

## Appendix B – Agency Correspondence

Agency	Page No.	Date	Subject
Advisory Council on Historic Preservation (ACHP)	1	10/10/2017	Project Scoping
	4	2/5/2018	ACHP Response to Invitation to Participate
Anne Arundel County	5	11/25/2017	Invitation to Participate with Attachment
	8	Unknown date	Anne Arundel County Section 106 Consulting Party Form
Baltimore County	9	11/25/2017	Invitation to Participate with Attachment
Baltimore Metropolitan Council (BMC)	12	11/24/2017	Invitation to Participate with Attachment
Calvert County	15	11/25/2017	Invitation to Participate with Attachment
Caroline County	18	11/25/2017	Invitation to Participate with Attachment
Cecil County	21	11/25/2017	Invitation to Participate with Attachment
	24	12/4/2017	Cecil County's Response to Invitation to Participate
	25	11/30/2018	Cecil County's Response to Section 106 Consulting Party Invitation with Attachment
Critical Area Commission (CAC)	27	11/24/2017	Invitation to Participate with Attachment
	30	11/28/2017	CAC's Response to Invitation to Participate
	31	12/18/2017	CAC's Project Approval Checklist
	32	1/30/2020	Concurrence on draft Alternatives Concurrence Report
Dorchester County	33	11/25/2017	Invitation to Participate with Attachment
Dover-Kent MPO	36	11/24/2017	Invitation to Participate with Attachment
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	41	12/11/2017	Dover-Kent MPO Officially Request to be Notified Agency
Federal Highway Administration (FHWA)	42	10/11/2017	Notice of Intent with Four Attachments
	50	12/17/2018	Concurrence on draft Purpose & Need
Federal Transit Administration (FTA)	51	11/29/2017	Response to Invitation to Participate with Attachment
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Kent County	63	11/25/2017	Invitation to Participate with Attachment
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Agency	Page No.	Date	Subject
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	78	12/29/2017	MDNR Response to Invitation to be Cooperating with Attachment
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Maryland Emergency Management Administration (MEMA)	104	11/24/2017	Invitation to Participate with Attachment
Maryland Historical Trust (MHT)	107	11/24/2017	Invitation to Participate with Attachment
	110	11/27/2017	MHT Point of Contacts
	111	12/29/2017	MHT Response to Invitation to Participate with Attachment
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	122	6/25/2018	MHT Response to Section 106 Initiation with Attachment
	125	11/27/2018	FHWA Response to MHT Comments on Section 106
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Maryland Port Authority (MPA)	131	11/24/2017	Invitation to Participate with Attachment
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Maryland-Washington Council of Governments (MWCOG)	137	11/24/2017	Invitation to Participate with Attachment
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MDOT Maryland Transit Administration (MDOT MTA)	142	11/24/2017	Invitation to Participate with Attachment
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NOAA National Marine Fisheries Service (NMFS)	156	12/29/2017	NOAA NMFS Response to Invitation to Participate
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Notified Agencies/Stakeholders General Project Info	173	11/22/2017	Introduction to Bay Crossing Study
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	185	12/3/2018	Sample Section 106 Consulting Party Invitation Email from FHWA to Stakeholders
	186	12/4/2018	Four Rivers Heritage Area Section 106 Consulting Party Response with Attachment
	188	12/6/2018	Heart of Chesapeake Country Heritage Area Section 106 Consulting Party Response Form
	189	12/7/2018	Preservation Maryland Section 106 Consulting Party Response with Attachment
	191	12/10/2018	Stories of the Chesapeake Heritage Area Section 106 Consulting Party Response Form
	192	12/11/2018	Lower Eastern Shore Heritage Area Council Section 106 Consulting Party Response
	193	12/12/2018	Oneida Indian Nation Declines to be Consulting Party
	194	12/16/2018	Kent Conservation and Preservation Alliance Section 106 Consulting Party Response with Attachment
	196	12/21/2018	Chesapeake Bay Foundation Section 106 Consulting Party Response with Attachment
	198	12/31/2018	Eastern Shore Land Conservancy Section 106 Consulting Party Response with Attachment

	200	1/7/2019	American Chestnut Land Trust Section 106 Consulting Party Response with Attachment
	202	2/8/2019	Delaware Nation Section 106 Consulting Party Response with Attachment
	204	4/11/2019	Lower Shore Land Trust Section 106 Consulting Party Response with Attachment
	206	4/12/2019	City of Annapolis Historic Preservation Section 106 Consulting Party Response with Attachment
	208	Unknown Date	Baltimore Heritage Section 106 Consulting Party Response
	209	6/24/2020	Request for Absentee-Shawnee Tribe of Oklahoma to Review Cultural Resources Technical Report
	212	6/24/2020	Request for Delaware Nation to Review Cultural Resources Technical Report
	215	6/24/2020	Request for Delaware Tribe of Indians to Review Cultural Resources Technical Report
	218	6/24/2020	Request for Eastern Shawnee Tribe to Review Cultural Resources Technical Report
	221	6/24/2020	Request for Onondaga Nation to Review Cultural Resources Technical Report
	224	6/24/2020	Request for Seneca Cayuga Nation to Review Cultural Resources Technical Report
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Queen Anne's County	236	11/25/2017	Invitation to Participate with Attachment
	241	Unknown Date	Queen Anne's County Section 106 Consulting Party Response
Salisbury-Wicomico MPO	242	11/24/2017	Invitation to Participate with Attachment
	245	11/27/2017	Salisbury-Wicomico MPO Response to Invitation to Participate with Attachment
Somerset County	249	11/25/2017	Invitation to Participate with Attachment
	252	11/27/2017	Somerset County's Response to Invitation to Participate with Attachment
St. Mary's County	255	11/25/2017	Invitation to Participate with Attachment
St. Mary's-Calvert MPO	258	11/24/2017	Invitation to Participate with Attachment
	261	2/2/2018	Response to voicemail from St. Mary's asking for further information on being participating agency
Stockbridge-Munsee Mohican Tribal Historical Preservation	262	12/8/2017	Stockbridge-Munsee declines to participate in project



Talbot County	263	11/25/2017	Invitation to Participate with Attachment
	267	12/4/2017	Talbot County's Response to Invitation to Participate
Tri-County Council for the Lower Eastern Shore (TCCLES)	268	12/5/2017	TCCLES Response to Invitation to Participate with Attachment
Tri-County Council of Sothorn Maryland (TCCSM)	270	11/24/2017	Invitation to Participate with Attachment
	273	7/5/2018	Concurrence on Project Schedule
US Army Corps of Engineers (USACE)	275	2/12/2018	USACE Response to NOI
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	280	5/10/2018	Section 106 Initiation with Attachment
	289	7/26/2018	Concurrence with Comments on draft Purpose & Need
	289	2/25/2020	Concurrence on Alternatives
US Coast Guard (USCG)	291	5/10/2018	Section 106 Initiation with Attachment
	300	10/16/2018	No Objection on draft Purpose & Need
	301	3/4/2020	No Objection on Alternatives
US Environmental Protection Agency (USEPA)	302	12/11/2017	EPA Response to be Cooperating Agency
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US Fish & Wildlife Service (USFWS)	307	12/21/2017	USFWS Response to Invitation to Participate
	310	3/12/2018	Concurrence on Coordination Plan Schedule
	311	3/2/2020	Corridor 6 USFWS IPaC Resource List
	358	3/2/2020	Corridor 7 USFWS IPaC Resource List
	407	3/2/2020	Corridor 8 USFWS IPaC Resource List
US Navy	455	7/11/2018	US Navy Response to Invitation to Participate
Virginia Department of Transportation (VDOT)	456	12/6/2017	Request to be Participating and Project Scoping
Wicomico County	458	11/25/2017	Invitation to Participate with Attachment
	461	12/1/2017	Wicomico County's Response to Invitation to Participate with Attachment
Wilmington Area Planning Council (WILMAPCO)	463	11/24/2017	Invitation to Participate with Attachment
	468	1/25/2018	WILMAPCO States No Jurisdiction Over Study
	469	1/26/2018	MDTA Response to 1/25 Email from WILMAPCO, Suggests Notified Agency Status
Worcester County	470	11/25/2017	Invitation to Participate with Attachment

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**From:** Sarah Stokely [mailto:[sstokely@achp.gov](mailto:sstokely@achp.gov)]  
**Sent:** Tuesday, October 10, 2017 5:14 PM  
**To:** Heather Lowe <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)>  
**Cc:** Charlene Vaughn <[cvaughn@achp.gov](mailto:cvaughn@achp.gov)>; MaryAnn Naber <[mnaber@achp.gov](mailto:mnaber@achp.gov)>  
**Subject:** RE: Chesapeake Bay Crossing Study : Tier 1 NEPA Agency Scoping Meeting Invitation

Dear Ms. Lowe,

The Advisory Council on Historic Preservation (ACHP) received your email initiating scoping for the referenced project.

MDOT- SHA and the MD Division of FHWA should be coordinating with the MD State Historic Preservation Officer (SHPO), Indian tribes, and other consulting parties with an interest in historic properties in order to identify historic properties as part of NEPA and in order to ensure compliance with Section 106 of the National Historic Preservation Act. The FHWA and MDOT should initiate the Section 106 process by notifying the MD SHPO and other consulting parties pursuant to our regulations, "Protection of Historic Properties" (36 CFR Part 800). Through early consultation the agencies will be able to determine the appropriate strategy to ensure Section 106 compliance for this undertaking. FHWA should continue consultation with the SHPO and other consulting parties to identify and evaluate historic properties within the project's area of potential effect and to assess any potential adverse effects. If you determine, through consultation with the consulting parties, that the undertaking will adversely affect historic properties, or that the development of an agreement document is necessary, FHWA must notify the ACHP and provide the documentation detailed at 36 CFR § 800.11(e) and the Programmatic Agreement in effect for FHWA funded projects in Maryland.

Should you have any questions regarding compliance with the requirements of Section 106, you may contact me at 202-517-0224 or by e-mail at [sstokely@achp.gov](mailto:sstokely@achp.gov).

Thank you,

Sarah

Sarah C. Stokely  
Program Analyst  
Advisory Council on Historic Preservation  
Telephone: 202-517-0224  
Fax: 202-517-6381  
Email: [sstokely@achp.gov](mailto:sstokely@achp.gov)

---

**From:** Heather Lowe [<mailto:hlowe@mdta.state.md.us>]

**Sent:** Tuesday, October 10, 2017 3:58 PM

**To:** Joseph DaVia; Jack Dinne; Lonnie Harrison ([lonnie.p.harrison@uscg.mil](mailto:lonnie.p.harrison@uscg.mil)); Suhair AlKhatib; Scott Pomento; Jim White, J.; Gabriella Martinez ([gabiella.a.martinez@uscg.mil](mailto:gabiella.a.martinez@uscg.mil)); John Bullard ([john.bullard@noaa.gov](mailto:john.bullard@noaa.gov)); Kimberly Damon-Randall ([kimberly.damon-randall@noaa.gov](mailto:kimberly.damon-randall@noaa.gov)); Barbara Rudnick; Genevieve Larouche ([Genevieve.larouche@fws.gov](mailto:Genevieve.larouche@fws.gov)); Ray Li; Ghigiarelli, Elder; Reid Nelson; Charlene Vaughn; Michael Day ([Michael.day@maryland.gov](mailto:Michael.day@maryland.gov)); Beth Cole; Greg Golden; Gay Vietzke ([gay.vietzke@nps.gov](mailto:gay.vietzke@nps.gov)); Amanda Ciampolillo ([amanda.ciampolillo@fema.dhs.gov](mailto:amanda.ciampolillo@fema.dhs.gov)); Kate Charbonneau; Hoerger, Lisa; Stuart Sirota ([stuart.sirota@maryland.gov](mailto:stuart.sirota@maryland.gov)); Russell Strickland ([russell.strickland@maryland.gov](mailto:russell.strickland@maryland.gov)); Terron Hillsman ([terron.hillsman@md.usda.gov](mailto:terron.hillsman@md.usda.gov))

**Cc:** Eric Almquist; Jeanette Mar; Melissa Williams; Karen Kahl; Jitesh Parikh; Blair Jones; Joy Liang; Sarah Williamson; Jon Stewart ([jon.stewart@maryland.gov](mailto:jon.stewart@maryland.gov))

**Subject:** Chesapeake Bay Crossing Study : Tier 1 NEPA Agency Scoping Meeting Invitation

Dear Agency Representative:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) will be preparing a Tier 1 Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study pursuant to the National Environmental Policy Act (NEPA). The Tier 1 study will identify the preferred location for addressing congestion on the Chesapeake Bay Bridge and estimate its financial viability. The study will initiate the NEPA process with the goal of narrowing the scale and scope of the complex project prior to more detailed analysis in a future Tier II study. The project study area extends from the top of the Chesapeake Bay near Havre de Grace, Maryland, southward to Point Lookout, Maryland.

We anticipate that the EIS Notice of Intent (NOI) will be published in the Federal Register within the next two weeks. The NOI will formally launch the Tier 1 EIS scoping process and establish the objectives of the Tier I EIS. An invitation to be a cooperating or participating agency in the NEPA environmental review process will be sent following the publication of the NOI. Your agency has been identified as a potential cooperating or participating agency for this study.

MDTA plans to begin project scoping immediately following publication of the NOI. Consequently, we would like to invite you to an agency scoping meeting to introduce the project and identify the range of issues to be addressed in the Tier I EIS. The scoping meeting will take place during the monthly Interagency Joint Evaluation (JE) meeting held at the U.S. Fish and Wildlife Service Chesapeake Bay Field Office in Annapolis. The meeting location and date are:

**October 25, 2017, Time: TBD**

US Fish and Wildlife Service  
Chesapeake Bay Field Office, Second Floor  
177 Admiral Cochrane Drive  
Annapolis, Maryland 21401

The time will be determined by the JE Meeting organizer. A follow-up email will be sent once the JE agenda with the project timeslot is published on or about October 17. We anticipate the meeting to last 1-2 hours. We hope that you (or a representative identified by you) will attend this meeting, and participate to the extent possible for the duration of the project. If you are unable to attend the scoping meeting in person, a webinar format of the meeting will be available. The information regarding remote connection will be provided closer to the scheduled date.

Please RSVP to me, the MDTA Chesapeake Bay Crossing Study Project Manager. I may be reached via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at 410.537.5665. In your response, please indicate whether you or your representative will be joining the meeting in person or remotely through the webinar format.

Sincerely,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdt Maryland.gov>

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*Preserving America's Heritage*

February 5, 2018

Ms. Brandye Hendrickson  
Acting Administrator  
U.S. Department of Transportation  
Federal Highway Administration  
1200 New Jersey Ave S.E.  
Washington, D.C. 20590

Ref: *Tier I Environmental Impact Statement for the Chesapeake Bay Crossing Study, Maryland*  
*ACHP Connect Log Number: 12490*

Dear Ms. Hendrickson:

In response to a recent notification by the Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation (ACHP) will participate in consultation regarding the Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study. Our decision to participate in this consultation is based on the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, contained within the regulations, "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act. The criteria are met for this proposed undertaking because the project could have substantial impacts on important historic properties, and has the potential for presenting procedural problems.

Section 800.6(a)(1)(iii) of our regulations requires that we notify you as the head of the agency of our decision to participate in consultation. By copy of this letter, we are also notifying Ms. Jeanette Mar, FHWA Maryland Division Environmental Program Manager, and Ms. Heather Lowe, MDTA Project Manager in the Division of Planning & Program Development, of our decision to participate in consultation.

Our participation in this consultation will be handled by Ms. Sarah Stokely who can be reached at 202-517-0224 or via e-mail at [sstokely@achp.gov](mailto:sstokely@achp.gov). We look forward to working with your agency and other consulting parties to consider alternatives to this undertaking that could avoid, minimize, or mitigate potential adverse effects on historic properties and to reach a resolution.

Sincerely,

John M. Fowler  
Executive Director

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637

Phone: 202-517-0200 • Fax: 202-517-6381 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

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**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Saturday, November 25, 2017 8:27 AM  
**To:** Philip Hager (pzhage56@aacounty.org)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Anne Arundel Co.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Hager,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdt Maryland.gov>

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November 24, 2017



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[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Philip R. Hager  
Planning and Zoning Officer  
Planning and Zoning  
Anne Arundel County  
Heritage Office Complex  
2664 Riva Road  
Annapolis, MD 21401

Dear Mr. Hager:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

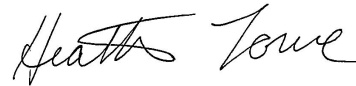


3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

**Section 106 Consulting Party Response Form  
Chesapeake Bay Crossing Study**

**From:**

Anne Arundel County, Office of Planning & Zoning, Cultural Resources Division

**Name:**

Ms. Darian Beverungen

**Telephone:** (410) 222-7432

**Address:**

2664 Riva Road

*Street*

Annapolis

*City*

MD

*State*

21401

*Zip Code*

**Email:**

pzbeve19@aacounty.org

☒ **X**

**Yes.** I, or my organization, would like to participate as a consulting party for the Chesapeake Bay Crossing Study.

Anne Arundel County, Office of Planning & Zoning

*Organization*

will be represented by

Cultural Resources Division

*Representative*

*Please provide contact information of representative if different from above.*

☐ **No.**

I, or my organization, does not wish to participate as a consulting party for the Chesapeake Bay Crossing Study.

Please note that a response of "no" will not preclude you or your organization from requesting to participate as a consulting party at a later date, nor will it preclude consideration of comments from you or your organization as the project progresses.

If you know of other potential consulting parties for this project, please provide their names and contact information below.

**Please complete and return this form by December 31, 2018.**

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**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Saturday, November 25, 2017 8:29 AM  
**To:** Andrea Van Arsdale (planning@baltimorecountymd.gov)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Baltimore County.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ms. Van Arsdale,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdtamaryland.gov>

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William H. Cox, Jr.  
William C. Ensor, III  
W. Lee Gaines, Jr.  
Mario J. Gangemi, P.E.  
John Von Paris

Kevin C. Reigert  
Executive Director

2310 Broening Highway  
Baltimore MD 21224  
410-537-1000  
410-537-1003 (fax)  
711 (MD Relay)  
1-866-713-1596

e-mail: [mdta@mdta.maryland.gov](mailto:mdta@mdta.maryland.gov)

[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

November 24, 2017

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Ms. Andrea Van Arsdale  
Director  
Department of Planning Overview  
Baltimore County  
Jefferson Building, Suite 101  
105 West Chesapeake Ave.,  
Towson, MD 21204

Dear Ms. Van Arsdale:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

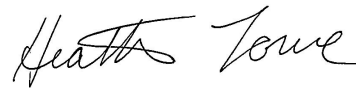
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4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

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Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, November 24, 2017 9:48 AM  
**To:** Michael Kelly (mkelly@baltometro.org)  
**Cc:** Todd Lang (tlang@baltometro.org)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** BMC.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Kelly,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdta.maryland.gov>

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November 24, 2017



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Chairman

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**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Michael B. Kelly  
Executive Director  
Baltimore Metropolitan Council  
1500 Whetstone Way  
Suite 300  
Baltimore, MD 21230-4767

Dear Mr. Kelly:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

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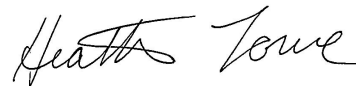


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Sincerely,



Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

cc: Mr. Todd Lang, Baltimore Metropolitan Council

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Saturday, November 25, 2017 8:31 AM  
**To:** J. Mark Willis (willisjm@co.cal.md.us)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Calvert.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Willis,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdt Maryland.gov>

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November 24, 2017



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**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. J. Mark Willis  
Director  
Planning and Zoning  
Calvert County  
County Services Plaza  
150 Main Street, 3rd Floor  
Prince Frederick, MD 20678

Dear Mr. Willis:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

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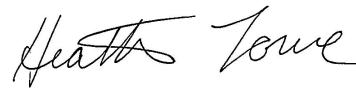
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Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Saturday, November 25, 2017 8:33 AM  
**To:** Kathleen Freeman (kfreeman@carolinemd.org)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Caroline.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ms. Freeman,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
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November 24, 2017



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**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Katheleen Freeman  
Director  
Planning and Codes  
Caroline County  
403 South Seventh St.  
Room 210  
Denton, MD 21629

Dear Freeman:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

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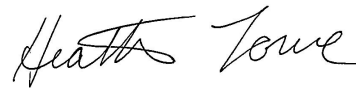
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Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map



---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Saturday, November 25, 2017 8:35 AM  
**To:** Eric Sennstrom (esennstrom@ccgov.org)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Cecil County.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Sensstrom,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
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November 24, 2017

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Eric Sennstrom  
Director  
Land Use and Development Services  
Cecil County  
200 Chesapeake Boulevard  
Suite 2300  
Elkton, MD 21921

Dear Mr. Sennstrom:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

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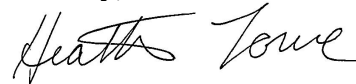
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Sincerely,

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Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

**Chesapeake Bay Crossing Study: Tier 1 NEPA**  
**Participating Agency Response**

- ☒ Elect to accept the invitation to be a participating agency.
- ☐ Elect to decline the invitation to be a participating agency, because:
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

11/27/17

Print Name: \_\_\_\_\_

ERIC SENNSTROM

Agency: \_\_\_\_\_

CECIL COUNTY LUDS

Title: \_\_\_\_\_

DIRECTOR- LAND USE & DEVELOPMENT SERVICES

**From:** Jennifer Bakeoven [mailto:JBakeoven@ccgov.org]  
**Sent:** Friday, November 30, 2018 8:28 AM  
**To:** Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>  
**Cc:** Eric Sennstrom <esennstrom@ccgov.org>  
**Subject:** Chesapeake Bay Crossing Study

Ms. Mar,

I have attached our response to the invitation to participate in the Section 106 consultation process.

Feel free to contact our office should you have any questions.

Thank you,

*Jennifer Bakeoven*

Administrative Assistant  
Department of Land Use & Development Services  
Division of Planning & Zoning  
200 Chesapeake Blvd., Suite 2300  
Elkton, MD 21921  
Office – 410.996.5220  
efax – 800.430.3829

Section 106 Consulting Party Response Form  
Chesapeake Bay Crossing Study

From: Cecil County Planning Commission  
Name: Eric S. Sennstrom Telephone: 410 996-5220  
Address: 200 Chesapeake Blvd. Ste. 2300  
Elkton MD 21921  
*Street City State Zip Code*  
Email: esennstrom@ccgov.org

☒ **Yes.** I, or my organization, would like to participate as a consulting party for the Chesapeake Bay Crossing Study.  
Cecil County Government will be represented by  
*Organization*  
Eric Sennstrom  
*Representative*

*Please provide contact information of representative if different from above.*

☐ **No.** I, or my organization, does not wish to participate as a consulting party for the Chesapeake Bay Crossing Study.

Please note that a response of "no" will not preclude you or your organization from requesting to participate as a consulting party at a later date, nor will it preclude consideration of comments from you or your organization as the project progresses.

If you know of other potential consulting parties for this project, please provide their names and contact information below.

\_\_\_\_\_  
\_\_\_\_\_

**Please complete and return this form by December 31, 2018.**

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, November 24, 2017 9:37 AM  
**To:** Kate Charbonneau  
**Cc:** Hoerger, Lisa; Charlotte Shearin (charlotte.shearin@maryland.gov); Tay Harris (tay.harris@maryland.gov)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** CAC.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ms. Charbonneau,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdt Maryland.gov>

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November 24, 2017

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Ms. Kate Charbonneau  
Executive Director  
Critical Area Commission  
1804 West Street  
Annapolis, MD 21401-3945

Dear Ms.Charbonneau:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

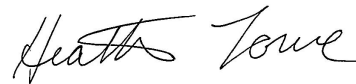
1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,



Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

cc: Ms. Lisa Hoerger, Critical Area Commission  
Ms. Tay Harris, Critical Area Commission  
Ms. Charlotte Shearin, Critical Area Commission

## Chesapeake Bay Crossing Study: Tier 1 NEPA

### Participating Agency Response

- ☒ Elect to accept the invitation to be a participating agency.
- ☐ Elect to decline the invitation to be a participating agency, because:
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature: Katherine Charbonneau Date: 11/28/17

Print Name: Katherine Charbonneau Agency: Critical Area Commission

Title: Executive Director

---

**From:** Heather Lowe  
**Sent:** Monday, December 18, 2017 1:24 PM  
**To:** 'Tay Harris -DNR-' <tay.harris@maryland.gov>  
**Cc:** Charlotte Shearin <charlotte.shearin@maryland.gov>; Greg Golden -DNR- <greg.golden@maryland.gov>  
**Subject:** RE: Subject: Time Sensitive NEPA screening request Fwd: Chesapeake Bay Crossing Study: Tier 1 NEPA

Thank you, Tay. We will be in touch if we have any questions.

Heather



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdta.maryland.gov>

**From:** Tay Harris -DNR- [<mailto:tay.harris@maryland.gov>]  
**Sent:** Monday, December 18, 2017 11:39 AM  
**To:** Heather Lowe <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)>  
**Cc:** Charlotte Shearin <[charlotte.shearin@maryland.gov](mailto:charlotte.shearin@maryland.gov)>; Greg Golden -DNR- <[greg.golden@maryland.gov](mailto:greg.golden@maryland.gov)>  
**Subject:** Subject: Time Sensitive NEPA screening request Fwd: Chesapeake Bay Crossing Study: Tier 1 NEPA

Heather,

The above referenced project will require review and approval by the Critical Area Commission, per COMAR 27.02.05. Please see the State Project Checklist for submission requirements: <http://dnr.maryland.gov/criticalarea/Documents/form/StateProjectChecklist.pdf>.

Feel free to contact me with any questions or concerns.

Thank you,

Tay Harris

 <a href="http://dnr.maryland.gov/criticalarea">dnr.maryland.gov/criticalarea</a>	Tay Harris Natural Resources Planner Critical Area Commission for the Chesapeake & Atlantic Coastal Bays 1804 West Street, Suite 100 Annapolis, MD 21401 <a href="tel:410-260-3481">410-260-3481</a> (office) <a href="tel:443-805-1190">443-805-1190</a> (cell) <a href="mailto:tay.harris@maryland.gov">tay.harris@maryland.gov</a> <sup>1</sup>
---	--

**From:** Tay Harris -DNR- <[tay.harris@maryland.gov](mailto:tay.harris@maryland.gov)>

**Sent:** Thursday, January 30, 2020 1:51 PM

**To:** Heather Lowe <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)>

**Cc:** Ryan Snyder <[rsnyder@rkk.com](mailto:rsnyder@rkk.com)>; McNicholas, Pamela S. <[pam.mcnicholas@wsp.com](mailto:pam.mcnicholas@wsp.com)>;

Charlotte Shearin <[charlotte.shearin@maryland.gov](mailto:charlotte.shearin@maryland.gov)>; Kathryn A. Durant -DNR-

<[kathryn.durant@maryland.gov](mailto:kathryn.durant@maryland.gov)>; Nick Kelly -DNR- <[nick.kelly@maryland.gov](mailto:nick.kelly@maryland.gov)>;

[Benjamin.Spencer@wsp.com](mailto:Benjamin.Spencer@wsp.com); [pmatteiat@mdta.state.md.us](mailto:pmatteiat@mdta.state.md.us)

**Subject:** Draft CBCS Tier 1 NEPA Alternatives Concurrence Report and Natural Resources Technical Report

Dear Heather and Ryan,

The Critical Area Commission has reviewed the draft Chesapeake Bay Crossing Study, Tier NEPA 1 Alternatives Concurrence Report (draft Pre-decisional and deliberative), dated January 2020, and the draft Natural Resources Technical Report, dated January 2020. The Commission concurs with the reports.

