary objects encountered during the course of actions taken as a result of this PA shall be treated in a manner consistent with the provisions of the Virginia Antiquities Act, § 10.1-2305 of the *Code of Virginia* and its implementing regulations, 17 VAC5-20, adopted by the Virginia Board of Historic Resources and published in the Virginia Register on July 15, 1991, and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001) and its implementing regulations, 36 CFR Part 10. Any replacements or subsequent revisions to the Virginia Antiquities Act and its implementing regulations would supersede the present ones. In accordance with the regulations stated above, MDTA may obtain a permit from the VA SHPO for the archaeological removal of human remains should removal be necessary.

C. In the event that the human remains encountered are likely to be of Native American origin, whether prehistoric or historic, MDTA, on behalf of FHWA, shall immediately notify (via telephone, facsimile or regular mail) appropriate tribal leaders of Indian tribes recognized by Maryland, the Commonwealth of Virginia, MCIA, VCI, and any federally recognized tribes with an interest in the area. MDTA shall determine the treatment of Native American human remains and associated funerary objects in consultation with appropriate tribal leaders of Indian tribes recognized by Maryland, the Commonwealth of Virginia, MCIA, VCI, and any

federally recognized tribes with an interest in the area. MDTA shall make all efforts it deems reasonable to ensure that the general public is excluded from viewing any Native American gravesites and associated funerary objects. The signatories to this PA shall release no photographs of any Native American gravesites or associated funerary objects to the press or to the general public.

XIV. Dispute Resolution

A. Objection by Consulting Party

1. Should any party to this PA object at any time in writing to the manner in which the terms of this PA are implemented, to any action carried out or proposed with respect to the implementation of the PA, or to any document prepared in accordance with and subject to the terms of the PA, FHWA shall first consult with the objecting party for a period not to exceed 30 days to resolve the objection. If FHWA determines that the objection cannot be resolved through such consultation, FHWA shall then consult with all consulting parties to this PA to resolve the objection. FHWA shall honor the request of the consulting parties to participate in the consultation and shall take any comments provided by those parties into account.
2. If the objection is resolved during the thirty day consulting period, FHWA may proceed with the disputed action in accordance with the terms of such resolution.
3. If at the end of the thirty day consultation period, FHWA determines that the objection cannot be resolved through such consultation, then FHWA shall forward all documentation relevant to the objection to ACHP, including FHWA's proposed response to the objection, with the expectation that ACHP shall, within thirty calendar days after receipt of such documentation:
    a. Advise FHWA that ACHP concurs with FHWA's proposed response to the objection, whereupon FHWA shall respond to the objection accordingly; or
    b. Provide FHWA with recommendations, which FHWA shall take into account in reaching a final decision regarding its response to the objection; or
    c. Notify FHWA that it shall comment pursuant to 36 CFR Part 800.7(a)(4), and proceed to comment. Any comment provided in response to such a request shall be taken into account and responded to by FHWA in accordance with 36 CFR Part 800.7(c)(4) and Section 110(1) of the National Historic Preservation Act.
4. FHWA shall take into account any ACHP recommendation or comment provided in accordance with this Stipulation with reference only to the subject of the objection. FHWA's responsibility to carry out all actions under this PA that are not the subject of the dispute shall remain unchanged.
5. Should ACHP not exercise one of the above options within thirty calendar days after receipt of all pertinent documentation, FHWA may assume ACHP's concurrence in its proposed response to the objection and proceed to implement that response.

B. Objection from the Public

If at any time during implementation of the measures stipulated in this PA, a member of the public object in writing to FHWA, MDTA, or VDOT regarding the manner in which the measures stipulated in this PA are being implemented, FHWA shall notify the signatories to this PA and take the objection into account, while consulting with the objector. The signatories may also request that FHWA notify the other consulting parties to this PA about the objection.

XV. Amendments

This PA may be amended only upon written agreement by each of the signatories. Any signatory to this Agreement may request an amendment to FHWA, whereupon the other signatories must respond with any comments within thirty calendar days. The amendment would then be executed in accordance with 36 CFR Part 800.6(c)(7). If the signatories cannot agree to appropriate terms to amend the PA, any signatory may terminate the agreement in accordance with Stipulation XVI, below.

XVI. Termination

A. If any signatory to this PA determines that the document's terms are not being or cannot be carried out, that signatory may immediately consult with the other signatories in writing, explaining the reasons for proposing termination, and consult with the other signatories for at least thirty calendar days to attempt to develop an amendment per Stipulation XV. If within thirty calendar days an amendment cannot be reached, any signatory may immediately terminate the PA upon written notification to the other signatories. Termination hereunder shall render this PA without further force or effect.

B. Once the PA is terminated, and prior to work continuing on the Project, FHWA must either (a) execute a PA pursuant to 36 CFR Part 800.6 or (b) request the comments of ACHP under 36 CFR Part 800.7(a). FHWA shall notify the signatories as to the course of action it shall pursue.

C. Such consultation shall not be required if FHWA proposes termination because the Project no longer meets the definition of an undertaking set forth in 36 CFR Part 800.16(y).

XVII. Duration

This PA shall continue in full force and effect until ten years after the date of the last signature of a signatory. At any time during the twelve month period prior to the ten year expiration date, the signatories may agree to extend this PA, with or without amendments. No extension, with or without amendments, shall be effective unless all signatories to this PA have agreed with it in writing within thirty calendar days. If FHWA or MDTA decides it will not proceed with the Project, they may so notify VDOT, MD SHPO, VA SHPO, and the other consulting parties, and then this PA becomes null and void. Termination shall include the submission of a technical report by MDTA on any work done up to and including the date of termination.

XVIII. Reporting

MDTA shall prepare a written Project status update, anticipated schedule, and summary of all activities carried out pursuant to this PA every three years from the signature date of this PA, and provide a copy to all the signatories and other consulting parties to this PA. The three year notification period will coincide with the common National Environmental Policy Act (**NEPA**) reevaluation date. After three notifications in nine years have expired, the signatories may agree to extend the PA at any time in the remaining twelve month period, prior to the ten year expiration date per Stipulation XVII.

Execution of this PA by FHWA, MDTA, VDOT, MD SHPO, and VA SHPO, its filing with ACHP in accordance with 36 CFR Part 800.6(b)(1)(iv), and subsequent implementation of its terms, shall evidence, pursuant to 36 CFR Part 800.6(c), that MDTA has taken into account the effects of the Governor Harry W. Nice Memorial Bridge Project on historic properties.

SIGNATORIES

FEDERAL HIGHWAY ADMINISTRATION

for By: _____ Date: 7/7/11
Hassan Raza
DelMar Division Administrator

FEDERAL HIGHWAY ADMINISTRATION

By: John Dimkins Date: 6/17/11
for Irene Rico
Virginia Division Administrator

MARYLAND TRANSPORTATION AUTHORITY

By: _____ Date: 5/6/11
Randolph P. Brown
Acting Executive Secretary

Approved as to form and legal sufficiency:

_____
Sherita D. Harrison, Assistant Attorney General

VIRGINIA DEPARTMENT OF TRANSPORTATION

By: _____ Date: 6/3/11
Stephen J. Long
Environmental Division Administrator

MARYLAND STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: 5-13-11
J. Rodney Little
Director, Maryland Historical Trust

VIRGINIA STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: 6/22/11
Kathleen S. Kilpatrick
Director, Virginia Department of Historic Resources

CONCURRING PARTIES

CHARLES COUNTY GOVERNMENT, PLANNING AND GROWTH MANAGEMENT

By: _____ Date: 8/3/11

Cathy Thompson
Community Planning Program Manager

CONCURRING PARTIES (continued)

THE NORTHERN NECK OF VIRGINIA HISTORICAL SOCIETY

By: Steve Walker Date: 8-16-11

Steve Walker
President

CONCURRING PARTIES (continued)

MARYLAND COMMISSION ON INDIAN AFFAIRS

By: _____ Date: _____

E. Keith Colston
Executive Director

CONCURRING PARTIES (continued)

VIRGINIA COUNCIL ON INDIANS

By: Deanna Beacham Date: 7/28/2011

Deanna Beacham

CONCURRING PARTIES (continued)

TOWN OF COLONIAL BEACH

By: _____ Date: _____
Frederick C. Rummage
Mayor

CONCURRING PARTIES (continued)

MR. JOSEPH KNOTT

By: _____ Date: _____
Joseph Knott

CONCURRING PARTIES (continued)

~~MR. JERRY VOLMAN~~

By: _____ Date: _____
~~Jerry Volman~~

BRC, LLC, a Maryland Limited
Liability Company
By: Byars Road Corporation, Member
By: Mark D. Mudd
Mark D. Mudd, President

DATE 8/8/11

CONCURRING PARTIES (continued)

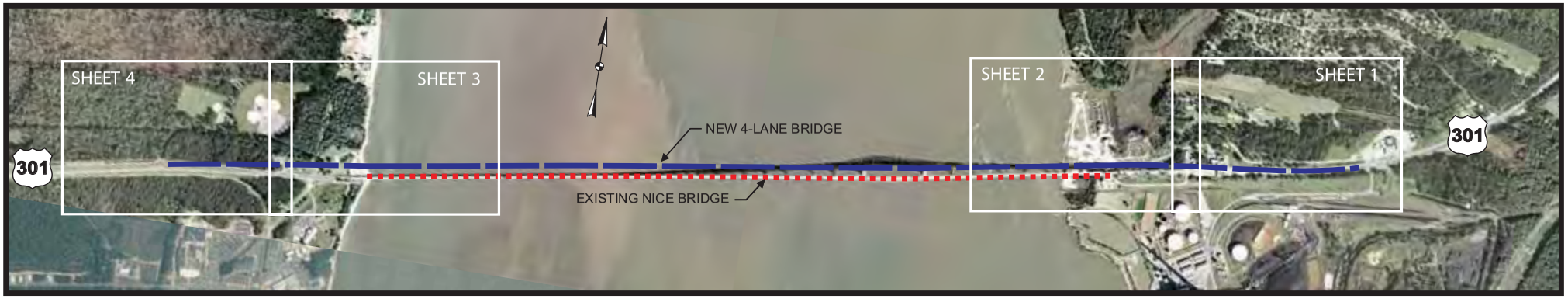
MR. DAVID ROSE

By: _____ Date: _____
David Rose

Attachment A

Project Location Map and Plans of
the Preferred Alternate (Modified Alternate 7)


Charles County
La Plata
Port Tobacco
Newtown
Dentsville
Bel Alton
MARYLAND
Allens Fresh
Wicomico
Mathias Point
Popes Creek
Budds Creek
Gov. Harry W. Nice Mem. Bridge
Newburg
St. Mary's County
West Hatton
Morgantown
Dahlgren
Woodberry Beach
Swan Point
Rock Point
Colonial Beach
VIRGINIA
Index
Westmoreland County
225
488
231
6
301
257
206
205
HARRY W. NICE BRIDGE
IMPROVEMENT PROJECT
Section 106 PA
November 2010
Figure 1
Project Location Map
Maryland Transportation Authority
1 in = 3 miles
N



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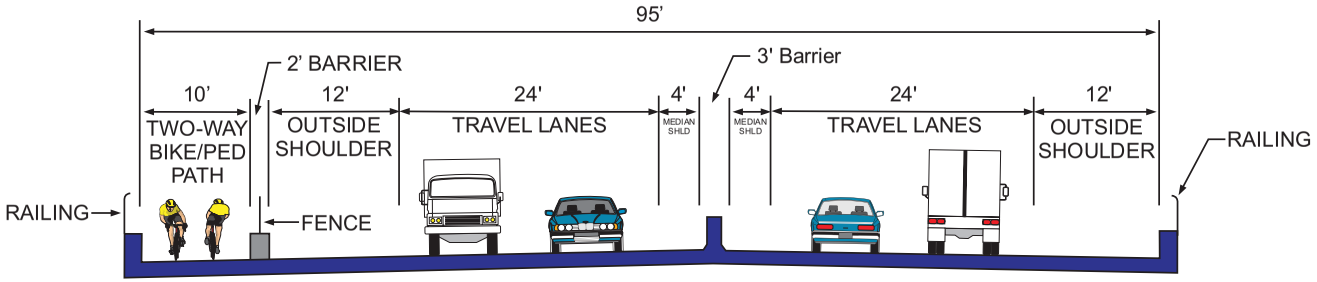


NEW 4-LANE BRIDGE FOR TWO-WAY TRAVEL WITH TWO-WAY BIKE/PED PATH

MODIFIED ALTERNATE 7

Nice Bridge Improvement Project

Appendix A

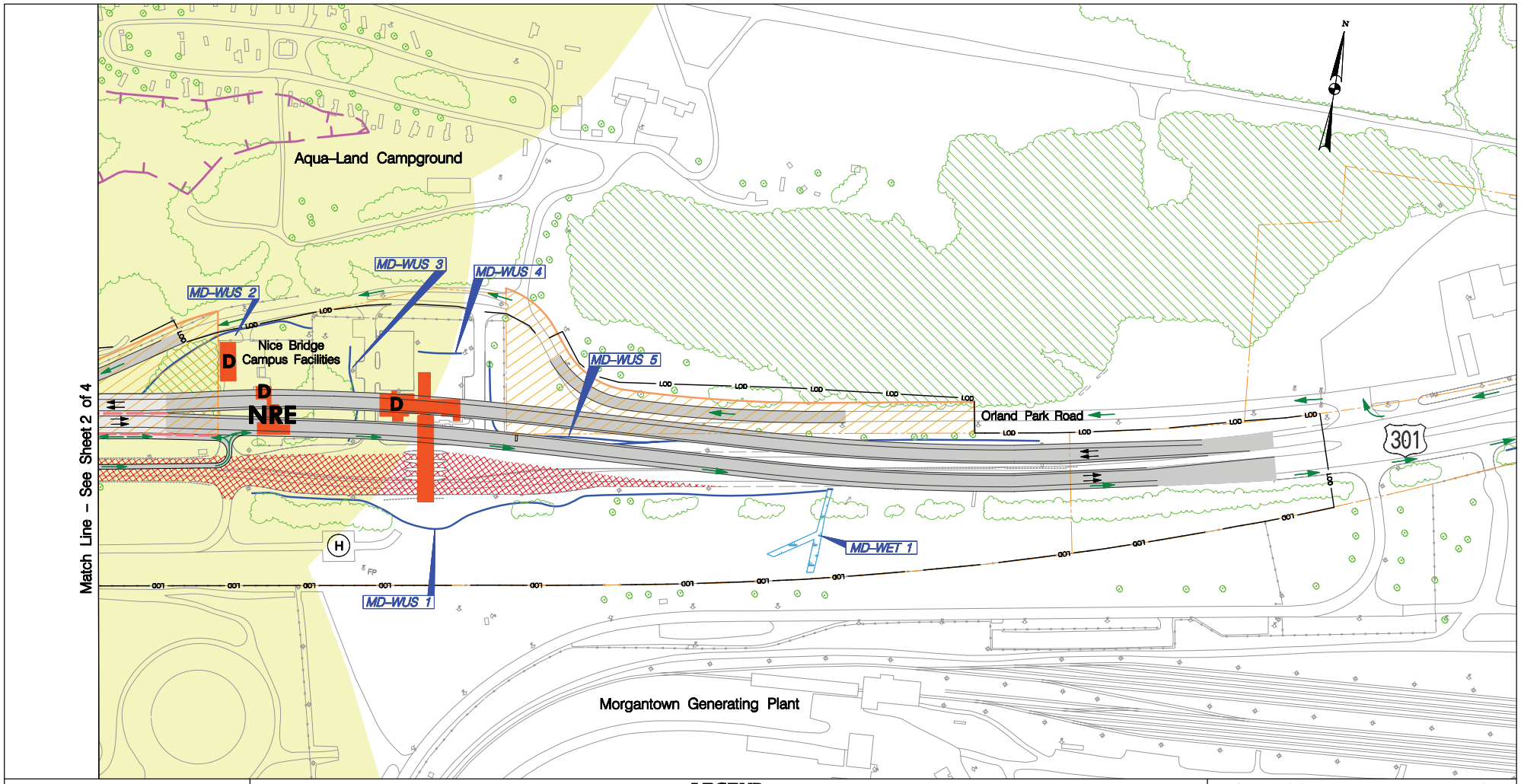
Modified Alternate 7

Index Sheet

November 2010

HARRY W. NICE BRIDGE IMPROVEMENT PROJECT

Maryland Transportation Authority



VA MD

PLATE LAYOUT

0 100 200 300 400

Scale: 1" = 200'

LEGEND

- Bridge Structure
- New Roadway
- Pavement Removal
- Retaining Wall
- Proposed Fence
- LOD — Limit of Disturbance
- Existing Property Line
- Proposed Acquisition
- Traffic Barrier
- Parkland
- Critical Area (MD)
- Forest Stand
- 100 Year Floodplain
- Jurisdictional Wetland
- Jurisdictional Water of U.S.
- NRE / D — National Register of Historic Places – Eligible Potential Displacement
- Bike / Pedestrian Traffic Flow

Nice Bridge Improvement Project

Appendix A November 2010

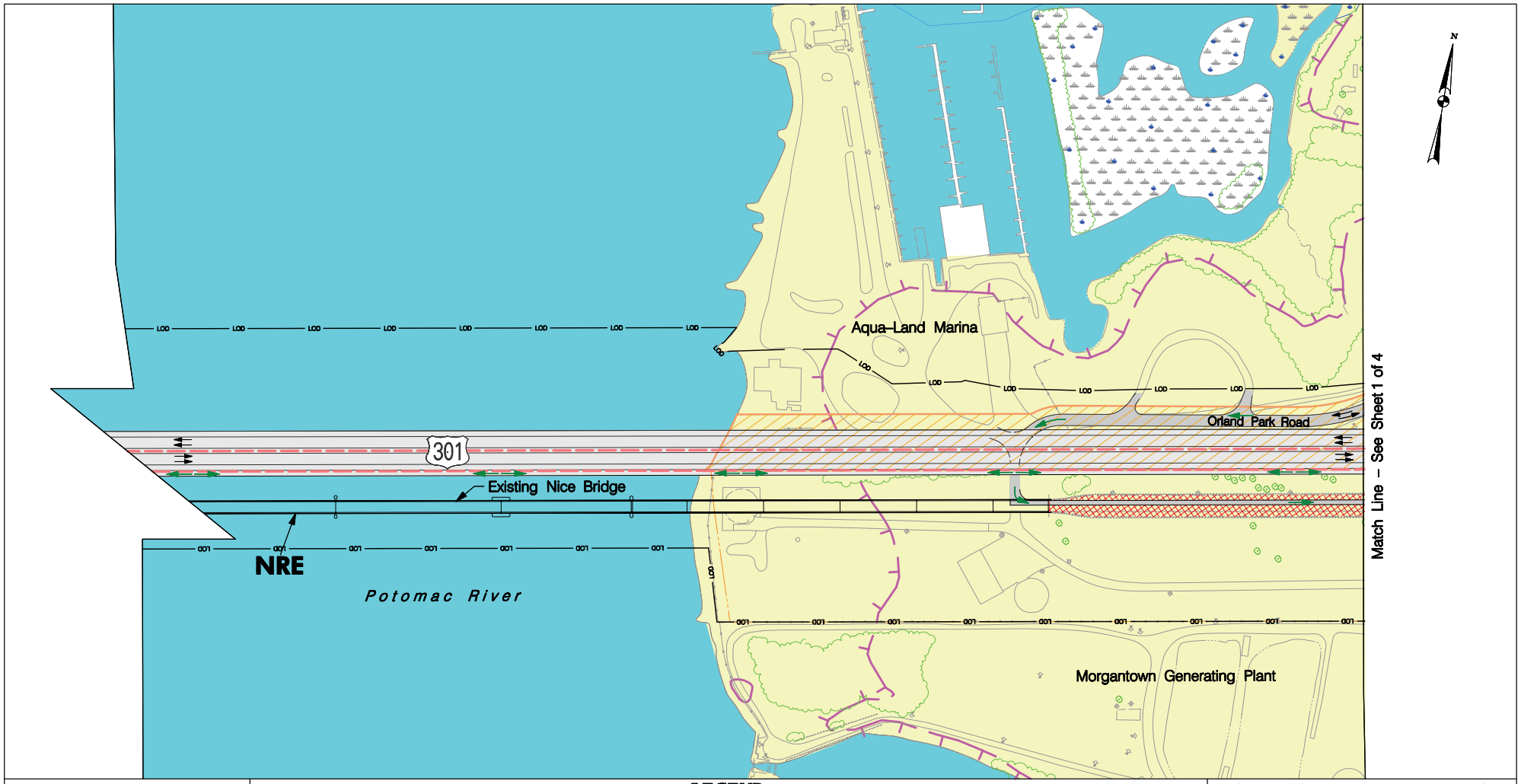
Preferred Alternate

Modified Alternate 7 (Sheet 1 of 4)

HARRY W. NICE BRIDGE IMPROVEMENT PROJECT

Maryland Transportation Authority

T:\Nice Bridge Study\Preferred Alternate\pHD-MODALT7-1.dgn



VA MD

PLATE LAYOUT

0 100 200 300 400

Scale: 1" = 200'

LEGEND

- Bridge Structure
- New Roadway
- Pavement Removal
- Retaining Wall
- Proposed Fence
- LOD — Limit of Disturbance
- Existing Property Line
- Proposed Acquisition
- Traffic Barrier
- Parkland
- Critical Area (MD)
- Forest Stand
- 100 Year Floodplain
- Jurisdictional Wetland
- Jurisdictional Water of U.S.
- NRE — National Register of Historic Places – Eligible
- Potential Displacement
- Bike / Pedestrian Traffic Flow

Nice Bridge Improvement Project

Appendix A November 2010

Preferred Alternate

Modified Alternate 7 (Sheet 2 of 4)