Sincerely,

Tay

**Tay Harris**  
Natural Resources Planner  
Critical Area Commission  
Department of Natural Resources  
1804 West Street, Ste 100  
Annapolis, Maryland 21401  
[tay.harris@maryland.gov](mailto:tay.harris@maryland.gov)  
(410) 260-3481 (O)  
(410-271-676 (M)  
[Website](#)

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Saturday, November 25, 2017 8:37 AM  
**To:** Steven Dodd (sdodd@docogonet.com)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Dorchester.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Dodd,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
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November 24, 2017

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Steven M. Dodd  
Director  
Planning and Zoning  
Dorchester County  
County Office Building  
501 Court Lane  
Cambridge, MD 21613-0107

Dear Mr. Dodd:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

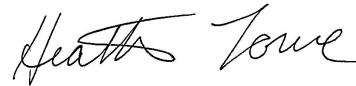
1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map



---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, November 24, 2017 10:16 AM  
**To:** Catherine Samardza (catherine.samardza@doverkentmpo.org)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Dover-Kent MPO.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ms. Samardza,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdt Maryland.gov>

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John Von Paris

Kevin C. Reigert  
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November 24, 2017

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Ms. Cathy Samardza  
Executive Secretary  
Dover/Kent MPO  
P.O. Box 383  
Dover, Delaware 19903-0383

Dear Ms. Samardza:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

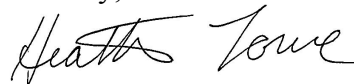
1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a more compact, stylized manner and the last name "Lowe" written more fully.

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

**From:** Heather Lowe [mailto:hlowe@mdta.state.md.us]  
**Sent:** Wednesday, December 06, 2017 6:15 PM  
**To:** Catherine Samardza <Catherine.Samardza@doverkentmpo.org>  
**Subject:** RE: Chesapeake Bay Crossing Study: Tier 1 NEPA

Ms. Samardza,

Given the scope of the Bay Crossing Study (BCS), we wanted to offer your agency the opportunity to participate. But if you feel this project would not be directly in your purview you may decline and we will continue to include you as a notified agency as the project progresses. We are happy to include you at whichever level you feel is appropriate.

If you'd like to discuss it please feel free to give me a call.

Thank you,  
Heather



**Heather Lowe**  
Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdtta.maryland.gov>

---

**From:** Catherine Samardza [mailto:Catherine.Samardza@doverkentmpo.org]  
**Sent:** Monday, November 27, 2017 12:01 PM  
**To:** Heather Lowe <hlowe@mdta.state.md.us>  
**Subject:** RE: Chesapeake Bay Crossing Study: Tier 1 NEPA

Ms. Lowe: I have forwarded this and your original e-mail to our Executive Director, Reed Macmillan. We are not sure that we are the appropriate agency to be involved in this study. We cover Kent County, Delaware, including the portion of Smyrna, DE that is in New Castle County and the portion of Milford, DE that is in Sussex County. Could you give us a little more information as to why we are being included in this project?

Thank you.

---

**From:** Heather Lowe [mailto:hlowe@mdta.state.md.us]  
**Sent:** Friday, November 24, 2017 10:16 AM  
**To:** Catherine Samardza <Catherine.Samardza@doverkentmpo.org>  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA

Ms. Samardza,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager

Maryland Transportation Authority

Division of Planning and Program Development

Point Breeze

2310 Broening Highway

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410 537 5665

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---

**From:** Heather Lowe

**Sent:** Monday, December 11, 2017 8:04 AM

**To:** 'Reed Macmillan' <Reed.Macmillan@doverkentmpo.org>

**Cc:** Catherine Samardza <Catherine.Samardza@doverkentmpo.org>

**Subject:** RE: Chesapeake Bay Crossing Study: Tier 1 NEPA

Thanks so much, Reed! We will continue to keep the Dover/Kent County Metropolitan Planning Organization on our Notified Agency list. Please feel free to reach out to me at any time.

Thanks,  
Heather



**Heather Lowe**

Project Manager

Maryland Transportation Authority

Division of Planning and Program Development

Point Breeze

2310 Broening Highway

Baltimore MD 21224

410-537-5665

<http://www.mdta.maryland.gov>

---

**From:** Reed Macmillan [<mailto:Reed.Macmillan@doverkentmpo.org>]

**Sent:** Thursday, December 07, 2017 2:48 PM

**To:** Heather Lowe <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)>

**Cc:** Catherine Samardza <[Catherine.Samardza@doverkentmpo.org](mailto:Catherine.Samardza@doverkentmpo.org)>

**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA

Ms. Lowe,

Please feel free to forward information to me and should I believe an regional transportation impact

to the Dover/Kent County MPO area of responsibility, I will ensure the information is passed on to other interested parties.

Thanks

Reed

Reed Macmillan

Executive Director

Dover/Kent County Metropolitan Planning Organization

(302) 387-6025

P.O. Box 383, Dover, DE 19903

[reed.macmillan@doverkentmpo.org](mailto:reed.macmillan@doverkentmpo.org)

<http://www.doverkentmpo.org>

---

**From:** Mar, Jeanette (FHWA) [mailto:Jeanette.Mar@dot.gov]  
**Sent:** Wednesday, October 11, 2017 9:35 AM  
**To:** Melissa Williams <mwilliams9@mdta.state.md.us>; Heather Lowe <hlowe@mdta.state.md.us>  
**Cc:** Parikh, Jitesh (FHWA) <Jitesh.Parikh@dot.gov>; Jones, Blair (FHWA) <Blair.Jones@dot.gov>; Liang, Joy (FHWA) <joy.liang@dot.gov>; ealmquist@rkk.com  
**Subject:** FW: CBCS NOI and project initiation letter

Hi Melissa and Heather:

Attached is our letter approving MDTA's request to initiate the environmental review process for the Chesapeake Bay Crossing Study: Tier 1 NEPA. Paper copy of letter will follow in the mail.

HOT off the PRESS!

Attached is the NOI that was published in the Federal Register TODAY!

Our meeting for the Port Covington/I-95 Access project is cancelled for October 12, 2017 from 1:30 PM – 3:30 PM. Do you want to move the Chesapeake Bay Crossing meeting up to start at 1:30 PM instead of at 3:00 PM? Let me know if this works for the team.

Thanks!

*Jeanette*

Jeanette Mar  
Environmental Program Manager  
FHWA - Maryland Division  
10 South Howard Street, Suite 2450  
Baltimore, MD 21201  
phone (410) 779-7152  
fax (410) 962-4054

---

**From:** Timothy Cooke [mailto:tcooke@mdta.state.md.us]  
**Sent:** Thursday, September 14, 2017 6:45 AM  
**To:** Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>  
**Cc:** Melissa Williams <mwilliams9@mdta.state.md.us>; Eric Almquist <ealmquist@rkk.com>; Karen Kahl <kkahl@rkk.com>; Tiedeman, Janie <janie.tiedeman@aecom.com>  
**Subject:** CBCS NOI

Good Morning Jeanette,

Attached is an electronic copy of the MDTA's intent to initiate the environmental review process for the Chesapeake Bay Crossing Study: Tier 1 NEPA. A **draft** NOI is also attached.

I will give you the hard copy this afternoon at the I-95 Access Improvements meeting.

Thanks,

Tim



**Tim Cooke**

Project Manager for Community Relations  
Maryland Transportation Authority  
Division of Planning & Program Development  
2310 Broening Highway  
Baltimore, MD 21224  
410-537-5675 (direct)  
410-537-5653 (fax)  
[tcooke@mdta.state.md.us](mailto:tcooke@mdta.state.md.us)  
<http://www.mdtamaryland.gov>

---

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Executive Director

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Baltimore MD 21224  
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410-537-1003 (fax)  
711 (MD Relay)  
1-866-713-1596

e-mail: [mdta@mdta.maryland.gov](mailto:mdta@mdta.maryland.gov)

[www.mdtta.maryland.gov](http://www.mdtta.maryland.gov)

September 13, 2017

Ms. Jeanette Mar  
Environmental Program Manager  
Federal Highway Administration  
Maryland Division  
10 S. Howard Street, Suite 2450  
Baltimore, MD 21201

**SUBJECT: Maryland Transportation Authority (MDTA)  
Chesapeake Bay Crossing Study: Tier 1 NEPA Project Initiation**

**Dear Ms. Mar:**

The purpose of this letter is to inform the Federal Highway Administration (FHWA) of the MDTA's intent to initiate the environmental review process for the Chesapeake Bay Crossing Study: Tier 1 NEPA pursuant to 23 U.S.C. §139(8)(e). This letter is intended to inform the Secretary of the US Department of Transportation regarding the type of work, termini, length, and general location of the proposed project as well as the Federal approvals anticipated to be necessary. The draft notice of intent (NOI) for publication in the Federal Register is attached for FHWA's review.

We request that FHWA serve as the lead Federal agency, with MDTA serving as the local sponsor and joint lead agency. MDTA recommends that cooperating agencies include:

- U.S. Army Corps of Engineers (USACE),
- National Marine Fisheries Service (NMFS),
- U.S. Environmental Protection Agency (EPA),
- U.S. Fish and Wildlife Service (USFWS),
- U.S. Coast Guard (USCG),
- Maryland Department of the Environment (MDE),
- Maryland Department of Transportation State Highway Administration (MDOT SHA), and
- Maryland Department of Natural Resources.

Additional state and Federal agencies will be invited as participating agencies following your issuance of the NOI and during the scoping period.

**TYPE OF WORK**

The Chesapeake Bay Crossing Study: Tier 1 NEPA will be a National Environmental Policy Act (NEPA) study that will identify a preferred corridor alternative to address various needs across the Chesapeake Bay and evaluate the financial feasibility of a potential new crossing or other solution. This study will address current and future traffic congestion and the demand for additional traffic capacity across the Chesapeake Bay. This study will result in a Tier 1 Environmental Impact Statement (EIS) which

will include scoping; purpose and need development; corridor alternative analysis and screening; traffic and environmental analyses; and public and agency involvement. The study is expected to be completed in December 2020.

### **TERMINI, LENGTH AND LOCATION**

The study will take into account a broad geographic area that includes the entire length of the Chesapeake Bay in Maryland, a distance of approximately 100 miles. The study will include a review of existing roadway infrastructure and environmental conditions along both shores of the Bay to identify a range of potential corridor crossing alternatives in Maryland. Each potential corridor alternative will consist of a corridor band approximately one mile wide. This width may be adjusted to accommodate the specific conditions encountered at each potential crossing as the study progresses.

The potential corridor alternatives would connect to existing logical roadway termini. The termini will vary depending on the corridor. Some highway and road infrastructure within each potential corridor could extend up to approximately 25 miles in order to adequately connect potential crossing traffic to appropriate existing roadways. Generally, the corridor alternatives would extend to major roadways such as MD 2, MD 4, or I-97 on the west and US 50 or US 301 on the east.

Once the full range of potential corridors alternatives is developed, the study will include identification of a range of reasonable corridors for screening. It is assumed that approximately ten to fifteen corridors will be identified as reasonable for further study. These corridors will be screened based on measurable screening criteria to corridor alternatives retained for analysis in the Tier 1 Draft EIS.

### **FEDERAL APPROVALS**

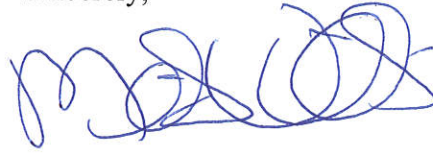
The primary Federal approval that will be sought is NEPA approval for the Tier 1 EIS via a Record of Decision (ROD) from FHWA. Additionally, the project will aim to engage in robust coordination with the US Army Corps of Engineers to preliminarily identify the Least Environmentally Damaging Practicable Alternative (LEDPA) pursuant to Section 404 of the Clean Water Act.

No permits will be sought immediately following the Tier 1 EIS. MDTA and FHWA will engage in early coordination with other federal agencies to facilitate approvals that will likely be required at later stages of the project (during the potential Tier 2 analysis). These anticipated approvals include, but are not limited to:

- Section 9/10 of the Rivers and Harbors Act,
- Section 4(f) of the US Department of Transportation Act,
- Section 106 of the National Historic Preservation Act,
- Section 6(f) of the Land and Water Conservation Act,
- Section 307 of the Coastal Zone Management Act,
- Section 7 of the Endangered Species Act,
- Migratory Bird Treaty Act, and
- Clean Air Act and Amendments.

Thank you for your review and facilitation of this initiation request. We would be pleased to answer your questions about the study and our interest in pursuing an NOI.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Melissa Williams', with a stylized, cursive script.

Melissa Williams  
Director  
Division of Planning & Program  
Development  
Maryland Transportation Authority

Attachment: Draft Notice of Intent



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Maryland Division**

October 10, 2017

10 South Howard Street, Suite 2450  
Baltimore, MD 21201  
(410) 962-4440  
(410) 962-4054

In Reply Refer To:  
HDA-MD

Ms. Melissa Williams  
Director  
Division of Planning & Program Development  
Maryland Transportation Authority  
2310 Broening Highway  
Baltimore, MD 21224

Dear Ms. Williams:

We received your letter, dated September 13, 2017 informing the Federal Highway Administration (FHWA) of the Maryland Transportation Authority's (MDTA's) intent to initiate the environmental review process for the Chesapeake Bay Crossing Study: Tier 1 NEPA. This project initiation letter is intended to inform the Secretary of the U.S. Department of Transportation regarding the type of work, termini, length, and general location of the proposed project as well as the Federal approvals anticipated to be necessary. MDTA has also requested that FHWA serve as the lead Federal agency, with MDTA serving as the local sponsor and joint lead agency.

With FHWA serving as the lead Federal agency, FHWA will assume the responsibility of reviewing the application for the proposed project, pursuant to 23 U.S.C § 139(e). Based on our review of the application, which included the project initiation letter and draft Notice of Intent (NOI) for publication in the Federal Register announcing the preparation of an environmental review for the project, we approve the request from MDTA to initiate the Section 139 environmental review process for the Chesapeake Bay Crossing Study: Tier 1 NEPA. We expect the NOI to be published in the Federal Register in the next two weeks.

Should you have any questions, please contact Ms. Jeanette Mar of my staff at (410) 779-7152 or [Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov).

Sincerely,

Gregory Murrill  
Division Administrator

Cc: Ms. Heather Lowe, MDTA, Project Manager

existing interchanges and adding capacity along the corridor.

WisDOT has notified FHWA that pursuant to s. 84.0145, Wis. Stats., the Legislature must specifically authorize WisDOT to proceed with the project. The recently approved 2017 Wisconsin Act 59, the State's biennial budget, did not authorize WisDOT to advance the project. Therefore, FHWA has determined, in conjunction with WisDOT, that the ROD shall be rescinded. Any future environmental action within this corridor will comply with environmental review requirements of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321, *et seq.*), FHWA environmental regulations (23 CFR 771), and related authorities prior to reissuance of a ROD or other NEPA documentation, as appropriate. Comments and questions concerning this action should be directed to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: October 4, 2017.

**Timothy C. Marshall,**

*Assistant Division Administrator, FHWA Wisconsin Division, Madison, Wisconsin.*

[FR Doc. 2017-21917 Filed 10-10-17; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### **Tier 1 Environmental Impact Statement for the Chesapeake Bay Crossing Study, Anne Arundel County, Baltimore County, Calvert County, Cecil County, Dorchester County, Harford County, Kent County, Queen Anne's County, St. Mary's County, Somerset County, and Talbot County, Maryland**

**AGENCY:** Federal Highway Administration (FHWA), Maryland Transportation Authority (MDTA), DOT.

**ACTION:** Notice of intent to prepare a Tier 1 Environmental Impact Statement (EIS).

**SUMMARY:** The FHWA, as the Lead Federal Agency, and MDTA, as the Local Project Sponsor, are issuing this notice to advise the public of our intention to prepare a Tier 1 EIS for the Chesapeake Bay Crossing Study in Maryland. The Tier 1 EIS will assess the potential environmental impacts of

addressing congestion at the Chesapeake Bay Bridge, which could result in added capacity at the existing bridge or at a new location across the Chesapeake Bay. The Tier 1 EIS will be prepared in accordance with regulations implementing the National Environmental Policy Act (NEPA) and provisions of the Fixing America's Surface Transportation Act (FAST Act) and will include a range of reasonable corridor alternatives, including a "No Build" alternative.

#### **FOR FURTHER INFORMATION CONTACT:**

Jeanette Mar, Environmental Program Manager, Federal Highway Administration, Maryland Division, 10 S. Howard Street, Suite 2450, Baltimore, MD 21201, (410) 779-7152, or email at [jeanette.mar@dot.gov](mailto:jeanette.mar@dot.gov). Melissa Williams, Director, Division of Planning & Program Development, Maryland Transportation Authority, 2310 Broening Highway, Baltimore, MD 21224, (410) 537-5650, or email at [mwilliams9@mdta.state.md.us](mailto:mwilliams9@mdta.state.md.us).

**SUPPLEMENTARY INFORMATION:** The purpose of this notice is to: (1) Alert interested parties to the FHWA and MDTA plan to prepare the Tier 1 EIS; (2) provide information on the nature of the proposed action; (3) solicit public and agency input regarding the scope of the Tier 1 EIS, including the purpose and need, alternatives to be considered, and impacts to be evaluated; and (4) announce that public and agency scoping meetings will be conducted.

The Chesapeake Bay Crossing Study Tier 1 EIS will identify the preferred corridor alternative for addressing congestion at the Chesapeake Bay Bridge and evaluate its financial viability. The study area is a broad geographic area that includes the entire length of the Chesapeake Bay in Maryland, spanning approximately 100 miles from the northern end near Havre de Grace to the southern border with Virginia between St. Mary's and Somerset Counties. The study will include a review of existing roadway infrastructure and environmental conditions along both shores of the Bay to identify potential crossing corridors in Maryland. Each potential corridor alternative will consist of a corridor band approximately one mile wide. This width may be adjusted to accommodate the specific conditions at each crossing as the study progresses.

Once the full range of potential corridor alternatives is developed, the study will include identification of a range of reasonable corridor alternatives for screening. It is assumed that approximately ten to fifteen corridors will be identified as reasonable for

additional study. These corridors will then be screened based on measurable criteria to the corridor alternatives that will be retained for analysis in the Tier 1 Draft EIS. The EIS will be prepared by MDTA for FHWA to fulfill the requirements established in NEPA pursuant to current FHWA regulations and guidance.

The EIS will be prepared as a tiered document, providing a systematic approach for advancing potential transportation improvements. The analyses undertaken during Tier 1 will result in identification of the preferred corridor alternative that best meets the study purpose and need. The FHWA intends to issue a single Final Tier 1 EIS and Record of Decision (ROD) unless FHWA determines statutory criteria or practicability considerations precluding issuance of a combined document. If the combined Final Tier 1 EIS/ROD identifies an Action (Build) alternative, MDTA will complete a Tier 2 NEPA document where the agency will evaluate site-specific, project level impacts and required mitigation commitments. The scope of future environmental studies will be commensurate with the proposed action and potential environmental consequences.

FHWA and MDTA will undertake a scoping process for the Chesapeake Bay Crossing Study that will allow the public and interested agencies to comment on the scope of the Tier 1 EIS. This public outreach effort will educate and engage stakeholders, and solicit stakeholder input. FHWA and MDTA will invite all interested individuals, organizations, and public agencies to comment on the scope of the Tier 1 EIS, including the purpose and need, corridor alternatives to be studied, impacts to be evaluated, and evaluation methods to be used.

FHWA and MDTA will develop preliminary public outreach materials (such as fact sheets, brochures, maps or other materials) to support the scoping process. A public scoping presentation in webinar format will be held in November 2017. The meeting will be held online and available for viewing at the study Web site ([www.baycrossingstudy.com](http://www.baycrossingstudy.com)). MDTA will also provide local viewing of the presentation at multiple locations. Presentation times and locations will be announced on the project Web site, in newspaper advertisements, and by other media.

Initial scoping will provide an opportunity for public input on issues relevant to the Tier 1 EIS. More information on public outreach activities, including future public open

houses, will be available in a project coordination plan on the study Web site. All public meetings related to the study will be held in locations accessible to persons with disabilities. Any person who requires special assistance, such as a language interpreter, should contact the Chesapeake Bay Crossing Study: Tier 1 NEPA Team at (410) 537-5650 or via email at [info@baycrossingstudy.com](mailto:info@baycrossingstudy.com) at least 48 hours before the open house or meeting.

Letters inviting agencies to be cooperating or participating in the environmental review process are being sent to those agencies that have jurisdiction or may have an interest in the Chesapeake Bay Crossing Study: Tier 1 NEPA. FHWA and MDTA will notify cooperating and participating agencies of a separate agency scoping meeting to be held October 25, 2017, in Annapolis, Maryland.

Written comments or questions on the scope of the Tier 1 EIS should be mailed to the Chesapeake Bay Crossing Study: Tier 1 NEPA, c/o Ms. Melissa Williams, Director, Division of Planning & Program Development, Maryland Transportation Authority, 2310 Broening Highway, Baltimore, MD 21224; sent via email to [mwilliams9@mdta.state.md.us](mailto:mwilliams9@mdta.state.md.us); or submitted on the study Web site ([www.baycrossingstudy.com](http://www.baycrossingstudy.com)).

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: October 2, 2017.

**Gregory Murrill,**

*Division Administrator, Federal Highway Administration, Baltimore, Maryland.*

[FR Doc. 2017-21916 Filed 10-10-17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2009-0155; FMCSA-2011-0125; FMCSA-2011-0144; FMCSA-2011-0145; FMCSA-2013-0019; FMCSA-2013-0181; FMCSA-2015-0062; FMCSA-2015-0063]

### Qualification of Drivers; Exemption Applications; Diabetes

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 127

individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

**DATES:** Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202-366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

### SUPPLEMENTARY INFORMATION:

#### I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

#### II. Background

On July 27, 2017, FMCSA published a notice announcing its decision to renew exemptions for 127 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (82 FR 35029). The public comment period ended on August 28, 2017, and one comment was received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person:

Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

### III. Discussion of Comments

FMCSA received one comment in this preceding. An anonymous commenter stated they believe the rule preventing drivers with ITDM operating CMVs in interstate commerce should be removed and the medical examiners should determine whether a driver is fit to operate a CMV in interstate commerce. On May 4, 2015, FMCSA published a Notice of Proposed Rulemaking (NPRM) (80 FR 25260) proposing changes to the Diabetes standard and requesting comments from the public. FMCSA is currently evaluating comments received and drafting a Final Rule. Information related to this action can be found in the Docket at FMCSA-2005-23151.

### IV. Conclusion

Based upon its evaluation of the 127 renewal exemption applications and comments received, FMCSA announces its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.64(3):

As of August 1, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 35 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 37719; 80 FR 59223):

Adele M. Aasen (ND)  
 Kyle E. Beine (WI)  
 Joseph M. Blackwell (GA)  
 Joseph G. Blastick (SD)  
 Gary W. Boninsegna (OH)  
 Billy J. Bronson (OR)  
 Michael L. Campbell (NC)  
 Steven C. Cornell (PA)  
 Josiah L. Crestik (MN)  
 Richard L. Cunningham (NE)  
 Thomas M. Delasko (FL)  
 William T. Eason (NC)  
 Douglas J. Garrison (IA)  
 Daniel W. Gregory (NC)  
 Barry L. Grimes, Sr. (MD)  
 Dennis J. Grimm (DE)

## DRAFT PURPOSE & NEED STATEMENT

<b>Project Name &amp; Limits:</b> Chesapeake Bay Crossing Study: Tier 1 NEPA – Maryland Bay Area		
<b>Having reviewed the Draft Purpose and Need concurrence/comment package, the following agency (by signing this document):</b>		
<input checked="" type="checkbox"/> Federal Highway Administration	<input type="checkbox"/> Corps of Engineers	<input type="checkbox"/> Maryland Department of the Environment
<input checked="" type="checkbox"/> <b>Concurs</b>	<input type="checkbox"/> <b>No Objection/No Comment</b>	
Comments / Reasons for Non-Concurrence:		
<i>Note: Please do <u>not</u> provide "conditional" concurrence. You should either concur with the information as provided (without comments or with <u>minor</u> comments) or provide a no objection/no comment if you feel you do not have enough information to concur, but do not object to the project moving forward.</i>		
Signature: <u>Jeanette Man</u>		Date: <u>12/17/18</u>

**From:** Koenig, Daniel (FTA)  
**Sent:** Wednesday, November 29, 2017 9:42 AM  
**To:** Mar, Jeanette (FHWA) <[Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov)>  
**Cc:** Zubrzycki, Kathleen (FTA) <[kathleen.zubrzycki@dot.gov](mailto:kathleen.zubrzycki@dot.gov)>; Long, Ryan (FTA) <[ryan.long@dot.gov](mailto:ryan.long@dot.gov)>; Shatz, Ron (FTA) <[Ron.Shatz@dot.gov](mailto:Ron.Shatz@dot.gov)>; Zubrzycki, Kathleen (FTA) <[kathleen.zubrzycki@dot.gov](mailto:kathleen.zubrzycki@dot.gov)>; Tarone, Tony (FTA) <[Tony.Tarone@dot.gov](mailto:Tony.Tarone@dot.gov)>  
**Subject:** RE: Chesapeake Bay Crossing Study

Hi Jeanette,

Hope you had a good Thanksgiving holiday. Attached is FTA's concurrence to be a Participating Agency, pursuant to Section 139 for MDTA and FHWA's Tier 1 EIS for the Chesapeake Bay Crossing Study. FTA looks forward to coordinating further on this Tier 1 EIS. Thanks.

-Dan

---

**From:** Mar, Jeanette (FHWA)  
**Sent:** Tuesday, November 28, 2017 4:47 PM  
**To:** Koenig, Daniel (FTA) <[daniel.koenig@dot.gov](mailto:daniel.koenig@dot.gov)>  
**Subject:** Chesapeake Bay Crossing Study

Hi Dan:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). Your agency has been identified as having a potential interest in the Chesapeake Bay Crossing Study. Please see the attached participating agency information for more information.

FHWA requests that you respond to this invitation to serve as a participating agency by completing the attached form and sending it back to FHWA no later than **December 31, 2017**. If your agency declines, the response should state your reason for declining the invitation. Please see attached form for further guidance.

Thank you in advance for your consideration. We look forward to receiving your response to the participating agency request and working cooperatively with you on this project. If you are not the point of contact for your agency, please provide FHWA with the appropriate contact information.

If you have any questions or need additional information, please contact me via email at [jeanette.mar@dot.gov](mailto:jeanette.mar@dot.gov) or via phone at (410) 779-7152.

Thanks!

*Jeanette*

Jeanette Mar  
Environmental Program Manager  
FHWA - Maryland Division  
George H. Fallon Federal Building  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201  
phone (410) 779-7152  
fax (410) 962-4054





U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Maryland Division**

31 Hopkins Plaza, Suite 1520  
Baltimore, Maryland 21201  
(410) 962-4440  
(410) 962-4054

November 24, 2017

In Reply Refer To:  
HDA-MD

Mr. Daniel Koenig  
Environmental Protection Specialist  
U.S. Department of Transportation  
Federal Transit Administration  
1200 New Jersey Avenue Southeast  
Washington, D.C. 20590-0001

Dear Mr. Koenig:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Tier I study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (Attachment A) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, FHWA and MDTA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 U.S.C. §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

As a participating agency, your agency would have the following responsibilities related to your area of expertise:

1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

3. Participate in coordination meetings and field reviews with other environmental resource agencies as appropriate.
4. Timely review and comment on environmental documentation, including the Tier I Draft and Final EIS, as it is being prepared.

Your agency may elect to accept or decline the invitation by checking the appropriate box and signing the attached agency response form (Attachment B). If your agency elects to decline this invitation, please include the reason for declining with your agency's response to the lead federal agency. The response may be transmitted electronically to the Environmental Program Manager, Ms. Jeanette Mar, at [jeanette.mar@dot.gov](mailto:jeanette.mar@dot.gov).

Thank you in advance for your consideration, we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. Please respond to this invitation no later than **December 31, 2017**. If you have any questions or need additional information, please contact Ms. Mar via email at [jeanette.mar@dot.gov](mailto:jeanette.mar@dot.gov) or via phone at (410) 779-7152.

Sincerely,

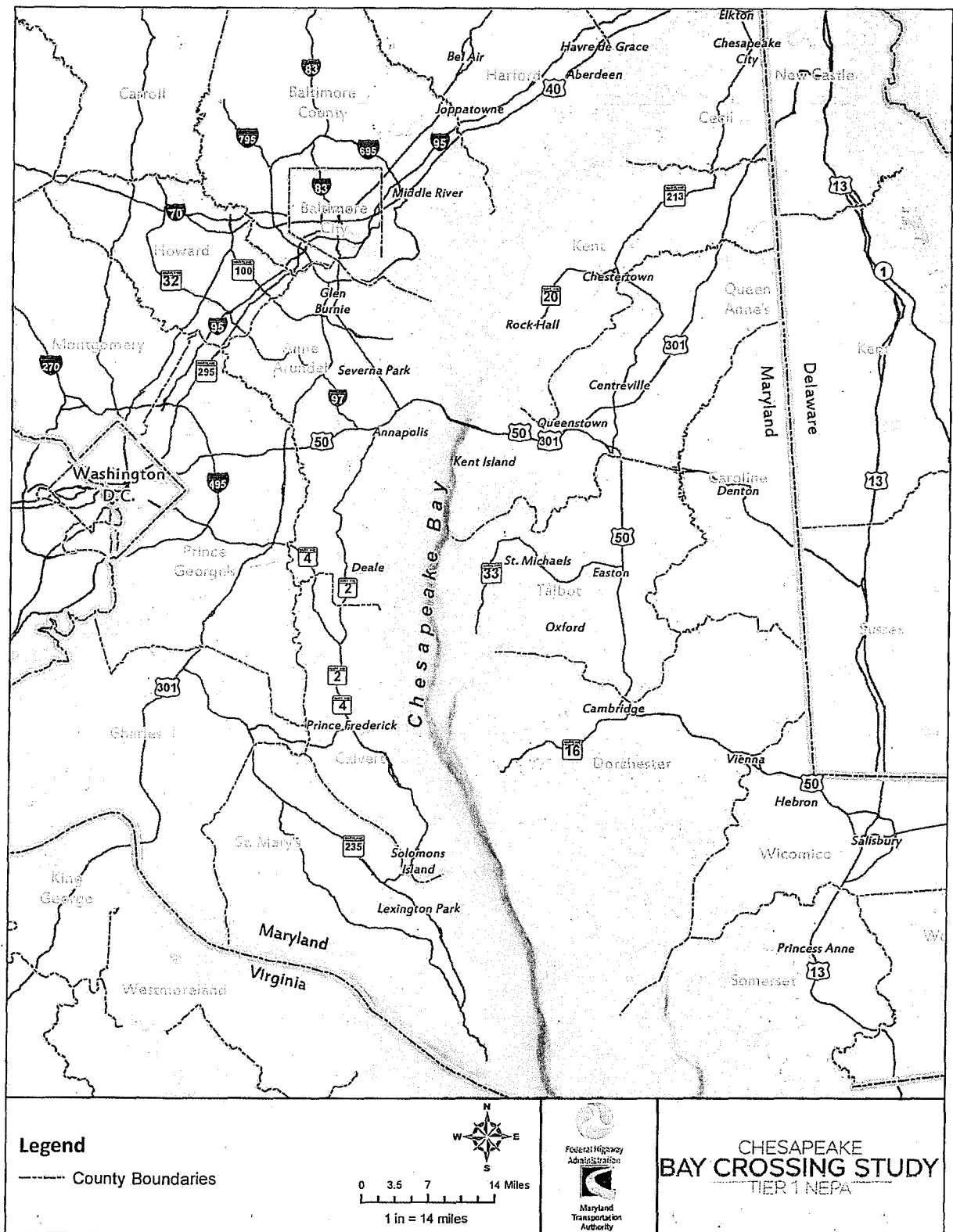


*for* Gregory Murrill  
Division Administrator

Attachments:

- A: Study Area Map
- B: Agency Response Form

cc: Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program Development  
Ms. Melissa Williams, MDTA, Director, Division of Planning & Program Development



PARTICIPATING AGENCY DESIGNATION  
RESPONSE FORM

Chesapeake Bay Crossing Study

- ☐ No, our agency does not wish to be designated a Participating agency for the proposed Chesapeake Bay Crossing Study because our agency has no jurisdiction or authority with respect to the Proposed Action; no expertise or information relevant to the Proposed Action; and/or does not intend to submit comments on the Proposed Action, OR
- ☒ Yes, our agency wishes to be designated a Participating agency for the proposed Chesapeake Bay Crossing Study.

DK 11/29/17 (Sign/Date – Authorized Representative)  
Daniel Koenig / Env Protection (Name/Title of Signatory)  
Specialist (Name/Title of POC, if different than signatory)  
FTA (Agency)  
1200 New Jersey Ave SE (Mailing Address)  
ES6-202  
Washington, DC 20590  
daniel.koenig@dot.gov (Email)  
202 366 8224 (Phone)

Please email or mail response by **December 31, 2017** to:

Jeanette Mar  
Environmental Program Manager  
USDOT Federal Highway Administration  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201  
[jeanette.mar@dot.gov](mailto:jeanette.mar@dot.gov)

**From:** [Koenig, Daniel \(FTA\)](#)  
**To:** [Sarah Williamson](#)  
**Cc:** [Long, Ryan \(FTA\)](#)  
**Subject:** RE: Concurrence on BCS Schedule  
**Date:** Friday, March 16, 2018 1:13:09 PM

---

Hi Sarah – Pursuant to 23 USC 139, FTA has no objection to the schedule in the Coordination Plan. Thanks.

-Dan

---

**From:** Sarah Williamson [mailto:sarahw@cri.biz]  
**Sent:** Friday, March 16, 2018 12:37 PM  
**To:** janet.barlow@fema.dhs.gov; Stephanie.everfield@fema.dhs.gov; Russell.strickland@maryland.gov; jdwyer@mdot.state.md.us; jlemke@mdot.state.md.us; Koenig, Daniel (FTA) <daniel.koenig@dot.gov>; ksrikanth mwcog.org <ksrikanth@mwcog.org>; cbean mwcog.org <cbean@mwcog.org>; Kathleen.easley@stmarysmd.com; laura.kay@stmarysmd.com; mike@lowershore.org; mpennington@tcclesmd.org; khall@wicomicocounty.org; sstokely@achp.gov  
**Cc:** Heather Lowe <hlowe@mdta.state.md.us>; Eric Almquist <ealmquist@rkk.com>; Emma Beck <emmab@cri.biz>  
**Subject:** Concurrence on BCS Schedule

Dear Bay Crossing Study Participating Agencies,

MDTA requested concurrence from Participating Agencies on the schedule included in the Coordination Plan during the February 28<sup>th</sup> Interagency Coordination meeting (ICM). Your agency was absent the day of this meeting. Concurrence was recorded, and agencies were asked to provide one of three possible responses:

1. Concur
2. No Objection
3. Request Additional Time or Further Deliberation

As a Participating Agency for the study and per the federal Fixing America's Surface Transportation (FAST) Act (23 USC § 139) we are asking for your review and concurrence on the schedule (**Table 3. Public and Agency Meetings**) found on pages 5-9 in the attached Chesapeake Bay Crossing Tier 1 NEPA Study Coordination Plan.

**Please respond to this concurrence request by COB Friday, March 23, 2018.** Please feel free to contact me or Heather Lowe ([hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)) with any questions or concerns.

Thank you,

**Sarah Williamson** | *BCS Team*  
[Coastal Resources, Inc.](#)  
25 Old Solomons Island Road  
Annapolis, MD 21401

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Saturday, November 25, 2017 9:01 AM  
**To:** bkillian@harfordcountymd.gov  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Harford.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Killian,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdt Maryland.gov>

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John Von Paris

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2310 Broening Highway  
Baltimore MD 21224  
410-537-1000  
410-537-1003 (fax)  
711 (MD Relay)  
1-866-713-1596

e-mail: [mdta@mdta.maryland.gov](mailto:mdta@mdta.maryland.gov)

[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

November 24, 2017

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Bradley F. Killian  
Director  
Planning and Zoning  
Harford County  
220 S Main Street  
2nd Floor  
Bel Air, MD 21014

Dear Mr. Killian:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

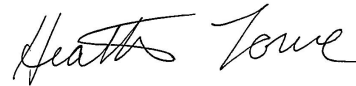
1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map



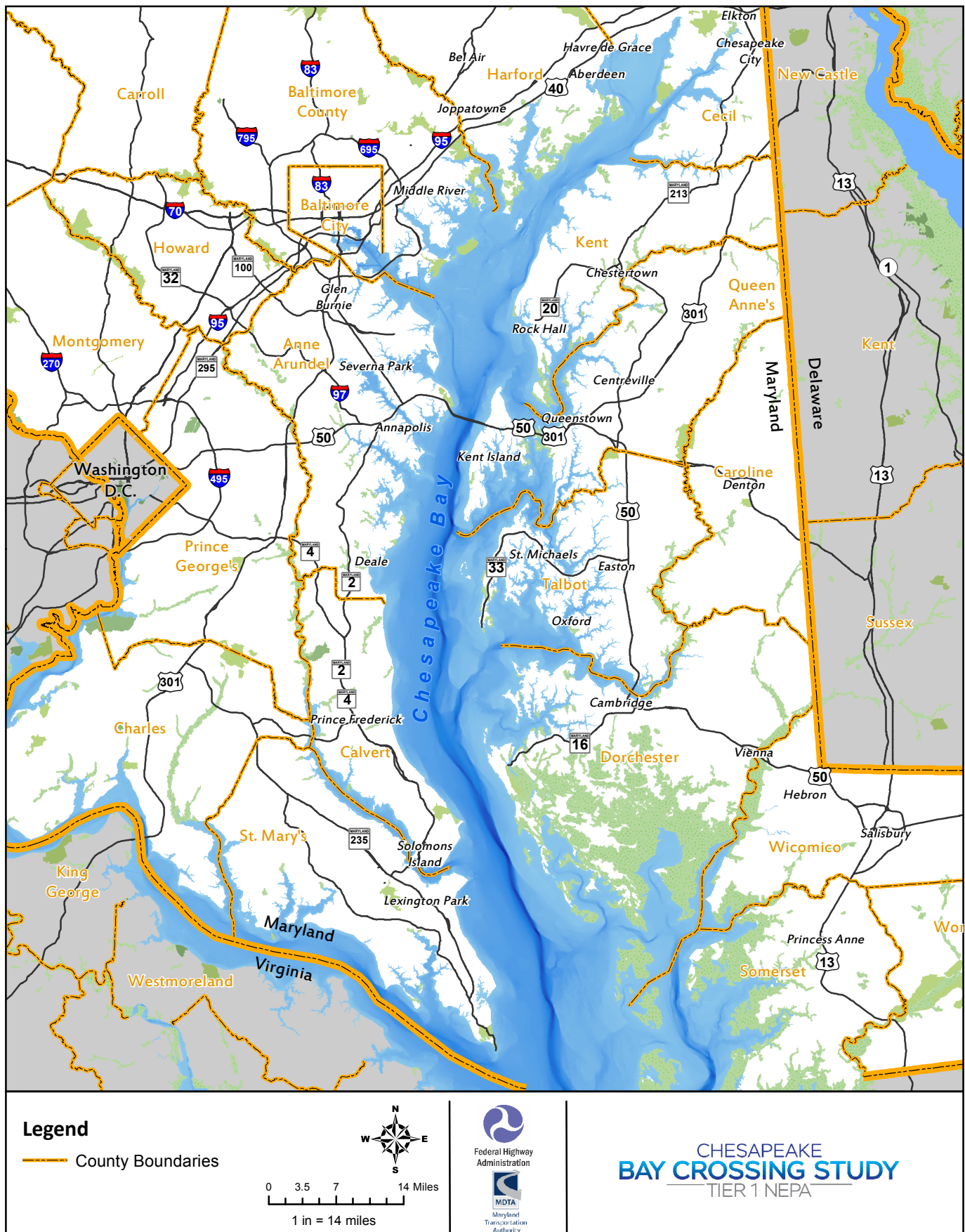
**Chesapeake Bay Crossing Study: Tier 1 NEPA**  
**Participating Agency Response**

- ☐ Elect to accept the invitation to be a participating agency.
- ☐ Elect to decline the invitation to be a participating agency, because:
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Agency: \_\_\_\_\_

Title: \_\_\_\_\_



---

**From:** Killian, Bradley [mailto:bfkillian@harfordcountymd.gov]  
**Sent:** Wednesday, November 29, 2017 3:23 PM  
**To:** Heather Lowe <hlowe@mdta.state.md.us>  
**Cc:** grimm, shane <spgrimm@harfordcountymd.gov>  
**Subject:** RE: Chesapeake Bay Crossing Study: Tier 1 NEPA

Heather:

We accept. Shane Grimm will be the contact, he is copied here.

---

**From:** Heather Lowe [mailto:hlowe@mdta.state.md.us]  
**Sent:** Saturday, November 25, 2017 9:01 AM  
**To:** Killian, Bradley <bfkillian@harfordcountymd.gov>  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA

Mr. Killian,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



## Heather Lowe

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdt Maryland.gov>

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Saturday, November 25, 2017 8:39 AM  
**To:** Amy Moredock (amoredock@kentgov.org)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Kent County.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ms. Moredock,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
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November 24, 2017



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**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Ms. Amy Moredock  
Director  
Planning, Housing, and Zoning  
R. Clayton Mitchell, Jr. Kent County Government Center  
400 High Street  
Chestertown, MD 21620

Dear Ms. Moredock:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

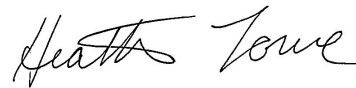
1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

---

**From:** Amy Moredock [mailto:amoredock@kentgov.org]  
**Sent:** Monday, December 04, 2017 11:38 AM  
**To:** Heather Lowe <hlowe@mdta.state.md.us>  
**Cc:** Wayne Morris <wmorris@kentgov.org>; Jim Wright <jwright@kentgov.org>; Jamie Williams <jlwilliams@kentgov.org>; Shelley Herman <sheller@kentgov.org>  
**Subject:** RE: Chesapeake Bay Crossing Study: Tier 1 NEPA

Hello Heather,

Thank you so much for reaching out to me regarding the County's representation on the Bay Crossing Study. I have attached the participating agency response for the Planning Department. I have copied representatives from other County Departments who you may wish to extend the same invitation (County Commissioners, Public Works, and Economic Development).

I look forward to working with you, as well.

Best regards,  
Amy

*Amy G. Moredock, CFM  
Planning Director  
Kent County Planning, Housing, and Zoning  
400 High Street  
Chestertown, MD 21620  
Email: [amoredock@kentgov.org](mailto:amoredock@kentgov.org)  
Phone: 410.778.7473  
Fax: 410.810.2932*

**Chesapeake Bay Crossing Study: Tier 1 NEPA**  
**Participating Agency Response**

- ☒ Elect to accept the invitation to be a participating agency.
- ☐ Elect to decline the invitation to be a participating agency, because:
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature:  Date: 30 November 2017

Print Name: Amy G. Moredock Agency: Kent County Planning Department

Title: Planning Director



---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, November 24, 2017 10:20 AM  
**To:** Bill Morgante (bill.morgante@maryland.gov)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** BPW.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Morgante,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdt Maryland.gov>

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November 24, 2017



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W. Lee Gaines, Jr.  
Mario J. Gangemi, P.E.  
John Von Paris

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Executive Director

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e-mail: [mdta@mdta.maryland.gov](mailto:mdta@mdta.maryland.gov)

[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Bill Morgante, PWS  
Wetlands Administrator  
Maryland Board of Public Works  
80 Calvert Street, Room 117  
Annapolis, MD 21401

Dear Mr. Morgante:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

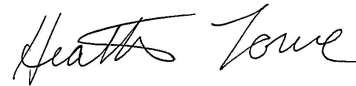
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2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

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Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

**From:** Bill Morgante -BPW- [mailto:bill.morgante@maryland.gov]

**Sent:** Wednesday, November 29, 2017 11:18 AM

**To:** Heather Lowe <hlowe@mdta.state.md.us>

**Subject:** Re: Chesapeake Bay Crossing Study: Tier 1 NEPA

Heather,  
Thank you. See attached.  
Bill

**Chesapeake Bay Crossing Study: Tier 1 NEPA**  
**Participating Agency Response**

- ☒ Elect to accept the invitation to be a participating agency.
- ☐ Elect to decline the invitation to be a participating agency, because:
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature: William M. Morgante Date: 11/29/17

Print Name: WILLIAM M. MORGANTE Agency: BOARD OF PUBLIC WORKS

Title: WETLANDS ADMINISTRATOR

## Emma Beck

---

**From:** Keith Colston -GOCI- <keith.colston@maryland.gov>  
**Sent:** Monday, January 08, 2018 12:30 PM  
**To:** Emma Beck  
**Subject:** Re: Chesapeake Bay Crossing Study

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

Greetings Emma,

The tribes given information to were the following:

Piscataway Conoy Tribe  
Piscataway Indian Nation  
Nause-Waiwash Tribe  
Accohannock Tribe

I can follow up with our commissioners concerning the topic.

Please let me know if more information can be provided.

Keith



E. Keith Colston  
Director  
Ethnic Commissions  
Governor's Office of Community Initiatives  
100 Community Pl, Rm 1.563  
Crownsville, MD 21032-2023  
Office (410)-697-9264 Work Cell (443)-631-3643

[keith.colston@maryland.gov](mailto:keith.colston@maryland.gov)

[www.americanindian.maryland.gov](http://www.americanindian.maryland.gov)

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On Mon, Jan 8, 2018 at 11:58 AM, Emma Beck <[emmab@cri.biz](mailto:emmab@cri.biz)> wrote:

Hi Keith,

I just wanted to check in and see if you were able to pull a list of tribes together that you sent the Bay Crossing Study information to.

Hope you had a good weekend.

Emma

**Emma C. Beck** | *Environmental Scientist*

[Coastal Resources, Inc.](#)

[25 Old Solomons Island Road](#)

[Annapolis, MD 21401](#)

Office Phone: 410-956-900 ext. 116

Direct: [443-837-2156](#)

Cell Phone: [717-433-3519](#)

Fax: [410-956-0566](#)

[emmab@CRI.biz](mailto:emmab@CRI.biz)



---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, November 24, 2017 9:05 AM  
**To:** Greg Golden  
**Cc:** Roland Limpert (roland.limpert@maryland.gov); Chris Aadland (christopher.aadland@maryland.gov)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** BCS MDTA Coop Invitation MDNR 11-24-17.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Greg,

I hope you had a great Thanksgiving!

Please see the attached Cooperating Agency invitation for the Bay Crossing Study. Let me know if you have any questions or would like to discuss it further.

Thank you,

Heather




**Heather Lowe**  
Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdta.maryland.gov>

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Larry Hogan  
Governor

Boyd K. Rutherford  
Lt. Governor

Pete K. Rahn  
Chairman

Katherine Bays Armstrong  
Peter J. Basso  
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November 24, 2017

**IN REPLY REFER TO:**

Chesapeake Bay Crossing  
Study: Tier I NEPA; Invitation  
to Serve as a Cooperating and  
Participating Agency

Mr. Greg Golden  
Director  
Maryland Department of Natural Resources  
Environmental Review Unit  
Tawes State Office Building  
580 Taylor Avenue  
Annapolis, MD 21401-2352

Dear Mr. Golden,

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Due to the Maryland Department of Natural Resources' (MDNR) jurisdiction over resources within the Tier I study area pursuant to the Maryland Nongame and Endangered Species Act, as well as other laws and regulations, MDTA and FHWA invite the MDNR to be a cooperating and participating agency in the preparation of the Tier I EIS in accordance with part 1500 of title 40, Code of Federal Regulations (40 CFR 1508.05). As a participating agency, the MDNR would have the following responsibilities related to its jurisdiction:

1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Additional responsibilities associated with accepting the cooperating agency invitation include:

5. Adhere to timeframes for providing concurrence on major milestones.
6. Agency name will be listed as a cooperating agency in the Final EIS document.

If you are not the point of contact, please provide the appropriate contact information. MDNR may elect to accept or decline the invitation by checking the appropriate box and signing below. If you decline the invitation to be a cooperating agency, you are still invited to be a participating agency. If your agency elects to decline either or both of these invitations, please include the reason for declining with your agency's response.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a cooperating and participating agency. Please respond to this invitation by **December 31, 2017**. If you have any questions or need additional information, please contact the Project Manager, Ms. Heather Lowe. Ms. Lowe may be reached via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink that reads "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" and last name "Lowe" clearly distinguishable.

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

cc: Mr. Roland Limpert, MDNR; Mr. Chris Aadland, MDNR

---

**From:** Greg Golden -DNR- <greg.golden@maryland.gov>  
**Sent:** Friday, December 29, 2017 2:35 PM  
**To:** Heather Lowe; Melissa Williams; Sarah Williamson  
**Subject:** attached: DNR response, Bay Crossing Study, Cooperating agency  
**Attachments:** Baycrossingstudy.dnr.cooperatingresponse.pdf

Attached is the DNR formal response sheet, to confirm my recent discussion and messages with Heather. I could type the response for a cleaner look if you would like; typewriters are getting scarce on short notice so I just went with this.

We will be sending initial scoping comments to meet the public scoping deadline a little later this afternoon.

I will be in Tues through Thurs the first week of January if you have any questions.

thanks  
greg

	Greg Golden Environmental Review Program Department of Natural Resources Tawes State Office Bldg, B-3 Annapolis, MD 21401 410-260-8331 (office) <a href="mailto:greg.golden@maryland.gov">greg.golden@maryland.gov</a>
 <a href="http://dnr.maryland.gov">dnr.maryland.gov</a>	

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## Chesapeake Bay Crossing Study: Tier 1 NEPA

### Cooperating Agency Response

- ☒ Elect to accept the invitation to be a cooperating agency.  
☐ Elect to decline the invitation to be a cooperating agency, and accept the invitation to be a participating agency.

Reason for declining: \_\_\_\_\_

- ☐ Elect to decline the invitation to be a cooperating or participating agency.  
☐ my agency has no jurisdiction or authority with respect to the project;  
☐ my agency has no information or expertise relevant to the project; and/or  
☐ my agency does not intend to submit comments on the project.

Signature: \_\_\_\_\_

Gregory J. Golden

Date: \_\_\_\_\_

12/29/17

Print Name: \_\_\_\_\_

Gregory J. Golden

Agency: \_\_\_\_\_

MD Dept. of Natural Resources

Title: \_\_\_\_\_

Manager ; DNR review lead for MDTA projects

signing for Tony Redman, Director, Environmental  
Review Program, MD DNR

Minor comment: The Environmental Review Program, representing MD DNR for MDTA review, will stay in close coordination with the Chesapeake Bay Crossing Study team to further refine our data layers, expertise, review coverage, applicable regulations and authorities, etc. for this major project.

---

**From:** Greg Golden -DNR- <greg.golden@maryland.gov>  
**Sent:** Friday, December 29, 2017 6:56 PM  
**To:** Heather Lowe; Melissa Williams; Sarah Williamson  
**Cc:** Mar, Jeanette (FHWA)  
**Subject:** MD DNR Bay Crossing Scoping correspondence  
**Attachments:** dnr.baycrossingscoping.pdf

Please find attached the DNR scoping memo for the Public Scoping Period. More coordination to follow in the interagency review venue, of course.

thanks  
greg

	<p>Greg Golden Environmental Review Program Department of Natural Resources Tawes State Office Bldg, B-3 Annapolis, MD 21401 410-260-8331 (office) <a href="mailto:greg.golden@maryland.gov">greg.golden@maryland.gov</a></p>
 <a href="http://dnr.maryland.gov">dnr.maryland.gov</a>	

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*Larry Hogan, Governor*  
*Boyd Rutherford, Lt. Governor*  
*Mark Belton, Secretary*  
*Joanne Throwe, Deputy Secretary*

MEMORANDUM

TO: Heather Lowe, Project Manager, Chesapeake Bay Crossing Study, MD Transportation Authority

FROM:  Greg Golden, Environmental Review Program, MD Department of Natural Resources

DATE: December 29, 2017

**SUBJECT: Maryland Department of Natural Resources Scoping Comments for the Public Scoping Period, Chesapeake Bay Crossing Study, Tier I NEPA**

The Environmental Review Program has coordinated an initial phase of review and scoping within Maryland Department of Natural Resources (DNR), including its units and divisions, and provides the following scoping comments during the public scoping period for the current Chesapeake Bay Crossing Study, Tier I NEPA project. We will continue participation in the interagency NEPA review, assisting and supporting the Transportation Authority (MDTA) by providing natural resources information and comments as MDTA and its consultants conduct additional scoping and analysis of the project study area, project purpose, and subsequent review steps in the study.

Several weeks ago, we provided an initial DNR contact for discussing natural resource GIS data layers which can provide important information for this study. We are aware that coordination is ongoing regarding those GIS tools, and we will continue that coordination in the coming weeks, to be sure that MDTA has all of the necessary information for the current phases of this study. We may provide additional email correspondence or phone discussion in this data layer coordination.

The project study area extends from the top of the Bay near Havre de Grace southward to near Point Lookout. Initial scoping will identify categories of tidal and nontidal aquatic living resources; terrestrial resources, recreational resources; land conservation resources; and other natural resources-related issues. Over the next year or more, the study and its interagency review will continue to look into the details of these categories and resources at a Tier I NEPA level, to develop the complete and thorough assessment and analysis of the natural resources present in the study area.

The following information and categories are appropriate for consideration in current Tier I NEPA study phases:

**CRITICAL AREA COMMISSION FOR THE CHESAPEAKE & ATLANTIC COASTAL BAYS** – The Critical Area Commission will be conducting their own direct review of the project. At times, our Environmental Review Program review and comments may reference, support, or otherwise relate to Critical Area Commission comments. This will be accomplished in a coordinated manner, as appropriate.

**COASTAL ZONE MANAGEMENT** – Coastal Zone Management and Consistency evaluation should be included in the NEPA study. Both DNR and Maryland Department of the Environment can provide input and guidance in that evaluation.

**AQUATIC BAY RESOURCES (FISHERIES)** – The aquatic bay resources related to this study are obviously varied and extensive, due to the extent of the study area. The following is our initial effort at listing these resources. The list should not be considered as comprehensive until further interagency coordination is conducted. Fisheries categories include, but may not be limited to: commercial fisheries, fish and shellfish species; recreational fisheries and sports fish; charter fisheries; forage species; and other native resident and migratory species. Anadromous fish species and eel migratory patterns and values should be considered. Prominent individual fisheries and notable species include, but may not be limited to: oysters/shellfish, striped bass, blue crabs, sturgeon, shad, herring, other saltwater fish, freshwater fish (in

tributaries), and horseshoe crabs. Aquaculture designations, areas, species, and activities should be considered specifically. Economic and fishery categories such as gill net fisheries, charter boats, bay pots and trot lines, etc. should be evaluated. Designations such as Natural Oyster Bars, Clam areas, and Shellfish leases should also be evaluated. Terrapins, aquatic mammals, and sea turtles should also be included in evaluations. Both ecological and economic considerations for all aquatic resources of the Bay should be analyzed and described for the study. GIS data layers are available for most of these resources, and DNR staff can be available to help assess, further identify, describe, and define these resources. In the coming weeks, we will continue to coordinate with the study team to assist in identifying and grouping the aquatic living resources (fisheries) for study and documentation efficiency and effectiveness.

**BOATING AND OPEN WATER SAFETY CONSIDERATIONS** – The following should be considered and evaluated in the study: major shipping effects and potential impacts, recreational boating in general, construction restriction to navigation, requirement for ice breaking, public boat ramps, marked navigation channels (State), State maintained aids to navigation, effect on tidal currents, back scatter of lights (e.g. southerly approach to Kent narrows, etc.), and other waterway-related human safety considerations.

**SUBMERGED AQUATIC VEGETATION (SAV)** – SAV is a very important habitat and water quality consideration for the Bay Crossing Study. SAV data layers are available through DNR and other sources. We have interest to involve our SAV resource management team in the review once the study team narrows down to specific corridors.