HARRY W. NICE BRIDGE IMPROVEMENT PROJECT

Maryland Transportation Authority

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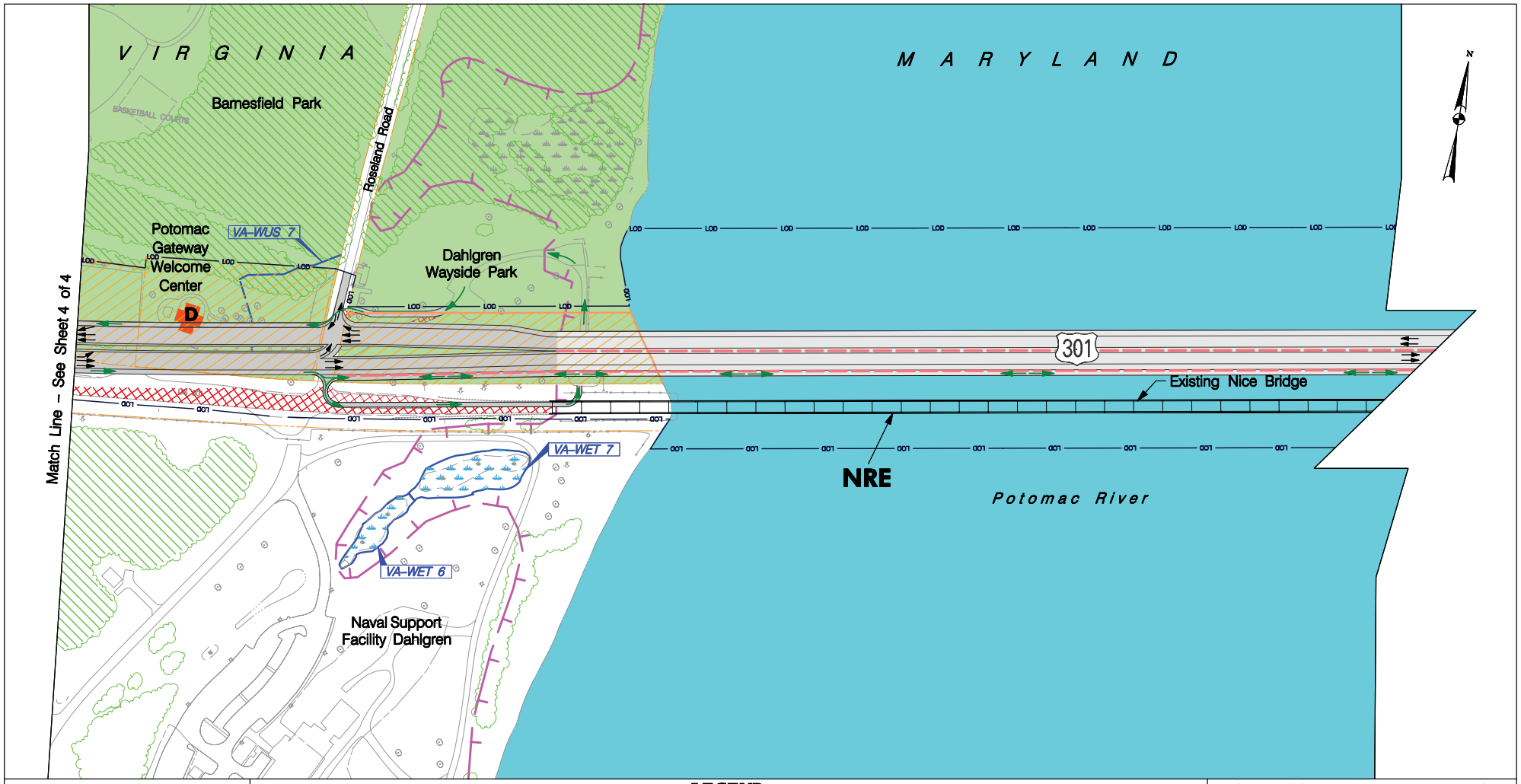


VA MD

PLATE LAYOUT

0 100 200 300 400

Scale: 1" = 200'

LEGEND

- Bridge Structure
- New Roadway
- Pavement Removal
- Retaining Wall
- Proposed Fence
- LOD — Limit of Disturbance
- Existing Property Line
- Proposed Acquisition
- Traffic Barrier
- Parkland
- Critical Area (MD)
- Forest Stand
- 100 Year Floodplain
- Jurisdictional Wetland
- Jurisdictional Water of U.S.
- NRE — National Register of Historic Places – Eligible Potential Displacement
- Bike / Pedestrian Traffic Flow

Nice Bridge Improvement Project

Appendix A November 2010

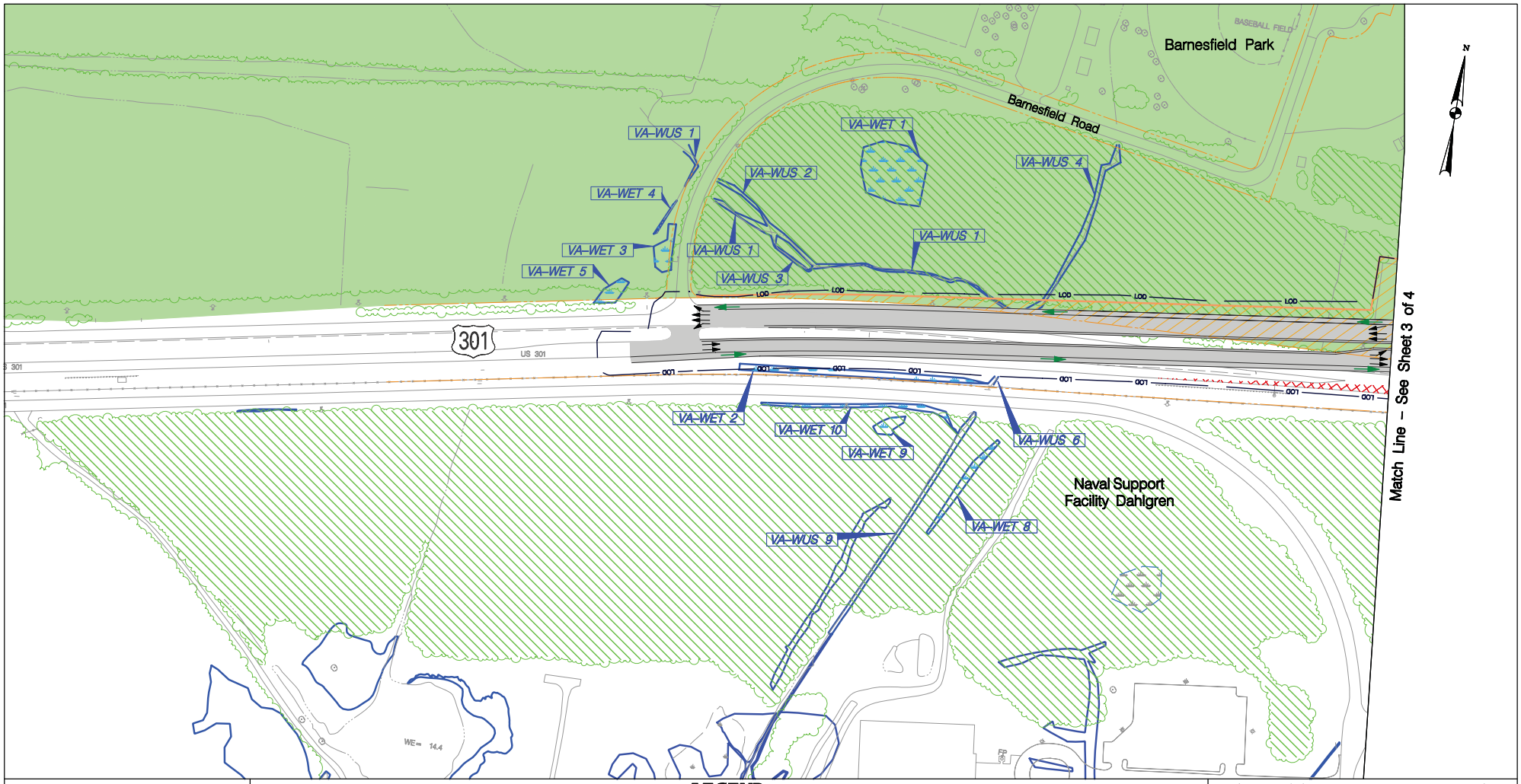
Preferred Alternate

Modified Alternate 7 (Sheet 3 of 4)

HARRY W. NICE BRIDGE IMPROVEMENT PROJECT

Maryland Transportation Authority

T:\Nice Bridge Study\Preferred Alternate\pHD-MODALT7-3.dgn



VA MD

PLATE LAYOUT

0 100 200 300 400

Scale: 1" = 200'

LEGEND

- Bridge Structure
- New Roadway
- Pavement Removal
- Retaining Wall
- Proposed Fence
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- NRE — National Register of Historic Places – Eligible Potential Displacement
- Bike / Pedestrian Traffic Flow

Nice Bridge Improvement Project

Appendix A November 2010

Preferred Alternate

Modified Alternate 7 (Sheet 4 of 4)

HARRY W. NICE BRIDGE IMPROVEMENT PROJECT

Maryland Transportation Authority

T:\Nice Bridge Study\Preferred Alternate\pHD-MODALT7-4.dgn

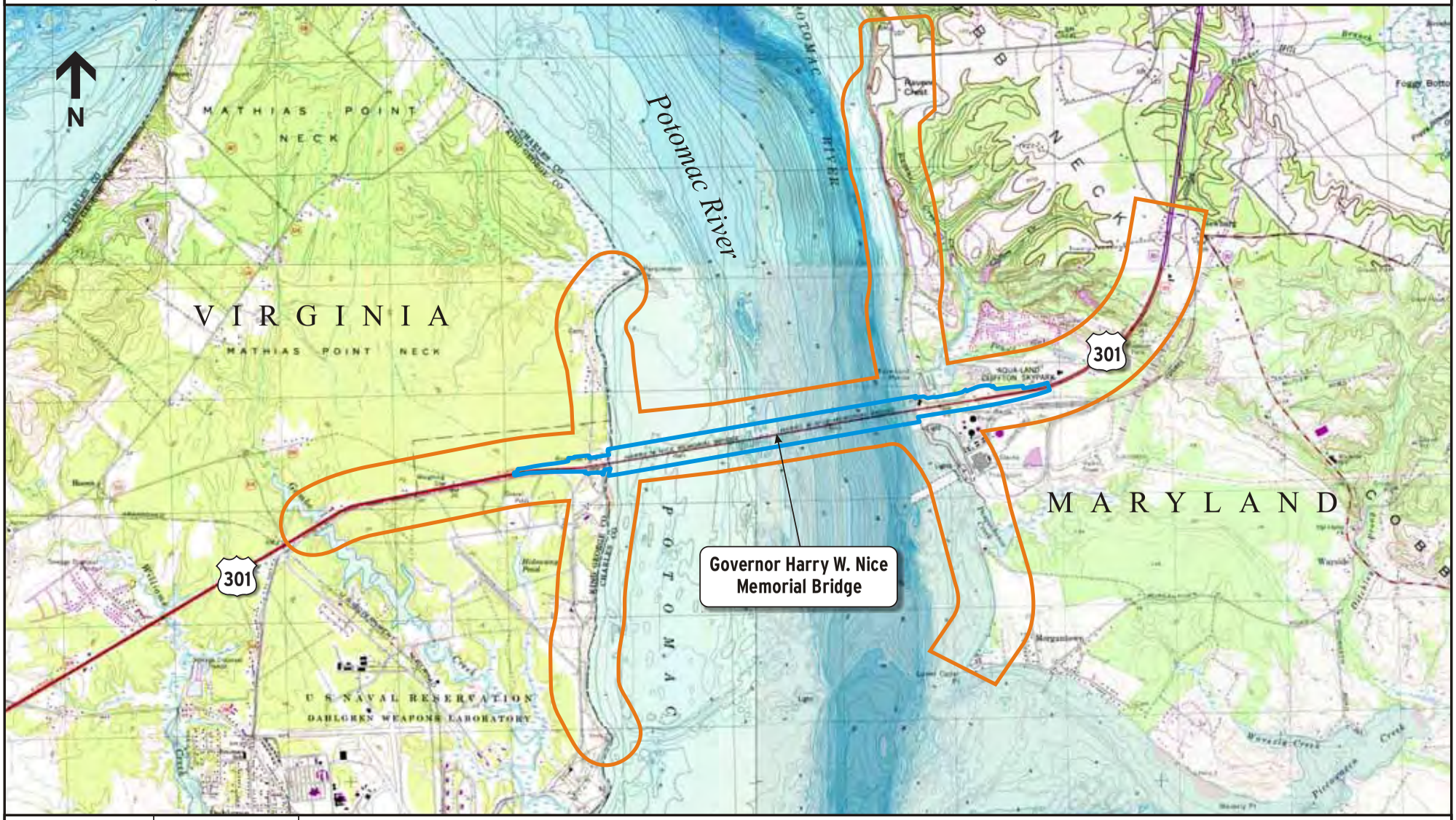
Attachment B

Maryland and Virginia Preliminary APE

Governor Harry W. Nice Memorial Bridge Improvement Project

Charles County, Maryland and King George County, Virginia

Maryland Transportation Authority



Key Map of Virginia

Key Map of Maryland

0 1000 2000 3000 4000 5000 Feet

0 0.2 0.4 0.6 0.8 1 Mile

Scale

Preliminary Architectural Area of Potential Effects

Preliminary Archaeological Area of Potential Effects

Map Source: USGS, 7.5 Minute Series -
Popes Creek, MD; Mathias Point, MD/VA; Dahlgren, VA/MD; Colonial Beach North, VA/MD

Preliminary Area of Potential Effects

November 2010

APPENDIX D

AIR QUALITY
TECHNICAL ANALYSIS - MSAT

Appendix D: Incomplete or Unavailable Information for Project-Specific MSAT Health Impacts Analysis

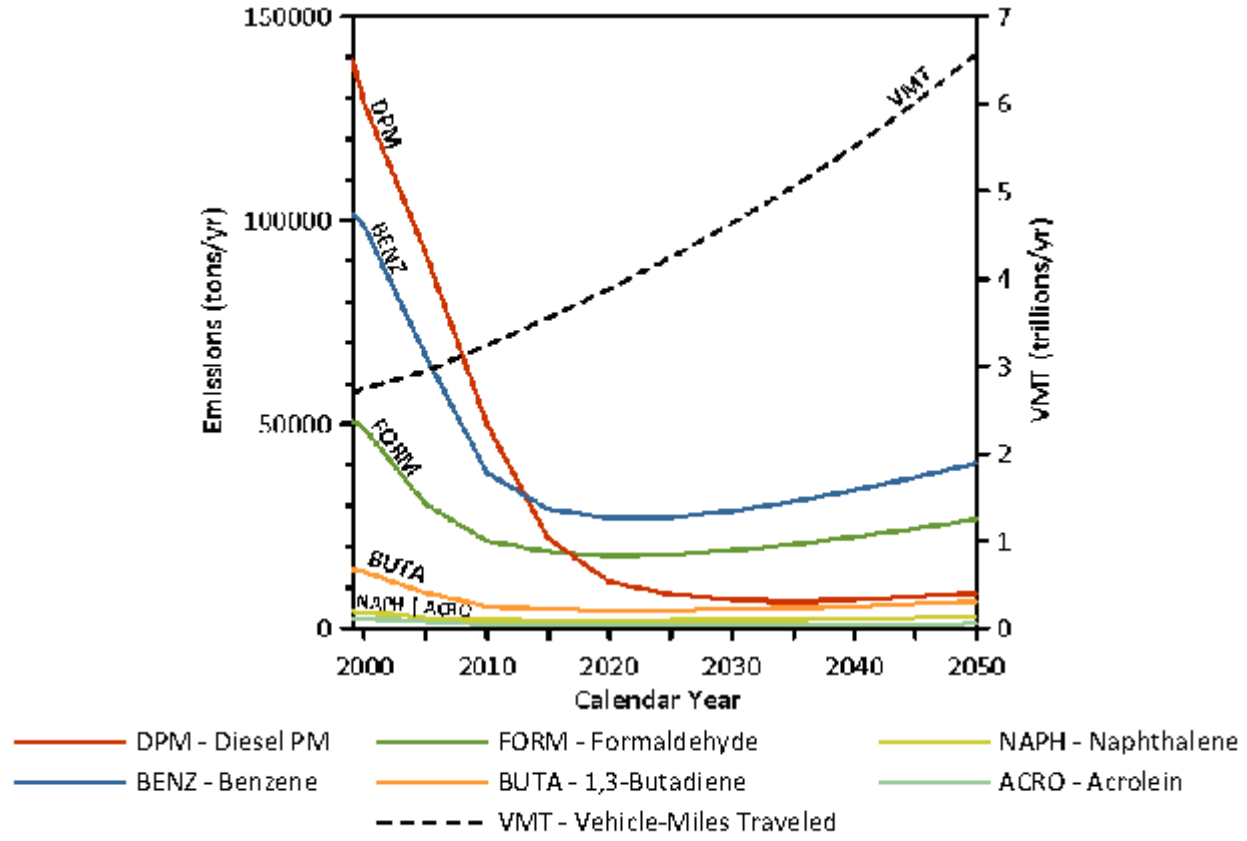
The U.S. Environmental Protection Agency (EPA) is responsible for protecting the public health and welfare from any known or anticipated effect of an air pollutant. They are the lead authority for administering the Clean Air Act and its amendments and have specific statutory obligations with respect to hazardous air pollutants and MSAT. The EPA is in the continual process of assessing human health effects, exposures, and risks posed by air pollutants. They maintain the Integrated Risk Information System (IRIS), which is "a compilation of electronic reports on specific substances found in the environment and their potential to cause human health effects" (EPA, http://www.epa.gov/ncea/iris/index.html). Each report contains assessments of non-cancerous and cancerous effects for individual compounds and quantitative estimates of risk levels from lifetime oral and inhalation exposures with uncertainty spanning perhaps an order of magnitude.

Other organizations are also active in the research and analyses of the human health effects of MSAT, including the Health Effects Institute (HEI). Among the adverse health effects linked to MSAT compounds at high exposures are cancer in humans in occupational settings; cancer in animals; and irritation to the respiratory tract, including the exacerbation of asthma. Less obvious is the adverse human health effects of MSAT compounds at current environmental concentrations (HEI, http://pubs.healtheffects.org/view.php?id=282) or in the future as vehicle emissions substantially decrease (HEI, http://pubs.healtheffects.org/view.php?id=306).

Evaluating the environmental and health impacts from MSAT on a proposed highway project would involve several key elements, including emissions modeling, dispersion modeling in order to estimate ambient concentrations resulting from the estimate emissions, exposure modeling in order to estimate human exposure to the estimate concentrations, and then final determination of health impacts based on the estimated exposure. Each step in the process builds on the model predictions obtained in the previous step. All are encumbered by technical shortcomings or uncertain science that prevents a more complete determination of the MSAT health impacts of this project. These difficulties are magnified for lifetime (i.e., 70-year) assessments, particularly because unsupportable assumptions would have to be made regarding changes in travel patterns and vehicle technology (which affects emissions rates) over that time frame, and such information is unavailable. The results produced by the EPA's MOBILE6.2 model, the California EPA's Emfac2007 model, and the EPA's Draft MOVES2009 model in forecasting MSAT emissions are highly inconsistent. Indications from the development of the MOVES model are that MOBILE6.2 significantly underestimates diesel particulate matter (PM) emissions and significantly overestimates benzene emissions.

Regarding air dispersion modeling, an extensive evaluation of EPA's guideline CAL3QHC model was conducted in an NCHRP study (http://www.epa.gov/scram001/dispersion_alt.htm#hyroad), which documents poor model performance at ten sites across the country - three where intensive monitoring was conducted plus an additional seven with less intensive monitoring. The study indicates a bias of the CAL3QHC model to overestimate concentrations near highly congested intersections and underestimate

Figure III-1: National MSAT Emission Trends 1999 - 2050 for Vehicles Operating on Roadways Using EPA's MOBILE6.2 Model



Note:
(1) Annual emissions of polycyclic organic matter are projected to be 561 tons/yr for 1999, decreasing to 373 tons/yr for 2050.
(2) Trends for specific locations may be different, depending on locally derived information representing vehicle-miles travelled, vehicle speeds, vehicle mix, fuels, emission control programs, meteorology, and other factors

Source: U.S. Environmental Protection Agency. MOBILE6.2 Model run 20 August 2009.

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concentrations near uncongested intersections. The consequence of this is a tendency to overstate the air quality benefits of mitigating congestion at intersections. Such poor model performance is less difficult to manage for demonstrating compliance with National Ambient Air Quality Standards for relatively short time frames than it is for forecasting individual exposure over an entire lifetime, especially given that some information needed for estimating 70-year lifetime exposure is unavailable. It is particularly difficult to reliably forecast MSAT exposure near roadways, and to determine the portion of time that people are actually exposed at a specific location.

There are considerable uncertainties associated with the existing estimates of toxicity of the various MSAT, because of factors such as low-dose extrapolation and translation of occupational exposure data to the general population, a concern expressed by HEI (http://pubs.healtheffects.org/view.php?id=282). As a result, there is no national consensus on air dose-response values assumed to protect the public health and welfare for MSAT compounds, and in particular for diesel PM. Neither EPA

(http://www.epa.gov/risk/basicinformation.htm#g)orHEI(http://pubs.healtheffects.org/getfile.php?u=395) have established a basis for quantitative risk assessment of diesel PM in ambient settings.

There is also the lack of a national consensus on an acceptable level of risk. The current context is the process used by the EPA as provided by the Clean Air Act to determine whether more stringent controls are required in order to provide an ample margin of safety to protect public health or to prevent an adverse environmental effect for industrial sources subject to the maximum achievable control technology standards, such as benzene emissions from refineries. The decision framework is a two-step process. The first step requires EPA to determine a "safe" or "acceptable" level of risk due to emissions from a source, which is generally no greater than approximately 100 in a million. Additional factors are considered in the second step, the goal of which is to maximize the number of people with risks less than 1 in a million due to emissions from a source. The results of this statutory two-step process do not guarantee that cancer risks from exposure to air toxics are less than 1 in a million;in some cases, the residual risk determination could result in maximum individual cancer risks that are as high as approximately 100 in a million. In a June 2008 decision, the U.S. Court of Appeals for the District of Columbia Circuit upheld EPA's approach to addressing risk in its two step decision framework. Information is incomplete or unavailable to establish that even the largest of highway projects would result in levels of risk greater than safe or acceptable.

Because of the limitations in the methodologies for forecasting health impacts described, any predicted difference in health impacts between alternates is likely to be much smaller than the uncertainties associated with predicting the impacts. Consequently, the results of such assessments would not be useful to decision makers, who would need to weigh this information against project benefits, such as reducing traffic congestion, accident rates, and fatalities plus improved access for emergency response, that are better suited for quantitative analysis.