**OTHER TIDAL MONITORING, ASSESSMENT, WATER QUALITY, AND AQUATIC RESOURCE CONSIDERATIONS** – As corridors are identified and further studied, we are expected to have more specific information and comments for a variety of other tidal aquatic aspects. A potential additional Chesapeake Bay crossing would have short- and long-term effects and influence on water quality in alignment corridors and surrounding areas. Short-term localized effects would result from construction of various infrastructure, and may involve sedimentation, and effects from nutrients sequestered in those sediments. Long-term effects could result from runoff/stormwater associated with impervious areas, bridge decks and infrastructure, and especially from any areas discharging directly to the Bay. Increased or relocated development, urbanization, and other related growth/infrastructure construction associated with new Bay Crossing corridors should also be considered and analyzed. Additional water quality parameters related to human health and natural resources habitat such as dissolved oxygen, nutrients, stream health, etc. should be included in the study. Water quality considerations may involve SAV aspects referenced above, including designated use areas and water segments with SAV restoration goals. Potential direct and indirect effects to shallow water areas of the Bay and tidal tributaries should be thoroughly analyzed. Consideration should be given to the various SAV community types that could be affected (i.e. tidal fresh, oligohaline, and mesohaline habitats and species). In addition to the DNR in-house SAV GIS data we have available (geodata\living resources\aquatic\sav), our water quality staff recommend and advise use of the SAV Tier 1 layer that indicates the vast majority of places SAV could grow in the Chesapeake Bay. It can be found at: [http://web.vims.edu/bio/sav/gis\\_data.html](http://web.vims.edu/bio/sav/gis_data.html)

**INLAND AQUATIC RESOURCES** – Many nontidal streams, wetlands, floodplains and other riparian areas will be present in the inland approach corridors. DNR will join with other resource agencies and the study team in further analyzing these resources. Inland aquatic resources will include game fish species, resident non-game fish species, macroinvertebrate populations, sensitive species, and unique aquatic natural resource communities. Unique stream habitat and hydrology will also be considered. Our Maryland Biological Stream Survey (MBSS) has recommended use of latest updates in Tier II and Stream Use Class data layers. The following data and designations should also be considered: MBSS site fish IBI (Index of Biotic Integrity) scores, MBSS site benthic macroinvertebrate IBI scores, Stronghold watersheds, MBSS Sentinel Sites, and stream species of Greatest Conservation Need (in addition to those species that are listed as Threatened or Endangered).

**FOREST RESOURCES IN TERRESTRIAL APPROACH CORRIDORS** – The Tier I study should include reference and analysis of State forest conservation regulations, to allow for meeting such requirements in any potential following Tier II study. The Forest Conservation Act requires that any project, on areas 40,000 square feet or greater, that is applying for a grading or sediment control permit shall have an approved Forest Conservation Plan and Forest Stand Delineation (Nat. Res. Art. 5-1601–5-16122, Annotated Code of Maryland). Projects proposed by a state or federal agency on state or federal land need to be submitted to the Maryland Department of Natural Resources Forest Service for review. Projects proposed for private land should be submitted to the local planning and zoning authority for review.

Any tree that originates within a public road right-of-way is considered a roadside tree under the Maryland Roadside Tree Care Law (NRA 5-406) and Regulations (COMAR 08.07.02), and any plans to remove, trim, or plant trees within the public

right-of-way are required to obtain a Roadside Tree Permit from the Maryland Department of Natural Resources Forest Service.

Compliance with the MD Reforestation Law should also be included for highway construction activities (DNR website: <http://dnr.maryland.gov/forests/Pages/programapps/newreforest.aspx>)

Maryland Forest Service Contact:

· Marian Honecny, MD DNR Forest Service, at (410) 260-8511 or via email at [mhonecny@dnr.state.md.us](mailto:mhonecny@dnr.state.md.us)

Mailing address:  
MD DNR Forest Service  
580 Taylor Ave E-1  
Annapolis, MD 21401

**RARE, THREATENED, AND ENDANGERED SPECIES** – The DNR Wildlife and Heritage Service is responsible for the conservation of habitats of species considered rare, threatened or endangered by the Department; rare and high quality natural communities; and certain other types of wildlife habitats. These other habitat types include forest interior dwelling species (FIDS) habitat, colonial waterbird nesting colonies, historic waterfowl concentration and staging areas, and natural heritage areas (NHA), all of which are primarily conserved through the authority of the Critical Area law and criteria in tidally adjacent areas. Sensitive habitats will also be reviewed for those approach corridors further from tidal areas, as they are identified in the study.

Conservation of sturgeon, marine mammals and sea turtles is primarily handled by the National Marine Fisheries Service. However, the Maryland Sea Turtle and Marine Mammal Stranding Network (DNR-WHS and the National Aquarium) maintains data on recent stranding events.

The mapped areas of concern containing habitat for rare, threatened, and endangered species are found primarily within the Sensitive Species Project Review Areas (SSPRA) GIS layer, which is scheduled to be updated in January 2018. Wetlands of Special State Concern are another habitat that contains rare species and is regulated by the MD Department of the Environment. SSPRA, FIDS habitat, and NHAs are publicly available GIS layers; the remaining resources have additional separate GIS layers that are currently not publicly available and would be reviewed directly by WHS.

**OTHER UPLAND TERRESTRIAL HABITATS AND SPECIES; GEOLOGICAL AND HYDROLOGICAL RESOURCES** – MD Department of Transportation NEPA studies, with the assistance of the Federal Highway Administration and many qualified consultants, have a long track record of success and advancement in evaluating a variety of natural resource categories within NEPA documents, several of which may not have direct regulatory programs. The current study should include other terrestrial habitats and species (game and non-game), landscape-scale land and habitat designations (and related assessment tools), geological factors, and surface and groundwater hydrological factors. Resource agencies including DNR will continue to participate in review as the study team works to identify and analyze these resources.

**DNR MANAGED PUBLIC LANDS** – Approach corridors and shoreline areas may include DNR managed public lands, such as State Parks, State Forests, and various natural resource management areas. We will work with the study team to further identify and review such areas located throughout the many counties surrounding the Bay, and to help utilize the data layers available to identify such areas. Our Public Lands staff can be consulted in the analysis of location, uses, values, and special requirements of such Public Land areas. As you know, NEPA process and policy includes special designations and review process for certain recreational public land categories.

**MARYLAND ENVIRONMENTAL TRUST DESIGNATIONS** – Maryland Environmental Trust seeks consideration and avoidance of lands protected by conservation easements held by the DNR, Maryland Environmental Trust, local land trusts (e.g. Scenic Rivers Land Trust and American Chestnut Land trust), as well as local governments (e.g. Anne Arundel, Calvert, other Counties, etc.) The easements were acquired, often with local, State or federal monies, to conserve valuable open space and resource lands for Public benefit.

**STATE SCENIC AND WILD RIVERS PROGRAM, STATE WILDLANDS** – Approach corridors may include one or more designated rivers within the State's Scenic and Wild Rivers Program. Requirements and guidance of this program should be



included and addressed in the study. River designations and the Program's guidelines include consideration of tributaries to designated rivers. State Wildland designations must also be included in the study analysis.

Thank you for the opportunity to provide the scoping comments above. Our review staff is available for further consultation and clarification of any comments and resource descriptions provided. Please note and prepare to document in the study the several topics where DNR has lead management authority, regulatory authority, or other jurisdictional responsibilities for the State. If you have any questions on the comments above, please contact me at your convenience at 410-260-8331, or [greg.golden@maryland.gov](mailto:greg.golden@maryland.gov)

cc: Tony Redman, DNR  
Melissa Williams, MDTA  
Sarah Williamson, Bay Crossing Study team

**From:** [Greg Golden -DNR-](#)  
**To:** [Heather Lowe](#); [Sarah Williamson](#)  
**Subject:** MD DNR comments on Bay Crossing Study documents: Coordination Plan (1/9/18) and Guiding Principles Memorandum (12/19/17)  
**Date:** Friday, February 09, 2018 11:51:56 PM

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Environmental Review Program staff have participated in interagency discussion and review of the two documents referenced above for the Bay Crossing Study, and provide the following comments representing the MD Department of Natural Resources review:

Guiding Principles Memorandum - We agree with and support the agency roles and coordination process. The written summary approach for interagency meetings as discussed at the December and January interagency meetings is agreeable as the optimal documentation approach for interagency discussions at meetings, so we support the proposed edits of this document to describe that agreed-to summary approach. Our minor comments on this document stated at the January interagency meeting have been positively answered. The outreach and coordination plan for organizations and public interest groups is addressed in the Coordination Plan (notified organizations). We also agreed to cooperate on multiple check-off issues as the study proceeds, and help identify those matters and issues that may need ongoing and developing study and methods to address. Items that may need outreach, analysis, adaptive approach, and/or additional study in a potential Tier 2 will be identified and discussed in the interagency venue. Those issues that can be addressed and checked off will also be documented. We support the goals to move positively through concurrence points and agreements.

Coordination Plan - We support this document and its approach. We discussed content within our agency, and especially looked for any recommendations we could make on Notified Groups or agencies. Several groups were added by the Study team in January, as we were notified. We coordinated with Maryland Environmental Trust, and they provided these groups with which they coordinate on environmental easements. You can consider these for potential inclusion in notified groups:

Partners: Cecil Land Trust, Harford Land Trust, Gunpowder Valley Conservancy (Back River Neck area of Balt Co), North County Land Trust and Scenic Rivers Land Trust (AA Co), American Chestnut Land Trust (Calvert County), Patuxent Tidewater Land Trust (St. Mary's County), Chesapeake Wildlife Heritage (various Eastern Shore counties), Eastern Shore Land Conservancy (Cecil, Kent, Queen Annes, Talbot, Dorchester), Lower Shore Land Trust (Somerset, Worcester, Wicomico), The Nature Conservancy, Ducks Unlimited-Wetlands America Trust.

We understand that you will need to evaluate approaches and options for notified organizations, and we provide these for your consideration. We understand the Coordination Plan lists for organizations may be edited and supplemented over time. We will provide any new ideas for the following as soon as they are identified: Rural Legacy groups, recreational fishing organizations, charter boat organizations, and commercial fishing organizations (including watermen groups). We expect to have a few key fishing interest organizations for suggestion as notified organizations within the next few days.

Thank you for the continued opportunities to comment. We will provide additional comments very soon on the several draft Methodology documents.

MD Logo.png



[dnr.maryland.gov](http://dnr.maryland.gov)

Greg Golden  
Environmental Review Program  
Department of Natural Resources  
Tawes State Office Bldg, B-3  
Annapolis, MD 21401  
[410-260-8331](tel:410-260-8331) (office)  
[greg.golden@maryland.gov](mailto:greg.golden@maryland.gov)

[Click here](#) to complete a three question customer experience survey.

**From:** [Greg Golden -DNR-](#)  
**To:** [Heather Lowe](#); [Sarah Williamson](#)  
**Subject:** A few additions I have discussed with you last month, for the living document lists for coordination Re: MD DNR comments on Bay Crossing Study documents: Coordination Plan (1/9/18) and Guiding Principles Memorandum (12/19/17)  
**Date:** Friday, April 20, 2018 11:53:24 AM

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Sarah and Heather

These are the additional ideas I had mentioned to you. Correspondence time is always at a premium for us, but I just wanted to get these parts to you in the living document lists that we have discussed. I don't see that they are needed for this month's agency discussion (and I know I came in late for that), but these ideas may help with your upcoming public outreach and coordination.

1. You have most or all of these groups in item #1 from our earlier coordination. I just want to make sure I completed this coordination without a gap. The Rural Legacy Program is described on MD DNR web pages. This Program should be included in land use and conservation easement analysis. The Rural Legacy web pages are the best place to obtain the basic information, and we are available for any questions or discussion. We have dedicated staff on that topic. I was informed of the following:

- Eastern Shore Land Conservancy handles the AgSecurity RLA.
- Lower Shore Land Trust handles Quantico Creek RLA.
- The Nature Conservancy and The Conservation Fund work on Dividing Creek RLA and Nanticoke River RLA.

We can create or provide a map indicating the locations of all RLAs on the Shore, if needed.

2. Regarding fisheries resources and the Natural Resources Studies for the project (and specifically, the regulatory list): Laws and regulations related to fisheries are most commonly addressing fisheries management activities, but not directly for regulatory aspects affecting wetland and waterway permits, or NEPA studies. However, as you know, Environmental Review activities with the regulatory programs address fisheries topics throughout the range of aquatic studies and issues within NEPA. Of course these fisheries resources will be prominent in many habitat and resource related Bay crossing study aspects. We don't have a recommendation directly for a regulatory item for fisheries in your document's overall natural resources regulatory list, but you should keep the topic of the various fisheries management laws and regulations in mind. We will watch for any pertinent direct connection as the review coordination continues, and please let us know of any questions. These fisheries management laws and regulations address fish passage, oysters, blue crabs, other shellfish, aquaculture, and migratory and resident fish species in the Bay and tributaries. Fish species of note include, but are not limited to, striped bass, shad species, perch species, drum species, menhaden, and other sportsfish. Brackish water and freshwater species include black bass, walleyes, panfish, and trout. We will continue to work with you on any important additions to these lists. Rare, threatened, and endangered species are also an important category, which you already have noted. There are commercial fisheries, charter boat fisheries, and recreational fisheries. Shellfish issues include restoration areas and aquaculture leases. Recreational boating and commercial navigation also have pertinent laws and regulations for resource management and safety.

Regarding Public Interest Groups and other NGOs. There are many potential fisheries related groups, and we will continue to work with you to help identify these. At this time, we reference the Sports Fish Advisory Commission (SFAC), the Tidal Fisheries Advisory Commission (TFAC), and Oyster Advisory Commission (OAC), with which MD DNR directly coordinates. There are many other potential interest groups related to Bay natural resources and fisheries. Perhaps we can discuss this category further, as necessary.

thanks

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Greg Golden  
Environmental Review Program  
Department of Natural Resources  
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[Click here](#) to complete a three question customer experience survey.

On Fri, Feb 9, 2018 at 11:50 PM, Greg Golden -DNR- <[greg.golden@maryland.gov](mailto:greg.golden@maryland.gov)> wrote:  
Environmental Review Program staff have participated in interagency discussion and review of the two documents referenced above for the Bay Crossing Study, and provide the following comments representing the MD Department of Natural Resources review:

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Partners: Cecil Land Trust, Harford Land Trust, Gunpowder Valley Conservancy (Back River Neck area of Balt Co), North County Land Trust and Scenic Rivers Land Trust (AA Co), American Chestnut Land Trust (Calvert County), Patuxent Tidewater Land Trust (St. Mary's County), Chesapeake Wildlife Heritage (various Eastern Shore counties), Eastern Shore Land Conservancy (Cecil, Kent, Queen Annes, Talbot, Dorchester), Lower Shore Land Trust (Somerset, Worcester, Wicomico), The Nature Conservancy, Ducks Unlimited-Wetlands America Trust.

We understand that you will need to evaluate approaches and options for notified organizations, and we provide these for your consideration. We understand the Coordination Plan lists for organizations may be edited and supplemented over time. We will provide any new ideas for the following as soon as they are identified: Rural Legacy groups, recreational fishing organizations, charter boat organizations, and commercial fishing organizations (including watermen groups). We expect to have a few key fishing interest organizations for suggestion as notified organizations within the next few days.

Thank you for the continued opportunities to comment. We will provide additional comments very soon on the several draft Methodology documents.

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[Click here](#) to complete a three question customer experience survey.

**From:** [Greg Golden -DNR-](#)  
**To:** [Heather Lowe](#); [Sarah Williamson](#)  
**Subject:** Re: A few additions I have discussed with you last month, for the living document lists for coordination Re: MD DNR comments on Bay Crossing Study documents: Coordination Plan (1/9/18) and Guiding Principles Memorandum (12/19/17)  
**Date:** Monday, April 23, 2018 3:52:17 PM

---

After saying we could help with identification of some certain level of fishing and boating interest groups, I talked it over further with a couple of close contacts here at DNR. One of the questions would be exactly what the cutoff might look like (large group, medium group, small group, individuals).

I was told that the online DNR links to the three Commissions I mentioned in my last message do have membership lists online, including their affiliation. So for example, we can see a member might be with the Maryland Waterman's Association, Trout Unlimited, Maryland Oystermen Association, Maryland Charter Boat Association, MD Bass Nation, University of Maryland Center for Environmental Science, etc., etc. (not an all inclusive list here, just examples).

<http://dnr.maryland.gov/fisheries/Pages/mgmt-committees/sfac-members.aspx>

<http://dnr.maryland.gov/fisheries/Pages/mgmt-committees/tfac-members.aspx>

<http://dnr.maryland.gov/fisheries/Pages/mgmt-committees/oac-members.aspx>

These are the three commissions above. There are several other committees, councils, and workgroups listed here (left side of page):

<http://dnr.maryland.gov/Fisheries/Pages/management.aspx#stakeholder>

We can discuss more, as needed.

thanks  
greg

MD Logo.png



[dnr.maryland.gov](http://dnr.maryland.gov)

Greg Golden  
Environmental Review Program  
Department of Natural Resources  
Tawes State Office Bldg, B-3  
Annapolis, MD 21401  
410-260-8331 (office)  
[greg.golden@maryland.gov](mailto:greg.golden@maryland.gov)

[Click here](#) to complete a three question customer experience survey.

**From:** "Erin K. Knauer -DNR-" <[erin.knauer@maryland.gov](mailto:erin.knauer@maryland.gov)>  
**Date:** August 6, 2018 at 3:39:27 PM EDT  
**To:** Heather Lowe <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)>, [sarahw@cri.biz](mailto:sarahw@cri.biz)  
**Cc:** Greg Golden -DNR- <[greg.golden@maryland.gov](mailto:greg.golden@maryland.gov)>, Tony Redman -DNR- <[tony.redman@maryland.gov](mailto:tony.redman@maryland.gov)>  
**Subject:** Re: Bay Crossing Study ICM # 8, July 25, 2018, 10:30 - 11:00 am

Correction: The 'no obligation' stated below should read "No objection"

Thanks,  
Erin



[Click here](#) to complete a three question customer experience survey.

On Mon, Aug 6, 2018 at 3:13 PM Erin K. Knauer -DNR- <[erin.knauer@maryland.gov](mailto:erin.knauer@maryland.gov)> wrote:  
Good Afternoon Heather and Sarah,

DNR is submitting their "no obligation" statement for the Chesapeake Bay Crossing purpose and need draft (see attached). Please let me know if you have any questions or concerns.

Thanks,  
Erin



---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, November 24, 2017 9:31 AM  
**To:** Stuart Sirota (stuart.sirota@maryland.gov)  
**Cc:** Ken Choi -MDP-; Scott Hansen; Bihui Xu  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** MDP.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Sirota,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdta.maryland.gov>

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November 24, 2017



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John Von Paris

Kevin C. Reigert  
Executive Director

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410-537-1003 (fax)  
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[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Stuart M. Sirota  
Assistant Secretary for Planning Services  
Maryland Department of Planning  
301 West Preston Street, Suite 1101  
Baltimore, MD 21201-2392

Dear Mr. Sirota:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

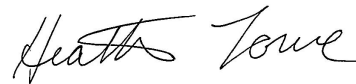
1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,



Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

cc: Ms. Bihui Xu, Maryland Department of Planning  
Mr. Ken Choi, Maryland Department of Planning  
Mr. Scott Hansen, Maryland Department of Planning

**From:** [Pat Keller -MDP-](#)  
**To:** [Heather Lowe](#)  
**Cc:** [Ken Choi -MDP-](#); [Scott Hansen](#); [Bihui Xu](#); [Michael Bayer \(michael.bayer1@maryland.gov\)](#); [Emma Beck](#); [Eric Almquist](#); [Sarah Williamson](#)  
**Subject:** Re: Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Date:** Thursday, November 30, 2017 10:11:31 AM  
**Attachments:** [planning-logo-plus-changemd-smaller.png](#)

---

Heather - Good morning. MDP is in receipt of the invitation to participate MDOT's MDTA Chesapeake Bay Crossing Study. MDP will participate in the study and will return the required signed statement of participation.



Pat Keller  
Assistant Secretary for Planning Services  
Maryland Department of Planning  
301 West Preston Street  
Baltimore, MD 21201  
(410) 767- 0901  
[pat.keller@maryland.gov](mailto:pat.keller@maryland.gov)

[Please take our customer service survey.](#)  
[Planning.Maryland.gov](http://Planning.Maryland.gov)

On Thu, Nov 30, 2017 at 9:50 AM, Heather Lowe <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)> wrote:

Mr. Keller,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe

**Heather Lowe**

Project Manager

---

**From:** Heather Lowe  
**Sent:** Friday, November 24, 2017 8:40 AM  
**To:** denise.keehner@maryland.gov  
**Cc:** Ghigiarelli, Elder <eghigiarelli@mde.state.md.us>  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA

Ms. Keehner,

Please see the attached Cooperating Agency invitation for the Bay Crossing Study.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager

Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdtamaryland.gov>



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[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

November 24, 2017

**IN REPLY REFER TO:**

Chesapeake Bay Crossing  
Study: Tier I NEPA; Invitation  
to Serve as a Cooperating and  
Participating Agency

Ms. Denise Keehner  
Program Manager, Wetlands and Waterways  
Maryland Department of the Environment  
1800 Washington Avenue  
Baltimore, MD 21230

Dear Ms. Keehner,

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Due to the Maryland Department of the Environment's (MDE) jurisdiction over resources within the Tier I study area pursuant to the Maryland Nontidal Wetlands Protection and Tidal Wetlands Acts, as well as other laws and regulations, MDTA and FHWA invite the MDE to be a cooperating and participating agency in the preparation of the Tier I EIS in accordance with part 1500 of title 40, Code of Federal Regulations (40 CFR 1508.05). As a participating agency, the MDE would have the following responsibilities related to its jurisdiction:

1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

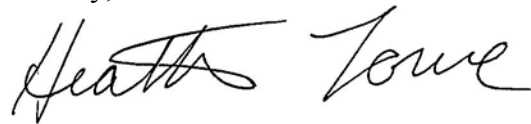
Additional responsibilities associated with accepting the cooperating agency invitation include:

5. Adhere to timeframes for providing concurrence on major milestones.
6. Agency name will be listed as a cooperating agency in the Final EIS document.

If you are not the point of contact, please provide the appropriate contact information. MDE may elect to accept or decline the invitation by checking the appropriate box and signing below. If you decline the invitation to be a cooperating agency, you are still invited to be a participating agency. If your agency elects to decline either or both of these invitations, please include the reason for declining with your agency's response.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a cooperating and participating agency. Please respond to this invitation by **December 31, 2017**. If you have any questions or need additional information, please contact the Project Manager, Ms. Heather Lowe. Ms. Lowe may be reached via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink that reads "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" and last name "Lowe" clearly distinguishable.

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

cc: Mr. Elder Ghigiarelli, MDE

**Chesapeake Bay Crossing Study: Tier 1 NEPA**  
**Cooperating Agency Response**

- ☒ Elect to accept the invitation to be a cooperating agency.
- ☐ Elect to decline the invitation to be a cooperating agency, and accept the invitation to be a participating agency.  
Reason for declining: \_\_\_\_\_
- ☐ Elect to decline the invitation to be a cooperating or participating agency.
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Agency: \_\_\_\_\_

Title: \_\_\_\_\_



---

**From:** Elder Ghigiarelli -MDE- [<mailto:elder.ghigiarelli@maryland.gov>]  
**Sent:** Wednesday, March 21, 2018 3:22 PM  
**To:** Sarah Williamson <[sarahw@cri.biz](mailto:sarahw@cri.biz)>  
**Cc:** [joseph.davia@usace.army.mil](mailto:joseph.davia@usace.army.mil); [john.j.dinne@usace.army.mil](mailto:john.j.dinne@usace.army.mil);  
[brian.d.hopper@noaa.gov](mailto:brian.d.hopper@noaa.gov); [keith.hanson@noaa.gov](mailto:keith.hanson@noaa.gov); [mickey.d.sanders2@uscg.mil](mailto:mickey.d.sanders2@uscg.mil);  
Heather Lowe <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)>  
**Subject:** Re: BCS Concurrence Reminder

Sarah,

Sorry for the delay in getting back to you on this. MDE provided verbal concurrence on the Draft Guiding Principles Memorandum at the February 28, 2018 ICM meeting, but requested additional time to complete its review of the Draft Coordination Plan. MDE has completed its review and concurs with the information presented in both documents.

Please contact me if you have any questions.

Elder Ghigiarelli, Jr.  
Deputy Program Administrator  
Wetlands and Waterways Program  
Water and Science Administration  
Maryland Department of the Environment  
Phone: (410) 537-3763  
Fax: (410) 537-3751  
[elder.ghigiarelli@maryland.gov](mailto:elder.ghigiarelli@maryland.gov)

**From:** Elder Ghigiarelli -MDE- [<mailto:elder.ghigiarelli@maryland.gov>]

**Sent:** Tuesday, August 07, 2018 1:18 PM

**To:** Heather Lowe <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)>

**Cc:** John J NAB02 Dinne <[john.j.dinne@usace.army.mil](mailto:john.j.dinne@usace.army.mil)>

**Subject:** Re: BCS: P&N Concurrence Form

Good afternoon Heather,

Attached is MDE's concurrence on the P&N for the Bay Crossing Study. Please let me know if you have any questions.

Thanks,  
Gidge

Elder Ghigiarelli, Jr.  
Deputy Program Manager  
Wetlands and Waterways Program  
Water and Science Administration  
Maryland Department of the Environment  
Phone: (410) 537-3763  
[elder.ghigiarelli@maryland.gov](mailto:elder.ghigiarelli@maryland.gov)

On Thu, Jul 26, 2018 at 10:56 AM, Heather Lowe <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)> wrote:

Good morning, Ghidge.

I've attached the revised concurrence form that we discussed yesterday morning. If you have already signed the previous form that is fine; the concurrence we received from the COE is on the old form. Moving forward we'll move to this one because it is more consistent with the BCS Guiding Principles.

Please let me know if you would like to discuss the P&N prior to sending your concurrence.

Thanks so much!

Heather



# Maryland

## Department of the Environment

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

February 20, 2020

Ms. Heather Lowe, Project Manager  
2310 Broening Highway  
Baltimore, MD 21224

Re: Chesapeake Bay Crossing - Alternatives Concurrences Report

Dear Ms. Lowe:

The Maryland Department of the Environment, Wetlands and Waterways Program ("the Program") has reviewed the Alternatives Concurrence Report (Report) for the Chesapeake Bay Crossing. Attached is the signed Concurrence Form for the project.

MDE concurs with the Report which identified Corridors 6, 7, and 8 as recommended to be carried forward with further evaluation out of the original 14 Corridors. The Program notes that in the context of wetlands and waterway permitting decisions, the Program evaluates whether measures can be taken to avoid and/or minimize impacts to regulated water resources. Moreover, public comments and input is a key part of that process. Accordingly, it is possible that during the State wetlands and waterways permitting process, including the public comment process, additional alternatives may be identified. In such a case, there may need to be, in the future, based on new information, or public comment, a need for the detailed study of additional alternatives.

If you need any further information or assistance, please don't hesitate to contact Tammy Roberson at 410-537-3522, or by email at [tammy.roberson@maryland.gov](mailto:tammy.roberson@maryland.gov).


Sincerely,

Denise M. Keehner, Program Manager  
Wetlands and Waterways Program

Attachments: ARDS Concurrence Form

Cc: Sarah Williams, Coastal Resources, Inc.  
Ryan Synder, RKK

## RECOMMENDED CORRIDOR ALTERNATIVES RETAINED FOR ANALYSIS

<b>Project Name &amp; Limits:</b> Chesapeake Bay Crossing Study: Tier 1 NEPA (BCS) – Maryland Bay Area		
<b>Having reviewed the BCS Alternatives Concurrence Package, the following agency concurs on the Corridor Alternatives Retained for Analysis (Corridors 6, 7 and 8) (by signing this document):</b>		
<input type="checkbox"/> Federal Highway Administration <input type="checkbox"/> Corps of Engineers	<input checked="" type="checkbox"/> Maryland Department of the Environment	
<input checked="" type="checkbox"/> <b>Concurs</b> <input type="checkbox"/> <b>Does Not Concur</b>		
Comments / Reasons for Non-Concurrence:		
<i><b>Note: Please do <u>not</u> provide "conditional" concurrence. You should either concur with the information as provided (without comments or with <u>minor</u> comments) or not concur until revisions are made or additional information is provided.</b></i>		
Signature: 		Date: <u>2/21/2020</u>

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, November 24, 2017 9:45 AM  
**To:** Russell Strickland (russell.strickland@maryland.gov)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** MEMA.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Strickland,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
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November 24, 2017



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[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Russ Strickland  
Executive Director  
Maryland Emergency Management Agency  
William Donald Schaefer Tower  
6 St. Paul Street  
Baltimore, MD 21201-1614

Dear Mr. Strickland:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

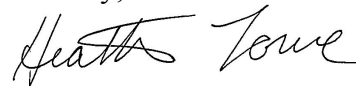
1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe", written in a cursive style.

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, November 24, 2017 9:17 AM  
**To:** Michael Day (Michael.day@maryland.gov)  
**Cc:** Beth Cole; Tim Tamburrino -MDP-; Dixie Henry (dixie.henry@maryland.gov)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** BCS MDTA Coop Invitation MHT 11-24-17.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Day,

Please see the attached Cooperating Agency invitation for the Bay Crossing Study.

Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdt Maryland.gov>

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[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

November 24, 2017

**IN REPLY REFER TO:**

Chesapeake Bay Crossing  
Study: Tier I NEPA; Invitation  
to Serve as a Cooperating and  
Participating Agency

Mr. Michael K. Day  
Chief, Office of Preservation Services  
Deputy Director, & Deputy State Historic Preservation Officer  
Maryland Historical Trust  
Review and Compliance  
100 Community Place  
Crownsville, MD 21032-2023

Dear Mr. Day,

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Due to the Maryland Historical Trust's jurisdiction pursuant to Section 106 of the National Historic Preservation Act and the Maryland Historical Trust Act of 1985, MDTA and FHWA invite the MHT to be a cooperating and participating agency in the preparation of the Tier I EIS in accordance with part 1500 of title 40, Code of Federal Regulations (40 CFR 1508.05). As a participating agency, the MHT would have the following responsibilities related to its jurisdiction:

1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Additional responsibilities associated with accepting the cooperating agency invitation include:

5. Adhere to timeframes for providing concurrence on major milestones.
6. Agency name will be listed as a cooperating agency in the Final EIS document.

If you are not the point of contact, please provide the appropriate contact information. MHT may elect to accept or decline the invitation by checking the appropriate box and signing below. If you decline the invitation to be a cooperating agency, you are still invited to be a participating agency. If your agency elects to decline either or both of these invitations, please include the reason for declining with your agency's response.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a cooperating and participating agency. Please respond to this invitation by **December 31, 2017**. If you have any questions or need additional information, please contact the Project Manager, Ms. Heather Lowe. Ms. Lowe may be reached via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink that reads "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" and last name "Lowe" clearly distinguishable.

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

cc: Ms. Beth Cole, MHT; Mr. Tim Tamburrino, MHT; Ms. Dixie Henry, MHT

**From:** Heather Lowe [mailto:hlowe@mdta.state.md.us]  
**Sent:** Monday, November 27, 2017 9:30 AM  
**To:** Beth Cole MHT <beth.cole@maryland.gov>; Tim Tamburrino MDP <tim.tamburrino@maryland.gov>  
**Cc:** Eric Almquist <ealmquist@rkk.com>; Sarah Williamson <sarahw@cri.biz>; Emma Beck <emmab@cri.biz>  
**Subject:** RE: Chesapeake Bay Crossing Study: Tier 1 NEPA

Thank you Beth! We'll update our agency list. I hope you had a nice holiday!  
Heather

**From:** Beth Cole - MHT [mailto:beth.cole@maryland.gov]  
**Sent:** Monday, November 27, 2017 9:26 AM  
**To:** Heather Lowe <hlowe@mdta.state.md.us>; Tim Tamburrino -MDP- <tim.tamburrino@maryland.gov>  
**Subject:** Re: Chesapeake Bay Crossing Study: Tier 1 NEPA

Thanks Heather. For your records the official point of contact for our agency is:

Elizabeth Hughes, Director / State Historic Preservation Officer  
Maryland Historical Trust  
100 Community Place  
Crownsville, MD 21032

Tim Tamburrino and I are the staff contacts assigned to work on transportation projects. You can delete Michael Day and Dixie Henry from your distribution lists. Thanks!

Beth



**\*Please note my new phone number. All MHT staff phone numbers will change in January 2017!**

**Beth Cole**  
Administrator, Project Review and Compliance  
Maryland Historical Trust  
Maryland Department of Planning  
100 Community Place  
Crownsville, MD 21032  
[beth.cole@maryland.gov](mailto:beth.cole@maryland.gov) / **410-697-9541**

[Please take our customer service survey.](#)  
[MHT.Maryland.gov](http://MHT.Maryland.gov)

**From:** Tim Tamburrino -MDP- [mailto:tim.tamburrino@maryland.gov]

**Sent:** Friday, December 29, 2017 12:40 PM

**To:** Heather Lowe <hlowe@mdta.state.md.us>

**Subject:** Bay Bridge Crossing agency invitation

Hi Heather,

Attached is MHT's acceptance to be a participating agency in the Tier I NEPA study for the Bay Bridge Crossing study. We have elected to be classified as a participating agency to be consistent with our roles in past NEPA and Tier I studies. Feel free to email or call if we need to discuss.

Happy New Year, Tim



Tim Tamburrino  
Preservation Officer  
Maryland Historical Trust

Maryland Department of Planning  
[MHT.Maryland.gov](http://MHT.Maryland.gov)  
(410)  
697-9589

[Please take our customer service survey.](#)

**Chesapeake Bay Crossing Study: Tier 1 NEPA**  
**Cooperating Agency Response**

- ☐ Elect to accept the invitation to be a cooperating agency.
- ☒ Elect to decline the invitation to be a cooperating agency, and accept the invitation to be a participating agency.

Reason for declining: CONSISTENT WITH ESTABLISHED NEPA/SECTION 106 PROCEDURES/PRACTICE

- ☐ Elect to decline the invitation to be a cooperating or participating agency.
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature: Elizabeth Hughes Date: 12.28.17

Print Name: Elizabeth Hughes Agency: MHT

Title: Director, Maryland Historical Trust / MD SHPO

---

**From:** Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>  
**Sent:** Thursday, May 10, 2018 1:11 PM  
**To:** Tim Tamburrino -MDP- (tim.tamburrino@maryland.gov); 'B Cole' (BCole@mdp.state.md.us)  
**Cc:** sstokely@achp.gov; Heather Lowe  
**Subject:** BCS Section 106 Initiation Letter  
**Attachments:** BCS MHT\_initiation letter\_sec 106.pdf

Tim and Beth:

Attached is a copy of the Section 106 Initiation Letter for the Chesapeake Bay Study project that was FEDEX to your office on Friday. Hope you have received it. The letter has a map, list of consulting parties and draft schedule of Section 106 milestones. We request MHT's comment by June 4, 2018 on the list of consulting parties and MDTA's proposed phased identification and evaluation of effects to historic properties.

We look forward to working with you on this project. Please let me know if you have any questions or need additional information regarding this request.

Thanks!

*Jeanette*

Jeanette Mar  
Environmental Program Manager  
FHWA - Maryland Division  
George H. Fallon Federal Building  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201  
phone (410) 779-7152  
fax (410) 962-4054



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Maryland Division**

31 Hopkins Plaza, Suite 1520  
Baltimore, Maryland 21201  
(410) 962-4440  
(410) 962-4054

May 3, 2018

In Reply Refer To:  
HDA-MD

Ms. Elizabeth Hughes  
State Historic Preservation Officer  
Maryland Historical Trust  
100 Community Place  
Crownsville, MD 21032

Dear Ms. Hughes:

The Federal Highway Administration (FHWA) and the Maryland Transportation Authority (MDTA) are preparing a Tier I Environmental Impact Statement (EIS) to satisfy the requirements of the National Environmental Policy Act (NEPA). With this letter, FHWA is initiating consultation with the Maryland Historical Trust (MHT) regarding the Chesapeake Bay Crossing Study (BCS): Tier I NEPA in compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR §800). Pursuant to §800.2(a)(2), FHWA will serve as the lead federal agency to fulfill the collective federal responsibilities under Section 106 for this undertaking on behalf of the United States Army Corps of Engineers (USACE), the National Marine Fisheries Service (NMFS), the United States Environmental Protection Agency (US EPA), and the United States Coast Guard (USCG).

The purpose of the BCS is to consider corridors for providing additional traffic capacity and access across the Chesapeake Bay to improve mobility, travel reliability, and safety at the existing Bay Bridge. The BCS will evaluate potential new corridor alternatives that will include an assessment of existing and potentially expanded transportation infrastructure needed to support additional capacity; improve travel times; and accommodate maintenance activities, while considering financial viability and environmental responsibility. The preliminary study area covers the entire length of the Chesapeake Bay in Maryland. A map identifying the preliminary study area for the BCS is enclosed as Attachment 1.

#### **Identification of Consulting Parties**

Potential consulting parties as they relate to the BCS (36 CFR §800.2(c)(3) and (5), and §800.3(f)) were identified from an existing list maintained by the Maryland Department of Transportation State Highway Administration (MDOT SHA) Cultural Resources Division. For the purposes of the BCS, FHWA and MDTA supplemented the list with government agencies, organizations, and individuals with a demonstrated legal or economic interest in the preservation or conservation of historic properties, landscapes, archaeological sites, and/or the Chesapeake Bay. Pursuant to the requirements and implementing regulations of Section 106, FHWA and



MDTA seek assistance from the MHT in the identification of additional consulting parties. The list of identified potential consulting parties is enclosed as Attachment 2. Once MHT has reviewed and commented on the list of potential consulting parties, FHWA and MDTA will invite those parties listed in Attachment 2 and any other parties suggested by MHT to participate in the Section 106 consultation process for the BCS. FHWA will initiate consultation with federal Indian tribes on a government-to-government basis.

### **Identification Methods**

FHWA and MDTA propose a phased approach to the identification and evaluation of effects to historic properties pursuant to §800.4(b)(2). During the Tier I NEPA study, FHWA and MDTA will conduct an inventory of known historic properties within the preliminary study area.

Pursuant to NEPA requirements, FHWA and MDTA will assess a reasonable range of build alternatives, in addition to a “No-Build” alternative, as part of the Tier I analysis. Within the preliminary study area, FHWA and MDTA will identify Corridor Alternatives Retained for Analysis (CARA) for analysis in the Tier I Draft EIS. In accordance with §800.4(a)(1), FHWA and MDTA will determine and document the area of potential effects (APE) based on the CARA.

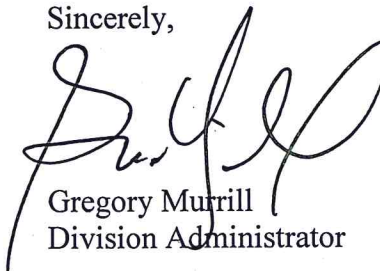
A preferred corridor alternative will be documented in the Tier I Draft EIS. FHWA and MDTA will work with consulting parties to draft a Programmatic Agreement that will establish methods for the identification of historic properties and assessment of adverse effects within a revised APE associated with the preferred corridor alternative. The Programmatic Agreement will identify the Section 106 activities that will take place during the Tier II NEPA Study. A draft schedule of Section 106 milestones is enclosed as Attachment 3.

### **Review Request**

Please examine the attached map and list of consulting parties. We request MHT’s comment by **June 4, 2018** on the list of consulting parties and MDTA’s proposed phased identification and evaluation of effects to historic properties.

If you have any questions or need additional information regarding this request, please contact Ms. Jeanette Mar at 410-779-7152 or Jeanette.Mar@dot.gov or Ms. Heather Lowe at 410-537-5665 or HLowe@mdta.state.md.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Murrill", is written over the typed name and title.

Gregory Murrill  
Division Administrator



Attachments:

1. Map of Preliminary Study Area
2. List of Consulting Parties
3. Draft Section 106 Milestone Schedule

cc: Ms. Sarah Stokely, ACHP, Program Analyst  
Mr. Joseph DaVia, USACE, Section Chief, Maryland Section North  
Mr. Mickey Sanders, USCG Bridge Administration Branch, Fifth District  
Ms. Kristy Beard, NOAA-NMFS HCD, Marine Habitat Resource Specialist  
Mr. Brian Hopper, NOAA-NMFS PRD, Marine Habitat Resource Specialist  
Mr. Kevin Magerr, EPA, NEPA Reviewer  
Mr. Aaron Blair, EPA, Physical Scientist  
Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program Development  
Ms. Jeanette Mar, FHWA-MD Division, Environmental Program Manager





**Chesapeake Bay Crossing Study**  
**Tier I Section 106 Consulting Parties Invitation List**

	Organization	Contact	Contact Information
1	Anne Arundel County Office of Environmental and Cultural Resources	Darian Beverungen	p2Beve19@aacounty.org
2	Annapolis Historic District Commission	Dr. Al H. Luckenbach	Alluck@aol.com
3	Deale Area Historical Society	Roberta Laynor, Preservation Coordinator	Robingross65@gmail.com
4	Four Rivers Heritage Area	Robin Gross, Board Chairperson	heritage_area@aacounty.org
5	Historic Annapolis Foundation	Carol Benson, Executive Director	Robert.Clark@annapolis.org
6	Historic London Town and Gardens	Robert Clark, President and CEO	rodcofield@historiclondontown.org
7	Historic Owensville Civic Association	Rod Cofield, Executive Director	410-867-2447
8	North County Land Trust	F. Rawson Carter, Jr., President	4848 Sudley Road West River, MD 20778
9	Scenic Rivers Land Trust	Rebecca Kolbery	info@northcountylantrust.us
10	Baltimore Heritage	Rick Leader, Executive Director	Rick@srft.org
11	Baltimore County Landmarks Preservation Commission, Baltimore County Planning Office	Johns Hopkins, Executive Director	hopkins@baltimoreheritage.org
12	Patapsco Heritage Greenway	Ms. Teri Rising	Trising@baltimorecountymd.gov
13	Preservation Alliance of Baltimore County	Lindsey Baker, Executive Director	Director@Patapsco.org
14	American Chestnut Land Trust	Ms. Patricia L. Bentz, Executive Director	Director@PreservationABC.org
15	Calvert County Department of Community Planning and Building, Calvert County Historic District	Greg Bowen, Executive Director	info@actweb.org
16	Calvert County Historical Society	Kirsti Uunila, Historic Preservation Specialist	uunilak@co.cal.md.us
17	North Beach Historic Preservation Commission	Leila Boyer, Director	cchsadmin@calverthistory.org
18	Southern Maryland Heritage Area	Stacey Wilkerson, Town Clerk	Swilkerson@ci.north-beach.md.us
19	Cecil County Planning Commission	Roz Ranella, Executive Director	Somdheritage@tccsmd.org
20	Cecil Historical Trust	Mr. Eric Sennstrom	Esennstrom@ccgov.org
21	Charlestown Historic District Commission	Mr. David Holsten	Dholsten@zoominternet.net
22	Chesapeake City Historic District Commission	Ronald Edwards, Chairman	410-287-6173
23	Eastern Shore Land Conservancy	Harriett Davis, Chair	Box 52 Charlestown, MD 21914
24	Lower Susquehanna Heritage Greenway	Rob Etgen, Executive Director	410-885-2415
25	Charles County Department of Planning and Growth Management	Mary Ann Lisanti, Executive Director	108 Bohemia Street Chesapeake City, MD 21915
		Cathy Thompson, Community Planning Program Manager and Staff to Historic Preservation Commission	retgen@eslc.org susquehannagreenway@direcway.com
			ThompsCA@charlescounty.org

**Chesapeake Bay Crossing Study**  
**Tier I Section 106 Consulting Parties Invitation List**

	Organization	Contact	Contact Information
26	Cambridge Historic Preservation Commission	Ms. Anne Roane, City Planner	Aroane@choossecambridge.com
27	Dorchester County Planning and Zoning	Steve Dodd, Director of Planning and Zoning	Sdodd@docogonet.com
28	Heart of Chesapeake Country Heritage Area	Amanda Fenstermaker, Director	Amanda@visitdorchester.org
29	Aberdeen Heritage Trust	Phyllis Grover, Director of Planning and Community Development	Phyllis@aberdeendmd.gov
30	Aberdeen Proving Ground	Mark T. Gallihue, Cultural Resources Manager	mark.t.gallihue.civ@mail.mil
31	Harford Land Trust	Kristin Kirkwood, Executive Director	kkirkwood@harfordlandtrust.org
32	Havre de Grace Historic District Commission	Mr. Ben Martorana, Director of Planning Mr. Ronald Browning, Chair	BenM@havredegracemd.com
33	Chestertown Historic District Commission	Bill Ingersoll, Staff	Bill@chestertown.com
34	Kent Conservation and Preservation Alliance	Janet Christensen-Lewis, Chair	contact@kentalliance.org
35	Kent County Heritage Trust	Susanne DeBerry Cole, PhD	director@kentcountyhistory.org
36	Stories of the Chesapeake Heritage Area	Executive Director	info@storiesofthechesapeake.org 410-643-3776
37	Kent Island Heritage Society	John E. Broderick, Board President	PO Box 321 Stevensville, MD 21666
38	Queen Anne's Conservation Association	Jay Falstead, Executive Director	Jay.Falstad@qaca.org
39	Queen Anne's County Department of Planning and Zoning	Michael Wisnosky, Director	Mwisnosky@qac.org
40	Queen Anne's County Historical Society	Chris Pupke, President of Board of Directors	QACHSociety@gmail.com
41	Patuxent Tidewater Land Trust	Andrew Garte, Executive Director	info@patuxent-tidewater.org
42	St. Mary's County Department of Land Use and Growth Management; St. Mary's County Historic Preservation Commission	William Hunt, Director Grace Mary Brady, Staff to HPC	bill.hunt@stmarysmd.com gracie.brady@stmarysmd.com
43	Lower Eastern Shore Heritage Council	Ms. Lisa Ludwig, Executive Director	ludwig@lowershoreheritage.org info@lowershoreheritage.org
44	Lower Shore Land Trust	Kate Patton, Executive Director	info@lowershorelandtrust.org
45	Princess Anne Historic District Commission	Ms. Deborah Hrusko, Town Manager	projects@townofprincessanne.com
46	Somerset County Historical Trust	Mr. Rich Ziolkowski, President of Board of Trustees	moreinfo@somersetcountyhistoricalsociety.org
47	Somerset County Planning and Zoning Commission	Mr. Gary Pusey	gpusey@somersetmd.us
48	Preservation Maryland	Nicholas A. Redding	Nredding@presmd.org
49	Easton Historic District Commission	Stacie Rice, Planning Secretary	zoning@town-eastmd.com
50	Oxford Historic District Commission	Cheryl A. Lewis, Town Administrator	oxfordclerk@goeaston.net

**Chesapeake Bay Crossing Study**  
**Tier I Section 106 Consulting Parties Invitation List**

	Organization	Contact	Contact Information
51	St. Michaels Historic District Commission	Sarah Abel, Staff	Sabel@townofst Michaels.org
52	Talbot Historical Society	Director	410-822-0773 30 S. Washington Street Easton, MD 21601
53	Tilghman Watermen's Museum	Hall and Mary Kellogg, Founders	twm6031@gmail.com
54	Preservation Trust of Wicomico	Jim Morris, Chair	jgmmorris@comcast.net
55	Wicomico County Department of Planning and Zoning	Mr. John F. Lenox, AICP Directory of Planning Gloria Smith, Staff to Historic District Commission	Jlenox@wicomiconcounty.org GSmith@wicomiconcounty.org
56	Chesapeake Bay Foundation	Alison Prost, Maryland Executive Director	410-268-8816 6 Herndon Ave Annapolis, MD 21403
57	Chesapeake Bay Maritime Museum	Kristen L. Greenaway, President	Kgreenaway@cbmm.org 410-939-4078 PO Box 647 Havre de Grace, MD 21078
58	Chesapeake Heritage Conservancy	Cynthia Beane, Executive Director	
59	Waterkeepers Chesapeake	Elizabeth (Betsy) Nicholas, Executive Director	betsy@waterkeeperschesapeake.org
60	Maryland Department of the Military	Captain Thomas Terrio	Thomas.a.terrio.mil@mail.mil
61	Naval Air Station Patuxent River	Mr. Kyle Rambo, Director of Environmental Planning and Conservation	TBD
62	United States Naval Academy	Kimberly Hickey, Natural Resources Specialist NAVFAC Washington PWD Annapolis (USNA)	kimberly.hickey@navy.mil



<b>DRAFT Schedule For Section 106 Activities Chesapeake Bay Crossing Study Tier I NEPA</b>	
<b>Cultural Resources Tasks</b>	<b>Date</b>
Section 106 Initiation with MHT	May 2018
MHT Response Due	June 2018
Distribute Invitations to Consulting Parties	June 2018
Responses from Consulting Parties Due	July 2018
Inventory of Known Historic Properties within Corridor Study Area	Summer 2018
Develop Area of Potential Effects, following Identification of Corridor Alternatives Retained for Analysis (CARA)	Spring 2019
MHT Concurrence on APE	Spring 2019
Publish Draft PA in DEIS	Fall 2019
Circulate Final Programmatic Agreement for signature	Spring 2020
Executed PA included in FEIS/ROD	Summer 2020

**From:** Tim Tamburrino -MDP- [mailto:tim.tamburrino@maryland.gov]

**Sent:** Monday, June 25, 2018 3:09 PM

**To:** Jeanette Mar <jeanette.mar@dot.gov>

**Cc:** hlowe@mdta.state.md.us; Sarah Stokely <sstokely@achp.gov>; Sarah Williamson <sarahw@cri.biz>; Eric Almquist <ealmquist@rkk.com>

**Subject:** Bay Crossing Study - MHT Response

Hi Jeanette,

Attached please find a copy of MHT's response to FHWA's initiation of Section 106 for the Bay Crossing Study. Thank you for the opportunity to comment. A hard copy will follow in the mail.

Best, Tim



Tim Tamburrino  
Preservation Officer  
Maryland Historical Trust

Maryland Department of Planning  
[MHT.Maryland.gov](http://MHT.Maryland.gov)  
(410)  
697-9589  
[Please take our customer service survey.](#)

**Help shape the future of preservation, archeology and cultural heritage in Maryland! [Take our short survey here.](#)**

June 25, 2018

Gregory Murrill  
U.S. Department of Transportation  
Federal Highway Administration – Maryland Division  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201

Re: Chesapeake Bay Crossing Study: Tier I NEPA  
Initiation of Section 106 Review

Dear Mr. Murrill,

The Maryland Historical Trust (Trust), a division of the Maryland Department of Planning, received the Federal Highway Administration's (FHWA) recent letter initiating the Section 106 of the National Historic Preservation Act (NHPA) review process for the above-referenced project. We look forward to working with your agency and other involved parties to successfully complete the preservation requirements for the proposed undertaking.

Based on the information provided in your letter, we understand that the FHWA is serving as the lead federal agency undertaking a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study to satisfy the requirements of the National Environmental Policy Act (NEPA). The study will identify and consider corridors for increasing traffic capacity and access across the Chesapeake Bay. Using a phased approach to the identification and evaluation of historic properties in accordance with 36 CFR Part 800.4(b)(2), FHWA will conduct an analysis of known historic properties within the study area during the Tier I NEPA study. The outcome of this study will be the selection of a Corridor Retained for Detailed Analysis (CARA) that will be subject to intensive cultural resources investigations during the Tier II NEPA study. The Tier I study will result in the development of a Section 106 Programmatic Agreement to establish the process for subsequent Section 106 activities undertaken during the Tier II study.

**Consulting Parties:** As requested in your letter, we are writing to provide guidance identifying groups with an interest regarding historic properties in the project area. We generally agree with the list of potential consulting parties for this undertaking as presented in Attachment 2 of FHWA's letter. We also suggest that FHWA include Baltimore City's Commission on Historical and Architectural Preservation, the Baltimore National Heritage Area and the planning departments for Harford, Kent and Talbot Counties. As the Section 106 coordination and public outreach efforts progress, additional relevant parties may be identified and invited to participate in the consultation.

**Cultural Resources Methodology:** Although FHWA will not be undertaking any new intensive cultural resources investigations at this time, we understand that the Tier I Study will analyze existing information on known architectural and archeological resources recorded in the Maryland Inventory of Historic Properties (MIHP) and the National Register of Historic Places (NRHP), as well as properties on which the Trust holds preservation easements. Properties maintained on local cultural resource lists will also be compiled and the National Park Service's (NPS) resources will be consulted for information pertaining to the NRHP and National Historic Landmarks. These existing data sets may be supplemented with aerial photogrammetry, soil survey mapping, archival research, historical data and models from other local, state, and federal repositories. FHWA may also conduct cursory field reconnaissance and windshield surveys to better understand the overall cultural resources environment.

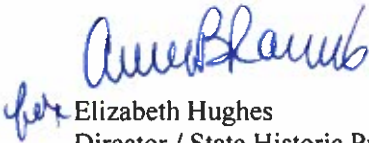


While we concur with this general approach for cultural resources analysis during Tier I, we caution FHWA from relying too heavily on existing data sets. These inventories are constantly evolving and may not reflect modern research methods or the broad diversity of significant historic resources. In addition, the study area has experienced varying levels of prior investigation to identify and evaluate its range of surviving cultural resources. The Trust highly recommends FHWA supplement existing data with general windshield surveys and guidance from consulting parties. Details of the proposed cultural resources methodology for the Tier I study should be shared with the Section 106 consulting parties to facilitate information exchange. Consulting parties often possess a contemporary and intimate knowledge of cultural resources that is not reflected in the Trust's MIHP. Existing data coupled with adequate research should provide for a deeper understanding of the region's cultural history and support informed project planning decisions.

**Ongoing Section 106 Consultation:** We look forward to working with FHWA and the other Section 106 consulting parties throughout the project planning process to identify a project corridor that achieves the goal of providing an improved Chesapeake Bay crossing while respecting the state's significant cultural resources.

Thank you for initiating consultation with the Trust early in project planning for this undertaking. If you have questions or require any assistance, please contact Beth Cole (for archeology) at [beth.cole@maryland.gov](mailto:beth.cole@maryland.gov) or Tim Tamburrino (for the historic built environment) at [tim.tamburrino@maryland.gov](mailto:tim.tamburrino@maryland.gov).

Sincerely,

  
Elizabeth Hughes

Director / State Historic Preservation Officer

EH/TJT - 201802340

cc: Jeanette Mar (FHWA)  
Sarah Stokley (ACHP)  
Heather Lowe (MDTA)

---

**From:** Elizabeth Hughes -MDP- <elizabeth.hughes@maryland.gov>  
**Sent:** Tuesday, November 27, 2018 8:03 PM  
**To:** Jeanette.Mar@dot.gov  
**Cc:** Elizabeth Hughes; sstokely@achp.gov; Heather Lowe  
**Subject:** Re: FHWA Response to MHT Comments on Section 106 Initiation of Bay Crossing Study

Thank you - we look forward to continuing to work with you on this important project.

Elizabeth Hughes



Elizabeth Hughes  
Director and State Historic Preservation Officer  
Maryland Historical Trust

Maryland Department of Planning  
(410)  
**697-9556 - NOTE NEW PHONE NUMBER**

[Please take our customer service survey.](#)  
[MHT.Maryland.gov](http://MHT.Maryland.gov)

On Tue, Nov 27, 2018 at 5:13 PM Mar, Jeanette (FHWA) <[Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov)> wrote:

Dear Ms. Hughes:

The Federal Highway Administration (FHWA) received the Maryland Historical Trust's (MHT) letter dated June 25, 2018. The letter served as a response to FHWA's May 3, 2018 letter initiating Section 106 of the National Historic Preservation Act (NHPA) for the Chesapeake Bay Crossing Study: Tier 1 NEPA (BCS). Thank you for your comments; they have been added to the project's administrative record.

FHWA has added to the list of consulting parties invited to participate in Section 106 consultation the five additional organizations suggested by MHT. Further, the FHWA recognizes additional relevant parties may be identified and invited to participate in consultation as coordination and public outreach efforts progress.

MHT's comments on the Cultural Resources Methodology are helpful. In response, the FHWA and the Maryland Transportation Authority (MDTA) are revising the methodology to reflect the evolving nature and varied consistency of the data present within the Maryland Inventory of Historic Properties (MIHP); to incorporate information provided by consulting parties into identification efforts; and to address the known gaps in the data sources identified by MHT. The

revised Cultural Resources Methodology is currently under review and will be made available to consulting parties in the near future.