APPENDIX E

PUBLIC HEARING COMMENTS AND MDTA RESPONSES

TABLE OF CONTENTS

Page

Federal Agency Comments & MDTA Responses

Naval Support Activity South Potomac F-1
Hanft, Captain Catie; September 17 and 24, 2009 ..... F-1
Kolakowski, Peter; September 24, 2009 ..... F-4

U.S. Environmental Protection Agency F-6
DeGeorgio, Alaina; October 13, 2009

U.S. Department of the Interior F-9
Taylor, Willie R.; October 16, 2010

State Agency Comments & MDTA Responses

Chesapeake Bay Critical Area Commission F-13
Roberts, Julie; August 28, 2009

Virginia Outdoors Foundation F-14
Peters, John; September 4, 2009

Virginia Department of Historic Resources F-15
Holma, Marc; September 8, 2009

Maryland Department of Transportation – Bicycle Pedestrian Advisory Committee F-16
Swift, Jim; September 17, 2009 ..... F-16
Swift, Jim; September 30, 2009 ..... F-17

Virginia Department of Conservation and Recreation F-19
Munson, Robert; September 18, 2009

Maryland Department of Transportation – Headquarters F-23
Murphy, Heather; October 1, 2009

Virginia Department of Game and Inland Fisheries F-25
Ewing, Amy; October 6, 2009 ..... F-25
Cooper, Jeff; October 6, 2009 ..... F-26

Maryland Department of Planning F-27
Xu, Bihui; October 22, 2009

Local Agency and Local Elected Official Comments & MDTA Responses

Charles County Commissioners F-29
Cooper, Wayne; September 17, 2009

King George County Board of Supervisors F-32
Grzeika, Joseph; September 24, 2009 ..... F-32
Sisson, Dale; September 24, 2009 ..... F-33

Maryland-National Capital Park & Planning Commission-Bicycle & Trail Advisory Group .. F-34
Shaffer, Fred; September 27, 2009

FEDERAL AGENCY COMMENTS

&

MDTA RESPONSES

Naval Support Activity South Potomac
Hanft, Captain Catie
September 17, 2009 and September 24, 2009

PUBLIC HEARING ON ENVIRONMENTAL ASSESSMENT FOR THE
HARRY NICE BRIDGE IMPROVEMENT PROJECT
REMARKS BY CAPT CATIE HANFT, USN
COMMANDING OFFICER
NAVAL SUPPORT ACTIVITY SOUTH POTOMAC
HIGDON ELEMENTARY SCHOOL, NEWBURG, MD
17 SEPTEMBER 2009

GOOD EVENING. I AM NAVY CAPTAIN CATIE HANFT, COMMANDING OFFICER FOR NAVAL SUPPORT ACTIVITY SOUTH POTOMAC. MY COMMAND FUNCTIONS AS THE HOST COMMAND RESPONSIBLE FOR OVERALL MANAGEMENT OF TWO NAVY INSTALLATIONS – NAVAL SUPPORT FACILITY INDIAN HEAD, HERE IN CHARLES COUNTY, AND NAVAL SUPPORT FACILITY DAHLGREN, JUST ACROSS THE POTOMAC RIVER IN KING GEORGE COUNTY.

TOGETHER, THESE INSTALLATIONS ARE HOME TO OVER A DOZEN MAJOR MILITARY COMMANDS THAT PROVIDE AN INCREDIBLE RANGE OF SUPPORT TO OUR ARMED FORCES, OTHER FEDERAL AGENCIES, AND THE NATIONAL COMMAND AUTHORITY.

NAVAL SUPPORT FACILITIES INDIAN HEAD AND DAHLGREN ARE AMONG THE LARGEST SINGLE EMPLOYERS IN THEIR RESPECTIVE COMMUNITIES. TOGETHER, THESE TWO INSTALLATIONS EMPLOY OVER 6,200 FEDERAL CIVILIAN PERSONNEL AND SUPPORT NEARLY 5,000 DEFENSE CONTRACTOR EMPLOYEES. OVER 1,000 UNIFORMED MILITARY PERSONNEL, REPRESENTING ALL SERVICES, ARE STATIONED AT THESE BASES.

THE COMBINED FEDERAL CIVILIAN PAYROLL ALONE FOR NAVAL SUPPORT FACILITIES INDIAN HEAD AND DAHLGREN STANDS AT OVER 480 MILLION DOLLARS ANNUALLY, AND BOTH BASES MANAGE ANOTHER 713 MILLION DOLLARS IN CONTRACTS WITH CORPORATIONS AND BUSINESSES IN THE REGION.

TO STATE THE OBVIOUS, NAVAL SUPPORT FACILITIES INDIAN HEAD AND DAHLGREN ARE NOT ONLY IMPORTANT TO OUR NATION'S DEFENSE; THEY ARE ALSO CRITICALLY IMPORTANT TO THE REGIONAL ECONOMY.

1 ONE REASON I AM HERE TONIGHT IS TO AFFIRM THAT IMPROVEMENT TO THE POTOMAC RIVER CROSSING FOR HIGHWAY 3-0-1 IS VITALLY IMPORTANT. IT CANNOT HAPPEN QUICKLY ENOUGH.

Response to Comment 1:
This project is currently funded through the planning phase only. Upon approval of this final environmental document by the Federal Highway Administration (FHWA), the Selected Alternate for the project will become eligible to compete with other Maryland Transportation Authority (MDTA) funding needs for the subsequent project phases of final engineering design, right-of-way acquisition, and construction.

As discussed in Section I, one of the project purposes is to provide sufficient capacity for projected traffic volumes, while one of the project needs is to address capacity limitations of the existing bridge. Modified Alternate 7 will address the project purpose and need with the installation of four twelve foot wide travel lanes with a median barrier and full width shoulders, which will assist in reducing traffic congestion, minimizing queues, and providing more predictable travel times at the crossing.

PUBLIC HEARING ON ENVIRONMENTAL ASSESSMENT FOR THE HARRY NICE BRIDGE IMPROVEMENT PROJECT

1 MARYLAND TRANSPORTATION AUTHORITY HAS PRESENTED A VERY THOROUGH ANALYSIS OF THE CURRENT AND PROJECTED TRAFFIC ISSUES ASSOCIATED WITH THE HARRY NICE MEMORIAL BRIDGE IN ITS CURRENT FORM. AS COMMANDING OFFICER FOR BOTH INDIAN HEAD AND DAHLGREN, I AM A FREQUENT TRAVELER ACROSS THE NICE BRIDGE BETWEEN THE TWO BASES. AND I CAN ATTEST TO THE URGENCY OF THE NEED FOR IMPROVEMENTS FOR THIS MAJOR TRANSPORTATION ROUTE ACROSS THE POTOMAC.

2 LIKEWISE, THERE ARE HUNDREDS OF EMPLOYEES ON THE TWO BASES THAT COMMUTE DAILY FROM THEIR HOMES IN MARYLAND TO WORK AT DAHLGREN, OR FROM THEIR HOMES IN VIRGINIA TO WORK AT INDIAN HEAD. FOR A SIGNIFICANT PORTION OF OUR WORKFORCE, THE NICE BRIDGE IS THE ONLY OPTION FOR THEIR COMMUTE TO AND FROM THEIR PLACE OF WORK.

3 CONSEQUENTLY, I AM AN ADVOCATE FOR IMPROVEMENTS TO THE NICE BRIDGE THAT WILL PROVIDE A SAFE AND ACCESSIBLE POTOMAC RIVER CROSSING.

MY SECOND REASON FOR BEING HERE TONIGHT IS TO ALSO ADVOCATE FOR A SOLUTION THAT WILL NOT ADVERSELY IMPACT THE MILITARY MISSIONS OF INDIAN HEAD OR DAHLGREN, AND, ULTIMATELY, THEIR ECONOMIC VITALITY.

MARYLAND TRANSPORTATION AUTHORITY ENGAGED MY COMMAND EARLY IN THEIR PROJECT TO DEVELOP IMPROVEMENT OPTIONS FOR THE NICE BRIDGE. WE HAVE BEEN AN ACTIVE STAKEHOLDER THROUGHOUT EACH PHASE OF M-T-A's STUDY AND HAVE COMMENTED ON THE AGENCY'S ENVIRONMENTAL ASSESSMENT IN SUPPORT OF THE NICE BRIDGE PROJECT.

4 WITH REGARD TO THE NICE BRIDGE ALTERNATES UNDER STUDY, WE HAVE BEEN CONSISTENT IN OUR POSITION. WE HAVE PROVIDED EXPLANATION AND EVIDENCE AS TO WHY WE CANNOT AGREE TO AN EASEMENT ON NAVAL SUPPORT FACILITY DAHLGREN THAT WOULD BE REQUIRED TO ACCOMMODATE ANY OF THE ALTERNATES INVOLVING CONSTRUCTION SOUTH OF THE CURRENT BRIDGE STRUCTURE.

MY POSITION IS NOT REFLECTIVE OF ANY DESIRE TO SIMPLY WITHHOLD NAVY-OWNED REAL ESTATE FROM A PUBLIC VENTURE. AT ISSUE IS THE ADVERSE IMPACT THAT ANY OF THE SOUTHERN ALTERNATES WOULD HAVE ON UNIQUE RESEARCH AND TEST FACILITIES LOCATED AT THE NORTHWEST CORNER OF NAVAL SUPPORT FACILITY DAHLGREN.

Refer to the preceding page for the response to Comment 1.

Response to Comment 2:
The September 16, 2008 joint resolution between Charles County, Maryland and King George County, Virginia local elected officials recognizes the Nice Bridge's significant contribution to the Maryland and Virginia economies. As discussed in Section II.A, Modified Alternate 7 will reduce traffic delays, provide more predictable travel times and improve mobility for residents, recreational travelers, and business commerce, which in turn, will help support economic growth in Maryland and Virginia. The inclusion of a bike/ped path will also encourage bicycle tourism along the corridor. By avoiding encroachment of NSF Dahlgren, employment will not be impacted by the project.

Response to Comment 3:
One of the purposes of the project is to improve traffic safety on the bridge and roadway approaches (Section I.B). Modified Alternate 7 meets this need by providing a continuous physical median barrier separation of opposing traffic across the bridge, which eliminates the risk of head-on collisions; two twelve foot wide lanes of travel in each direction, which eliminates the current merge area from two to one lane of traffic on each roadway approach to the bridge; and full width shoulders, which provide needed recovery and refuge area for vehicles. Modified Alternate 7 also includes a ten-foot wide bicycle/pedestrian path along the south side of the new bridge. To increase the safety of path users, fencing and railing will be installed, and the path will be barrier-separated from the travel lanes. Additionally, the path crosses beneath the structure on each shore to direct bicyclists/pedestrians to the appropriate outside shoulder of US 301 eliminating the need to cross the highway.

Response to Comment 4:
Modified Alternate 7 would not result in direct impact to Naval Support Facility Dahlgren (NSFD). In Section II.A, it is noted the selection of Modified Alternate 7 included recognition of the property, resource, employment, and mission impacts from the southern alternates that would result on the NSFD.

PUBLIC HEARING ON ENVIRONMENTAL ASSESSMENT FOR THE
HARRY NICE BRIDGE IMPROVEMENT PROJECT

IN GRANTING ANY EASEMENT OF NAVY PROPERTY – CALLED FOR IN ALTERNATES TWO, THREE, AND SIX AND THEIR VARIOUS OPTIONS – WE WILL BE IN THE POSITION OF COMPROMISING CRITICAL SAFETY AND SECURITY ZONES ASSOCIATED WITH FACILITIES DEVOTED TO THE RESEARCH AND DEVELOPMENT OF SYSTEMS AND EQUIPMENT THAT PROTECT AGAINST CHEMICAL AND BIOLOGICAL THREATS.

4 THIS WORK IS CARRIED OUT BY THE NAVAL SURFACE WARFARE CENTER DAHLGREN DIVISION, THE LARGEST SUPPORTED COMMAND ON BOARD NAVAL SUPPORT FACILITY DAHLGREN. FOR A NUMBER OF REASONS, THE FACILITIES REQUIRED FOR THIS WORK CANNOT BE RELOCATED ON THE BASE. THIS WORK IS NOT DUPLICATED ELSEWHERE, AND IS CRITICAL TO THE MISSION OF U.S. ARMED FORCES ON A DAY-TO-DAY BASIS.

HENCE, ANY ENCROACHMENT ONTO NAVAL SUPPORT FACILITY DAHLGREN, AT THE JUNCTURE OF THE BASE'S PROPERTY LINE WITH THE NICE BRIDGE AND HIGHWAY 3-0-1, HAS THE POTENTIAL TO HALT THIS IMPORTANT WORK, CUT OFF THE FLOW OF FUNDING FOR THIS EFFORT, AND ULTIMATELY AFFECT JOBS.

IN SUMMARY, AND IN VIEW OF ALL THE ISSUES I HAVE HIGHLIGHTED, I AM FULLY SUPPORTIVE OF ALTERNATES FOUR, FIVE AND SEVEN CURRENTLY UNDER CONSIDERATION FOR THE NICE BRIDGE PROJECT, EACH OF WHICH PROVIDE FOR FOUR LANES OF TRAFFIC ACROSS THE POTOMAC RIVER.

5 FURTHERMORE, I WOULD ADVOCATE FOR ALTERNATE SEVEN AS A PREFERRED ALTERNATE. THIS OPTION PROVIDES FOR CONSTRUCTION OF A NEW FOUR-LANE BRIDGE NORTH OF THE EXISTING NICE BRIDGE. I BELIEVE THIS OPTION WILL BEST SATISFY EXISTING AND PROJECTED TRANSPORTATION NEEDS FOR THE HIGHWAY 3-0-1 CORRIDOR, AND WILL AVOID FUTURE COSTLY MAINTENANCE REQUIREMENTS ASSOCIATED WITH KEEPING THE ORIGINAL NICE BRIDGE STRUCTURE IN SERVICE.

I APPRECIATE THIS OPPORTUNITY TO COMMENT, AND LOOK FORWARD TO CONTINUING MY SUPPORT OF THE NICE BRIDGE IMPROVEMENT PROJECT.

- END OF REMARKS -

[Captain Catie Hanft also provided these comments at the September 24, 2010 Public Hearing held in Virginia]

Refer to the preceding page for the response to Comment 4.

Response to Comment 5:
As summarized in Section I.B, the purpose of the project includes providing a crossing of the Potomac River that is geometrically compatible with the US 301 approach roadways, providing sufficient capacity to carry projected vehicular traffic volumes in 2030, improving traffic safety, and providing the ability to maintain two-way traffic flow during maintenance and incidents. Modified Alternate 7 satisfies each of these needs with the installation of four, twelve-foot wide travel lanes, two in each direction, with median separation and full width shoulders, along with reduced grade slopes. As detailed in Section II.C, the identification of the Preferred Alternate was determined based on which alternate best meets the project purpose and need, would not impact the critical missions at NSFD, addresses the majority of comments received, has lower construction costs, minimizes delay impacts to motorists, and eliminates the need for repeated impacts to aquatic habitat. An additional element of Modified Alternate 7 includes removal of the existing bridge, thus avoiding future maintenance cost requirements (see Appendix C for the Section 106 Programmatic Agreement).

Virginia Public Hearing
Private Testimony, 9-24-09

MR. KOLAKOWSKI:
Good evening. My name is Peter Kolakowski. I am here with Mr. Stuart A. Koch who is our Acting Technical Director as well as our Division Deputy Technical Director. We are here to provide comments that would be given by our commander, Captain Sheila Patterson. She as unable to be here this evening because of a death in the family, so we are here to present remarks from Naval Surface Warfare Center Dahlgren Division.

Good evening, everyone. As Commander and speaking on behalf of the Commander of the Naval Surface Warfare Center, Dahlgren Division. We are the largest tenant at the Naval Support Facility South Potomac, which is also the tenant that is the most greatly impacted by the Harry Nice Bridge Expansion Project.

1 Representatives from NSWC Dahlgren have coordinated closely with Captain Hanft, and she has addressed impacts to our command as well as those of our sister tenants. We are in full agreement that a fundamental concern is the compromise of our unique and specialized laboratories and facilities in closest proximity to the Harry Nice Bridge.

Captain Hanft has represented our concerns and we appreciate her help in making sure the Maryland Transportation Authority understands our concerns.

2 We all understand the need for the bridge expansion and commend the Maryland Transportation Authority for their impressive studies and continued efforts to resolve the growing traffic and safety concerns regarding the Harry Nice Bridge.

We appreciate their extending to us the opportunity to provide input to their development of alternates. Of these alternates, however, we stand firm that any alternate that requires expansion to the south of the existing bridge would be detrimental to the work performed by NSWC Dahlgren.

1 In particular, moving the roadway closer would violate minimum standoff distance to safely operate the facilities in the northwestern corner of NSF South Potomac and would disrupt infrastructure, e.g. the main artery to several NSWC Dahlgren facilities including the Herb Bateman Building, and our Warfare Systems facilities. From an antiterrorism force protection standpoint, the bridge cannot come south of the current footprint.

Response to Comment 1:
Refer to the Naval Support Activity South Potomac letter from Captain Catie Hanft, response to Comment 4, in this *Federal Agency Comments* section.

Response to Comment 2:
Refer to the Naval Support Activity South Potomac letter from Captain Catie Hanft, responses to Comments 1 and 3, in this *Federal Agency Comments* section.

Alternates requiring movement to the south would therefore require relocation of facilities necessary for Mission-Critical support. Such a move would be extremely difficult, for there are essentially no building sites available due to the need of these facilities to be adjacent to the water and looking down river.

1

Moreover, such moves are cost prohibitive. Reconstruction would cost tens of millions of dollars.

For example, the existing Bateman building is approximately 54,000 square feet. The minimum cost to build a replacement building is 54,000 square feet times $400 a square foot which equals $21.6 million and could easily climb to $30 million when you add laboratory capabilities such as what would be required to support the mission.

3 Another consideration is the cost to the community for the relocation has the potential to cause an interruption of jobs.

Then there is the impact to the infrastructure that Captain Hanft has addressed, which would all have to be relocated from the shoreline to the point where the new highway would blend back into the existing highway.

This includes the fence line, security system, perimeter roadway, various underground utilities,
1 communication building and the drainage ditch.

The bottom line, however, is that we cannot afford to interrupt the work performed at these facilities. This work is critical to our national defense and homeland security and our support of our warfighters. Construction of new facilities could take years and the Navy just cannot afford to be without these facilities for that long. The result would be a huge gap in critical mission support.

4 I encourage and recommend we work closely with our King George County officials on the alternative approaches North of the bridge.

In conclusion, thank you for the opportunity to provide our comments. We appreciate MTA working with us and look forward to continuing our dialogue with you throughout the next steps of this project.

Response to Comment 3:
Refer to the Naval Support Activity South Potomac letter from Captain Catie Hanft, response to Comment 2, in this *Federal Agency Comments* section.

Response to Comment 4:
Throughout the life of the project, MDTA has coordinated closely with elected officials, including King George County (see Section V.B). A Memorandum of Agreement (MOA) has been executed, with King George County as a signatory, for impacts to parkland north of the existing bridge by Modified Alternate 7 (Appendix B).

U.S. Environmental Protection Agency
DeGeorgio, Alaina
October 13, 2009

From: DeGeorgio.Alaina@epamail.epa.gov [mailto:DeGeorgio.Alaina@epamail.epa.gov]
Sent: Tuesday, October 13, 2009 3:46 PM
To: Megan Blum
Cc: Rudnick.Barbara@epamail.epa.gov; Glen Smith
Subject: RE: Nice Bridge EA

Megan,

Thank you for extending the deadline for comments until today. Your answers to my questions were very helpful, as were the some of the technical reports you directed me to last week on the phone. After reviewing the Nice Bridge EA, EPA has the following comments, which can be found below.

Thanks,

Alaina

Alaina DeGeorgio
ORISE Intern
EPA Region III
1650 Arch St.
Philadelphia, PA
(215) 814-2741

1 | 1. At the completion of the Phase 1 archeological study, please include the results in the EA. Please give more information on possible UXO in the study area. Are UXO expected in the area of disturbance? Is there a plan for how they will be dealt with if they are encountered?

2 | 2. No stormwater management facilities designs or locations were given, include any available information. Is there any anticipated potential impact from SW on wetlands and streams? Please consider including the use of low impact development techniques (LID) into the plans for this project. LID is a natural approach to land development (or re-development) and stormwater management designed to reduce impacts on watershed hydrology and aquatic resources. Enhancements to site designs can result in significant reductions in stormwater quantity and quality impacts prior to the development of any structural stormwater practices on a site. In addition to the implementation of LIDs, the stormwater treatment and management structures for the project should not be placed in wetland areas. For additional and more comprehensive information on LID information, please refer to the following website: http://www.epa.gov/nps/lid/

3 | 3. Estimate the amount of material to be dredged for this project. Has a disposal area been identified? Does the amount of dredged material vary between alternatives? To what depths will dredging occur? It would be helpful to provide a map or figure showing the current depths in the Potomac and the proposed new depths.

4 | 4. It would be helpful to include total wetland size and total stream footage column to Table 6-Waterway and Wetland Impacts by Alternate found in Appendix D. This information would provide perspective as to the amount of impacts as well as efforts to avoid and minimize impacts. Please include a figure showing clearly total aquatic resources and resources to be impacted. Although the table does give detail on the impact areas, there is no visual to link them to.

5 | 5. Discuss and identify possible noise impacts and impacts to aquatic resources resulting from construction and demolition activities. Note if information is going to be included in a later document.

6 | 6. Clarify reasoning for stream impacts. This will be helpful in determining whether these impacts are unavoidable and if all possibilities to avoid and minimize have been considered. Discuss impacts of stream shading in EA, expanding on NETR Section IIG3.

7 | 7. Has imperviousness been taken into account? What is the current percentage of impervious surface and how will the proposed project alternatives impact amount?

8 | 8. Indirect and cumulative impacts are thoroughly analyzed in the ICE technical report. However, the document does not fully convey into the EA. Consider adding additional information from the ICE that would strengthen this portion of the EA, like a summary of current, past and near future development.

Response to Comment 1:
Phase I archeology study results are summarized in Section IV.B. One site in Maryland and one site in Virginia would be affected by the Nice Bridge project. As per the Section 106 Programmatic Agreement (see Appendix C), additional archeological surveys will be performed during final design for both sites to determine National Register of Historic Places (NRHP) eligibility data recovery will be conducted, if required.

Land-based unexploded ordnance (UXO)/Munitions and Explosives of Concern (MEC) investigations have been conducted during invasive activities and did not identify any MEC. MEC investigations in the Potomac River will occur prior to construction, and if discovered, safe handling and disposal procedures will be followed as outlined in an approved *Work Plan for Site Specific Munitions and Explosives of Concern* to protect the people residing and working in the vicinity of the site.

Response to Comment 2:
Stormwater management (SWM) plans will be developed during final design. To the extent practicable, the design of SWM measures will avoid aquatic resources. The use of low impact development techniques (LID) will be considered for this project.