We look forward to continuing to work with MHT on this undertaking. If you have any questions or need additional information, please contact me at 410-779-7152 or [Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov)

Sincerely,

*Jeanette*

Jeanette Mar

Environmental Program Manager

FHWA - Maryland Division

George H. Fallon Federal Building

31 Hopkins Plaza, Suite 1520

Baltimore, MD 21201

phone (410) 779-7152

fax (410) 962-4054

June 24, 2020

Ms. Elizabeth Hughes  
State Historic Preservation Officer  
Maryland Historical Trust  
100 Community Place  
Crownsville MD 21032-2023

Dear Ms. Hughes:

In continuation of Section 106 consultation under the National Historic Preservation Act of 1966, as amended (NHPA), and its implementing regulations (36 CFR 800), the Federal Highway Administration (FHWA) and Maryland Transportation Authority (MDTA) are transmitting the Draft Cultural Resources Technical Report for the Chesapeake Bay Crossing Study: Tier 1 National Environmental Policy Act (NEPA) (Bay Crossing Study). Additionally, this letter serves to summarize the Bay Crossing Study Section 106 consultation to date, inform consulting parties of changes to FHWA's Section 106 approach, and outline project milestones through the end of Tier 1.

FHWA initiated Section 106 consultation with the Maryland Historical Trust (MHT) on May 3, 2018 and received MHT's response June 25, 2018. Because Tier 1 of the Bay Crossing Study analyzes the project on a broad scale, FHWA proposed to conduct a phased approach to the identification of historic properties pursuant to 36 CFR 800.4(b)(2), in which identification efforts would begin in Tier 1 and continue in Tier 2. The initiation letter laid out the following plan for how FHWA would comply with Section 106 during the Tier 1 Bay Crossing Study:

- Invite consulting parties to participate in Section 106 consultation;
- Conduct an inventory of known historic properties within the preliminary study area;
- Determine and document the Area of Potential Effects (APE) based on the Corridor Alternatives Retained for Analysis (CARA); and
- Conclude Section 106 with a programmatic agreement (PA) that established methods for the identification of historic properties and adverse effects. At that time, the PA was intended to identify the Section 106 activities that would take place during a Tier 2 NEPA Study.

FHWA invited consulting parties to participate in Section 106 via letter on November 29, 2018. A second letter dated April 9, 2019, was sent to those invited parties that had not responded. These letters included an overview of FHWA's proposed Section 106 methodology during Tier 1, following the above bullet points. FHWA completed an inventory of recorded cultural resources within the 14 preliminary study corridors. This information was presented as part of the environmental inventory at the Fall 2019 Open Houses where the public was able to provide comments.

In the Cultural Resources Technical Report, FHWA defines the APE as congruent with the CARA and begins the phased identification of historic properties by identifying known historic properties and unevaluated resources, such as MIHP resources and archaeological sites without NRHP evaluations. Additionally, the Technical Report begins the process of identifying unrecorded architectural and archaeological resources by analyzing the CARA and locating areas that may require additional cultural resource investigations during a future Tier 2 study. Through this analysis, FHWA and MDTA have made

recommendations for how phased historic properties identification will be completed in Tier 2 within the preferred corridor.

### **Revised Section 106 Approach**

FHWA and MDTA have reevaluated the BCS methodology and identified a revised approach that continues to follow Section 106 requirements and does not change FHWA's level of effort to begin the phased identification process during Tier 1, but provides greater flexibility during a Tier 2 study by not concluding Section 106 in Tier 1 with an executed PA. The PA would have documented the Tier 1 selection of a corridor alignment and established a process for completing historic properties identification and determining and resolving effects to historic properties during Tier 2. However, Tier 2 of the Bay Crossing Study currently has no timeline; other specific information such as project delivery method and schedule that would dictate the parameters of the PA are unknown. Without these specifics, the Tier 2 processes defined in a PA would necessarily be vague. If any unforeseen Tier 2 project constraints arise, the agreement could require amendment and cause project delays.

To anticipate and minimize the impact of the unknowns, FHWA and MDTA revised the methodology to record Tier 1 decisions and commitments for Tier 2 in the Final Environmental Impact Statement/Record of Decision (FEIS/ROD), the NEPA decision document which records a Federal agency's decision concerning a proposed action. Section 106 regulations allow for decisions made during phased identification of historic properties to be recorded in an agreement document (such as a PA) or in NEPA documentation when coordinating Section 106 with NEPA compliance. Commitments recorded in these documents could include the deferral of historic properties identification and the continuation of the Section 106 process during Tier 2. The FEIS/ROD will also document Section 106 activities completed in Tier 1 and specify that Section 106 consultation will continue only within the preferred corridor alternative. Recording Tier 1 decisions and commitments in the FEIS/ROD allows FHWA to document all decisions and commitments that would be in a PA while avoiding potential pitfalls of specifically defining the processes of identifying historic properties and resolving effects without specific Tier 2 project information. If necessary, a Section 106 agreement document may be executed during Tier 2 to resolve any adverse effects to historic properties. FHWA and MDTA's Cultural Resources Methodology, outlining the revised approach to Tier 1 Section 106 consultation, is included as an appendix to the Cultural Resources Technical Report.

FHWA and MDTA's revised methodology continues to allow consulting parties to provide input and comments as Tier 1 progresses beginning with soliciting comments on the Cultural Resources Technical Report. After receiving comments from consulting parties, FHWA and MDTA will revise the Cultural Resources Technical Report, as appropriate. The revised document will be posted along with publication of the Draft Environmental Impact Statement (DEIS), anticipated in Fall 2020. The Section 106 consulting parties and the public will be able to provide additional comments on the DEIS and Cultural Resources Technical Report at that time.

Public hearings following the Notice of Availability of the DEIS will provide another opportunity for public comment. FHWA and MDTA will review and consider comments received to identify any cultural, historic, and/or tribal concerns. The key Section 106 decisions and commitments will be recorded in the Tier 1 FEIS/ROD anticipated to be published in Summer 2021.

## Review Request

We are pleased to share the Cultural Resources Technical Report with the Maryland Historical Trust (MHT), Advisory Council on Historic Preservation (ACHP), and all consulting parties. **FHWA request that consulting parties review the report and provide comments by July 24, 2020.** The Cultural Resources Technical Report is posted at the link below. No username or password is required.

[https://rkkllp-my.sharepoint.com/:b:/g/personal/jschmidt2\\_rkk\\_com/EQ5fSxPPaChHpk3iVUiDcJIB6l-E\\_dngmr483QWjzFy9jA?e=5plF7U](https://rkkllp-my.sharepoint.com/:b:/g/personal/jschmidt2_rkk_com/EQ5fSxPPaChHpk3iVUiDcJIB6l-E_dngmr483QWjzFy9jA?e=5plF7U)

Finally, FHWA and MDTA would like to **confirm and define** the parties interested in continued consultation on the Bay Crossing Study. We will continue to provide information to the Section 106 consulting parties (ACHP, state historic preservation office, and others not included in the aforementioned parties). **Please send a reply to this e-mail indicating you wish to continue consultation** (or conversely if you are not interested in consulting on this project and would like to be removed from this list). If no response is received, you will continue to be a consulting party. Additionally, if there is a more appropriate or updated contact for Section 106 consultation in your organization, please let us know as well.

As always, please feel free to contact me with any questions or information needs on this project, and we appreciate your input and consultation regarding historic properties for this challenging and complex project. Please e-mail your comments directly to Ms. Jeanette Mar, Environmental Program Manager, FHWA at [Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov).

Sincerely,

Gregory Murrill  
Division Administrator

Attachment

CC: Ms. Jeanette Mar, FHWA-MD Division, Environmental Program Manager  
Ms. Mandy Raslow, ACHP, Program Analyst  
Mr. Joseph DaVia, USACE, Section Chief, Maryland Section North  
Mr. Mickey Sanders, USCG Bridge Administration Branch, Fifth District  
Ms. Kristy Beard, NOAA-NMFS HCD, Marine Habitat Resource Specialist  
Mr. Brian Hopper, NOAA-NMFS PRD, Marine Habitat Resource Specialist  
Ms. Sarah Groesbeck, MDTA, Consultant Architectural Historian, Division of Planning & Program Development  
Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program Development  
Mr. Keith Colston, Maryland Commission on Indian Affairs  
Mr. Mike Hinman, Accohannock Indian Tribe, Inc.  
Mr. Greg Bowen, American Chestnut Land Trust  
Mr. Darian Beverungen, Anne Arundel County Office of Environmental and Cultural Resources  
Mr. Johns Hopkins, Baltimore Heritage  
Mr. Eric Sennstrom, Cecil County Planning Commission

Mr. Maurice Proctor, Cedarville Band of Piscataway  
Ms. Natalie Proctor, Cedarville Band of Piscataway  
Dr. John L. Seidel, Center for the Environment and Society  
Mr. Eric Fischer, Chesapeake Bay Foundation  
Ms. Karen Frostbutter, Chesapeake Bay Foundation  
Mr. Rico Newman, Choptico Band of Piscataway  
Mr. Barry Wilson, Choptico Band of Piscataway  
Mr. Darius Johnson, Eastern Shore Land Conservancy  
Ms. Carol Benson, Four Rivers Heritage Area  
Ms. Janet Christensen-Lewis, Kent Conservation and Preservation Alliance  
Ms. Amy G. Moredock, Kent County Department of Planning, Housing, and Zoning  
Ms. Katrina L. Tucker, AICP, Kent County Department of Planning, Housing, and Zoning  
Ms. Lisa Ludwig, Lower Eastern Shore Heritage Council  
Mr. Josh Hastings, Lower Shore Land Trust  
Ms. Kate Patton, Lower Shore Land Trust  
Ms. Brigitte Carty, Lower Susquehanna Heritage Greenway  
Mr. Andrew Garte, Patuxent Tidewater Land Trust  
Ms. Mervin Savoy, Piscataway Conoy Confederacy and Subtribes of Maryland  
Mr. Francis Gray, Piscataway Conoy Tribe of Maryland  
Ms. Selita Proctor, Piscataway Conoy Tribe of Maryland  
Chief William Red Wing Tayac, Piscataway Indian Nation  
Ms. Kimberly Golden Brandt, Preservation Maryland  
Mr. Nicholas A. Redding, Preservation Maryland  
Mr. Steve Cohoon, Queen Anne's County Department of Public Works  
Mr. Kevin McDonough, Rockaway Beach Improvement Association, Inc.  
Ms. Gail Owings, Stories of the Chesapeake Heritage Area

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, November 24, 2017 9:24 AM  
**To:** Jim White, J.  
**Cc:** Jim Dwyer; Jill Lemke  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** MPA.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. White,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdta.maryland.gov>

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November 24, 2017



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Mario J. Gangemi, P.E.  
John Von Paris

Kevin C. Reigert  
Executive Director

2310 Broening Highway  
Baltimore MD 21224  
410-537-1000  
410-537-1003 (fax)  
711 (MD Relay)  
1-866-713-1596

e-mail: [mdta@mdta.maryland.gov](mailto:mdta@mdta.maryland.gov)

[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Jim White  
Executive Director  
Maryland Department of Transportation  
Maryland Port Administration  
World Trade Center  
401 East Pratt Street  
Baltimore, MD 21202-3117

Dear Mr. White:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

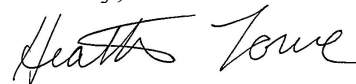
1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,



Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

cc: Mr. Jim Dwyer, Maryland Department of Transportation Maryland Port Administration  
Ms. Jill Lemke, Maryland Department of Transportation Maryland Port Administration

---

**From:** Jim Dwyer  
**Sent:** Friday, November 24, 2017 10:27 AM  
**To:** Heather Lowe <hlowe@mdta.state.md.us>  
**Cc:** Jill Lemke <jlemke@mdot.state.md.us>; Jim Dwyer <jdwyer@mdot.state.md.us>  
**Subject:** FW: Chesapeake Bay Crossing Study: Tier 1 NEPA

Heather,  
We will certainly participate and look forward to working with you on this CBC study. Our recent letter to Kevin Reigut concerning limitations to the navigation channels is also attached.  
Call me or Jill Lemke with any questions, 410 385-4469/4445.  
Jim

---

**From:** Heather Lowe  
**Sent:** Friday, November 24, 2017 9:24 AM  
**To:** Jim White, J. <[jjwhite@marylandports.com](mailto:jjwhite@marylandports.com)>  
**Cc:** Jim Dwyer <[jdwyer@mdot.state.md.us](mailto:jdwyer@mdot.state.md.us)>; Jill Lemke <[jlemke@mdot.state.md.us](mailto:jlemke@mdot.state.md.us)>  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA

Mr. White,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**  
Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdtamaryland.gov>

**Chesapeake Bay Crossing Study: Tier 1 NEPA  
Participating Agency Response**

- ☒ Elect to accept the invitation to be a participating agency.
- ☐ Elect to decline the invitation to be a participating agency, because:
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature: Jim Dwyer Date: Nov. 24, 2017

Print Name: Jim DWYER / Jill LEMKE Agency: MD Port Admin

Title: Director Planning / Strategic Planner

---

November 9, 2017

Kevin C. Reigrut  
Executive Director  
Maryland Transportation Authority  
2310 Broening Highway  
Baltimore, MD 21224

Dear Kevin:

Being able to compete in international trade to allow for continued economic growth is in our national security interest. The United States is a maritime nation and the Port of Baltimore provides access to global markets for both suppliers and customers for Maryland and the whole Mid-Atlantic Region.


The world's fleets (especially container ships) continue to evolve and grow larger. The Port of Baltimore and other U.S. East Coast (USEC) ports routinely handle ships of 10,000TEU on a weekly basis now. Now that the project to raise the Bayonne Bridge has been completed, ports such as Norfolk and New York are seeing 14,000TEU ships arrive in their harbors. I predict that the largest container ships of 20,000TEU (currently on the Europe-Asia trade lanes) will be calling the USEC within ten years.

Concerning the newly initiated Chesapeake Bay Crossing study, I request adequate clearances to allow for future shipping, i.e. a minimum of 1,500' horizontal, 215' vertical, and 60' depth where it crosses the main shipping channel.

I also request that if there are any major reconstruction efforts on the existing Bay or Key Bridges that they be retrofitted to the above dimensions as much as possible. This will ensure that Maryland is "Open for Business" for years to come.

Feel free to contact me any time if you have any questions at (410) 385-4404.

Sincerely,



James J. White  
Executive Director  
Maryland Port Administration

cc: Pete Rahn, Secretary Maryland Department of Transportation

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, November 24, 2017 9:55 AM  
**To:** Chuck Bean (cbean@mwcog.org)  
**Cc:** Kanti Srikanth  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** MWCOG.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Bean,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
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November 24, 2017



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[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Chuck Bean  
Executive Director  
Metropolitan Washington Council of Governments  
777 North Capitol Street NE  
Suite 300  
Washington, DC 20002-4290

Dear Mr. Bean:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

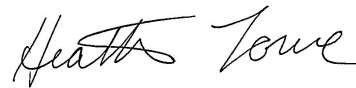
1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map



---

**From:** Sarah Williamson  
**Sent:** Friday, March 16, 2018 5:15 PM  
**To:** 'Timothy Canan' <[tcanan@mwkog.org](mailto:tcanan@mwkog.org)>  
**Cc:** Kanti Srikanth <[ksrikanth@mwkog.org](mailto:ksrikanth@mwkog.org)>; Lyn Erickson <[lerickson@mwkog.org](mailto:lerickson@mwkog.org)>; Ronald Milone <[rmilone@mwkog.org](mailto:rmilone@mwkog.org)>; Andrew Meese <[ameese@mwkog.org](mailto:ameese@mwkog.org)>; 'Heather Lowe' <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)>  
**Subject:** RE: Bay Crossing Study Participating Agencies

Hi Mr. Canan,

Thank you for your email. It doesn't appear that I received your earlier email, but if it got misplaced on our end, I apologize for the oversight.

I appreciate you following up with me again, and we will be sure to remove you from the list of participating agencies on the Bay Crossing Study as you request. Thank you for your offer of help with information in the future. I will pass that offer on to the rest of the team.

Have a good weekend.

Sincerely,

**Sarah Williamson** | *BCS Team*

[Coastal Resources, Inc.](#)

25 Old Solomons Island Road

Annapolis, MD 21401

Office Phone: 410-956-9000 ext. 113

Direct: 443 837 2155

Cell Phone: 443 995 4131

Fax: 410 956 0566

[sarahw@CRI.biz](mailto:sarahw@CRI.biz)



---

**From:** Timothy Canan [<mailto:tcanan@mwkog.org>]  
**Sent:** Friday, March 16, 2018 2:39 PM  
**To:** Sarah Williamson <[sarahw@cri.biz](mailto:sarahw@cri.biz)>  
**Cc:** Kanti Srikanth <[ksrikanth@mwkog.org](mailto:ksrikanth@mwkog.org)>; Lyn Erickson <[lerickson@mwkog.org](mailto:lerickson@mwkog.org)>; Ronald Milone <[rmilone@mwkog.org](mailto:rmilone@mwkog.org)>; Andrew Meese <[ameese@mwkog.org](mailto:ameese@mwkog.org)>  
**Subject:** Bay Crossing Study Participating Agencies

Good afternoon, Ms. Williamson,

I sent an email to you several weeks ago and wanted to follow up with you to ensure you received it. The Metropolitan Washington Council of Governments/National Capital Region Transportation Planning Board does not wish to be identified as a participating agency for the Bay Crossing Study. We typically do not participate in project-level initiatives in this manner due to the regional focus of our agency's mission. Having

said that, we are happy to offer our assistance or information that may be helpful to you as the project moves forward.

If you have any questions or need additional information, please let me know. Have a great weekend.

V/r  
Tim Canan

**Timothy Canan**, AICP  
Planning Data and Research Program Director  
Department of Transportation Planning  
Metropolitan Washington Council of Governments  
777 North Capitol Street, NE, Suite 300  
Washington, DC 20002  
202-962-3280 Direct  
703-300-0858 Mobile

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, November 24, 2017 9:27 AM  
**To:** Suhair AlKhatib  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** MTA.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Al Khatib,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
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Mario J. Gangemi, P.E.  
John Von Paris

Kevin C. Reigert  
Executive Director

2310 Broening Highway  
Baltimore MD 21224  
410-537-1000  
410-537-1003 (fax)  
711 (MD Relay)  
1-866-713-1596

e-mail: [mdta@mdta.maryland.gov](mailto:mdta@mdta.maryland.gov)

[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

November 24, 2017

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Suhair Al Khatib  
Senior Deputy Administrator &  
Chief of Planning Program and Engineering Officer  
Maryland Department of Transportation  
Maryland Transit Administration  
William Donald Schaefer Tower  
6 St. Paul Street  
Baltimore, MD 21201-1614

Dear Mr. Al Khatib:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

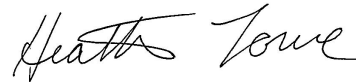
1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

---

**From:** Lauren Molesworth  
**Sent:** Wednesday, November 29, 2017 12:45 PM  
**To:** Heather Lowe <hlowe@mdta.state.md.us>  
**Subject:** Chesapeake Bay Crossing Study Participating Agency

Hi Heather,

Please see the attached Participating Agency acceptance for MDOT MTA. I will be the main point of contact as well. Please let me know if you need any more information from us at this time.

Thank you,

Lauren A. Molesworth  
Environmental Planner

**Maryland Transit Administration**  
Environmental Planning  
6 St. Paul Street, Baltimore, MD 21202  
**Office:** 410-767-7272 **Fax:** 410-333-0489  
[LMolesworth@mta.maryland.gov](mailto:LMolesworth@mta.maryland.gov)



*The Maryland Department of Transportation is a customer-driven leader that delivers safe, sustainable, intelligent, and exceptional transportation solutions in order to connect our customers to life's opportunities.*

*The Maryland Transit Administration, providing safe, efficient and reliable transit across Maryland with world-class customer service.*

**Chesapeake Bay Crossing Study: Tier 1 NEPA**  
**Participating Agency Response**

- ☒ Elect to accept the invitation to be a participating agency.
- ☐ Elect to decline the invitation to be a participating agency, because:
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature: Lauren A. Molesworth Date: 11/28/2017

Print Name: Lauren A. Molesworth Agency: MDOT-MTA

Title: Environmental Planner

**From:** [Heather Lowe](#)  
**To:** [Eric Almquist](#); [Sarah Williamson](#)  
**Subject:** FW: Bay Bridge Study  
**Date:** Thursday, October 26, 2017 1:41:10 PM

---

FYI – just a confirmation that SHA plans to be a Cooperating Agency.

Our contact will be Aviva Brown.

Thanks!  
Heather

---

**From:** Eric Beckett  
**Sent:** Thursday, October 26, 2017 1:08 PM  
**To:** Donna Buscemi <[DBuscemi@sha.state.md.us](mailto:DBuscemi@sha.state.md.us)>; Samantha Biddle <[SBiddle@sha.state.md.us](mailto:SBiddle@sha.state.md.us)>  
**Cc:** Donald Sparklin <[DSparklin@sha.state.md.us](mailto:DSparklin@sha.state.md.us)>; Heather Lowe <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)>; Dennis Atkins (Design) <[DAtkins@sha.state.md.us](mailto:DAtkins@sha.state.md.us)>; Joseph Kresslein <[JKresslein@sha.state.md.us](mailto:JKresslein@sha.state.md.us)>  
**Subject:** RE: Bay Bridge Study

Donna,

I think that strategy makes sense.

Thanks,

Eric Beckett, Division Chief  
Regional and Intermodal Planning Division  
(410) 545-5666

---

**From:** Donna Buscemi  
**Sent:** Thursday, October 26, 2017 10:15 AM  
**To:** Samantha Biddle <[SBiddle@sha.state.md.us](mailto:SBiddle@sha.state.md.us)>  
**Cc:** Donald Sparklin <[DSparklin@sha.state.md.us](mailto:DSparklin@sha.state.md.us)>; Eric Beckett <[ebeckett@sha.state.md.us](mailto:ebeckett@sha.state.md.us)>; Heather Lowe <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)>; Dennis Atkins (Design) <[DAtkins@sha.state.md.us](mailto:DAtkins@sha.state.md.us)>; Joseph Kresslein <[JKresslein@sha.state.md.us](mailto:JKresslein@sha.state.md.us)>  
**Subject:** RE: Bay Bridge Study

Actually, Heather just reached out to me this morning as well asking me for input on whether MDOT SHA should be cooperating or participating on this study, so I'll share my thoughts with all of you. I would think we would want to be more closely involved and therefore be cooperating with MdTA. MDOT SHA should weigh in on alternatives since MDOT SHA to be sure the roadway network can support the proposed crossing wherever it may land. I think one RIPD representative would be fine until alternatives are developed and then RIPD would need to pull in traffic engineers, district personnel, etc. to get input and possibly have these folks attend future meetings.

Thanks!



Donna

---

**From:** Samantha Biddle

**Sent:** Thursday, October 26, 2017 8:33 AM

**To:** Donna Buscemi <[DBuscemi@sha.state.md.us](mailto:DBuscemi@sha.state.md.us)>

**Cc:** Donald Sparklin <[DSparklin@sha.state.md.us](mailto:DSparklin@sha.state.md.us)>; Eric Beckett <[ebeckett@sha.state.md.us](mailto:ebeckett@sha.state.md.us)>

**Subject:** RE: Bay Bridge Study

Donna –

Thanks for the information and for covering the meeting. Peter is now serving as the Bicycle and Pedestrian Coordinator. The Regional Planner replacing him is Aviva Brown. I can ask her to reach out to Heather to be added to the distribution lists for future meetings. Based on the meeting yesterday, is there a need to send multiple OPPE reps to these?

Thanks!

Samantha

---

**From:** Donna Buscemi

**Sent:** Thursday, October 26, 2017 7:27 AM

**To:** Samantha Biddle <[SBiddle@sha.state.md.us](mailto:SBiddle@sha.state.md.us)>

**Cc:** Donald Sparklin <[DSparklin@sha.state.md.us](mailto:DSparklin@sha.state.md.us)>; Eric Beckett <[ebeckett@sha.state.md.us](mailto:ebeckett@sha.state.md.us)>

**Subject:** FW: Bay Bridge Study

Hi Samantha,

Scott asked me to make sure that someone attended MdTA's scoping meeting that was held yesterday from 1-2:30 for MdTA's Bay Crossing Study ([www.baycrossingstudy.com](http://www.baycrossingstudy.com)). I knew I had coordinated with Eric a while back on who would be the best person to represent MDOT SHA on this MdTA project team, but couldn't remember so I attended yesterday's meeting and have the information attached. Heather Lowe is the MdTA's project manager

Anyway, I know your division has gone through some changes, so I wanted to check in with you to be sure Peter is still assigned this the one.

Thanks!

Donna

**From:** Heather Lowe

**Sent:** Friday, November 24, 2017 8:48 AM

**To:** Scott Pomento <SPomento@sha.state.md.us>

**Cc:** Donna Buscemi <DBuscemi@sha.state.md.us>; Aviva Brown <ABrown22@sha.state.md.us>

**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA

Good morning, Scott. I hope you had a nice Thanksgiving!

Please see the attached Cooperating Agency invitation for the Bay Crossing Study. Please let me know if you have any questions.

Thank you,  
Heather



**Heather Lowe**

Project Manager

Maryland Transportation Authority

Division of Planning and Program Development

Point Breeze

2310 Broening Highway

Baltimore MD 21224

410-537-5665

<http://www.mdt.maryland.gov>



Larry Hogan  
Governor

Boyd K. Rutherford  
Lt. Governor

Pete K. Rahn  
Chairman

Katherine Bays Armstrong  
Peter J. Basso  
Dontae Carroll  
William H. Cox, Jr.  
William C. Ensor, III  
W. Lee Gaines, Jr.  
Mario J. Gangemi, P.E.  
John Von Paris

Kevin C. Reigert  
Executive Director

2310 Broening Highway  
Baltimore MD 21224  
410-537-1000  
410-537-1003 (fax)  
711 (MD Relay)  
1-866-713-1596

e-mail: [mdta@mdta.maryland.gov](mailto:mdta@mdta.maryland.gov)

[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

November 24, 2017

**IN REPLY REFER TO:**

Chesapeake Bay Crossing  
Study: Tier I NEPA; Invitation  
to Serve as a Cooperating and  
Participating Agency

Mr. C. Scott Pomento  
Director of Planning and Preliminary Engineering  
Maryland Department of Transportation State Highway Administration  
707 North Calvert Street  
Baltimore, MD 21201-36013

Dear Mr. Pomento,

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Due to the Maryland Department of Transportation State Highway Administration's (MDOT SHA) jurisdiction over the state roadways that would link to a new bridge crossing, MDTA and FHWA invite the MDOT SHA to be a cooperating and participating agency in the preparation of the Tier I EIS in accordance with part 1500 of title 40, Code of Federal Regulations (40 CFR 1508.05). As a participating agency, the MDOT SHA would have the following responsibilities related to its jurisdiction:

1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.
3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

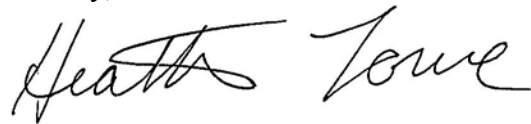
Additional responsibilities associated with accepting the cooperating agency invitation include:

5. Adhere to timeframes for providing concurrence on major milestones.
6. Agency name will be listed as a cooperating agency in the Final EIS document.

If you are not the point of contact, please provide the appropriate contact information. MDOT SHA may elect to accept or decline the invitation by checking the appropriate box and signing below. If you decline the invitation to be a cooperating agency, you are still invited to be a participating agency. If your agency elects to decline either or both of these invitations, please include the reason for declining with your agency's response.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a cooperating and participating agency. Please respond to this invitation by **December 31, 2017**. If you have any questions or need additional information, please contact the Project Manager, Ms. Heather Lowe. Ms. Lowe may be reached via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink that reads "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" and last name "Lowe" clearly distinguishable.