Response to Comment 3:
Estimated temporary dredging impacts from the alternates ranged from 61 to 89 acres; with Modified Alternate 7 requiring 65 acres (see Table S-1). During design, further minimization efforts will focus on limiting the amount of dredging required for barge access, and the disturbance of the river bottom for pier placement. The study team is coordinating with US Fish and Wildlife Service to potentially reserve space for storing dredge spoil material at Barren Island. Due to the proximate time frame of construction, current depths of the Potomac will be determined during final design. This, along with more accurate knowledge of actual construction methods, will better determine the required dredging depths and dredge material volume.

Response to Comment 4:
Wetland and stream (Waters of the US) impacts are shown in Table 2, which is a worst-case assessment including all streams and wetlands located within the limits of disturbance (LOD). The anticipated impacts to streams, which are ditch-type systems with very little flow except following precipitation events, would result from fill needed for roadway embankments and construction of bridge abutments (see Section IV.C). See Preferred Alternate mapping in Appendix A for locations.

Refer to page E-7 for responses to Comments 5, 6, and 7, and page E-8 for response to Comment 8.

Response to Comment 5:
Potential impacts to the natural environment from construction and demolition noise are discussed in Section II.E. of the Noise Quality Technical Report, which indicates potential short-term noise levels between 78 and 83 dBA within 100 feet of construction equipment. Discussions on possible impacts to aquatic resources from construction and demolition activities by Modified Alternate 7 are summarized in Section III.C. of the FONSI and presented in Section II.H.2.nof the Natural Environmental Technical Report.

Construction impacts to aquatic habitat by Modified Alternate 7 may include increased turbidity due to sedimentation from erosion or dredging activities, pollution from disturbed sediments, and runoff from impervious surfaces (see Sections IV. C. and IV.G). Impacts to aquatic resources resulting from construction and demolition activities will be avoided and/or minimized through implementation of dredging and blasting time-of-year restrictions (see Table III-1). These restrictions will be revisited with the resource agencies during final design.

Response to Comment 6:
Refer to response to Comment 4 above.

Shading impacts are not anticipated as there are no wetlands, streams, or submerged aquatic vegetation located beneath the proposed structure. The quantification of impacts is a worst-case assessment, which includes all streams and wetlands located within the LOD depicted on the mapping of the Preferred Alternate (Appendix A). During final design, additional methods to avoid and minimize impacts will be explored

Response to Comment 7:
As part of the preliminary stormwater management analysis, estimated new impervious surface from the build alternates ranged from approximately 138,000sf to 288,500sf in Maryland, and approximately 89,700sf to 214,700sf in Virginia. Minimization techniques for direct effects on waters due to increased impervious surface are presented in Section III.C. and long-term impacts will be minimized through implementation of best management practices based on Maryland and Virginia stormwater management regulations.

Refer to page E-8 for response to Comment 8.

U.S. Environmental Protection Agency
DeGeorgio, Alaina
October 13, 2009

Response to Comment 8:

The Indirect and Cumulative Effects (ICE) analysis summary, provided in Section IV.G. provides information regarding current, past and near future land use in conjunction with planned development, as depicted on Figures X-X. Based on coordination with county planners in Maryland and Virginia, no approvals for major developments are contingent upon Modified Alternate 7. The Maryland Department of Planning and the Virginia Employment Commission projects populations in Charles and King George counties to increase through the year 2020 regardless of improvements to the Nice Bridge. Therefore, development pressures are not predicted to result from the construction of any build alternate.

U.S. Department of the Interior
Taylor, Willie R.
October 16, 2009

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

TAKE PRIDE IN AMERICA

OCT 16 2009

9043.1
PEP/NRM

ER 09/860

Mr. Glen Smith, Project Manager
Maryland Transportation Authority
2310 Broening Highway, Suite 125
Baltimore, Maryland 21224

Dear Mr. Smith:

This is in response to a request for the Department of the Interior's (Department) review and comment on the Draft Environmental Assessment and Section 4(f) Evaluation for the **Governor Harry W. Nice Memorial Bridge (Bridge) Improvement Project, Charles County, Maryland, and King George County, Virginia**. We offer the following comments on this project for your consideration.

The Department appreciates the level of detail presented in the draft document regarding public recreation and historic resources within the project planning area and the effect of the various project alternatives on those resources.

Three recreation facilities, Barnesfield Park, Dahlgren Wayside Park, and Potomac Gateway Visitor Center, and one historic site, the Bridge (determined eligible for the National Register of Historic Places), are identified as possibly being affected by this project. These properties are considered potential Section 4(f) properties because they may be used by various project alternatives. Dahlgren Wayside Park is important to the Department because it provides canoe- and raft-launching access to the Potomac and the Captain John Smith Chesapeake National Historic Trail.

In 1972, two adjacent parcels of the Naval Weapons Laboratory in Dahlgren, Virginia, were conveyed in perpetuity, at no cost by the Department, for public parks and public recreation purposes under the Federal Lands to Parks Program. A 160-acre parcel was conveyed in perpetuity to King George County and developed into Barnesfield Park. A 10.5-acre parcel was conveyed in perpituity to the Virginia Department of Highways for use as a public park and for recreation purposes. This 10.5-acre parcel was later conveyed to King George County in 1984, as an addition to Barnesfield Park with the approval of the Department. In 2008, King George County's request to transfer 2 acres of land for use as a Welcome Center was approved by the Department. In 1985, King George County received a $240,000 grant for Barnesfield Park improvements from the Land and Water Conservation Fund. The Bridge was constructed between 1938 and

No comments on this page.

1940, and determined eligible for listing on the National Register of Historic Places for its association with historic events as well as its distinctive method of construction.

Section 4(f) Comments

The Draft Environmental Assessment and Section 4(f) Evaluation for Bridge improvement identifies four potential Section 4(f) resources that may be used by various project alternatives under study, seven of which have been retained for detailed study.

1 The Department's review suggests that alternatives 2, 3, and 6, involving construction south of the existing Bridge, are not feasible and prudent due to security requirements of existing facilities at Naval Support Facility Dahlgren. Alternative 4 appears to minimize the project's use of the park and recreation facilities as well as impacts to the

2 National Register-eligible Nice Bridge through rehabilitation. A *de minimis* impact determination for the use of Barnesfield Park seems appropriate due to the minimal impacts this project would have on the park, facilities, and their use. Although

3 alternative 5 appears to define similar use of park properties, its impact on the Bridge is greater than that of alternative 4. Alternative 7 involves use of more acreage from Barnesfield Park and Dahlgren Wayside Park and includes removing the current Bridge from use. It is noted that although the Bridge may or may not be immediately scheduled

4 for demolition, the outcome is likely to be demolition due to the continuing cost of maintaining the Bridge.

Section 6(f) Comments

5 Barnesfield Park is subject to Section 6(f) requirements due to a 1985 grant by the Land and Water Conservation Act of 1965(16 USC 460) as noted in the evaluation. Conversion of the use of portions of the park for this transportation project will require replacement lands of equal acreage, appraised value, and recreational usefulness as mitigation. The conversion process is to be initiated through the Virginia Department of Conservation and Recreation and requires National Park Service approval.

Mitigation Measures

6 Conversion from public recreation use of portions of Barnesfield Park, Dahlgren Wayside Park, and/or the Potomac Gateway Visitor Center is counter to the purposes for which these properties were transferred to the local and state governments. However, the Department will consider approval of converting sections of the three parks for the transportation project as long as the provisions of Section 4(f) are followed: the uses and impacts are minimized; and mitigation includes replacement lands of equal

7 acreage, appraised value, and recreation usefulness. Section 4(f) Mitigation for the use of the Bridge shall be the same as that required under Section 106 of the National Historic Preservation Act and will probably include recordation of the Bridge as stipulated by the Virginia State Historic Preservation Officer.

Response to Comment 1:
As discussed in Section VII of the Final Section 4(f) Evaluation, the study team determined Alternatives 2, 3 and 6 are infeasible, since NSFD cannot agree to an easement on NSFD property, and a state agency cannot condemn federal land.

Response to Comment 2:
Prior to issuance of the Environmental Assessment in 2009, King George County agreed that the Alternates Retained for Detailed Study would likely have no adverse effect to Barnesfield Park, and agreed with the MDTA's intent to pursue a *de minimis* finding for impacts to this resource. As stated in Section III.A and the Final Section 4(f) Evaluation, FHWA has determined Modified Alternate 7 would have a *de minimis* impact on Barnesfield Park. (See Section IV.A).

Response to Comment 3:
Although Modified Alternate 7 does not result in the least amount of park impact when compared to the other northern alternates evaluated (Alternates 4 and 5), Alternate 4 does not best meet the project's purpose and need, and Alternate 5 requires increased construction time and travel delays, as well as increased overall impacts to the natural environment, particularly the impact to aquatic resources two times as a new bridge is first installed, then a replacement bridge is installed.

Minor modifications were made to Alternate 7 to create a more cost-effective and less environmentally impactive solution. This was accomplished by the consolidation of the two one-way bike/ped paths on both sides of the new bridge proposed with Alternate 7, into a single two-way path on the south side only, resulting in Modified Alternate 7. This modification allows the opportunity for further minimization of project parkland impacts during design and construction.

Response to Comment 4:
An element of Modified Alternate 7 includes removal of the existing bridge, thus avoiding future maintenance cost requirements (see Appendix C for the Section 106 Programmatic Agreement).

Refer to following page for responses to Comments 5, 6, and 7

Response to Comment 5:
As documented in the Parks MOA (see Appendix B) executed by King George County (KGC), Virginia Department of Conservation and Recreation (DCR), and National Park Service (NPS), among others, mitigation for unavoidable impacts to Barnesfield Park from the project will be carried out consistent with Section 6(f) of the Federal Land and Water Conservation Fund (LWCF) Act (16 USC 460). Stipulation II. of the MOA calls for parkland replacement to be provided for impacts to Barnesfield Park. It will be KGC's responsibility to determine which of the potential replacement parklands identified in the Parkland Replacement Site Search would be most beneficial to its needs. The replacement parkland must meet conditions of the Section 6(f) of the LWCF Act, which will be of equal acreage and recreational value, and will be approved by Virginia Department of Conservation and Recreation and National Park Service prior to any acquisition of replacement parkland.

Response to Comment 6:
The Final Section 4(f) Evaluation provides a thorough analysis of avoidance and minimization alternates in an effort to reduce impacts to Section 4(f) resources in the project area. FHWA concluded in the Final Section 4(f) Evaluation that there is no feasible and prudent alternative to the use of parkland, and the project includes all possible planning to minimize harm (see Section III.A and the Final Section 4(f) Evaluation). Impacts to Section 4(f) resources will be mitigated through stipulations outlined in the Parks Memorandum of Agreement (MOA) (see Appendix B)

Response to Comment 7:
Refer to Response to Comment 6 above.

Per Section 106 of the National Historic Preservation Act (NHPA), adverse effects to the existing historic bridge and original Administration Building will be minimized and mitigated through measures stipulated in a Programmatic Agreement (PA) (see Appendix C) among (FHWA, MDTA, Maryland Historical Trust (MHT), Virginia Department of Transportation (VDOT), and Virginia Department of Historic Resources (DHR). The PA includes measures such as documentation and photographic records, interpretive signage and displays, electronic information resources, review of the new bridge design, and treatment of terrestrial and underwater archeological resources.

Points of Contact

Points of Contact for the National Park Service Land and Water Conservation Fund Program and the Federal Lands to Parks Program follow. Please contact these program managers for any additional information needed.

Roy Cortez
Land and Water Conservation Program
Northeast Regional Office, National Park Service
200 Chestnut Street
Philadelphia, Pennsylvania 19106
215-597-2334

William H. Huie
Federal Lands to Parks Program
Southeast Regional Office, National Park Service
1924 Building, 100 Alabama Street, SW
Atlanta, Georgia. 30303-8701
404-507-5689

We appreciate the opportunity to provide these comments. We look forward to working with your agency on completion of planning for this important transportation project.

Sincerely,

for Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

No comments on this page.

STATE AGENCY COMMENTS

&

MDTA RESPONSES

Chesapeake Bay Critical Area Commission
Roberts, Julie
August 28, 2009

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

August 28, 2009

Mr. Glen Smith, Project Manager
Maryland Transportation Authority
2310 Broening Highway, Suite 125
Baltimore, MD 21224

Re: Nice Bridge Environmental Assessment/Draft Section 4(f) Evaluation

Dear Mr. Smith,

Thank you for forwarding the Environmental Assessment/Draft Section 4(f) Evaluation package for the Nice Bridge Improvement Project. As the provided Assessment indicates, it is anticipated that 14.2 to 24. 5 acres within the Critical Area will be impacted by the build alternatives, which includes areas noted for the presence of Federal and State listed species and a waterbird colony. In addition, there are aquatic resources including submerged aquatic vegetation (SAV), and other aquatic resources. I see that my letter and the checklist of items needed for Commission review have been included along with the other agency comments in the binder.

The only comment I have at this stage, and this was brought up in the field on a site visit as well, is in regards to mitigation. The mitigation options currently provided for this project are for impacts to open water and impacted aquatic resources. Several of the alternatives for mitigation offer shoreline stabilization and marsh creation. While this office supports mitigation measures such as these in the
1 appropriate locations, specific consideration of the use of the Buffer for this purpose is needed. If approved, mitigation would be necessary should there be any disturbance to areas above Mean High Water (MHW) and the 100-foot Buffer, at a ratio of 1:1. We urge the applicants to coordinate with this
2 office early and often in this process to calculate any associated Critical Area mitigation for upland impacts, as the monetary and environmental costs will need to be considered in your choice of alternatives.

I look forward to working with you as the project progresses. Please contact me with any questions at 410-260-3476.

Sincerely,

Julie Roberts
Natural Resources Planner

Cc: 59-07

TTY for the Deaf
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Response to Comment 1:
As discussed in Section IV.C., any earth disturbance either as a result of project construction or mitigation of impacts within the 100-foot Buffer of the Potomac River in Maryland will be mitigated with reforestation equal to three times the acreage disturbed.

Response to Comment 2:
In Section IV.C., it is recognized that reforestation requirements for Modified Alternate 7 in Maryland will comply with Chesapeake Bay Critical Area Commission requirements in effect at the time they are expected to occur.

From: Peters, John (VOF) [mailto:jpeters@vofonline.org]
Sent: Friday, September 04, 2009 2:31 PM
To: MdTA Nice Bridge Study
Subject: Nice Bridge

1 Thank you for submitting the Nice Bridge Improvement Project Environmental Assessment. VOF currently holds an open-space easement on a property approximately 1.5-miles north of the proposed location in King George County and fronting on the Potomac River. The proposed project (including all alternatives) does not currently impact this easement. Please let me know if any changes to the proposed plans should occur. Also, new easements may be recorded in the future within the study area.

John Peters
Stewardship Specialist
Virginia Outdoors Foundation
1108 East Main Street, Suite 700
Richmond, VA 23219
Phone: 804.786.0801
Cell: 804.221.1922
Fax: 804.225.3236
Email: jpeters@vofonline.org
Web: www.vofonline.org

Response to Comment 1:
Additional coordination will be undertaken with the Virginia Outdoors Foundation (VOF) to determine whether VOF has subsequently acquired any property or easements that could be affected by the project during the design phase of Modified Alternate 7.

Virginia Department of Historic Resources
Holma, Marc
September 8, 2009

COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

Department of Historic Resources
2801 Kensington Avenue, Richmond, Virginia 23221-0311

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

8 September 2009

Mr. Glen Smith
Maryland Transportation Authority
2310 Broening Highway
Suite 150
Baltimore, Maryland 21224

Re: Environmental Assessment (EA) for the Governor Harry W. Nice Memorial Bridge Improvement Project
King George County, Virginia
DHR File # 2006-1393

Dear Mr. Smith:

The Department of Historic Resources (DHR) has received for our review and comment, the Environmental Assessment (EA) and Section 4(f) Evaluation for the proposed Governor Harry W. Nice Memorial Bridge improvement project prepared by the Maryland Transportation Authority (MTA) for the Federal Highway Administration (FHWA). The EA discusses the environmental impacts, including to historic properties, resulting from each of six build alternatives and a No Build alternative for the planned improvements to the Governor Harry W. Nice Memorial Bridge which crosses the Potomac River between the state of Maryland and the Commonwealth of Virginia.

With respect to historic properties within the undertaking's Area of Potential Effects (APE) that are located in Virginia, the only architectural resources identified as listed in or eligible for the National Register of Historic Places are up to four historic districts at Naval Support Facility Dahlgren. These historic districts are collectively identified by the DHR under our survey number 048-0104. The EA states on page III-21 that the Navy is currently reassessing
1 the resources on base and that the MTA "will continue to coordinate with NSF Dahlgren staff regarding potential effects to historic districts at the facility." We remind the MTA that such coordination with respect to resource eligibility and effect also has to be done with the DHR pursuant to Section 106. We also understand that the MTA
2 anticipates concluding a Phase I archaeological report on the preferred alignment. We look forward to reviewing this report once it is available.

If you have any questions regarding our comments, please call me at (804) 367-2323, Ext. 114.

Sincerely,

Marc Holma, Architectural Historian
Office of Review and Compliance

Administrative Services
10 Courthouse Avenue
Petersburg, VA 23803
Tel: (804) 862-6416
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Ave.
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Tidewater Region Office
14415 Old Courthouse Way, 2nd Floor
Newport News, VA 23608
Tel: (757) 886-2807
Fax: (757) 886-2808

Roanoke Region Office
1030 Penmar Ave., SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

Response to Comment 1:
As discussed in Section IV.B., a Section 106 Programmatic Agreement (PA) has been developed among MDTA, FHWA, Virginia Department of Historic Resources (DHR) and Maryland Historical Trust (MHT) to reduce adverse effects to historic properties by Modified Alternate 7. The PA, which was executed as a result of coordination with DHR, is included as Appendix C.

Response to Comment 2:
The Phase I archaeological report has been shared with DHR. A summary of the report's findings are included in Section IV.B. One site in Maryland and one site in Virginia would be affected by the Nice Bridge project. As per the Section 106 PA (see Appendix C), additional archeological surveys will be performed during final design for both sites to determine National Register of Historic Places (NRHP) eligibility data recovery will be conducted, if required.

Maryland Department of Transportation – Bicycle and Pedestrian Advisory Committee
Swift, Jim
September 17, 2009

Maryland Public Hearing
Public Testimony, 9-17-09

MR. SWIFT:

Hi, everybody. I am Jim, J-I-M, Swift, S-W-I-F-T. I am at 23308 Holly Hill Lane, California, Maryland. That is St. Mary's County.

I am with the Maryland Bicycle Pedestrian Advisory Committee, MBPAC. I happen to be the Southern Maryland rep and the Chairman of the outfit.

MBPAC is a 21-member committee appointed by the Governor to advise all the state agencies about bicycles and pedestrian issues. Thanks for having this thing today. Thank you, Glen and the staff. This is a great open meeting and we appreciate what you have done here. All the displays are great.

In any case, MBPAC on February 28 of 2008 voted unanimously to – the legislation that we see for the General Assembly to repeal the prohibition of bicycle and pedestrian use of toll facilities

Currently our Community and Transportation subcommittee is proposing a Draft resolution in support of the bicycling and pedestrian options on all the alternatives. I have submitted a Draft, a very rough draft to Glen and I am not going to read this thing because it has got a lot of whereas's and stuff like that, but I just want Glen to know that this is a rough and it has not yet been approved by the committee, but I am sure that it will be because of the votes that we had ir the past. So we hope to get this for you by the first of October, Glen.

1

In any case, the therefore part of it is the Maryland Bicycle and Pedestrian Advisory committee strongly recommends that the alternatives selected for replacement of the Governor Nice Bridge include the optional barrier separated bicycle and pedestrian path. That's all I have.

Response to Comment 1:
Modified Alternate 7 includes a single, two-way bicycle/pedestrian (bike/ped) path on the south side of the new bridge, providing an amenity that does not currently exist at the crossing. As described in Section II.A., the path will cross beneath each end of the structure to direct bicyclists/pedestrians to the appropriate outside shoulder of US 301 without users having to cross the highway. The bike/ped path will provide a connection along US 301 between recreational facilities in Maryland (i.e., Aqua-Land Campground and Marina) and Virginia (i.e., Barnesfield Park and Dahlgren Wayside park), and additional crossing of the Potomac for long-distance cyclists traveling the east coast. In addition, the bike/ped path will provide an alternate transportation mode for daily commuters to major area employers, such as the Naval Support Facility Dahlgren.

Maryland Department of Transportation – Bicycle and Pedestrian Advisory Committee
Swift, Jim
September 30, 2009

M A R Y L A N D
Bicycle and Pedestrian Advisory Committee

Jim Swift, Chairperson

Steven H. Allan
Vincent J. Browne Jr.
Richard A. Cushwa
Judith Grillo
Sgt. Janet Harrison
Gregory W. Hinchliffe
Michael Mason
Susan Mele
Carl Rebele
Kevin Racine
Marci Ross
Patrick Sheehan
Jeff Springer
Beverley Swaim-Staley
James G. Titus
Ann Walsh
Cari Watrous
Neal Welch
John Z. Wetmore

September 30, 2009

Mr. Glen Smith
Project Manager
Maryland Transportation Authority
2310 Broening Highway
Suite 125
Baltimore MD 21224

Dear Mr. Smith:

1 Attached is a resolution by the Maryland Bicycle and Pedestrian Advisory Committee (MBPAC) supporting the inclusion of a bicycle and pedestrian facility as part of all new or substantially renovated Governor Harry W. Nice Bridge improvement projects. MBPAC has been established by State law to provide guidance to State agencies in matters directly affecting bicyclists and pedestrians.

Thank you for your inclusion of this resolution into the public comment record. Please feel free to contact Mr. Michael Jackson, MBPAC staff member at 410-865-1237 or via email at mjackson3@mdot.state.md.us if there are any questions regarding this matter.