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

cc: Ms. Donna Buscemi, MDOT SHA

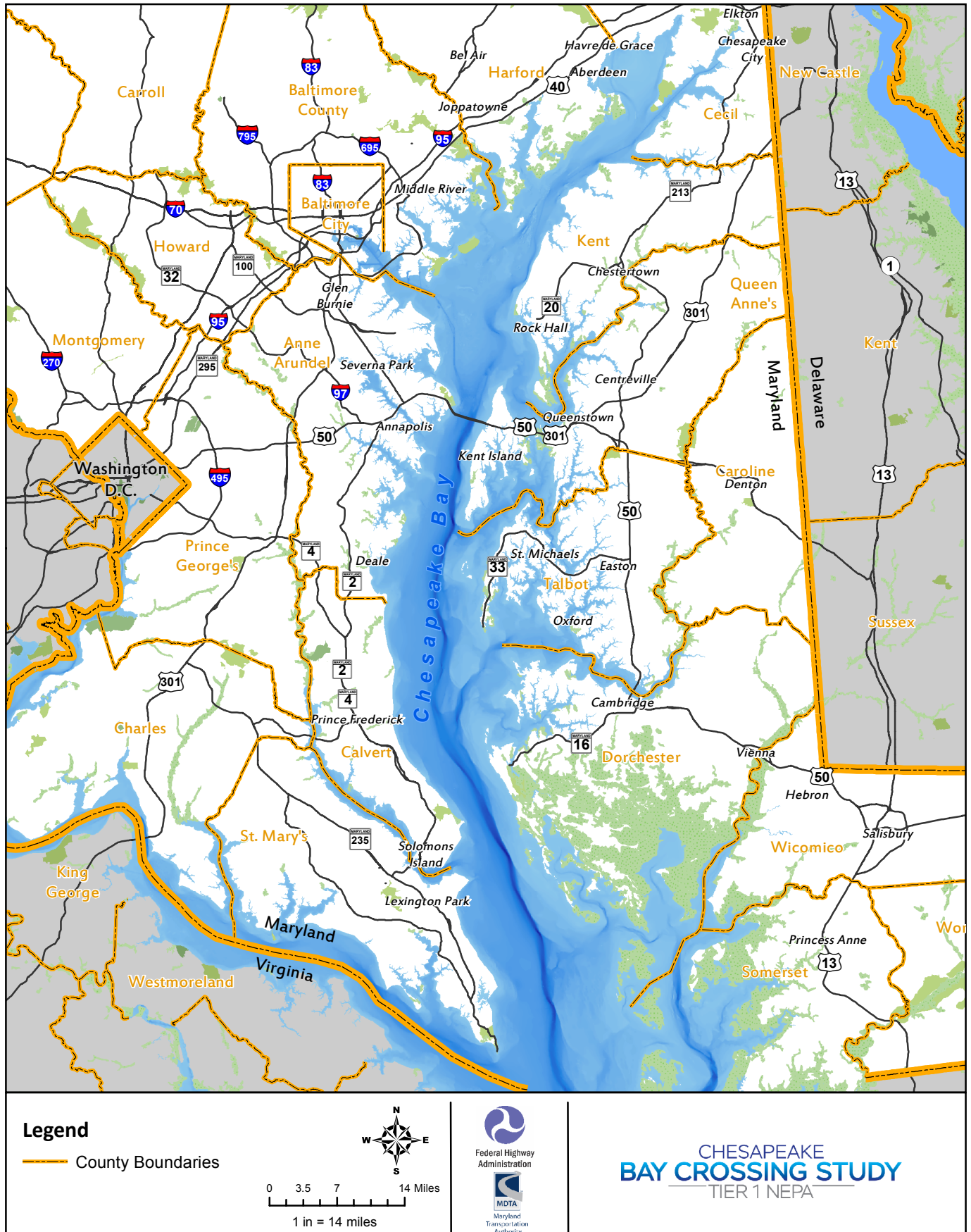
**Chesapeake Bay Crossing Study: Tier 1 NEPA**  
**Cooperating Agency Response**

- ☐ Elect to accept the invitation to be a cooperating agency.
- ☐ Elect to decline the invitation to be a cooperating agency, and accept the invitation to be a participating agency.  
Reason for declining: \_\_\_\_\_
- ☐ Elect to decline the invitation to be a cooperating or participating agency.
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Agency: \_\_\_\_\_

Title: \_\_\_\_\_



## Chesapeake Bay Crossing Study: Tier 1 NEPA

### Cooperating Agency Response

- ☒ Elect to accept the invitation to be a cooperating agency.
- ☐ Elect to decline the invitation to be a cooperating agency, and accept the invitation to be a participating agency.

Reason for declining: \_\_\_\_\_

- ☐ Elect to decline the invitation to be a cooperating or participating agency.
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Agency: \_\_\_\_\_

Title: \_\_\_\_\_

PARTICIPATING AGENCY DESIGNATION  
RESPONSE FORM

Chesapeake Bay Crossing Study

- ☐ No, our agency does not wish to be designated a Participating agency for the proposed Chesapeake Bay Crossing Study because our agency has no jurisdiction or authority with respect to the Proposed Action; no expertise or information relevant to the Proposed Action; and/or does not intend to submit comments on the Proposed Action, **OR**
- ☒ Yes, our agency wishes to be designated a Participating agency for the proposed Chesapeake Bay Crossing Study.

[Signature] Jan 8, 2018 (Sign/Date – Authorized Representative)

Gay Viefzke, Regional Director (Name/Title of Signatory)

Jon Meade, Assoc. Regional Director (Name/Title of POC, if different than signatory)

National Park Service (Agency)

Northeast Region (Mailing Address)

200 Chestnut St., 5<sup>th</sup> Floor

Philadelphia, PA 19106

jonathan-meade@nps.gov (Email)

215-597-9014 (Phone)

Please email or mail response by **December 31, 2017** to:

Jeanette Mar  
Environmental Program Manager  
USDOT Federal Highway Administration  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201  
[jeanette.mar@dot.gov](mailto:jeanette.mar@dot.gov)



**From:** Kathy Middleton NOAA Federal [mailto:kathy.middleton@noaa.gov]

**Sent:** Friday, December 29, 2017 10:40 AM

**To:** Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>; Brian D Hopper NOAA Federal <brian.d.hopper@noaa.gov>; Mark Murray Brown <mark.murray\_brown@noaa.gov>; Lou Chiarella NOAA Federal <lou.chiarella@noaa.gov>; Karen Greene <Karen.Greene@noaa.gov>; Kristy Beard - NOAA Federal <kristy.beard@noaa.gov>

**Subject:** Comment letter from NMFS RE: Response to NEPA

Please find the attached cooperating agency response letter from NMFS for your files.

Thanks,  
Kathy M.

--

Kathy Middleton  
Administrative Assistant  
NMFS - Habitat Conservation Division  
55 Great Republic Drive  
Gloucester, MA 01930  
[978-281-9102](tel:978-281-9102)  
[kathy.middleton@noaa.gov](mailto:kathy.middleton@noaa.gov)



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930-2276

DEC 29 2017

Jeanette Mar  
Environmental Program manager  
USDOT Federal Highway Administration  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201

Dear Ms. Mar:

Your November 28, 2017, letter invited us to participate as a cooperating and participating agency in the preparation of a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study. The Maryland Transportation Authority (MDTA), is preparing the EIS in coordination with the Federal Highway Administration (FHWA) in accordance with the National Environmental Policy Act (NEPA). The purpose of the Tier I study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The study area extends from the top of the Chesapeake Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. We agree to participate as a cooperating agency to help foster a collaborative process and interagency coordination on this project.

Your Interagency Coordination Guiding Principles Memorandum from December 19, 2017, indicates that a responsibility of Cooperating Agencies in this process would be to provide concurrence at specific milestones. However, our role and degree of involvement as a cooperating agency is dependent on existing staff and fiscal resources. Our contribution to the process will be limited to participating in project meetings and providing written comments in response to your documents prepared as part of the NEPA process. You can anticipate our comments to provide technical information identifying aquatic species and habitats of concern, identification of issues to be considered and evaluated during the NEPA process and guidance on evaluating, avoiding and minimizing project effects to our trust resources.

At this time we are unable to undertake any data collection, conduct analyses or to prepare any sections of the EIS as our staff and resources are fully committed to other obligatory programs of NOAA Fisheries. Please note that our participation as a cooperating agency does not constitute an endorsement of this project, nor does it obviate the need for consultations required under the Magnuson-Stevens Fishery Conservation and Management Act, Fish and Wildlife Coordination Act, and the Endangered Species Act.

Thank you for the opportunity to participate as a cooperating agency on this project. We look forward to working with you as the EIS is prepared. If you have any questions regarding this matter, please contact Kristy Beard in our Annapolis, Maryland Field Office at 410-573-542 or



[kristy.beard@noaa.gov](mailto:kristy.beard@noaa.gov) for information regarding essential fish habitat and other trust resources or Brian Hopper at 410-573-4592 or [brian.d.hopper@noaa.gov](mailto:brian.d.hopper@noaa.gov) for information regarding threatened and endangered species.

Sincerely



Louis A. Chiarella  
Assistant Regional Administrator  
for Habitat Conservation

cc: PRD- B. Hopper, M. Murray Brown

---

**From:** Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>  
**Sent:** Thursday, May 10, 2018 2:02 PM  
**To:** Brian D Hopper - NOAA Federal (brian.d.hopper@noaa.gov); 'kristy.beard@noaa.gov'  
**Cc:** Heather Lowe  
**Subject:** FW: BCS Section 106 Initiation Letter  
**Attachments:** BCS MHT\_initiation letter\_sec 106.pdf

Brian and Kristy:

Attached is a copy of the Section 106 Initiation Letter for the Chesapeake Bay Study project that was sent to Maryland Historical Trust (MHT) on Friday. The letter has a map, list of consulting parties and draft schedule of Section 106 milestones. We have requested MHT's comment on the list of consulting parties and Maryland Transportation Authority (MDTA's) proposed phased identification and evaluation of effects to historic properties.

In that letter we also stated that Federal Highway Administration (FHWA) would serve as the lead federal agency to fulfill the collective federal responsibilities under Section 106 for this project on behalf of the National Marine Fisheries Service.

We look forward to working with you on this project. Please let us know if your agency has any concerns about FHWA being the lead federal agency for the Section 106 Consultation process or you need additional information.

Thanks!

*Jeanette*

Jeanette Mar  
Environmental Program Manager  
FHWA - Maryland Division  
George H. Fallon Federal Building  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201  
phone (410) 779-7152  
fax (410) 962-4054



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Maryland Division**

31 Hopkins Plaza, Suite 1520  
Baltimore, Maryland 21201  
(410) 962-4440  
(410) 962-4054

May 3, 2018

In Reply Refer To:  
HDA-MD

Ms. Elizabeth Hughes  
State Historic Preservation Officer  
Maryland Historical Trust  
100 Community Place  
Crownsville, MD 21032

Dear Ms. Hughes:

The Federal Highway Administration (FHWA) and the Maryland Transportation Authority (MDTA) are preparing a Tier I Environmental Impact Statement (EIS) to satisfy the requirements of the National Environmental Policy Act (NEPA). With this letter, FHWA is initiating consultation with the Maryland Historical Trust (MHT) regarding the Chesapeake Bay Crossing Study (BCS): Tier I NEPA in compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR §800). Pursuant to §800.2(a)(2), FHWA will serve as the lead federal agency to fulfill the collective federal responsibilities under Section 106 for this undertaking on behalf of the United States Army Corps of Engineers (USACE), the National Marine Fisheries Service (NMFS), the United States Environmental Protection Agency (US EPA), and the United States Coast Guard (USCG).

The purpose of the BCS is to consider corridors for providing additional traffic capacity and access across the Chesapeake Bay to improve mobility, travel reliability, and safety at the existing Bay Bridge. The BCS will evaluate potential new corridor alternatives that will include an assessment of existing and potentially expanded transportation infrastructure needed to support additional capacity; improve travel times; and accommodate maintenance activities, while considering financial viability and environmental responsibility. The preliminary study area covers the entire length of the Chesapeake Bay in Maryland. A map identifying the preliminary study area for the BCS is enclosed as Attachment 1.

#### **Identification of Consulting Parties**

Potential consulting parties as they relate to the BCS (36 CFR §800.2(c)(3) and (5), and §800.3(f)) were identified from an existing list maintained by the Maryland Department of Transportation State Highway Administration (MDOT SHA) Cultural Resources Division. For the purposes of the BCS, FHWA and MDTA supplemented the list with government agencies, organizations, and individuals with a demonstrated legal or economic interest in the preservation or conservation of historic properties, landscapes, archaeological sites, and/or the Chesapeake Bay. Pursuant to the requirements and implementing regulations of Section 106, FHWA and



MDTA seek assistance from the MHT in the identification of additional consulting parties. The list of identified potential consulting parties is enclosed as Attachment 2. Once MHT has reviewed and commented on the list of potential consulting parties, FHWA and MDTA will invite those parties listed in Attachment 2 and any other parties suggested by MHT to participate in the Section 106 consultation process for the BCS. FHWA will initiate consultation with federal Indian tribes on a government-to-government basis.

### Identification Methods

FHWA and MDTA propose a phased approach to the identification and evaluation of effects to historic properties pursuant to §800.4(b)(2). During the Tier I NEPA study, FHWA and MDTA will conduct an inventory of known historic properties within the preliminary study area.

Pursuant to NEPA requirements, FHWA and MDTA will assess a reasonable range of build alternatives, in addition to a "No-Build" alternative, as part of the Tier I analysis. Within the preliminary study area, FHWA and MDTA will identify Corridor Alternatives Retained for Analysis (CARA) for analysis in the Tier I Draft EIS. In accordance with §800.4(a)(1), FHWA and MDTA will determine and document the area of potential effects (APE) based on the CARA.

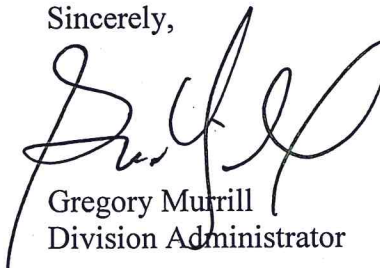
A preferred corridor alternative will be documented in the Tier I Draft EIS. FHWA and MDTA will work with consulting parties to draft a Programmatic Agreement that will establish methods for the identification of historic properties and assessment of adverse effects within a revised APE associated with the preferred corridor alternative. The Programmatic Agreement will identify the Section 106 activities that will take place during the Tier II NEPA Study. A draft schedule of Section 106 milestones is enclosed as Attachment 3.

### Review Request

Please examine the attached map and list of consulting parties. We request MHT's comment by **June 4, 2018** on the list of consulting parties and MDTA's proposed phased identification and evaluation of effects to historic properties.

If you have any questions or need additional information regarding this request, please contact Ms. Jeanette Mar at 410-779-7152 or Jeanette.Mar@dot.gov or Ms. Heather Lowe at 410-537-5665 or HLowe@mdta.state.md.us.

Sincerely,



Gregory Murrill  
Division Administrator

Attachments:

1. Map of Preliminary Study Area
2. List of Consulting Parties
3. Draft Section 106 Milestone Schedule

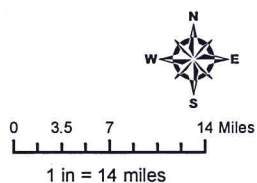
cc: Ms. Sarah Stokely, ACHP, Program Analyst  
Mr. Joseph DaVia, USACE, Section Chief, Maryland Section North  
Mr. Mickey Sanders, USCG Bridge Administration Branch, Fifth District  
Ms. Kristy Beard, NOAA-NMFS HCD, Marine Habitat Resource Specialist  
Mr. Brian Hopper, NOAA-NMFS PRD, Marine Habitat Resource Specialist  
Mr. Kevin Magerr, EPA, NEPA Reviewer  
Mr. Aaron Blair, EPA, Physical Scientist  
Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program Development  
Ms. Jeanette Mar, FHWA-MD Division, Environmental Program Manager





# Legend

County Boundaries



CHESAPEAKE  
BAY CROSSING STUDY  
— TIER 1 NEPA —



**Chesapeake Bay Crossing Study**  
**Tier I Section 106 Consulting Parties Invitation List**

	Organization	Contact	Contact Information
1	Anne Arundel County Office of Environmental and Cultural Resources	Darian Beverungen	p2Beve19@aacounty.org
2	Annapolis Historic District Commission	Dr. Al H. Luckenbach	Alluck@aol.com
3	Deale Area Historical Society	Roberta Laynor, Preservation Coordinator	Robingross65@gmail.com
4	Four Rivers Heritage Area	Robin Gross, Board Chairperson	heritage_area@aacounty.org
5	Historic Annapolis Foundation	Carol Benson, Executive Director	Robert.Clark@annapolis.org
6	Historic London Town and Gardens	Robert Clark, President and CEO	rodcofield@historiclondontown.org
7	Historic Owensville Civic Association	Rod Cofield, Executive Director	410-867-2447
8	North County Land Trust	F. Rawson Carter, Jr., President	4848 Sudley Road West River, MD 20778
9	Scenic Rivers Land Trust	Rebecca Kolbery	info@northcountylantrust.us
10	Baltimore Heritage	Rick Leader, Executive Director	Rick@srft.org
11	Baltimore County Landmarks Preservation Commission, Baltimore County Planning Office	Johns Hopkins, Executive Director	hopkins@baltimoreheritage.org
12	Patapsco Heritage Greenway	Ms. Teri Rising	Trising@baltimorecountymd.gov
13	Preservation Alliance of Baltimore County	Lindsey Baker, Executive Director	Director@Patapsco.org
14	American Chestnut Land Trust	Ms. Patricia L. Bentz, Executive Director	Director@PreservationABC.org
15	Calvert County Department of Community Planning and Building, Calvert County Historic District	Greg Bowen, Executive Director	info@actweb.org
16	Calvert County Historical Society	Kirsti Uunila, Historic Preservation Specialist	uunilak@co.cal.md.us
17	North Beach Historic Preservation Commission	Leila Boyer, Director	cchssadmin@calverthistory.org
18	Southern Maryland Heritage Area	Stacey Wilkerson, Town Clerk	Swilkerson@ci.north-beach.md.us
19	Cecil County Planning Commission	Roz Ranella, Executive Director	Somdheritage@tccsmd.org
20	Cecil Historical Trust	Mr. Eric Sennstrom	Esennstrom@ccgov.org
21	Charlestown Historic District Commission	Mr. David Holsten	Dholsten@zoominternet.net
22	Chesapeake City Historic District Commission	Ronald Edwards, Chairman	410-287-6173
23	Eastern Shore Land Conservancy	Harriett Davis, Chair	Box 52 Charlestown, MD 21914
24	Lower Susquehanna Heritage Greenway	Rob Etgen, Executive Director	410-885-2415
25	Charles County Department of Planning and Growth Management	Mary Ann Lisanti, Executive Director	108 Bohemia Street Chesapeake City, MD 21915
		Cathy Thompson, Community Planning Program Manager and Staff to Historic Preservation Commission	retgen@eslc.org susquehannagreenway@direcway.com
			ThompsCA@charlescounty.org

**Chesapeake Bay Crossing Study**  
**Tier I Section 106 Consulting Parties Invitation List**

	Organization	Contact	Contact Information
26	Cambridge Historic Preservation Commission	Ms. Anne Roane, City Planner	Aroane@choossecambridge.com
27	Dorchester County Planning and Zoning	Steve Dodd, Director of Planning and Zoning	Sdodd@docogonet.com
28	Heart of Chesapeake Country Heritage Area	Amanda Fenstermaker, Director	Amanda@visitdorchester.org
29	Aberdeen Heritage Trust	Phyllis Grover, Director of Planning and Community Development	Phyllis@aberdeendmd.gov
30	Aberdeen Proving Ground	Mark T. Gallihue, Cultural Resources Manager	mark.t.gallihue.civ@mail.mil
31	Harford Land Trust	Kristin Kirkwood, Executive Director	kkirkwood@harfordlandtrust.org
32	Havre de Grace Historic District Commission	Mr. Ben Martorana, Director of Planning Mr. Ronald Browning, Chair	BenM@havredegracemd.com
33	Chestertown Historic District Commission	Bill Ingersoll, Staff	Bill@chestertown.com
34	Kent Conservation and Preservation Alliance	Janet Christensen-Lewis, Chair	contact@kentalliance.org
35	Kent County Heritage Trust	Susanne DeBerry Cole, PhD	director@kentcountyhistory.org
36	Stories of the Chesapeake Heritage Area	Executive Director	info@storiesofthechesapeake.org 410-643-3776
37	Kent Island Heritage Society	John E. Broderick, Board President	PO Box 321 Stevensville, MD 21666
38	Queen Anne's Conservation Association	Jay Falstead, Executive Director	Jay.Falstad@qaca.org
39	Queen Anne's County Department of Planning and Zoning	Michael Wisnosky, Director	Mwisnosky@qac.org
40	Queen Anne's County Historical Society	Chris Pupke, President of Board of Directors	QACHSociety@gmail.com
41	Patuxent Tidewater Land Trust	Andrew Garte, Executive Director	info@patuxent-tidewater.org
42	St. Mary's County Department of Land Use and Growth Management; St. Mary's County Historic Preservation Commission	William Hunt, Director Grace Mary Brady, Staff to HPC	bill.hunt@stmarysmd.com gracie.brady@stmarysmd.com
43	Lower Eastern Shore Heritage Council	Ms. Lisa Ludwig, Executive Director	ludwig@lowershoreheritage.org info@lowershoreheritage.org
44	Lower Shore Land Trust	Kate Patton, Executive Director	info@lowershorelandtrust.org
45	Princess Anne Historic District Commission	Ms. Deborah Hrusko, Town Manager	projects@townofprincessanne.com
46	Somerset County Historical Trust	Mr. Rich Ziolkowski, President of Board of Trustees	moreinfo@somersetcountyhistoricalsociety.org
47	Somerset County Planning and Zoning Commission	Mr. Gary Pusey	gpusey@somersetmd.us
48	Preservation Maryland	Nicholas A. Redding	Nredding@presmd.org
49	Easton Historic District Commission	Stacie Rice, Planning Secretary	zoning@town-eastmd.com
50	Oxford Historic District Commission	Cheryl A. Lewis, Town Administrator	oxfordclerk@goeaston.net

**Chesapeake Bay Crossing Study**  
**Tier I Section 106 Consulting Parties Invitation List**

	Organization	Contact	Contact Information
51	St. Michaels Historic District Commission	Sarah Abel, Staff	Sabel@townofst Michaels.org
52	Talbot Historical Society	Director	410-822-0773 30 S. Washington Street Easton, MD 21601
53	Tilghman Watermen's Museum	Hall and Mary Kellogg, Founders	twm6031@gmail.com
54	Preservation Trust of Wicomico	Jim Morris, Chair	jgmmorris@comcast.net
55	Wicomico County Department of Planning and Zoning	Mr. John F. Lenox, AICP Directory of Planning Gloria Smith, Staff to Historic District Commission	Jlenox@wicomiconcounty.org GSmith@wicomiconcounty.org
56	Chesapeake Bay Foundation	Alison Prost, Maryland Executive Director	410-268-8816 6 Herndon Ave Annapolis, MD 21403
57	Chesapeake Bay Maritime Museum	Kristen L. Greenaway, President	Kgreenaway@cbmm.org 410-939-4078 PO Box 647 Havre de Grace, MD 21078
58	Chesapeake Heritage Conservancy	Cynthia Beane, Executive Director	
59	Waterkeepers Chesapeake	Elizabeth (Betsy) Nicholas, Executive Director	betsy@waterkeeperschesapeake.org
60	Maryland Department of the Military	Captain Thomas Terrio	Thomas.a.terrio.mil@mail.mil
61	Naval Air Station Patuxent River	Mr. Kyle Rambo, Director of Environmental Planning and Conservation	TBD
62	United States Naval Academy	Kimberly Hickey, Natural Resources Specialist NAVFAC Washington PWD Annapolis (USNA)	kimberly.hickey@navy.mil



<b>DRAFT Schedule For Section 106 Activities Chesapeake Bay Crossing Study Tier I NEPA</b>	
<b>Cultural Resources Tasks</b>	<b>Date</b>
Section 106 Initiation with MHT	May 2018
MHT Response Due	June 2018
Distribute Invitations to Consulting Parties	June 2018
Responses from Consulting Parties Due	July 2018
Inventory of Known Historic Properties within Corridor Study Area	Summer 2018
Develop Area of Potential Effects, following Identification of Corridor Alternatives Retained for Analysis (CARA)	Spring 2019
MHT Concurrence on APE	Spring 2019
Publish Draft PA in DEIS	Fall 2019
Circulate Final Programmatic Agreement for signature	Spring 2020
Executed PA included in FEIS/ROD	Summer 2020

**From:** [Brian D Hopper - NOAA Federal](#)  
**To:** [Sarah Williamson](#)  
**Subject:** Re: BCS Concurrence Reminder  
**Date:** Wednesday, May 16, 2018 3:11:35 PM

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Hi Sarah,

I apologize for the delay in getting back to you on this. NMFS GARFO PRD has completed its review and has no objections to the information presented in both documents.

Please let me know if you have any questions.

Regards,  
-Brian

On Mar 20, 2018, at 3:08 PM, Sarah Williamson <[sarahw@cri.biz](mailto:sarahw@cri.biz)> wrote:

Dear BCS Cooperating Agency,

At the February 28 Interagency Coordination Meeting, you indicated that you would like more time to review the Schedule contained in the Draft Coordination Plan and the Draft Guiding Principles Memo before providing a response to MDTA's concurrence request on these items.

This is a reminder, as promised, that we are awaiting your response and would like to receive your response as soon as possible. If you have any concerns that stand in the way of a response, please don't hesitate to contact me or Heather Lowe [hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us) to discuss these concerns.

We look forward to hearing from you soon.

***Sarah Williamson*** *Sr. Env. Scientist/Department Head*

[Coastal Resources, Inc.](#)

[25 Old Solomons Island Road](#)

[Annapolis, MD 21401](#)

**From:** Kristy Beard NOAA Federal [<mailto:kristy.beard@noaa.gov>]  
**Sent:** Friday, July 27, 2018 8:48 AM  
**To:** Mar, Jeanette (FHWA) <[Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov)>  
**Cc:** Brian D Hopper - NOAA Federal ([brian.d.hopper@noaa.gov](mailto:brian.d.hopper@noaa.gov)) <[brian.d.hopper@noaa.gov](mailto:brian.d.hopper@noaa.gov)>; Heather Lowe <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)>  
**Subject:** Re: FW: BCS Section 106 Initiation Letter

Hi Jeanette,

We agree FHWA is the lead federal agency and should undertake the 106 coordination on behalf of the cooperating agencies.

Kristy

On Thu, May 10, 2018 at 2:02 PM, Mar, Jeanette (FHWA) <[Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov)> wrote:

Brian and Kristy:

Attached is a copy of the Section 106 Initiation Letter for the Chesapeake Bay Study project that was sent to Maryland Historical Trust (MHT) on Friday. The letter has a map, list of consulting parties and draft schedule of Section 106 milestones. We have requested MHT's comment on the list of consulting parties and Maryland Transportation Authority (MDTA's) proposed phased identification and evaluation of effects to historic properties.

In that letter we also stated that Federal Highway Administration (FHWA) would serve as the lead federal agency to fulfill the collective federal responsibilities under Section 106 for this project on behalf of the National Marine Fisheries Service.

We look forward to working with you on this project. Please let us know if your agency has any concerns about FHWA being the lead federal agency for the Section 106 Consultation process or you need additional information.

Thanks!

*Jeanette*

Jeanette Mar

Environmental Program Manager

FHWA - Maryland Division

George H. Fallon Federal Building

**From:** Karen Greene - NOAA Federal <karen.greene@noaa.gov>  
**Sent:** Tuesday, March 03, 2020 4:40 PM  
**To:** Sarah Williamson <sarahw@cri.biz>; Hhlowe@mdta.state.md.us  
**Cc:** Keith Hanson <keith.hanson@noaa.gov>; Jonathan Watson NOAA Affiliate <jonathan.watson@noaa.gov>  
**Subject:** Re: BCS ICM#12 PPT and Concurrence Reminder

Hi Sarah and Heather,

I apologize for the delay. NOAA Fisheries concurs with the *Corridor Alternatives Retained for Analysis (CARA)*. Thank you for your patience.

Karen

Karen Greene  
Mid-Atlantic Field Offices Supervisor  
NOAA/National Marine Fisheries Service  
Greater Atlantic Regional Fisheries Office  
Habitat Conservation Division  
James J. Howard Marine Sciences Laboratory  
74 Magruder Rd.  
Highlands, NJ 07732  
732 872-3023 (office)

On Fri, Jan 31, 2020 at 1:34 PM Sarah Williamson <[sarahw@cri.biz](mailto:sarahw@cri.biz)> wrote:

Dear Interagency Team Members,

Please note, there was an error in Heather's email address as included in the body of my previous email below.