Sincerely,

Jim Swift, Chairperson
Maryland Bicycle and Pedestrian Advisory Committee

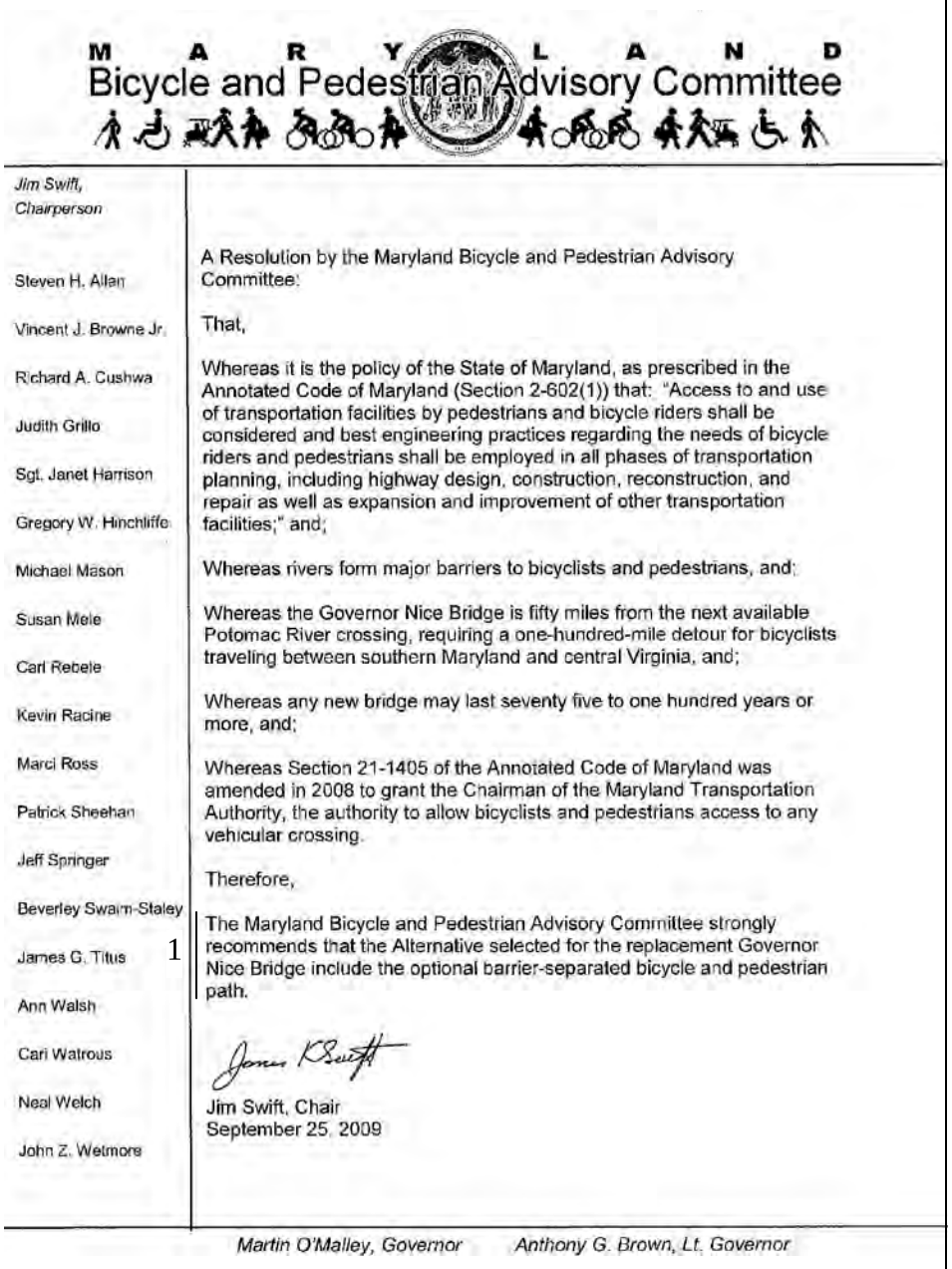
Attachment

cc: Michael E. Jackson, Director of Bicycle and Pedestrian Access, Maryland Department of Transportation

Martin O'Malley, Governor *Anthony G. Brown, Lt. Governor*

Response to Comment 1:
Refer to the September 17, 2009 public testimony from Jim Swift (page F-16), response to Comment 1, in this *State Agency Comments* section.

Maryland Department of Transportation – Bicycle and Pedestrian Advisory Committee
Swift, Jim
September 30, 2009



MARYLAND
Bicycle and Pedestrian Advisory Committee

Jim Swift, Chairperson

Steven H. Allan
Vincent J. Browne Jr.
Richard A. Cushwa
Judith Grillo
Sgt. Janet Harrison
Gregory W. Hinchliffe
Michael Mason
Susan Mele
Carl Rebele
Kevin Racine
Marci Ross
Patrick Sheehan
Jeff Springer
Beverley Swaim-Staley
James G. Titus
Ann Walsh
Cari Watrous
Neal Welch
John Z. Wetmore

A Resolution by the Maryland Bicycle and Pedestrian Advisory Committee:

That,

Whereas it is the policy of the State of Maryland, as prescribed in the Annotated Code of Maryland (Section 2-602(1)) that: "Access to and use of transportation facilities by pedestrians and bicycle riders shall be considered and best engineering practices regarding the needs of bicycle riders and pedestrians shall be employed in all phases of transportation planning, including highway design, construction, reconstruction, and repair as well as expansion and improvement of other transportation facilities;" and;

Whereas rivers form major barriers to bicyclists and pedestrians, and;

Whereas the Governor Nice Bridge is fifty miles from the next available Potomac River crossing, requiring a one-hundred-mile detour for bicyclists traveling between southern Maryland and central Virginia, and;

Whereas any new bridge may last seventy five to one hundred years or more, and;

Whereas Section 21-1405 of the Annotated Code of Maryland was amended in 2008 to grant the Chairman of the Maryland Transportation Authority, the authority to allow bicyclists and pedestrians access to any vehicular crossing.

Therefore,

The Maryland Bicycle and Pedestrian Advisory Committee strongly recommends that the Alternative selected for the replacement Governor Nice Bridge include the optional barrier-separated bicycle and pedestrian path. 1

Jim Swift, Chair
September 25, 2009

Martin O'Malley, Governor *Anthony G. Brown, Lt. Governor*

Response to Comment 1:
Refer to the September 17, 2009 public testimony from Jim Swift (page F-16), response to Comment 1, in this *State Agency Comments* section.

Virginia Department of Conservation and Recreation
Munson, Robert
September 18, 2009

L. Preston Bryant, Jr.
Secretary of Natural Resources

Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-6124

MEMORANDUM

Date: September 18, 2009

To: Glen Smith, MDTA

From: Robert S. Munson, Planning Bureau Manager, DCR-DPRR

Subject: DCR 09-096, Maryland Transportation Authority Harry W. Nice Bridge Memorial EA, King George CO

Division of Planning and Recreational Resources

Based on the information in the EA draft section 4 (f) evaluation, the proposed project will impact 2.2 acres at Barnesfield Park. Barnesfield Park is under the protection of section 6 (f) of the Land & Water Conservation Act. The impact to the protected area will constitute a conversion of use under the Land & Water Conservation Act. In order for the conversion to take place, King George County must undergo the Conversion of Use process with DCR and the National Park Service.

In DCR's previous conversations with the MDTA, the conversion steps have been outlined. Section 6 (f) requires that the impact area of the protected park be replaced with property that has equal or greater value and equivalent recreation usefulness. In addition, the replacement property must constitute a viable recreation area. Replacement of land and facilities need not be the same type of recreational facilities but must meet recreational needs that are identified in the Virginia Outdoors Plan. The replacement property must be approved by DCR prior to submission to the NPS for approval on the conversion. It is highly recommended that the conversion process be started early to avoid delay in construction schedules. Conversions must be approved prior to any land disturbing activity on the 6 (f) protected area. As a general rule, the sponsor should anticipate the conversion process to take at least a year for completing all of the requirements. 1

Division of Natural Heritage

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

State Parks • Soil and Water Conservation • Natural Heritage • Outdoor Recreation Planning
Chesapeake Bay Local Assistance • Dam Safety and Floodplain Management • Land Conservation

Response to Comment 1:
Refer to the US Department of Interior's letter from Willie R. Taylor, response to Comment 5, in the *Federal Agency Comments* section.

2 According to the information currently in our files, many Bald Eagle nest sites (*Haliaeetus leucocephalus*, G5/S2S3B,S3N/NL/LT) have been documented in the project vicinity. Bald Eagle nest sites are often found in the midst of large wooded areas near marshes or other bodies of water (Byrd, 1991). Bald Eagles feed on fish, waterfowl, seabirds (Campbell et. al., 1990), various mammals and carrion (Terres, 1980). Threats to this species include human disturbance of nest sites (Byrd, 1991), habitat loss, biocide contamination, decreasing food supply and illegal shooting (Herkert, 1992). Please note that this species is currently classified as threatened by the Virginia Department of Game and Inland Fisheries (VDGIF).

Due to the legal status of the Bald Eagle, DCR recommends coordination with the VDGIF to ensure compliance with protected species legislation.

In addition, our files indicate the presence of Chotank Creek State Natural Area Preserve under DCR's jurisdiction in the project vicinity. However, due to the scope of the activity and the distance to the resources, we do not anticipate that this project will adversely impact Chotank Creek State Natural Area Preserve.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Conservation and Recreation (DCR), DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

3 New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

The Virginia Department of Game and Inland Fisheries maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from http://vafwis.org/fwis/ or contact Shirl Dressler at (804) 367-6913.

Division of Soil and Water Conservation

4 Erosion & Sediment Control:
Virginia Department of Transportation (VDOT) projects that undertake land-disturbing activities of greater than 2,500 square feet must comply with the most current version of the VDOT erosion and sediment control (ESC) annual specifications approved by DCR. All regulated land-disturbing activities must have a project specific ESC plan developed in accordance with the DCR approved VDOT ESC annual specifications. However, the project specific ESC plan need not be submitted to DCR for approval since VDOT has DCR approved annual specifications. All regulated land-disturbing activities associated with the project, including on and off site access roads, staging areas, borrow areas, stockpiles, and soil intentionally transported from the project must be covered by the project specific ESC plan. Annual specifications must be prepared in accordance with the Virginia Erosion & Sediment Control Law (VESCL) and Regulations (VESCR) and the most current version of the *Virginia Erosion & Sediment Control Handbook*. [Reference: VESCL §10.1-560, §10.1-564; VESCR §4VAC50-30-30, VESCR §4VAC50-30-40, §4VAC50-30-100]

5 Stormwater Management:
VDOT projects that undertake land-disturbing activities equal to or greater than 2,500 square feet must comply with the most current version of the VDOT stormwater management (SWM) annual specifications approved by DCR. All regulated land-disturbing activities must have a project specific SWM plan developed in accordance with the DCR approved VDOT SWM annual specifications. However, the project specific SWM plan need not be submitted to DCR for approval since VDOT has

Response to Comment 2:
As presented in Section IV.C., construction activities for Modified Alternate 7 will be conducted in compliance with DGIF's latest Bald Eagle Protection Guidance for Virginia. Currently no nests were identified within 330 feet of the limits of disturbance and prohibitions to dredging and blasting will be instituted to minimize disruption during the bald eagle nesting season.

Response to Comment 3:
The Virginia Department of Game and Inland Fisheries (DGIF) will be contacted during the design phase to obtain data updates regarding wildlife resources under DGIF's jurisdiction within the vicinity of the project, including within the expanded limits of disturbance and proposed mitigation sites.

Response to Comment 4:
Section IV.C. notes during construction of Modified Alternate 7, releases of sediment from land-disturbing activities will be minimized through erosion and sediment controls. Section VI.C. further commits that during design of Modified Alternate 7, a sediment and erosion control plan will be developed for land-disturbing activities in Virginia that is consistent with the requirements of the Virginia Erosion and Sediment Control Handbook.

Response to Comment 5:
Section IV.C. notes during construction of Modified Alternate 7, stormwater will be managed to limit downstream erosion and impairment of water quality. Section V.C. further commits that during design of Modified Alternate 7 stormwater management plans will be developed and to the extent practicable, the design of stormwater management measures will avoid aquatic resources. Approvals of stormwater management plans will be obtained pursuant to obtaining NPDES permits.

DCR approved annual specifications. Annual specifications must be prepared in accordance with the Virginia Stormwater Management Act (VSMA) and the Virginia Stormwater Management Program (VSMP) Permit Regulations. [Reference: VSMA §10.1-603.5; VSMP Permit Regulations §4VAC50-60-160]

General Permit for Discharges of Stormwater from Construction Activities in CBPA:
The operator or owner of construction activities involving land disturbing activities equal to or greater than 2,500 square feet in areas designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations adopted pursuant to the Chesapeake Bay Preservation Act are required to register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project specific stormwater pollution prevention plan (SWPPP). The SWPPP must be prepared prior to submission of the registration statement for coverage under the general permit and the SWPPP must address water quality and quantity in accordance with the Virginia Stormwater Management Program (VSMP) Permit Regulations. General information and registration forms for the General Permit are available on DCR's website at
http://www.dcr.virginia.gov/soil_and_water/index.shtml
[Reference: Virginia Stormwater Management Law Act §10.1-603.1 et seq.; VSMP Permit Regulations §4VAC-50 et seq.]

5

Division of Dam Safety and Flood Plain Management

The Flood Plain Management Program of DCR has reviewed the subject project, and has the following comments: this project is in a designated floodplain on the flood map: a VE zone with a base flood elevation (BFE) of 9.2 feet, and an AE zone with a BFE of 7.2 feet. The project is the improvement of the Harry W. Nice bridge, which carries U.S. Route 301 over the Potomac River between Maryland and Virginia.

The project will have no affect on the BFE of the Potomac River River.

The Flood Plain Management Program of DCR has no objection to this project. According to Executive Order 11988, 44 CFR 60.12, and 44 CFR 60.3.(e) the project needs to comply with the floodplain ordinance of the local community (King George County), which is responsible for the proper management of any development in its floodplain areas.

6

The remaining DCR divisions have no comments regarding the scope of this project. Thank you for the opportunity to comment.

CC: Amy Ewing, VDGIF

Refer to the preceding page for the response to Comment 5.

Response to Comment 6:
As Section IV.C. notes, Modified Alternate 7 is consistent with applicable local floodplain protection standards. Section VI. F. commits to conducting a hydrologic and hydraulic study during final design of Modified Alternate 7 to determine what effect the construction of the new bridge will have on Potomac River flood elevations.

Literature Cited

Byrd, M.A. 1991. Bald eagle. In Virginia's Endangered Species: Proceedings of a Symposium. K. Terwilliger ed. The McDonald and Woodward Publishing Company, Blacksburg, Virginia. Pp. 499-501.

Campbell, R.W., N.K. Dawe, I. McTaggart-Cowan, J.M. Cooper, G.W. Kaiser, and M.C.E. McNall. 1990. The Birds of British Columbia. Vol. 1. Nonpasserines: Introduction and loons through waterfowl. Royal British Columbia Museum, Victoria, British Columbia, Canada.

Herkert, J. R., editor. 1992. Endangered and threatened species of Illinois: status and distribution. Vol. 2: Animals. Illinois Endangered Species Protection Board. iv + 142 pp.

Terres, J.K. 1980. The Audubon Society encyclopedia of North American birds. Alfred A. Knopf, New York.

No comments on this page.

Maryland Department of Transportation
Murphy, Heather
October 1, 2009

Glen/Megan,

Thank you for the opportunity to review the Governor Harry W. Nice Bridge Improvement Project Environmental Assessment (EA). The Maryland Department of Transportation (MDOT) appreciates the opportunity to review this document. Just to let you know, the State Highway Administration (SHA) will also be forwarding comments to you directly. Our comments/thoughts are as follows:

1 • An expansion of the Nice Bridge to 4 lanes to reduce traffic congestion is a priority to the Charles County Commissioners as indicated in their June 8, 2009 transportation priority letter to MDOT.

2 They are also concerned that the bridge is a limiting factor in the path of evacuation should a natural disaster or homeland security issue occurs. In addition, the County's 2006 Comprehensive Plan recommends increasing the capacity of the bridge.

• **Consistency with the Southern Maryland Transportation Needs Assessment**

We reviewed the Nice Bridge for consistency with the recently completed and heavily coordinated Southern Maryland Transportation Needs Assessment (TNA), which recommends the expansion of the Nice Bridge to facilitate the flow of traffic at the toll facilities and improve access between Maryland and Virginia. Each of the alternatives retained for detailed study within the EA, with the exception of the "No Build" alternative, are consistent with this recommendation. Furthermore, the TNA recommends that bicycle and pedestrian facilities should be integrated into roadway development projects. This recommendation is supported by

3 the bicycle/pedestrian path options within the EA.

Overall the EA is consistent with the recommendations of the TNA with the exception of the "No Build" alternative and the options that do not include bicycle/pedestrian facilities.

• **Issues Related to Multi modalism and Transportation – Land Use Connections**

We support any opportunities to advance some of the recommendations in the TNA, particularly those related to highway projects, access management, land use, operations, bicycle and pedestrian strategies, and transit in Southern Maryland.

Access Management and Land Use

The TNA recommends that access controls be implemented on US 301 from south of LaPlata to the Potomac River. Implementing access controls before development pressure builds is easier and less expensive than waiting until after development has occurred, therefore, it is

4 important to move forward on this TNA recommendation concurrently with the planning and construction of the Nice Bridge expansion. This can be an opportunity for MDOT, MDTA, SHA, and Charles County to strengthen their partnership and ensure that county land use plans and arterial access management plans are coordinated and that State and County elected leaders and policy makers are aware of the importance of access management to traffic flow and safety.

Response to Comment 1:
As summarized in Section I.B, the purpose of the project includes providing a crossing of the Potomac River that is geometrically compatible with the US 301 approach roadways, providing sufficient capacity to carry projected vehicular traffic volumes in 2030, improving traffic safety, and providing the ability to maintain two-way traffic flow during maintenance and incidents. Modified Alternate 7 satisfies each of these needs with the installation of four, twelve-foot wide travel lanes, two in each direction, with median separation and full width shoulders, along with reduced grade slopes, which will assist in reducing traffic congestion, minimizing queues, and providing more predictable travel times at the crossing.

Response to Comment 2:
As discussed in Section I, the need for the project recognizes this crossing as part of a critical evacuation route for Southern Maryland and the Washington D.C. area to points south. Modified Alternate 7 will double the existing travel lane capacity, along with providing full width shoulders at this crossing, thereby improving this evacuation route.

Response to Comment 3:
Refer to the September 17, 2009 public testimony from Jim Swift, response to Comment 1, in this *State Agency Comments* section.

Response to Comment 4:
Decisions to further control access along US 301 in Maryland are under the jurisdiction of the State Highway Administration (SHA). Modified Alternate 7 would not preclude any access revisions along US 301 north to La Plata.

Maryland Department of Transportation
Murphy, Heather
October 1, 2009

Operations

5 Once the project starts to look at implementing a build alternate, MDTA should look at deployment of dynamic message signs, closed circuit television cameras, roadway weather information systems, and traffic speed detectors at appropriate locations in Southern Maryland. MDTA should coordinate with the Coordinated Highways Action Response Team (CHART) to review deployment plans for these items considering the expansion of the Nice Bridge.

6 Since additional vehicles may use the US 301 Corridor once the Nice Bridge is expanded, any signal timing and coordination efforts along US 301 should be reviewed by SHA and MDTA in light of the new traffic flow.

Bicycle/Pedestrian

3 MDOT encourages MDTA to construct bicycle and pedestrian facilities over the bridge and link to the existing transportation facilities (shoulders or separate bicycle/pedestrian facility).

I hope you find these comments to be helpful. If you have any questions or concerns, please do not hesitate to contact me at 410-865-1282 or via email at hmurphy@mdot.state.md.us.

Heather Murphy, Deputy Director
Office of Planning and Capital Programming

Response to Comment 5:
As the project progresses into the construction phase, detailed maintenance of traffic plans will be prepared and opportunities to work with the Coordinated Highways Action Response Team (CHART) to provide traveler information will be explored. Modified Alternate 7 will not preclude undertaking this coordination.

Response to Comment 6:
The operation of traffic control signals along US 301 is under the jurisdiction of the Maryland SHA and Virginia Department of Transportation (VDOT). Modified Alternate 7 will not preclude modification to these systems. As the project progresses into the construction phase, coordination with these agencies will continue, to ensure appropriate signal timing adjustments are made to changing traffic volumes.

Virginia Department of Game and Inland Fisheries
Ewing, Amy
October 6, 2009

From: Ewing, Amy (DGIF) [mailto:Amy.Ewing@dgif.virginia.gov]
Sent: Tuesday, October 06, 2009 2:59 PM
To: MdTA Nice Bridge Study
Cc: Cooper, Jeff (DGIF); Norman, Mitchell (DGIF)
Subject: ESSLog# 22977_Nice Memorial Bridge Improvement Project

1 We have reviewed the Environmental Assessment (EA) for the subject project. It appears that there are still a number of alternatives being considered. We do not necessarily prefer one alternative over another. However we do encourage the Maryland Transportation Authority (MDTA) to choose an alternative that avoids and minimizes impacts upon wetlands, streams, forests, and listed species to the greatest extent possible.

2 The data we provided to you regarding the study area is now a few years old. We continually update our data and recommend that the MDTA request a data update from us. This may be achieved in two ways. First, you may request access to our Wildlife Environmental Review Map Service (WERMS) through Dave Morton, VDGIF GIS Coordinator at 804-367-6772 or Dave.Morton@dgif.virginia.gov. This will require signing a data use agreement, but will allow you to perform data updates on a continuous basis. Second, you may contact me to request a re-review of the project area for wildlife resources under our jurisdiction. I would be happy to search our data for you again, but cannot do this automatically in the future, you would need to request updates as the project moves forward.

3 **Protection of state Threatened bald eagle:**
Please note that we do not currently have access to the bald eagle nest survey data from the 2009 nesting season. To ensure protection of this listed species, please contact the Center for Conservation Biology at 757-221-2247 to determine if any new bald eagle nests were detected during the 2009 surveys. If a new nest was documented within 0.25 mile (1,320 feet) of the project area, please contact us to facilitate further consultation regarding the new nest(s). Hopefully by next year, we will once again be able to provide these data to you. Also note that although the bald eagle has been delisted federally, it is still listed Threatened in Virginia and is protected under the Virginia Endangered Species Act. However, since its federal delisting, we have amended our protection guidelines for the species. Pertinent changes are below:

1. The management zone (protection zone) around the nest has been reduce from 1,320 ft (includes primary and secondary management zone) to 660 ft around the nest. We need to coordinate with you closely on any proposed impacts within 660 ft of a documented bald eagle nest in Virginia.

2. The management zone (protection zone) for concentration areas has been reduced from 750 ft outward or landward of the shoreline to 660 ft outward or landward of the shoreline. We need to coordinate with you closely on any proposed impacts within 660 ft of the Potomac River shoreline upstream of the existing bridge.

Protection of Potomac River and Gambo Creek Anadromous Fish Use Areas:
We continue to support he recommendations we provided, and which are included in the EA, regarding the protection of these important fisheries resources.

4 **General:**
We recommend continued coordination with our agency regarding the protection of bald eagles nests, bald eagle roosts, bald eagle concentration areas, and anadromous fish use areas. Once an alternative has been chosen and specific project activities can be reviewed, we can be very specific in our recommendation to avoid minimize, and/or mitigate impacts upon listed wildlife resources under our jurisdiction.

Thanks, Amy
Amy M. Ewing
Environmental Services Biologist
Virginia Dept. of Game and Inland Fisheries
4010 West Broad Street
Richmond, VA 23230
804-367-2211
amy.ewing@dgif.virginia.gov

Response to Comment 1:
Refer to the Naval Support Activity South Potomac letter from Captian Catie Hanft, response to Comment 5, as well as the US Department of Interior letter from Willie R. Taylor, response to Comment 3, in the *Federal Agency Comments* section.

Response to Comment 2:
Refer to Virginia Department of Conservation and Recreation letter from Robert Munson, response to Comment 3, in the *State Agency Comments* section.

Response to Comment 3:
Prior to construction, bald eagle nests will be surveyed, and further coordination undertaken with DGIF, Maryland Department of Natural Resources (DNR), and the US Fish and Wildlife Service (FWS). Bridge construction activities will be managed to comply with the FWS' May 2007 *National Bald Eagle Management Guidelines*, and DGIF's current protection guidelines for the species. Compliance with these guidelines may result in time-of-year restrictions, or activity modifications, for some construction operations such as tree clearing, grading, and blasting.

Response to Comment 4:
Refer to responses to Comment 3 above.

Time-of year restrictions for work in the Potomac River will be imposed to protect aquatic species (see Table III-1). During design, additional coordination will be undertaken with the National Marine Fisheries Service (NMFS) offices in Annapolis, MD and Gloucester, MD to establish construction techniques for pile driving and subaqueous blasting to protect anadromous fish and the possible presence of overwintering shortnose sturgeon.

Virginia Department of Game and Inland Fisheries
Cooper, Jeff
October 6, 2009

From: Cooper, Jeff (DGIF) [mailto:Jeff.Cooper@dgif.virginia.gov]
Sent: Tuesday, October 06, 2009 5:32 PM
To: Ewing, Amy (DGIF); MdTA Nice Bridge Study
Cc: Norman, Mitchell (DGIF)
Subject: RE: ESSLog# 22977_Nice Memorial Bridge Improvement Project

1 FYI - The Maryland shore near the bridge is a bald eagle concentration area as well, however, I do not think the MDNR officially recognizes the designation. We have 4 years of data for the Maryland shoreline above Rt. 301. The cliffs above the bridge on the Maryland side are one of the highest use shoreline segments on the Potomac.

Jeff Cooper
Nongame Bird Projects Coordinator
Virginia Department of Game and Inland Fisheries
1320 Belman Rd., Fredericksburg, VA 22401
Office: (540)899-4169
Cell: (540)5381021
Fax: (540)899-4381

Response to Comment 1:
Refer to Virginia Department of Game and Inland Fisheries letter from Amy Ewing, response to Comment 3, in this *State Agency Comments* section.

Maryland Department of Planning
Xu, Bihui
October 22, 2009

MDP
Maryland Department of Planning

Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary
Matthew J. Power
Deputy Secretary

October 22, 2009

Mr. Glen Smith, Project Manager
Maryland Transportation Authority
2310 Broening Highway, Suite 125
Baltimore, MD 21124

Re: The Environmental Assessment (EA) for the Governor Harry W. Nice Memorial Bridge Improvement Project, Charles County, Maryland & King George County, Virginia

Dear Mr. Smith,

Thank you for providing the Maryland Department of Planning (MDP) with the opportunity to review the Environmental Assessment prepared for the Governor Harry W. Nice Memorial Bridge Improvement Project. We have reviewed the document and would like to offer the following comments.

MDP is pleased that each retained build alternate provides a barrier separated bicycle and pedestrian path option which will safely accommodate bicycles and pedestrians crossing the Nice Bridge in the future. We note that the proposed bicycle and pedestrian options would cost approximately $85 million if the one path option is selected, or $170 million if the two-path option is selected. Currently, Alternate 3, 5, 6, or 7 is designed with the two-path option. Concerning the high cost of building two 10-foot bicycle/pedestrian paths for these alternates, we suggest MDTA assess the necessity of providing two 10-foot paths for these alternates, and consider the one 10-foot path option for all built alternates. 1

One concern that we have over the environmental impact study for the project is the lack of recognition of the potential indirect land use and growth impacts of the project on southern Maryland. As indicated in the EA document, both the weekday peak hour and daily traffic volumes at the Nice Bridge are projected to more than double between 2004 and 2030; and on an average weekday, about 80% of the trips are made by daily workers or commuters. Most of these commuting trips would come from southern Maryland and the project influence area in Virginia. As we commented on the preliminary EA in December 2008, MDP views that a wider bridge, as the build alternates would provide, would better accommodate and facilitate such a commuting trend; and it will bring growth pressure to these fast growing areas of both states. If the current growth trend continues in southern Maryland, particularly in Charles County, over 40% of the residential growth and 85% of the newly developed land could occur outside the Priority Funding Areas where the State does not support for growth. The growth trend 2

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Internet: www.MDP.state.md.us

Response to Comment 1:
Refer to the September 17, 2009 public testimony from Jim Swift, response to Comment 1, in this *State Agency Comments* section.

Response to Comment 2:
As discussed in Section IV.A.5., Modified Alternate 7 will not substantially affect the overall land use in the study area since it will not increase the capacity of the corridor as a whole, nor will development patterns be affected by the project because no new access to the corridor will result. Local master plans influence the amount of development, while local permitting processes control the rate of building. The project is consistent with county master plans and Maryland Priority Funding Areas Act and will not encourage sprawl development.

demonstrates that the current local land use policies and regulations as well as the State's Smart Growth Policies so far haven't been able to effectively manage growth in southern Maryland. 2

To support the State's Smart Growth Policies, MDTA could help to minimize the adverse impacts of sprawl development in both states' rural areas. For instance, MDTA could consider using toll mechanisms effectively to discourage single-occupancy-vehicle (SOV) travel crossing the Nice Bridge. In coordination with related public and/or private entities, MDTA could also help to support transit service, carpooling, and park & ride lots along US 301 if such needs are identified in the future. 3 4

We look forward to continuing to participate in the Nice Bridge project planning study. Should you have any questions with regard to the above comments, please do not hesitate to contact me at 410-767-4567 or by email, bxu@mdp.state.md.us.

Sincerely,

Bihui Xu, AICP
Manager
Transportation Planning

cc: Dennis N Simpson, Director, DCP, MDTA
Megan Blum, MDTA
Michael Jackson, Bicycle/Pedestrian Director, MDOT
Ian Cavanaugh, Area Engineer, FHWA
Pat Goucher, Director, Infrastructure Planning, MDP
David Whitaker, Deputy Director, Infrastructure Planning, MDP

Refer to the preceding page for response to Comment 2.

Response to Comment 3:
As summarized in Section I.B., the purpose of the project includes providing a crossing of the Potomac River that is geometrically compatible with the US 301 approach roadways, and providing sufficient capacity to carry projected vehicular traffic volumes in 2030. Modified Alternate 7 fully meets these project needs. Providing additional capacity for non-single occupancy vehicles (SOVs) without a supporting network of non-SOV lanes on the approach roadway may result in additional expenditure of scarce resources for a minor portion of the vehicle mix and would not be consistent with local master plans. Instituting restricted use lanes on the US 301 approach roadways would reduce the capacity of these roadways and require the installation of merge and diverge ramps to and from the bridge, complicating access to roadways along US 301 in the proximity of the bridge.

Response to Comment 4:
Opportunities to incorporate Travel Demand Management (TDM) elements and accommodations for transit will continue to be investigated. The Nice Bridge facility has not been identified as a candidate, nor do local mater plans call for a Park and Ride lot at this location. TDM elements, such as park and Ride lots, as a stand-alone alternate will not meet the project purpose and need, yet they are not precluded by Modified Alternate 7.

LOCAL AGENCY AND ELECTED OFFICIAL COMMENTS

&

MDTA RESPONSES

Charles County Commissioners
Cooper, Wayne (Charles County Commissioner, President)
September 17, 2009

County Commissioners of Charles County

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September 17, 2009

Mr. Glen Smith
Project Manager
Gov. Harry W. Nice Bridge Improvement Project
Maryland Transportation Authority
Division of Capital Planning
2310 Broening Highway, Suite 125
Baltimore, Maryland 21224

Re: Public Hearing Testimony, September 17, 2009

Dear Mr. Smith:

1 The County Commissioners of Charles County, Maryland unanimously support the replacement and expansion of the Governor Harry W. Nice Bridge to provide a greatly needed capacity improvement for the region. The expansion of this bridge will alleviate the bottle-neck currently created by the four-lane approaches in both Maryland and Virginia tapering to two lanes. This

2 expansion is needed on several accounts. With Charles County being located only 20 miles from the District of Columbia, US 301 would serve as a primary evacuation route for citizens as well as a primary access route for emergency support personnel and first responders to an

3 incident. Second, the convergence of the 4-lanes of traffic into two lanes creates miles of crawling vehicle congestion and travel delays. Finally, the existing bridge is severely antiquated, with substandard travel lane widths, the lack of adequate shoulders for emergency pull-offs, the lack of bicycle and pedestrian accommodations, and the inability to maintain two lanes of travel in the event of accidents and during the performance of maintenance activities.

4 When the existing bridge was built in 1940, the approaching roads on each side were both two-lane roads. As both roads have been expanded over the last 69 years, the bridge has remained the same creating great issues for area travelers, including daily commuters to points north and

Response to Comment 1:
As discussed in Section I, one of the project purposes is to provide sufficient capacity for projected traffic volumes, while one of the project needs is to address capacity limitations of the existing bridge. Modified Alternate 7 will address the project purpose and need with the installation of four twelve foot wide travel lanes with a median barrier and full width shoulders, which will assist in reducing traffic congestion, minimizing queues, and providing more predictable travel times at the crossing.

Response to Comment 2:
Refer to Maryland Department of Transportation letter from Heather Murphy, response to Comment 2, in the *State Agency Comments* is section.

Response to Comment 3:
Refer to the Naval Support Activity South Potomac letter from Captain Catie Hanft, response to Comments 3 and 5, in the *Federal Agency Comments* section.

Refer to following page for response to Comment 4.

4 south. As traffic volumes have substantially increased over the last 20 years, there have been no bridge capacity improvements to accommodate this increase, resulting in back-ups that have extended over a mile in length. During the housing boom from 2002 to 2006, northern King George County experienced a substantial wave of residential development that commutes over the bridge daily to get to jobs in the Metropolitan Washington area. Much like the trends seen in other Washington D.C. suburbs, the commuting population continues to travel from points further from their destination, increasing traffic volumes being carried over this bridge.

5 Based on the Environmental Assessment and 4(f) documents presented by the Maryland Transportation Authority, impacts by any of the alternatives are minimal to Charles County. The County Commissioners appreciate the history and architecture of the existing Harry W. Nice Bridge, however, we recommend an alternative that replaces the existing structure in order to provide our citizens with a bridge that affords state-of-the-art safety in its design and lasting integrity in its construction. We believe replacement of the existing bridge will be a more prudent investment in limited state funds then to invest in a substandard facility that continues to need more frequent maintenance and significant rehabilitation. We understand the concern of impacts is greater to our neighbors in King George County, Virginia, both to the Dahlgren Naval Base as well as the adjacent Park Lands. While Charles County does not have a

6 preference of a four lane Alternative to recommend based on impacts to our County, we recommend that the Authority select a four lane alternative that satisfies the parties affected on the Virginia side.

7 Following the selection of a four lane Alternative and the completion of the final environmental document for the project, it is paramount that the State allocate the necessary funds to move this project to final engineering design and construction. While we wish to share our sincere appreciation for the Authority's efforts to bring this project forward and complete the planning phase of this much needed project, it would be a wasted effort to place this work on the shelf and lose the investment and momentum generated by this progress. The Commissioners understand that competition for these funds is significant, including the recent addition of the Inter-County Connector (ICC) in Montgomery County. However, there is no single more significant piece of roadway infrastructure in Charles County for interstate travel, commerce, and safety than this bridge replacement. Aside from routine maintenance of the Nice Bridge, there has been no significant additional investment by the Maryland Transportation Authority in Charles County since 1940. To that point, we strongly urge the Authority to fund the next phases of this project and complete this crucial piece of interstate infrastructure improvement.

Response to Comment 4:
As discussed in Section II.A., Modified Alternate 7 will reduce traffic delays, provide more predictable travel times and improve mobility for residents, recreational travelers, and business commerce, which in turn, will help support economic growth in Maryland and Virginia.

Response to Comment 5:
With the implementation of Modified Alternate 7 there would no longer be a transportation need for the existing bridge and the existing bridge would be removed (see Section II.A. for rationale for removing the existing bridge).

Refer to US Department of Interior letter from Willie R. Taylor, response to Comment 7, in the *Federal Agency Comments* section.

Response to Comment 6:
Modified Alternate 7 would not result in direct impact to Naval Support Facility Dahlgren (NSFD). In Section II.C., it is noted the selection of Modified Alternate 7 included recognition of the property, resource, employment, and mission impacts from the southern alternates that would result on the NSFD.

Response to Comment 7:
This project is currently funded through the planning phase only. Upon approval of this final environmental document by the Federal Highway Administration (FHWA), the Selected Alternate for the project will become eligible to compete with other Maryland Transportation Authority (MDTA) funding needs for the subsequent project phases of final engineering design, right-of-way acquisition, and construction.

Should you have any questions please contact Mr. Jason Groth, Chief of Resource and Infrastructure Management by calling (301) 396-5814 or by email to grothj@charlescounty.org.

Very truly,

COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND

Wayne Cooper, *President*

Edith J. Patterson, *Vice President*

Samuel N. Graves, Jr.

Reuben B. Collins, II

Gary V. Hodge

cc: Dr. Rebecca Bridgett, County Administrator
Mr. Roy Hancock, Assistant County Administrator
Mr. Chuck Beall, Director of Planning & Growth Management
Mr. Steven Ball, Planning Director
Mr. Jason Groth, Chief of Resource & Infrastructure Mgmt

No comments on this page.

Virginia Public Hearing
Public Testimony, 9-24-09

MR. GRZEIKA:

Good evening. I'm Joseph Grzeika and I'm here as Chairman of the King George Board of Supervisors and am presenting the position of the board.

1 The Nice Bridge is a critical link for our community. It is a vital link for commerce and has a substantial impact on our economy. Our residents use it to travel north to jobs in the DC Metro area as well as to avail themselves of services in Maryland. It is also a vital link for the base at Dahlgren. It is critical to their mission and ability for their Staff and sponsors to come and go to the Metro DC area as well.

2 The Route 301 corridor also serves as a defacto bypass for Route 95 traffic wishing to avoid the capital traffic. My board recommends and supports either of the new four-lane options being considered. We have no bias for either the north or south placement, each having impacts but due to the criticality of this project, we would accept either placement of a new four-lane structure.

The other options which pose various two-lane structures or no change we feel would not address the future needs as we look 30 to 40 years in the future.

3 We would also like to note that it is critical that this project be continued at a minimum the next phrase of the project engineering and design phase be funded immediately.

Thank you for allowing us to provide our comments and recommendations on this critical project.

Response to Comment 1:
Refer to Charles County Commissioners letter from Wayne Cooper, response to Comment 4, in this *Local Agency and Elected Officials Comments* section.

Response to Comment 2:
Refer to Charles County Commissioners letter from Wayne Cooper, response to Comment 1, in this *Local Agency and Elected Officials Comments* section.

Response to Comment 3:
Refer to Charles County Commissioners letter from Wayne Cooper, response to Comment 7, in this *Local Agency and Elected Officials Comments* section.

Virginia Public Hearing
Public Testimony, 9-24-09

MR. SISSON:

Good evening. I'm Dale Sisson, I'm the at large member of the King George County board of supervisors.

Mr. Grzeika has very appropriately represented the position of the board in general and I wanted to amplify the comments that he has made and then speak some on behalf of my personal feelings as well.

1 I have had the privilege of participating in the focus group for this project since it was kicked off and I have had an opportunity to contribute. I thank Glen Smith and his team for how they have led this project and look forward to moving into the engineering phase as Mr. Grzeika has mentioned.

2 From a King George County standpoint, we do feel strongly that the four-lane alternatives are really where we need to go. I personally understand the practicality of needing to land the bridge on the north side. We understand the impacts of landing on the southerly side at the Naval Support Center and the Naval Support Activity South Potomac there. So we understand that due to the complexity of the park property on the north, it may happen with some of that and that led to our former position. We understand certainly the practicality and the impacts on the southerly side.

1 From a support perspective, Mr. Grzeika and I had the opportunity to sit with then Senator Allen in his office in Washington and I believe it was in 2004. At that time we had just had a holiday weekend and we had about a 14-mile backup on 301 north into King George County. So that really led to our heavy interest in pushing this project forward and seeing some momentum behind a new bridge project.

3 That is a significant safety concern and a traffic concern for us here as a locality and one that we really don't want to have to deal with. So this project is really critical from that standpoint.

4 Another factor that we would ask you all to consider, the Maryland Transportation Authority will be in the process of planning a redecking of the existing structure similar to the project that happened in the early to mid 80s with significant lane closures on the existing bridge. So as we consider the impacts of that, that is the time to be thinking about the replacement bridge and making an investment in the new project.

So again, I wanted to reiterate my support for the project in going forward and certainly the four-lane option is the way to go. Thank you.

Response to Comment 1:
Refer to Charles County Commissioners letter from Wayne Cooper, response to Comment 7, in this *Local Agency and Elected Officials Comments* section.

Response to Comment 2:
Refer to Charles County Commissioners letter from Wayne Cooper, responses to Comments 1 and 6, in this *Local Agency and Elected Officials Comments* section.

The project would require the use of public park properties that are protected by Section 4(f) of the US Department of Transportation Act. Therefore, a Section 4(f) Evaluation was prepared pursuant to 23 CFR 774. In the Final Section 4(f) Evaluation, FHWA concluded that there is no feasible and prudent alternative to the use of parkland, and the project includes all possible planning to minimize harm.

Minor modifications were made to Alternate 7 to create a more cost-effective and less environmentally impactive solution. This was accomplished by the consolidation of the two one-way bike/ped paths on both sides of the new bridge proposed with Alternate 7, into a single two-way path on the south side only, resulting in Modified Alternate 7. This modification allows the opportunity for further minimization of project parkland impacts during design and construction.

Barnesfield Park is also protected by Section 6(f) of the Federal Land and Water Conservation Fund (LWCF) Act (16 USC 460). For consistency with this act, mitigation for unavoidable parkland impacts from the project will be carious out as documented in the Memorandum of Agreement (MOA) provided in Appendix X. Mitigation of parkland impact associated with Modified Alternate 7 will include providing replacement parkland and implementing a landscape plan for portions of Barnesfield Park, Dahlgren Wayside Park, and the Potomac Gateway Welcome Center property.

Response to Comment 3:
Refer to the Naval Support Activity South Potomac letter from Captain Catie Hanft, response to Comment 3, in the *Federal Agency Comments* section.

Response to Comment 4:
During the construction of Modified Alternate 7, the existing bridge will remain in service, minimizing construction impacts to traffic flow along US 301. Maintenance of Traffic plans will be developed during the design of Modified Alternate 7, which will require access to all connecting streets in the project area be maintained throughout the construction process. These plans are required for construction in Maryland by MDTA (east of the bridge abutment on the western shore of the Potomac) and in Virginia by VDOT (including US 301 intersection with Roseland Road). Modified Alternate 7 will also minimize impacts to traffic during future bridge redecking/maintenance activities.

Bicycle & Trail Advisory Group

Prince George's County ◇ Founded January 1998

September 27, 2009

Mr. Glen Smith
Project Manager
Maryland Transportation Authority
Division of Capital Planning
2310 Broening Highway, Suite 125
Baltimore, Maryland 21224

Dear Mr. Smith,

1 The Prince George's County Bicycle and Trails Advisory Group (BTAG) is writing in favor of including the barrier-separated bicycle/pedestrian path as part of the Governor Harry W. Nice Memorial Bridge Improvement Project. BTAG supports providing this path regardless of which alternative is chosen to improve the bridge. BTAG has supported trails, walkable communities, and bicycle-compatible roadway improvements since it was founded in 1998, and continues to support the provision of accommodations for bicyclists and pedestrians as new road improvement projects are designed and constructed.

The Nice Bridge Improvement Project provides a unique opportunity to link Southern Maryland with Virginia and to provide a regional multi-modal trail connection. The recent opening of the Woodrow Wilson Bridge Trail has illustrated the widespread desire for this type of facility. The June 2009 opening of the Woodrow Wilson Bridge Trail was extremely well attended by elected officials, bicycle advocates, and recreational bicyclists from around the region. Since the opening the trail has been heavily used as a bicycle connection between northern Virginia and Maryland, as well as the National Harbor development. BTAG supports and strongly encourages a similar connection along the Nice Bridge.

Thank you for your continuing outreach to the community and local jurisdictions to make the Nice Bridge Improvement the best project possible. If you have any questions, please contact me at (301) 952-3661 or fred.shaffer@ppd.mncppc.org. BTAG is the citizen advisory committee on trails related issues established by the Prince George's County Executive in 1998. It is chaired by members of the M-NCPPC Planning Department and facilitates interaction between trail and community groups with

c/o M-NCPPC Transportation Planning
14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772
301-952-3661 Fax: 301-952-3749 btag@mncppc.state.md.us

Response to Comment 1:
Refer to the September 17, 2009 public testimony from Jim Swift, response to Comment 1, in the *State Agency Comments* section.

the various implementing agencies responsible for trails and bikeway improvements in the County.

Sincerely,

Fred Shaffer
M-NCPPC Trails Coordinator
Co-Chair, Bicycle and Trails
Advisory Group

No comments on this page.

PUBLIC COMMENTS

&

MDTA RESPONSES

Appendix E: Response to Public Comments

Comment Themes

The MDTA provided written responses to all individuals, agencies, and organizations that submitted oral and/or written comments on the project during the public comment period (August 14, 2009 – October 9, 2009). When initial responses were developed to the comments, a Preferred Alternate had not been identified. Recognizing the range of possible preferred alternates, the initial responses were general in nature. The general responses noted more detailed responses to comments received would be provided in the final environmental document (i.e., this FONSI) after the Preferred Alternate was identified.

Comments received during the comment period were grouped into nineteen common themes. This section of the document provides more detailed responses, with a focus on Modified Alternate 7, to each of these common comment themes. Under each response, the individuals who submitted a comment on that theme are identified.

1. Include Bicycle/Pedestrian Option

C-07: Mary Lewis, Charlotte Hall, MD
C-11: Shermanda Williams, Newberg, MD
C-18: Jane Hudnall, Fort Washington, MD
C-20: Dave and Carol Jones, King George, VA
C-22: Betty Grigg, King George, VA
C-30: James P. Lynch, King George, VA
E-02; C-32: Walter Roscello, La Plata, MD
E-10: Matt and Pam Brennan
E-12: Chris Maloney
E-13: John Bik, Bethesda, MD
E-14: John Z. Wetmore, Bethesda, MD
E-17: James P. Lynch, King George, VA
W-02: TL Davis
W-04: Richard Reis, Silver Spring, MD
W-08: John Early, Clinton, MD
W-09: Sam Felis
W-10: Randy Swart, Arlington, VA
W-11: Tom Huff, Leonardtown, MD
W-12: Anonymous
W-14: Bruce Johnson, Herndon, VA
W-15: Polly Choate, Washington DC
W-16: Kristen Watts
W-17: Joseph Collins, Dunkirk, MD
W-18: Elizabeth Caldwell, Accokeek, MD
W-19: Joshua Caldwell, Accokeek, MD
W-20: Bill Kelly, Ellicott City, MD
W-21: John Pickett, Alexandria, VA
W-22: Anonymous
W-23: David Bono
W-24: Anonymous
W-25: Anonymous
W-26: Shelley Picott, White Plains, MD
W-27: Willis Alfred, Silver Spring, MD
W-28: Casey Anderson, Silver Spring, MD
W-29: Steve Mohr, Silver Spring, MD
W-30: Alex Loker, Alexandria, VA
W-31: Anonymous
W-32: Anonymous
W-33: Christian Clough, Takoma Park, MD
W-34: Claire Weaver, Springfield, VA
W-35: Marti Scheel, Greenbelt, MD
W-36: Nancy Seibel, Silver Spring, MD
W-37: Jeffery Marks, Baltimore, MD
W-39: Anonymous, VA
W-40: Peter Henry, Alexandria, VA
W-41: James Rorick, Upper Marlboro, MD
W-42: Kathy Collins, Arlington, VA
W-43: Louis Martino, Clarksville, MD
W-44: Anonymous
W-45: Louis Hostler, Wheaton, MD
W-46: Stephen Lorenzetti
W-47: Mark Nensel, Rockville, MD
W-48: Harvey Chaplin, Arlington, VA
W-49: Bob Spousta

W-50: Tom McLaughlin, Burke, VA
W-51: Shane LaBrake, Accokeek, MD
W-52: Arvind Solanki, Laurel, MD
W-53: Ken McCaughey
W-54: Andrew Mueller, Arlington, VA
W-55: Trish Wakeham, Fairfax, VA
W-56: Frank Hartman, New Carrollton, MD
W-57: Jennifer Loss, Takoma Park, MD
W-58: Michael Pearson, North Bethesda, MD
W-59: James Crist, Fort Washington, MD
W-60: Kevin Macready, Annapolis, MD
W-61: Anonymous
W-63: Mark Carter, Owings, MD
W-64: Anonymous
W-65: Anonymous
W-66: Anonymous
W-67: Anonymous
W-68: Carole Gardiner, Laurel, MD
W-70: Warren Veazey, King George, VA
W-71: Michael McGraw, King George, VA
W-72: Anonymous
W-73: Anonymous
W-74: Anonymous
PUB-03-MD: James Hudnall, Fort Washington, MD
PUB-04-MD: Jim Swift, California, MD
PUB-07-MD: George Martin, Oxon Hill, MD
PUB-05-VA: Jim Lynch, King George, VA
PUB-07-VA; John LoBuglio, King George, VA

The most frequent comment received during the public hearing comment period (89 of 158 commenters) requested incorporation of provisions for bicycles and pedestrians into the Preferred Alternate. Support for bicycle and pedestrian provisions was echoed by organizations such as Maryland Department of Transportation (MDOT), Charles County Commissioners, Maryland Bicycle and Pedestrian Advisory Committee, Prince George's County Bicycle and Trails Advisory Group, Oxon Hill Bike & Trail Club, and Friends of Dahlgren Heritage Trail.

In response to these comments and as allowed by Maryland Senate Bill 492, Modified Alternate7 includes a single, two-way bicycle/pedestrian path on the south side of the new bridge, providing an amenity that does not currently exist at the crossing. As described in Section II.A, the path will cross beneath each end of the structure to direct bicyclists/pedestrians to the appropriate outside shoulder of US 301 without users having to cross the highway. The bicycle/pedestrian path will provide a connection along US 301 between recreational facilities in Maryland (i.e., Aqua-Land Campground and Marina) and Virginia (i.e., Barnesfield Park and Dahlgren Wayside Park), and additional crossing of the Potomac for long-distance cyclists traveling the east coast. In addition, the bicycle/pedestrian path will provide an alternate transportation mode for daily commuters to major area employers, such as the Naval Support Facility (NSF) Dahlgren.

2. <u>Support a Build Alternate</u>

C-01: Jean Tierney, Newburg, MD
C-03: Robert Hardesty, Jr., Newburg, MD
C-06: Neil McGrath, Cobb Island, MD
C-07: Mary Lewis, Charlotte Hall, MD
C-08: Beth Dickey, Faulkner, MD
C-09: Harold Ray Mertz, Newburg, MD
C-12: Calvin Compton, Port Tobacco, MD
C-13: Tracy Travers, King George, VA
C-14: Michael Brawner, Newburg, MD
C-15: Jim Edelen, Newburg, MD
C-17: Carl Steinhauser, Newburg, MD
C-18: Jane Hudnall, Fort Washington, MD
C-19: Larry Patterson, King George, VA
C-20: Dave and Carol Jones, King George, VA
C-21: Scott Hill, Port Tobacco, MD
C-24: Richard Rowland, King George, VA
C-25: Bill & Susan Willis, King George, VA
C-28: William Shield, King George, VA
C-30: James P. Lynch, King George, VA

E-04: Dave and Carol Hubbard
E-06: Tom Gay, Richmond, VA
E-07: Chester M. Seaborn, Jr., Mechanicsville, MD
E-08: Sharon Canigilia, MD
E-09: Janet Michael, Mystic, CT
E-14: John Z. Wetmore, Bethesda, MD
E-18: Karen Hanson, White Plains, MD
L-03: Joan Farley, King George, VA
L-09: Deanna Joswiak, La Plata, MD
W-08: John Early, Clinton, MD
W-09: Sam Felis
W-18: Elizabeth Caldwell, Accokeek, MD
W-27: Willis Alfred, Silver Spring, MD
W-28: Casey Anderson, Silver Spring, MD
W-29: Steve Mohr, Silver Spring, MD
W-31: Anonymous
W-32: Anonymous
W-33: Christian Clough, Takoma Park, MD
W-34: Claire Weaver, Springfield, VA
W-35: Marti Scheel, Greenbelt, MD
W-36: Nancy Seibel, Silver Spring, MD
W-37: Jeffery Marks, Baltimore, MD
W-39: Anonymous, VA
W-42: Kathy Collins, Arlington, VA
W-43: Louis Martino, Clarksville, MD
W-44: Anonymous
W-45: Louis Hostler, Wheaton, MD
W-47: Mark Nensel, Rockville, MD
W-49: Bob Spousta
W-50: Tom McLaughlin, Burke, VA
W-51: Shane LaBrake, Accokeek, MD
W-52: Arvind Solanki, Laurel, MD
W-55: Trish Wakeham, Fairfax, VA
W-59: James Crist, Fort Washington, MD
W-63: Mark Carter, Owings, MD
W-64: Anonymous
W-68: Carole Gardiner, Laurel, MD
W-69: Jack Hammond, Aquasco, MD
W-70: Warren Veazey, King George, VA
W-71: Michael McGraw, King George, VA
P-01: Larry English, Fredersburg, VA
PRV-01-MD; PUB-09-MD: Jay Bala, Waldorf, MD
PRV-02-MD: Thomas L. Higdon, Jr., La Plata, MD
PUB-01-MD: Harold Hayes, La Plata, MD
PUB-03-MD: James Hudnall, Fort Washington, MD
PUB-05-MD: James Vandergrift, Newburg, MD
PUB-06-MD: John Wesley Gardner, Newburg, MD
PUB-08-MD: Michael A. Callahan, Newburg, MD
PUB-03-VA: Alton Taylor, King George, VA
PUB-07-VA; John LoBuglio, King George, VA

As summarized in Section 1.B, the purpose of the project includes providing a crossing of the Potomac River that is geometrically compatible with the US 301 approach roadways, providing sufficient capacity to carry projected vehicular traffic volumes in 2030, improving traffic safety, and providing the ability to maintain two-way traffic flow during maintenance and incidents. Modified Alternate 7 satisfies each of these needs with the installation of four twelve-foot wide travel lanes, two in each direction, with median separation and full width shoulders, along with reduced grade slopes. As detailed in Section II, the selection of the Preferred Alternate was determined based on which alternate best meets the project purpose and need, would not impact the critical missions at NSF Dahlgren, addresses the majority of comments received, has lower construction costs, minimizes delay impacts to motorists, and reduces impacts to environmental resources including aquatic habitat.

3. Accelerate Project / Funding

C-06: Neil McGrath, Cobb Island, MD
C-15: Jim Edelen, Newburg, MD
C-19: Larry Patterson, King George, VA
C-21: Scott Hill, Port Tobacco, MD
E-18: Karen Hanson, White Plains, MD
L-03: Joan Farley, King George, VA
E-07: Chester M. Seaborn, Jr., Mechanicsville, MD
W-71: Michael McGraw, King George, VA
PRV-01-MD; PUB-09-MD: Jay Bala, Waldorf, MD
PRV-02-MD: Thomas L. Higdon, Jr.,
La Plata, MD
PUB-01-MD: Harold Hayes, La Plata, MD
PUB-05-MD: James Vandergrift, Newburg, MD
PUB-07-MD: George Martin, Oxon Hill, MD
PUB-06-VA: Ted Levay, Montross, VA
PUB-07-VA; John LoBuglio, King George, VA

This project is currently funded through the planning phase only. Upon approval of this final environmental document by the Federal Highway Administration (FHWA) Modified Alternate 7 will become eligible to compete with other MDTA funding needs for the subsequent project phases of final engineering design, right-of-way acquisition, and construction.

4. Reduce Traffic Congestion and Queues

C-08: Beth Dickey, Faulkner, MD
C-23: Francis Levay, Jr., Montross, VA
E-08: Sharon Canigilia, MD
E-18: Karen Hanson, White Plains, MD
E-04: Dave and Carol Hubbard
W-06: Donald French, Lanexa, VA
W-07: Anonymous
P-01: Larry English, Fredersburg, VA
PUB-01-MD: Harold Hayes, La Plata, MD
PUB-05-MD: James Vandergrift, Newburg, MD
PUB-06-MD: John Wesley Gardner, Newburg, MD
PUB-03-VA: Alton Taylor, King George, VA
PUB-06-VA: Ted Levay, Montross, VA
PUB-07-VA; John LoBuglio, King George, VA

As discussed in Section I, one of the project purposes is to provide sufficient capacity for projected traffic volumes, while one of the project needs is to address capacity limitations of the existing bridge. Modified Alternate 7 will address the project purpose and need with the installation of four twelve-foot wide travel lanes with a median barrier and full width shoulders,

which will assist in reducing traffic congestion, minimizing queues, and providing more predictable travel times at the crossing.

5. Improve Safety

C-06: Neil McGrath, Cobb Island, MD
C-20: Dave and Carol Jones, King George, VA
E-06: Tom Gay, Richmond, VA
E-10: Matt and Pam Brennan
E-18: Karen Hanson, White Plains, MD
L-09: Deanna Joswiak, La Plata, MD
W-06: Donald French, Lanexa, VA
W-69: Jack Hammond, Aquasco, MD
P-01: Larry English, Fredersburg, VA
PUB-05-MD: James Vandergrift, Newburg, MD
PUB-10-MD: Johnnie Degiorgi, Nanjemoy, MD
PUB-06-VA: Ted Levay, Montross, VA

One of the purposes of the project is to improve traffic safety on the bridge and roadway approaches (Section I.B). Modified Alternate 7 meets this need by providing a continuous physical median barrier separation of opposing traffic across the bridge, which eliminates the risk of head-on collisions; two twelve-foot wide lanes of travel in each direction, which eliminates the current merge area from two to one lane of traffic on each roadway approach to the bridge; and full width shoulders, which provide needed recovery and refuge area for vehicles. Modified Alternate 7 also includes a ten-foot wide bicycle/pedestrian path along the south side of the new bridge. To increase the safety of path users, fencing and railing will be installed, and the path will be barrier-separated from the travel lanes. Additionally, the path crosses beneath the structure on each shore to direct bicyclists/pedestrians to the appropriate outside shoulder of US 301 eliminating the need to cross the highway.

6. Improve Evacuation Route

C-17: Carl Steinhauser, Newburg, MD
E-06: Tom Gay, Richmond, VA
E-08: Sharon Canigilia, MD
E-18: Karen Hanson, White Plains, MD
E-07: Chester M. Seaborn, Jr., Mechanicsville, MD
PRV-01-MD; PUB-09-MD: Jay Bala, Waldorf, MD
PUB-01-MD: Harold Hayes, La Plata, MD
PUB-07-VA; John LoBuglio, King George, VA
L-09: Deanna Joswiak, La Plata, MD

As discussed in Section I, the need for the project recognizes this crossing as part of a critical evacuation route for Southern Maryland and the Washington DC area to points south. Modified Alternate 7 will double the existing travel lane capacity, along with providing full width shoulders at this crossing, thereby improving this evacuation route.

7. Consider Economic Impact

C-18: Jane Hudnall, Fort Washington, MD
E-06: Tom Gay, Richmond, VA
E-07: Chester M. Seaborn, Jr., Mechanicsville, MD

As discussed in Section II.A, Modified Alternate 7 will reduce traffic delays, provide more predictable travel times and improve mobility for residents, recreational travelers, and business commerce, which in turn, will help support economic growth in Maryland and Virginia. The inclusion of a bicycle/pedestrian path will also encourage bicycle tourism along the corridor. By avoiding encroachment of NSF Dahlgren, employment at the base will not be impacted by the project.

8. Retain Existing Bridge

C-17: Carl Steinhauser, Newburg, MD
C-21: Scott Hill, Port Tobacco, MD
C-28: William Shield, King George, VA
C-29: Alton T. Taylor, Jr., King George, VA
W-71: Michael McGraw, King George, VA
P-01: Larry English, Fredersburg, VA
PUB-01-MD: Harold Hayes, La Plata, MD
PUB-03-VA: Alton Taylor, King George, VA
PUB-06-VA: Ted Levay, Montross, VA

While the existing bridge is structurally sound, it is functionally obsolete due to capacity limitations. The frequency and cost of required repairs, and resulting disruption of traffic flow, continue to increase. With the implementation of Modified Alternate 7 there would no longer be a transportation need for the existing bridge and the existing bridge would be removed (See Section II.A for rationale for removing the existing bridge).

Project impacts to the historic features of the existing bridge (see Section III.B) can be avoided with Alternates 1, 2, and 6 that retain the existing bridge and the original bridge Administration Building within the existing campus facilities. These alternates would not fully meet the project purpose and need, and in the case of Alternates 2 and 6, would have detrimental effects to the Nation's defense efforts and the regional economy and, therefore, cannot be supported.

Per Section 106 of the National Historic Preservation Act, adverse effects to the existing historic bridge and original Administration Building will be minimized and mitigated through measures stipulated in a Programmatic Agreement (PA) (see Appendix C) among the Federal Highway Administration (FHWA), Maryland Transportation Authority (MDTA), Maryland State Historic Preservation Officer (MD SHPO), Virginia Department of Transportation (VDOT), and Virginia State Historic Preservation Officer (VA SHPO). The PA includes measures such as documentation and photographic records, interpretive signage and displays, electronic

information resources, review of the new bridge design, and treatment of terrestrial and underwater archeological resources.

9. Avoid/Minimize Natural Environmental Impacts

C-02: Al Jackson, Newburg, MD
C-05: Lauren Wanzer, Bel Alton, MD
C-09: Harold Ray Mertz, Newburg, MD
C-13: Tracy Travers, King George, VA
C-23: Francis Levay, Jr., Montross, VA
PUB-08-MD: Michael A. Callahan, Newburg, MD
PUB-06-VA: Ted Levay, Montross, VA

Planning level design for Modified Alternate 7 was conducted using standard industry guidelines, such as American Association of State Highway and Transportation Officials (AASHTO), for roadways on the National Highway System (NHS) and Strategic Highway Network (STRAHNET). The projected limits of disturbance (LOD) from the project were determined by applying of these guidelines. To reduce project impacts, avoidance and minimization efforts were applied in the design of each build alternate (i.e., use of retaining walls and barriers). As discussed in Section II.A, Modified Alternate 7 was identified because it fully meets the project purpose and need, would result in less impacts to aquatic resources and motorist travel times as compared to the construction of two new bridges, would not impact critical missions at NSF Dahlgren, and is less expensive and has a shorter construction timeframe than constructing two new bridges.

The planning study for this project has included coordination with the Environmental Protection Agency along with the Maryland Department of Natural Resources Critical Area Commission, Maryland Department of the Environment and Virginia Department of Environmental Quality. A draft compensatory mitigation plan for impacts to aquatic resources was included in the Environmental Assessment. As the project progresses into design, additional minimization and mitigation measures will be considered. Prior to beginning construction of the project, applications for required permits from agencies in Maryland and Virginia responsible for the protection of water quality will be submitted.

10. Avoid Impacts to Dahlgren

P-01: Larry English, Fredersburg, VA
PUB-07-VA; John LoBuglio, King George, VA

Modified Alternate 7 would not result in direct impact to the NSF Dahlgren facility. In Section II, it is noted the selection of Modified Alternate 7 included recognition of property, resource, employment, and mission impacts from the southern alternates that would result on the NSF Dahlgren.

11. Minimize Impacts to/Preserve Parkland

C-05: Lauren Wanzer, Bel Alton, MD
C-13: Tracy Travers, King George, VA
C-22: Betty Grigg, King George, VA
C-25: Bill & Susan Willis, King George, VA
C-27: Jean Graham, King George, VA
W-01: Nancy Delaplane, La Plata, MD
E-09: Janet Michael, Mystic, CT

The project would require the use of public park properties that are protected by Section 4(f) of the US Department of Transportation Act. Therefore, a Section 4(f) Evaluation was prepared pursuant to 23 CFR 774. In the Final Section 4(f) Evaluation, FHWA concluded that there is no feasible and prudent alternative to the use of parkland, and the project includes all possible planning to minimize harm.

Project impacts to parkland (see Section IV.A.6 and the Final Section 4(f) Evaluation) could be avoided with alternates that include installation of a new bridge south of the existing Nice Bridge (i.e., southern alternates). As a result of coordination with regulatory agencies and NSF Dahlgren, it has been determined impacts to NSF Dahlgren by a southern alternate would have detrimental effects to the Nation's defense efforts and the regional economy and, therefore, cannot be supported. Although Alternate 7 (and Modified Alternate 7) does not result in the least amount of park impact when compared to the other northern alternates evaluated (Alternates 4 and 5), Alternate 4 does not best meet the project's purpose and need, and Alternate 5 requires increased construction time and travel delays, as well as increased overall impacts to the natural environment. In particular, impact to aquatic resources would occur twice, first when a new bridge installed, then when a replacement bridge is installed.

Minor modifications were made to Alternate 7 to create a more cost-effective and less environmentally impactive solution. This was accomplished by the consolidation of the two one-way bicycle/pedestrian paths on both sides of the new bridge proposed with Alternate 7, into a single two-way path on the south side only, resulting in Modified Alternate 7. This modification allows the opportunity for further minimization of project parkland impacts during design and construction.

Barnesfield Park is also protected by Section 6(f) of the Federal Land and Water Conservation Fund (LWCF) Act (16 USC 460). For consistency with this act, mitigation for unavoidable parkland impacts from the project will be carried out as documented in the Memorandum of Agreement (MOA) provided in Appendix B. Mitigation of parkland impact associated with Modified Alternate 7 will include providing replacement parkland and implementing a landscape plan for portions of Barnesfield Park, Dahlgren Wayside Park, and the Potomac Gateway Welcome Center property.

12. Issues with Toll / E-ZPass

C-19: Larry Patterson, King George, VA
C-24: Richard Rowland, King George, VA
E-06: Tom Gay, Richmond, VA
L-03: Joan Farley, King George, VA
P-01: Larry English, Fredersburg, VA
PRV-02-MD: Thomas L. Higdon, Jr., La Plata, MD

Revenues from all the MDTA's facilities are pooled to create financial strength and diversity, to maintain, preserve, and expand the existing facilities and to support new transportation facilities such as the implementation of Modified Alternate 7. The MDTA's Toll Revenue Bond Trust Agreement for the benefit of its bondholders prohibits the agency from suspending toll-collection operations, such as instituting "toll holidays." Eliminating the toll would seriously limit the MDTA's ability to generate the revenues necessary to meet its obligations under the Trust Agreement and to operate its toll facilities. Modified Alternate 7 includes electronic toll collection, which will allow toll collection from vehicle travelling at highway speeds. This technology provides the ability of toll collection from vehicles without transponders, similar to E-ZPass, via license plate image capture. Members of the MDTA Board have adopted a forward-looking revenue policy for regular toll-rate reviews (every two years) to help ensure the means to meet Maryland's transportation needs with a solid financial standing. The collection of tolls by non-vehicular bridge users is permitted, although an appropriate toll collection methodology has not been identified.

13. Consider Cost

C-09: Harold Ray Mertz, Newburg, MD
C-26: W.B. Rollins, Dahlgren, VA
E-01; E-02; C-32: Walter Roscello, La Plata, MD
L-09: Deanna Joswiak, La Plata, MD

The planning level cost estimates are not based on detailed final design engineering. Major construction item quantities (e.g. right-of-way, grading, paving, structure, etc.) are estimated, recent unit prices are considered, and contingencies are included. These estimates will be refined during the final design phase of the project. While the estimated project cost was a factor in identifying the Preferred Alternate, initial screening of the Alternates Retained for Detailed Study (ARDS) focused on those that best met the project's purpose and need, avoided NSF Dahlgren, and addressed the most frequent stakeholder comment (i.e., include bicycle/pedestrian provisions on bridge). As discussed in Section II.A, Alternate 7 was identified as the Preferred Alternate after an evaluation of costs, including life cycle costs associated with maintaining the existing bridge under Alternates 4 and 5. A project cost reduction of approximately seven percent is realized with the consolidation of the two one-way bicycle/pedestrian paths proposed with Alternate 7 into a single two-way path on the south side only of the new bridge, resulting in Modified Alternate 7.

14. Maintain Traffic during Maintenance and Construction

C-04: John Gardner, Newburg, MD
C-08: Beth Dickey, Faulkner, MD
C-27: Jean Graham, King George, VA
E-06: Tom Gay, Richmond, VA

During the construction of Modified Alternate 7, the existing bridge will remain in service, minimizing construction impacts to traffic flow along US 301. Maintenance of Traffic plans will be developed during the design of Modified Alternate 7, which will require access to all connecting streets in the project area be maintained throughout the construction process. These plans are required for construction in Maryland by MDTA (east of the bridge abutment on the western shore of the Potomac) and in Virginia by VDOT (including the US 301 intersection with Roseland Road). Modified Alternate 7 will also minimize impacts to traffic during future bridge redecking/maintenance activities.

15. Sprawl Concerns

C-23: Francis Levay, Jr., Montross, VA
PUB-03-VA: Alton Taylor, King George, VA
PUB-06-VA: Ted Levay, Montross, VA

As discussed in Section IV.A.5, Modified Alternate 7 will not substantially affect the overall land use in the study area since it will not increase the capacity of the corridor as a whole, nor will development patterns be affected by the project because no new access to the corridor will result. Local master plans influence the amount of development, while local permitting processes control the rate of building. The project is consistent with county master plans and Maryland Priority Funding Areas Act and will not encourage sprawl development.

16. Waldorf Bypass would be Useful

W-06: Donald French, Lanexa, VA

The Maryland State Highway Administration (SHA) is conducting a project planning study for the US 301 Waldorf Area Transportation Improvement Project to improve local traffic operation along US 301 in the Waldorf area. For information regarding the US 301 Waldorf Area Transportation Improvement Project, please visit the project webpage at www.us301waldorf.org. Modified Alternate 7 does not affect improvements under analysis for by the US 301 Waldorf Area Transportation Improvement Project.

17. Input from Environmental Justice Populations

C-10: A.T. Jackson, Newburg, MD

As discussed in Section IV.A.2, the campground at Aqua-Land was identified as a potential Environmental Justice (EJ) (low-income and/or minority) community. This community was

provided all project mailings and a project briefing, and was invited to public workshops and hearings. None of the comments received on the project were directly associated with the EJ community. Modified Alternate 7 would not result in disproportionately high and adverse human health or environmental effects to EJ communities.

18. Consider DC Freight Realignment Study

W-70: Warren Veazey, King George, VA

The District Department of Transportation (DDOT) and National Capital Planning Commission (NCPC) have been coordinating with the MDOT on the Railroad Realignment Study. The purpose and need of the realignment study is separate from and would not be met by the Nice Bridge Improvement Project. During future development phases of the Nice Bridge Improvement project, MDTA, via MDOT, will ensure neither project will prohibit the other. Modified Alternate 7 will not preclude options under consideration for the Freight Railroad Study.

19. Design Suggestions

Several comments included suggestions for consideration in the design of the project improvements. These suggestions have been sorted into specific actions and responses have been provided for each below.

- **Provide more than four travel lanes**

C-06: Neil McGrath, Cobb Island, MD
PRV-01-MD; PUB-09-MD: Jay Bala, Waldorf, MD
PUB-01-MD: Harold Hayes, La Plata, MD
PUB-05-MD: James Vandergrift, Newburg, MD

As summarized in Section I.B, the purpose of the project includes providing a crossing of the Potomac River that is geometrically compatible with the US 301 approach roadways, and providing sufficient capacity to carry projected vehicular traffic volumes in 2030. Modified Alternate 7 fully meets these project needs. Forecasting traffic volumes beyond the horizon year of 2030 has increased uncertainty as household, employment and population projections have not been estimated beyond 2030. Providing capacity for unknown travel demand volumes may result in the unnecessary expenditure of scarce resources and would not be consistent with local master plans.

- **Install a wall to protect the Dahlgren Base**

W-70: Warren Veazey, King George, VA

Modified Alternate 7 will not decrease the security setbacks between the base property and US 301; therefore, no additional security protection measures for the base are necessary.

- **Install a noise barrier along north side of bridge**

E-09: Janet Michael, Mystic, CT

As discussed in Section IV.D, a noise impact is anticipated at Dahlgren Wayside Park with Modified Alternate 7. While a sound barrier is feasible and reasonable to mitigate the noise impact, final decisions on construction of noise abatement will occur during final engineering for the project after coordination with VDOT and King George County.

- **Implement access controls along US 301 north to La Plata**

PUB-06-MD: John Wesley Gardner, Newburg, MD

Decisions to further control access along US 301 in Maryland are under the jurisdiction of the State Highway Administration. Modified Alternate 7 would not preclude any access revisions along US 301 north to La Plata.

- **Consider 3-lane span with reversible flow**

C-01: Jean Tierney, Newberg, MD
C-14: Michael Brawner, Newburg, MD
C-16: James Andy Vandegrift, Newburg, MD

As summarized in Section I.B, the purpose of the project includes providing a crossing of the Potomac River that is geometrically compatible with the US 301 approach roadways, and providing sufficient capacity to carry projected vehicular traffic volumes in 2030. Modified Alternate 7 fully meets these project needs. Converting the existing bridge to three-lanes would not meet the purpose and need of the project nor would it address the current maintenance requirements at the existing bridge (e.g., need for replacing the existing bridge deck). This action would also result in a substantial impact to existing traffic flow during construction and the shifting of the median barrier to reverse traffic flow in the center lane. Installation of a parallel three-lane bridge would better address the project purpose and need, but would also require substantially higher operational and maintenance costs as compared to Modified Alternate 7 and would not be consistent with local master plans.

- **Review traffic signal timing along US 301 with new traffic flows**

C-04: John Gardner, Newburg, MD
PUB-06-MD: John Wesley Gardner, Newburg, MD

The operation of traffic control signals along US 301 is under the jurisdiction of the Maryland State Highway Administration and Virginia Department of Transportation. Modified Alternate 7 will not preclude modification to these systems. As the project progresses into the construction phase, coordination with these agencies will continue, to ensure appropriate signal timing adjustments are made to changing traffic volumes.

– **Include roadway heating elements in the new bridge**

W-47: Mark Nensel, Rockville, MD

As the project progresses into the engineering phase, feasible, proven and cost-effective technologies that provide a safer transportation facility will be considered. Modified Alternate 7 will not preclude consideration of these technologies.

– **Consider parking lots similar to Cooper River Bridge in South Carolina**

L-10: Don Askew, Sumerduck, VA

Opportunities to incorporate Travel Demand Management (TDM) elements and accommodations for transit will continue to be investigated, the Nice Bridge facility has not been identified as a candidate, nor do local master plans call for a Park and Ride lot at this location. TDM elements, such as Park and Ride lots, as a stand-alone alternate will not meet the project purpose and need, yet they are not precluded by Modified Alternate 7.

– **Place new bridge across Potomac at Nanjemoy, Maryland**

PUB-10-MD: Johnnie Degiorgi, Nanjemoy, MD

As summarized in Section I.B, the purpose of the project includes providing a crossing of the Potomac River that is geometrically compatible with the US 301 approach roadways, providing sufficient capacity to carry projected vehicular traffic volumes in 2030, improving traffic safety at the approaches to and on the bridge, and providing the ability to maintain two-way traffic flow across the bridge. Modified Alternate 7 fully meets these project needs. A new crossing of the Potomac at Nanjemoy does not meet the project purpose and need, is not consistent with local master plans, and would result in greater environmental impacts.

– **Improve access to Roseland Road**

C-06: Neil McGrath, Cobb Island, MD
C-31: C. Carlton Griffin, King George, VA
E-09: Janet Michael, Mystic, CT

Due to the proximity of the US 301 intersection with Roseland Road with the bridge, there is a lack of sufficient distance for an adequate acceleration lane for left turns out of Roseland Road along northbound US 301 before the bridge. Turning movements at this intersection are constrained with Modified Alternate 7 to right and left turns into Roseland Road and only right turns out of Roseland Road. Evaluation of the installation of a traffic control signal may be undertaken during the engineering phase in coordination with VDOT.

– **Extend EZ Pass lane**

C-14: Michael Brawner, Newburg, MD

Improvements at the existing toll plaza that included extending the approach on the EZ Pass lane have recently been completed. Under Modified Alternate 7, the toll plaza would be removed and toll collection would occur at highway speeds using electronic toll collection methods.

– **Modify alignment of bridge to reduce sun glare**

PUB-06-VA: Ted Levay, Montross, VA

Setting the alignment of the bridge to eliminate sun glare would require a substantial shift in the US 301 approach to the crossing. The required revisions to the alignment of US 301 would be inconsistent with local master plans and result in increased impacts to environmental resources and a substantially higher project cost, as the length of the bridge structure would be increased. As summarized in Section I.B, the purpose of the project includes providing a crossing of the Potomac River that is geometrically compatible with the US 301 approach roadways, which Modified Alternate 7 would accomplish.

– **Build bridge for commercial traffic only**

PUB-06-VA: Ted Levay, Montross, VA

Recent vehicle classification counts at the Nice Bridge indicate commercial traffic, e.g., heavy vehicles, account for a peak of about 14 percent of the vehicles using the crossing during an average weekday. This level of demand, approximately 2,400 daily trips, does not justify the designation of a separate structure for commercial vehicles. Instituting restricted use lanes on the US 301 approach roadways would reduce the capacity of these roadways and require the development of merge and diverge ramps to and from the bridge. This suggestion would not result in a crossing of the Potomac River that is geometrically compatible with the US 301 approach roadways, which Modified Alternate 7 would accomplish. In addition, by providing two travel lanes and full width shoulder in each direction, Modified Alternate 7 will reduce traffic delays, provide more predictable travel times and improve mobility for commercial traffic.

– **Build two lanes initially then expand to four**

E-18: Karen Hanson, White Plains, MD

As discussed in Section II.A, delaying the installation of two of the ultimate lanes for Modified Alternate 7 would increase the project costs due to conducting required rehabilitation of the existing bridge to keep it in service, higher costs for mobilization, labor and materials by a contractor to install the final two lanes, and a second period of time of traffic and aquatic habitat disruption.

- **Would new bridge need to be as high as existing bridge?**

E-06: Tom Gay, Richmond, VA

Per the recommendation by the US Coast Guard, Modified Alternate 7 includes the installation of a new bridge that would maintain the existing horizontal and vertical clearances for the navigational channel in the Potomac River. This would result in the main span of the new bridge being as high as the existing bridge.

- **There is a need for a full movement signal at the US 301 intersection with MD 257**

C-04: John Gardner, Newburg, MD

The Maryland State Highway Administration (SHA) is the agency with jurisdiction of the operation of the US 301 intersection with MD 257. MDTA has forwarded concerns expressed about this intersection to the SHA District Engineer. Modified Alternate 7 will not preclude modification of the traffic control devices used at this intersection.

- **Install bicycle path under new bridge**

PUB-06-MD: John Wesley Gardner, Newburg, MD

The US Coast Guard requires minimum vertical clearances be maintained over US navigable waters. The placement of the bicycle/pedestrian path under the bridge would require the mainspan to be raised. This would result in either a steeper slope along the bridge travelway or extending the bridge further onto the shore in Maryland. Each of these actions would increase the bridge structure costs. Modified Alternate 7 includes a two-way bicycle path along the south side of the new bridge and maintaining the existing bridge travelway elevation over the navigation channel in the Potomac.

- **Build two-lane bridges north and south of existing bridge, use existing bridge for bicycles/pedestrians to provide redundancy if vessel collision occurs**

C-28: William Shield, King George, VA

Maintenance costs to retain the existing bridge for exclusive bicycle/pedestrian service are substantial, and would increase if conducted at a level that allowed temporary use of the bridge for vehicle passage. Modified Alternate 7 would be designed and constructed in a manner to minimize the risk of damage from vessel collisions.

- **Consider piers under bridge for park access**

C-06: Neil McGrath, Cobb Island, MD

Access to Barnesfield Park will not be affected by the project. With Modified Alternate 7, access to Dahlgren Wayside Park will be maintained via Roseland Road. Mitigation for impacts

to this park from Modified Alternate 7 is reflected in a Memorandum of Agreement presented in Appendix B.

– **Extend bridge to reduce fill in floodplains**

C-05: Lauren Wanzer, Bel Alton, MD

The location of the bridge abutments for Modified Alternate 7 will be designed to minimize the placement of fill for approach roadway embankment in the floodplain.

– **Consider a fly-over on the Maryland side**

C-30: James P. Lynch, King George, VA

Modified Alternate 7 includes a two-way, barrier separated bicycle/pedestrian path with crossings beneath the bridge on each shore to enable path users to transition to the correct shoulder of US 301 without crossing the roadway, and also provides a vehicle travelway that is a consistent with the US 301 approach roadway. Therefore, eliminating any need for fly-over ramps. The installation of a fly-over ramp for vehicles or bicycles/pedestrians would increase the construction and maintenance cost of the project. In addition, fly-over ramps limit the locations of at-grade connections, possibly increasing traveler's distance to destination points.

– **Provide exit to southbound US 301 from Maryland Visitor's Center**

C-07: Mary Lewis, Charlotte Hall, MD

The Maryland State Highway Administration (SHA) is the agency with jurisdiction of access along US 301 in the vicinity of the Maryland Visitor's Center. MDTA has forwarded concerns expressed about access at the Visitor's Center to the SHA District Engineer. Modified Alternate 7 will not preclude modification of access along US 301 north of Orland Park Road.

– **Make bicycle/pedestrian path 12 feet wide for emergency vehicle use and snow removal**

C-18: Jane Hudnall, Fort Washington, MD
C-20: Dave and Carol Jones, King George, VA

Emergency access to the bicycle/pedestrian path will be accomplished via the proposed 12 foot wide outside shoulder along the vehicle travelway with Modified Alternate 7. Access points in the safety fence along the barrier would be provided at appropriate locations. The 10-foot wide bicycle/pedestrian path is sufficient to provide two-way bicycle and pedestrian travel and for snow removal maintenance. Increasing the path width would substantially increase the construction cost of the project.

- **Install adequate bicycle/pedestrian paths on each approach to the bridge**

C-18: Jane Hudnall, Fort Washington, MD
E-13: John Bik, Bethesda, MD

The proposed two-way bicycle/pedestrian path with Modified Alternate 7 will cross beneath each end of the structure to direct bicyclists/pedestrians to the existing 10–foot wide outside shoulder of US 301 in Maryland without users having to cross the highway. The Virginia Department of Transportation is in the process of initiating a program to provide sufficient shoulders on roadways to accommodate bicycle use. The path will provide a connection along US 301 between recreational facilities in Maryland (i.e., Aqua-Land Campground and Marina) and Virginia (i.e., Barnesfield Park and Dahlgren Wayside Park). In addition, both King George and Charles County master plans discuss planned trails that could connect to the proposed bicycle/pedestrian path along Modified Alternate 7.

APPENDIX F

ADDITIONAL AGENCY CORRESPONDENCE

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

SEP 24 2012

Gregory Murrill, Division Administrator
Federal Highway Administration
DelMar Division
10 South Howard Street, Suite 2450
Baltimore, MD 21201

Dear Mr. Murrill,

We would like to offer the following comments in response to your letter dated August 15, 2012, and other correspondence related to a consultation, pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended, regarding the Governor Harry W. Nice Memorial Bridge Improvement Project over the Potomac River in Maryland.

Coordination on the proposed project has been ongoing between NOAA's National Marine Fisheries Service (NMFS) and the US Federal Highway Administration (FHWA) since 2008. You would like to eventually initiate Section 7 consultation with us regarding the impacts of the proposed project on the federally-listed shortnose sturgeon (*Acipenser brevirostrum*) and the five distinct population segments (DPSs) of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) that may use the Potomac River. Section 7 consultation is necessary as certain aspects of the proposed project, specifically the construction activities (*i.e.*, dredging, pile driving, etc.) of a new bridge over the Potomac River, may affect shortnose and Atlantic sturgeon. Since 2008, discussions between FHWA and NMFS have been ongoing regarding how to proceed with this consultation as the bridge is not yet designed and, therefore, it is not currently possible to adequately analyze the effects of its construction on shortnose and Atlantic sturgeon in the Potomac River. The project proponent, the Maryland Transportation Authority (MDTA), has determined that a final design for the bridge will not be prepared for several years.

You have been working with the MDTA to address the potential impacts to sturgeon in their project scoping, and FHWA will be reviewing and approving the final design for the bridge when it is prepared. At that time, a final Biological Assessment shall be prepared for NMFS that will assess the impacts of the proposed bridge construction on listed species in the Potomac River. Once the bridge design is complete and a final BA prepared, we anticipate that we will have the information necessary to conduct a section 7 consultation.

We agree that this approach is the most practical way to move forward with the consultation on this project, and that your information and analysis in the draft Biological Assessment supports a path forward for the final design of the bridge improvement project that will minimize effects to listed species. We expect to receive periodic updates from the FHWA on the progress of the project and the development of the final bridge plans.

My staff looks forward to continuing to work cooperatively with your staff as this project moves forward. Should you have any questions regarding this correspondence, please contact Chris Vaccaro of my staff at (978)281-9167 or by e-mail (Christine.Vaccaro@noaa.gov).

Sincerely,

Kimberly Damon-Randall
Acting Assistant Regional Administrator
for Protected Resources

Ec: Vaccaro/FNER3
Nichols/FNER4
Jeanette Mar, FHWA
Brian Yanchik, FHWA

File Code: Sec 7 FHWA Nice Bridge Project
PCTS: T/NER/2008/00196

SEP 26 2012

U.S. Department
of Transportation
Federal Highway Administration

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(410) 962-4440
(410) 962-4054
http://www.fhwa.dot.gov/demddiv/

August 10, 2012

In Reply Refer To:
HDA-MD
VA 2006-1393

Ms. Christine Vaccaro
U.S. Department of Commerce
NOAA/NMFS
Protected Resources Division
55 Great Republic Drive
Gloucester, MA 01930

Dear Ms. Vaccaro:

Pursuant to the requirements of Section 7 of the Endangered Species Act, this letter serves to continue informal consultation between the Federal Highway Administration (FHWA), the Maryland Transportation Authority (MDTA) and the National Marine Fisheries Service (NMFS) for the Governor Harry W. Nice Memorial (Nice) Bridge Improvement Project. Based on discussions between FHWA, MDTA and NMFS during the May 7, 2012 conference call, we are transmitting further revisions to the project's Biological Assessment (BA). These revisions incorporate the Performance Specifications you previously reviewed, the time-of-year restriction bar chart, and new documentation concerning the Chesapeake Bay distinct population segment of *Acipenser oxyrinchus oxyrinchus* (Atlantic sturgeon), which became listed as endangered effective April 6, 2012. As noted during the conference call, the intent of the Performance Specification is to ensure future decisions on the bridge type, foundation design, and construction methods that promote achievement of the underwater noise standards, thereby preventing impacts to the endangered sturgeon species from occurring. The revisions also emphasize MDTA's commitment to prohibiting in-water construction of bridge foundations during the sturgeon spring migration period unless there is full compliance with the following underwater noise standards:

- At least 40% of the Potomac River width will be maintained with sound levels less than 187 dB re 1μPa^2-s; and
- At least 25% of the Potomac River width will be maintained with noise levels less than 150 dB re 1μPa RMS for at least 12 hours per day.

As suggested during the conference call, we cordially request you provide written confirmation that the MDTA's preliminary analysis and commitments presented in the revised BA are appropriate steps toward ensuring the project is moving in the right direction and not likely cause any significant impacts to either species of endangered sturgeon. As this project progresses through design, avoidance and minimization measures will continue to be evaluated. Further coordination will be undertaken with NMFS when the type of bridge structure has been

continued coordination with NMFS during design will preserve the flexibility to consider alternative construction methods to avoid impacts to the endangered shortnose and Atlantic sturgeon. We hope that we can move forward with our environmental document and that NMFS is in agreement with the appropriateness of all the coordination efforts taken to date and the analysis needed at this time to minimize and avoid project impacts to the shortnose and Atlantic sturgeon. We appreciate your expertise and guidance on this matter and look forward to receiving your response within 45 days of receipt of this letter.

If you have any questions please contact Ms. Jeanette Mar (Environmental Program Manager, FHWA) at 410-779-7152 or Mr. Glen Smith (Program Manager, MDTA) at 410-537-5665.

Sincerely yours,

Jeanette Mar

for Gregory Murrill
Division Administrator

U.S. Department
of Transportation
Federal Highway Administration

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Baltimore, MD 21201
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November 1, 2011

In Reply Refer To:
HDA-MD
709

Mr. Don Halligan Director,
Office of Planning and Capital Programming, MDOT
7201 Corporate Center Drive
P.O. Box 548
Hanover, Maryland 21076

Dear Mr. Halligan:

We have completed our review of the State request (MDOT Control # 11-44) to modify the Fiscal Year (FY) 2011 Statewide Transportation Improvement Program (STIP) and FY 2011-2016 Transportation Improvement Program (TIP) for the National Capital Region Transportation Planning Board. Specifically, the STIP/TIP is being modified to transfer funds from the construction Phase into the Preliminary Engineering and Right-of-Way Phases for many Grouped Projects for FY 12. There is no change in total project cost for these Grouped Projects.

We accept this amendment and find that it was developed based on a continuing, cooperative, and comprehensive transportation planning process, in accordance with 23 U.S.C. 134, 23 U.S.C. 135 and 49.

If you have any questions, regarding this STIP/TIP amendment please contact Kwame Arhin at (410) 779.7158.

Sincerely yours,

for Gregory Murrill
Division Administrator

cc:
Heather Murphy, SHA
Mike Nixon, MDOT
Mary Deitz, SHA

U.S. Department of Transportation
Federal Highway Administration

DelMar Division

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November 1, 2011

In Reply Refer To:
HDA-MD
709

Mr. Don Halligan Director,
Office of Planning and Capital Programming, MDOT
7201 Corporate Center Drive
P.O. Box 548
Hanover, Maryland 21076

Dear Mr. Halligan:

We have completed our review of the State request (MDOT Control # 11-46) to modify the Fiscal Year (FY) 2011 Statewide Transportation Improvement Program (STIP) and FY 2011-2016 Transportation Improvement Program (TIP) for the National Capital Region Transportation Planning Board. Specifically, the STIP/TIP is being modified to transfer funds from FY 11 to FY 12 for the Governor Harry W. Nice Bridge Improvement Project.

We accept this amendment and find that it was developed based on a continuing, cooperative, and comprehensive transportation planning process, in accordance with 23 U.S.C. 134, 23 U.S.C. 135 and 49.

If you have any questions, regarding this STIP/TIP amendment please contact Kwame Arhin at (410) 779.7158.

Sincerely yours,

for Gregory Murrill
Division Administrator

cc:
Heather Murphy, SHA
Mike Nixon, MDOT
Mary Deitz, SHA
Glen Smith, MdTA