Heather's correct email is [hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us).

My apologies,

**Sarah Williamson** | Bay Crossing Study Team

**From:** Sarah Williamson

**Sent:** Friday, January 31, 2020 12:05 PM

**To:** 'Blair.jones@dot.gov' <Blair.jones@dot.gov>; 'joy.liang@dot.gov' <joy.liang@dot.gov>; 'Jeanette.mar@dot.gov' <Jeanette.mar@dot.gov>; 'joseph.davia@usace.army.mil' <joseph.davia@usace.army.mil>; 'john.j.dinne@usace.army.mil' <john.j.dinne@usace.army.mil>; 'hal.r.pitts@uscg.mil' <hal.r.pitts@uscg.mil>; 'mickey.d.sanders2@uscg.mil' <mickey.d.sanders2@uscg.mil>; 'witman.timothy@epa.gov' <witman.timothy@epa.gov>; 'rudnick.barbara@epa.gov' <rudnick.barbara@epa.gov>; 'tammy.roberson@maryland.gov' <tammy.roberson@maryland.gov>; 'Amanda.sigillito@maryland.gov' <Amanda.sigillito@maryland.gov>; 'jon.stewart@maryland.gov' <jon.stewart@maryland.gov>; 'William.seiger@maryland.gov' <William.seiger@maryland.gov>; 'spomento@sha.state.md.us' <spomento@sha.state.md.us>; 'dschlie@sha.state.md.us' <dschlie@sha.state.md.us>; 'MBaker4@mdot.maryland.gov' <MBaker4@mdot.maryland.gov>; 'smiller2@mdot.maryland.gov' <smiller2@mdot.maryland.gov>; 'ballen3@mdot.maryland.gov' <ballen3@mdot.maryland.gov>; 'greg.golden@maryland.gov' <greg.golden@maryland.gov>; 'Gwendolyn.gibson@maryland.gov' <Gwendolyn.gibson@maryland.gov>; 'Christopher.homeister@maryland.gov' <Christopher.homeister@maryland.gov>; 'roland.limpert@maryland.gov' <roland.limpert@maryland.gov>; 'Christopher.aadland@maryland.gov' <Christopher.aadland@maryland.gov>; 'Kimberly.damon-randall@noaa.gov' <Kimberly.damon-randall@noaa.gov>; 'karen.greene@noaa.gov' <karen.greene@noaa.gov>; 'brian.d.hopper@noaa.gov' <brian.d.hopper@noaa.gov>; 'keith.hanson@noaa.gov' <keith.hanson@noaa.gov>; 'sstokely@achp.gov' <sstokely@achp.gov>; 'mranslow@achp.gov' <mranslow@achp.gov>; 'Ray\_li@fws.gov' <Ray\_li@fws.gov>; 'chris\_guy@fws.gov' <chris\_guy@fws.gov>; 'mark\_eberle@nps.gov' <mark\_eberle@nps.gov>; 'bob\_campbell@nps.gov' <bob\_campbell@nps.gov>; 'Katherine.charbonneau@maryland.gov' <Katherine.charbonneau@maryland.gov>; 'tay.harris@maryland.gov' <tay.harris@maryland.gov>; 'charlotte.shearin@maryland.gov' <charlotte.shearin@maryland.gov>; 'Alexandra.deweese@maryland.gov' <Alexandra.deweese@maryland.gov>; 'lmolesworth@mta.maryland.gov' <lmolesworth@mta.maryland.gov>; 'pat.keller@maryland.gov' <pat.keller@maryland.gov>; 'bihui.xu@maryland.gov' <bihui.xu@maryland.gov>; 'scott.hansen@maryland.gov' <scott.hansen@maryland.gov>; 'Russell.strickland@maryland.gov' <Russell.strickland@maryland.gov>; 'chas.eby@maryland.gov' <chas.eby@maryland.gov>; 'steve.strano@usda.gov' <steve.strano@usda.gov>; 'jque.jones@usda.gov' <jque.jones@usda.gov>; 'jdwyer@mdot.state.md.us' <jdwyer@mdot.state.md.us>; 'jlemke@mdot.state.md.us' <jlemke@mdot.state.md.us>; 'Daniel.koenig@dot.gov' <Daniel.koenig@dot.gov>; 'beth.cole@maryland.gov' <beth.cole@maryland.gov>; 'tim.tamburrino@maryland.gov' <tim.tamburrino@maryland.gov>; 'dixie.henry@maryland.gov' <dixie.henry@maryland.gov>; 'bill.morgante@maryland.gov' <bill.morgante@maryland.gov>; 'angel.aymond@vdot.virginia.gov' <angel.aymond@vdot.virginia.gov>; 'scott.smizik@vdot.virginia.gov' <scott.smizik@vdot.virginia.gov>; 'gail.kenson@navy.mil' <gail.kenson@navy.mil>; 'tlang@baltometro.org' <tlang@baltometro.org>; 'raris@baltometro.org' <raris@baltometro.org>; 'kwasi.bosompem@stmarysmc.com' <kwasi.bosompem@stmarysmc.com>; 'gpadgham@tcclesmd.org' <gpadgham@tcclesmd.org>; 'khal@wicomicocounty.org' <khal@wicomicocounty.org>; 'jhartline@tccsmd.org' <jhartline@tccsmd.org>;  
**Cc:** 'hlowe@mdta.state.md.us' <hlowe@mdta.state.md.us>; 'ealmquist@rkk.com' <ealmquist@rkk.com>; 'kkahl@rkk.com' <kkahl@rkk.com>; 'janie.tiedeman@aecom.com' <janie.tiedeman@aecom.com>; 'rsnyder@rkk.com' <rsnyder@rkk.com>; Emma Beck <emmab@cri.biz>; 'cfisher2@mdta.state.md.us' <cfisher2@mdta.state.md.us>  
**Subject:** BCS ICM#12 PPT and

Dear Interagency Team Member,

As discussed, attached is a PDF copy of the draft agenda and presentation from ICM#12 on January 29<sup>th</sup>, 2020.

Please remember that MDTA is requesting that Cooperating Agencies (listed below) provide concurrence on the Alternatives Concurrence Report at or before the February 26<sup>th</sup> ICM meeting. While we would appreciate receiving concurrence as soon as possible, concurrence can be provided verbally at the meeting unless otherwise noted.



Cooperating Agencies are:

USACE (written concurrence requested)

USCG

USEPA

NMFS

MDE (written concurrence requested)

MDOT SHA

MDNR

If any member of the Interagency Team has outstanding comments on the Alternatives Concurrence Report and/or you are a Cooperating Agency and you have any comments that would keep you from concurring on the CARA later in the month, please inform Heather Lowe of these concerns no later than February 7th.

If you would like to provide your concurrence and any accompanying comments via email prior to the February 26<sup>th</sup> meeting, you may address them to Heather Lowe at [Hhlowe@mdta.state.md.us](mailto:Hhlowe@mdta.state.md.us). We appreciate those that have already done so.

Sincerely,

**Sarah Williamson** | *Bay Crossing Study Team*

[Coastal Resources, Inc.](#) | [Facebook](#) | [LinkedIn](#)

25 Old Solomons Island Road, Annapolis, MD 21401

Main 410-956-9000 (ext. 113) | Direct 443-837-2155 | Cell 443-995-4131



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**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Wednesday, November 22, 2017 4:59 PM  
**To:** Eric Almquist; Sarah Williamson; Emma Beck  
**Subject:** FW: Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Att A - Study Area.pdf

Hi!

I just sent this to the following addresses:

'katlyn@waterkeeperschesapeake.org'  
'bobby@pocomokemd.gov'  
'townofchurchhill@atlanticbb.net'  
'tom.stosur@baltimorecity.gov'  
'dmulrine@dentonmaryland.com'  
'jweisman@townofstmichaels.com'  
'townofbarclay@gmail.com'  
'vikkiprettyman@townofblades.com'  
'keith.colston@maryland.gov'

Thanks!  
Heather

---

**From:** Heather Lowe  
**Sent:** Wednesday, November 22, 2017 4:56 PM  
**To:** Heather Lowe <hlowe@mdta.state.md.us>  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA

Dear Stakeholder,

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier 1 EIS in the Federal Register on October 11, 2017. The purpose of the Tier I study is to identify the preferred location for addressing congestion on the Chesapeake Bay Bridge, and to estimate the financial viability of a preferred corridor location. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed study in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your organization has been identified as one that may have an interest in this project. We have tried to contact you previously via email, but our emails were returned undelivered and we are reaching out again with updated contact information. As part of the process for determining the scope of issues to be considered in the Tier 1 EIS and for identifying the important topics related to the proposed action, we request your comments on the project and any other issues that you can identify as important. We intend to consider your comments to:

- Identify the range of corridors and important issues to be considered in the Tier I EIS.

- Identify and eliminate from the Tier 1 study the issues that are not important, or are not pertinent at this level of analysis and will be covered in a future, more detailed Tier II EIS.
- Identify other environmental review and consultation requirements.

We hope this letter reaches you successfully, and that you will contact us should you have any questions or comments regarding the project. Public forums will be hosted throughout the Tier 1 study to allow for organizations such as yours to provide input on the project and help identify any issues of concern regarding the project's potential impacts. The presentation from the virtual scoping meeting is available on the project website ([www.baycrossingstudy.com](http://www.baycrossingstudy.com)). The presentation introduces the study, gives an overview of the tiered NEPA process, and presents the preliminary purpose and need of the project. The website provides your organization and others with an opportunity to comment on the project and provide input to be considered in the scope of the Tier I EIS. We request your comments on the scope of the Tier I EIS by **December 15, 2017**. If you do not provide comments through the public scoping meeting link at [www.baycrossingstudy.com](http://www.baycrossingstudy.com) or in writing by that date, we will assume that you have no comments at this stage of project development.

We hope that your organization will view the scoping meeting presentation and provide comments on the project. If you have any questions or need additional information, please feel free to contact me, the Project Manager, via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or phone at 410-537-5665.

Sincerely,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdtamaryland.gov>

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Monday, February 12, 2018 2:35 PM  
**To:** Emma Beck; Eric Almquist; Sarah Williamson  
**Subject:** FW: Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Att A - Study Area.pdf

FYI and for the project Record – the following was sent to:

[Mike.gill@maryland.gov](mailto:Mike.gill@maryland.gov); [info@storiesofthechesapeake.org](mailto:info@storiesofthechesapeake.org); [amanda@visitdorchester.org](mailto:amanda@visitdorchester.org); [heritage\\_area@aacounty.org](mailto:heritage_area@aacounty.org); [somdheritage@tccsmd.org](mailto:somdheritage@tccsmd.org)

Thanks,  
Heather

---

**From:** Heather Lowe  
**Sent:** Monday, February 12, 2018 2:34 PM  
**To:** Heather Lowe <hlowe@mdta.state.md.us>  
**Cc:** Heather Lowe <hlowe@mdta.state.md.us>  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA

Dear Stakeholder,

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier 1 Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier 1 EIS in the Federal Register on October 11, 2017. The purpose of the Tier 1 study is to consider corridors for providing additional traffic capacity and access across the Chesapeake Bay in order to improve mobility, travel reliability and safety at the existing Governor William Preston Lane Jr. Memorial (Bay) Bridge. Evaluation of any potential new crossing corridor will include an assessment of existing and potentially expanded transportation infrastructure needed to support additional capacity, improve travel times, and accommodate maintenance activities, while considering financial viability and environmental responsibility. The Tier 1 study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed study in a future Tier 2 NEPA analysis. The Tier 1 study area extends from the top of the Bay near Havre de Grace, Maryland southward to Point Lookout, Maryland. The attached figure (Attachment A) depicts the extent of the study area.

Your organization has been identified as one that may have an interest in this project. As part of the process for determining the scope of issues to be considered in the Tier 1 EIS and for identifying the important topics related to the proposed action, we request your comments on the project and any other issues that you can identify as important. We intend to consider your comments to:

- Identify the range of corridors and important issues to be considered in the Tier 1 EIS.
- Identify and eliminate from the Tier 1 study the issues that are not important, or are not pertinent at this level of analysis and will be covered in a future, more detailed Tier 2 EIS.
- Identify other environmental review and consultation requirements.

Public forums will be hosted throughout the Tier 1 study to allow for organizations such as yours to provide input on the project and help identify any issues of concern regarding the project's potential impacts. A virtual scoping meeting presentation is available on the project website ([www.baycrossingstudy.com](http://www.baycrossingstudy.com)). The

presentation introduces the study, gives an overview of the tiered NEPA process, and presents the preliminary purpose and need of the project. The website provides your organization and others with an opportunity to comment on the project and provide input to be considered in the scope of the Tier 1 EIS.

We hope that your organization will view the scoping meeting presentation and provide comments on the project. If you have any questions or need additional information, please feel free to contact me, the Project Manager, via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or phone at 410-537-5665.

Sincerely,

Heather



**Heather Lowe**

Project Manager

Maryland Transportation Authority

Division of Planning and Program Development

Point Breeze

2310 Broening Highway

Baltimore MD 21224

410-537-5665

<http://www.mdt Maryland.gov>



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Maryland Division**

31 Hopkins Plaza, Suite 1520  
Baltimore, Maryland 21201  
(410) 962-4440  
(410) 962-4054

November 27, 2018

In Reply Refer To:  
HDA-MD

Dear Sir or Madam:

The Federal Highway Administration (FHWA) and the Maryland Transportation Authority (MDTA) are preparing a Tier 1 Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study (BCS) to satisfy the requirements of the National Environmental Policy Act (NEPA). In a letter dated May 3, 2018, FHWA initiated consultation with the Maryland Historic Trust (MHT) regarding Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR §800).

The purpose of the (BCS) is to consider corridors for providing additional transportation capacity and access across the Chesapeake Bay to improve mobility, travel reliability, and safety at the existing Bay Bridge. The BCS will evaluate potential new corridor alternatives that will include an assessment of the existing and potentially expanded transportation infrastructure needed to support additional capacity; improve travel times; and accommodate maintenance activities, while considering financial viability and environmental responsibility. The preliminary study area covers the entire length of the Chesapeake Bay in Maryland. A map identifying the preliminary study area for the BCS is enclosed as **Attachment 1**.

### **Invitation to Consulting Parties**

FHWA and MDTA invite you or your organization to participate in the Section 106 consultation process. If you wish to participate as a consulting party at this time or if you wish to decline to participate, please complete the Response Form enclosed as **Attachment 2** and return it via email to Ms. Jeanette Mar at [Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov) or Ms. Heather Lowe at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us). If the completed form is not received by **December 31, 2018**, FHWA and MDTA will assume you or your organization does not wish to participate in the Section 106 consultation process. Organizations will be asked to nominate one representative to serve as the primary contact on behalf of your group. A list of the recipients of this invitation is enclosed as **Attachment 3**.

Consulting parties will be actively informed of the steps in Section 106 consultation. At the Tier 1 level, the standard Section 106 consultation process to assess cultural resources and historic properties cannot be fully implemented. The alternatives will not be developed to a level of detail to allow the detailed assessment of effects to cultural resources and historic properties. Accordingly, the FHWA and MDTA will follow a modified approach to standard Section 106

consultation consistent with 36 CFR § 800.4(b)(2) which permits the phased identification and evaluation of historic properties.

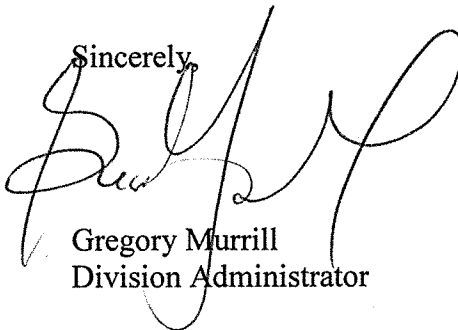
FHWA and MDTA's approach calls for the phased identification of historic properties and the development of a Programmatic Agreement (PA) that will stipulate how the requirements of Section 106 will be satisfied and identify opportunities for the public and consulting parties to comment during subsequent phases of the project (Tier 2). During Tier 1, the public and consulting parties will be able to comment on the inventory of cultural resources and historic properties identified in the preliminary Area of Potential Effects (APE) and the draft PA. Comments will also be accepted at the public meetings planned for Winter 2018/2019.

Potential consulting parties as they relate to the BCS (36 CFR §800.2(c)(3) and (5), and §800.3(f)) have been identified from an existing list maintained by the Maryland Department of Transportation State Highway Administration (MDOT SHA) Cultural Resources Division. For the purposes of the BCS, FHWA and MDTA supplemented the list with government agencies, organizations, and individuals with a demonstrated legal or legal economic interest in the preservation or conservation of historic properties, landscapes, cultural landscapes, archaeological sites, and/or the Chesapeake Bay. In addition, members of the public were given the opportunity to express interest in becoming a consulting party at public meetings held May 8, 9, 10, 16, 17, and 22 in 2018. Pursuant to the requirements and implementing regulations of Section 106, FHWA and MDTA also sought assistance from the MHT in the identification of additional consulting parties.

You may apply to participate in consultation at any time during the project, with the understanding that you may not have the opportunity to comment on findings or determinations made prior to your participation.

If you have any questions about the Section 106 consultation for the BCS or need additional information regarding this request, please contact Ms. Jeanette Mar at 410-779-7152 or [Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov), or Ms. Heather Lowe at 410-537-5665 or [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Murrill", written over the word "Sincerely,".

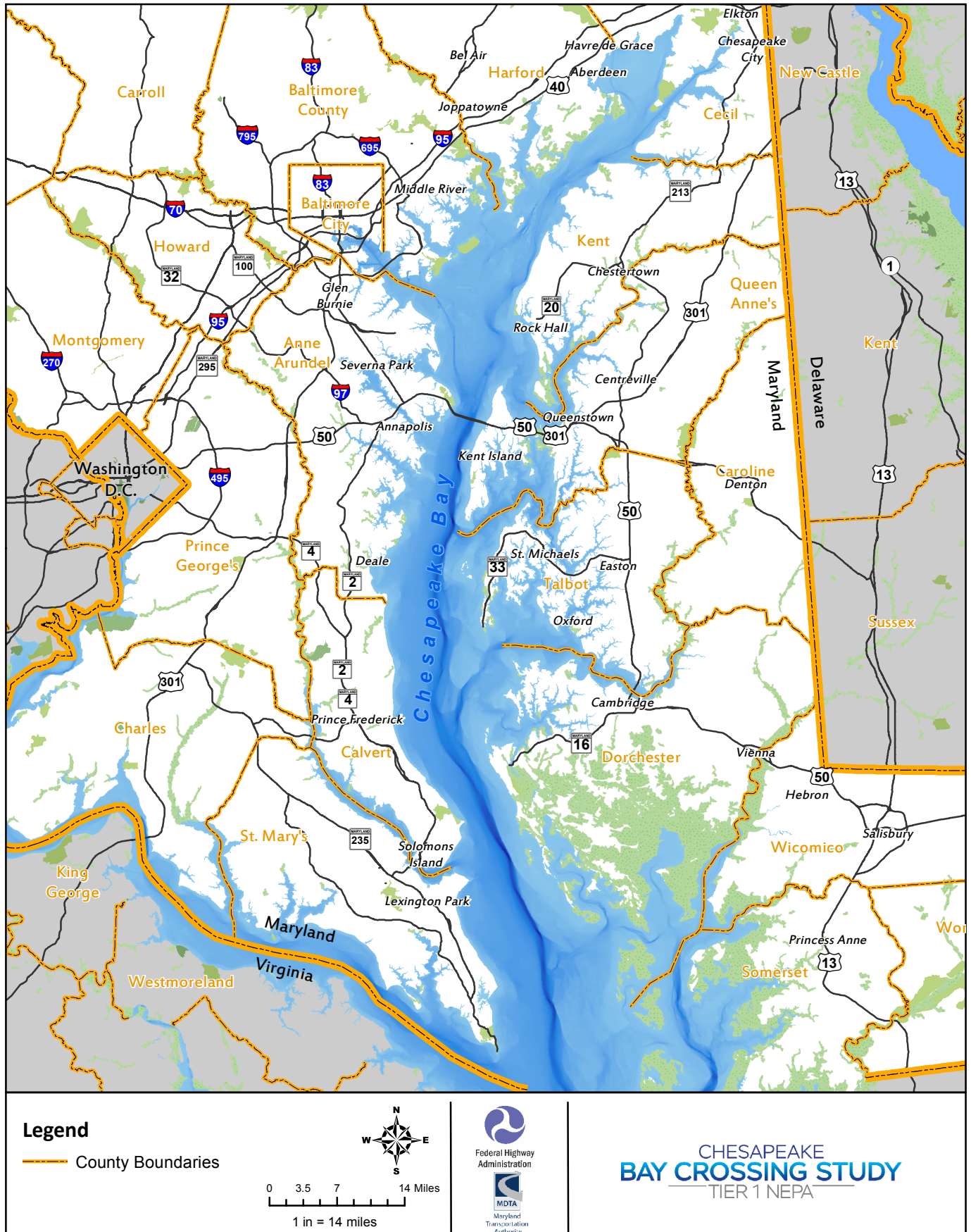
Gregory Murrill  
Division Administrator

#### Attachments

1. Map of Preliminary Study Area
2. Consulting Party Response Form
3. List of Consulting Parties

cc: Ms. Jeanette Mar, FHWA-MD Division, Environmental Program Manager  
Ms. Sarah Stokely, ACHP, Program Analyst  
Ms. Mandy Ranslow, ACHP, FHWA Liaison/Program Analyst  
Mr. Tim Tamburrino, MHT, Preservation Officer, Review and Compliance  
Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program  
Development





**Section 106 Consulting Party Response Form  
Chesapeake Bay Crossing Study**

**From:** \_\_\_\_\_

**Name:** \_\_\_\_\_ **Telephone:** (    )

**Address:** \_\_\_\_\_  
*Street*

\_\_\_\_\_ *City* \_\_\_\_\_ *State* \_\_\_\_\_ *Zip Code*

**Email:** \_\_\_\_\_

\_\_\_\_\_ **Yes.** I, or my organization, would like to participate as a consulting party for the Chesapeake Bay Crossing Study.

\_\_\_\_\_ will be represented by  
*Organization*

\_\_\_\_\_ *Representative*

\_\_\_\_\_ *Please provide contact information of representative if different from above.*

\_\_\_\_\_ **No.** I, or my organization, does not wish to participate as a consulting party for the Chesapeake Bay Crossing Study.

Please note that a response of “no” will not preclude you or your organization from requesting to participate as a consulting party at a later date, nor will it preclude consideration of comments from you or your organization as the project progresses.

If you know of other potential consulting parties for this project, please provide their names and contact information below.

\_\_\_\_\_  
\_\_\_\_\_

**Please complete and return this form by December 31, 2018.**

**Chesapeake Bay Crossing Study, Tier 1**  
**Section 106 Consulting Parties Invited to Participate**

	<b>Organization</b>
1	Anne Arundel County Office of Environmental and Cultural Resources
2	Annapolis Historic District Commision
3	Deale Area Historical Society
4	Four Rivers Heritage Area
5	Historic Annapolis Foundation
6	Historic London Town and Gardens
7	Historic Owensville Civic Association
8	Cedarville Band of Piscataway
9	North County Land Trust
10	Scenic Rivers Land Trust
11	Baltimore Heritage
12	Baltimore City Commission on Historical and Architectural Preservation
13	Baltimore National Heritage Area
14	Baltimore County Landmarks Preservation Commission, Baltimore County Planning Office
15	Patapsco Heritage Greenway
16	Preservation Alliance of Baltimore County
17	Rockaway Beach Improvement Association, Inc.
18	American Chestnut Land Trust
19	Calvert County Department of Community Planning and Building, Calvert County Historic District
20	Calvert County Historical Society
21	North Beach Historic Preservation Commission
22	Piscataway Conoy Confederacy and Subtribes of Maryland
23	Piscataway Conoy Tribe of Maryland
24	Piscataway Indian Nation
25	Southern Maryland Heritage Area
26	Cecil County Planning Commission
27	Cecil Historical Trust
28	Charlestown Historic District Commission
29	Chesapeake City Historic District Commission

**Chesapeake Bay Crossing Study, Tier 1**  
**Section 106 Consulting Parties Invited to Participate**

	<b>Organization</b>
30	Eastern Shore Land Conservancy
31	Lower Susquehanna Heritage Greenway
32	Charles County Department of Planning and Growth Management
33	Cambridge Historic Preservation Commission
34	Dorchester County Planning and Zoning
35	Heart of Chesapeake Country Heritage Area
36	Nause-Waiwash Band of Indians
37	Aberdeen Heritage Trust
38	Aberdeen Proving Ground
39	Harford County Department of Planning and Zoning
40	Harford Land Trust
41	Havre de Grace Historic District Commission
42	Chestertown Historic District Commission
43	Kent Conservation and Preservation Alliance
44	Kent County Department of Planning, Housing and Zoning
45	Kent County Heritage Trust
46	Center for the Environment and Society
47	Stories of the Chesapeake Heritage Area
48	Kent Island Heritage Society
49	Queen Anne's Conservation Association
50	Queen Anne's County Department of Planning and Zoning
51	Queen Anne's County Historical Society
52	Patuxent Tidewater Land Trust
53	St. Mary's County Department of Land Use and Growth Management; St. Mary's County Historic Preservation Commission
54	Lower Eastern Shore Heritage Council
55	Lower Shore Land Trust

**Chesapeake Bay Crossing Study, Tier 1**  
**Section 106 Consulting Parties Invited to Participate**

	<b>Organization</b>
56	Accohannock Indian Tribe, Inc.
57	Princess Anne Historic District Commission
58	Somerset County Historical Trust
59	Somerset County Planning and Zoning Commission
60	Pocomoke Indian Nation
61	Maryland Commission on Indian Affairs
62	Preservation Maryland
63	Easton Historic District Commission
64	Oxford Historic District Commission
65	St. Michaels Historic District Commission
66	Talbot County Historic Preservation Commission
67	Talbot Historical Society
68	Tilghman Watermen's Museum
69	Preservation Trust of Wicomico
70	Wicomico County Department of Planning and Zoning
71	Chesapeake Bay Foundation
72	Chesapeake Bay Maritime Museum
73	Chesapeake Heritage Conservancy
74	Waterkeepers Chesapeake
75	Maryland Department of the Military
76	Naval Air Station Patuxent River
77	United States Naval Academy

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**From:** Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>  
**Sent:** Monday, December 03, 2018 6:22 PM  
**To:** info@ncltrust.org; Keith.Colston@maryland.gov; CEMerritt@harfordcountymd.gov; LKinser@chooscambridge.com; Vanessa.Price@stmarysmd.com; SAllen@delawarenation.com; piscatawayindians@yahoo.com  
**Cc:** Stokely Sarah; mranslow@achp.gov; Heather Lowe; 'T Tamburrino' (TTamburrino@mdp.state.md.us)  
**Subject:** Section 106 Consulting Party Invitation - Chesapeake Bay Crossing Study  
**Attachments:** BCS CP Invitation letter 11 2018.pdf; Attachment 01 Study Area Map.pdf; Attachment 02 Response Form\_112618.pdf; Attachment 03 List of All Parties.pdf

Dear Sir or Madam:

Please see the attached invitation to become a Consulting Party as part of Section 106 consultation for the Chesapeake Bay Crossing Study: Tier I NEPA (BCS). Section 106 requires federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties.

Participants in the Section 106 consultation process include the federal agency fulfilling the requirements of Section 106, the Advisory Council on Historic Preservation and consulting parties, including: the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, Representatives of local governments, Applicants for Federal assistance, and Additional consulting parties. Additional consulting parties include certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

This invitation to participate in the Section 106 process for the BCS is extended because you have a demonstrated interest in the project. To become a consulting party at this time, follow the instructions in the attached invitation. If you choose not to participate as a consulting party at this time, you may apply to participate at a later date, with the understanding that you may not have the opportunity to comment on findings or determinations made prior to your participation.

Sincerely,  
*Jeanette*

Jeanette Mar  
Environmental Program Manager  
FHWA - Maryland Division  
George H. Fallon Federal Building  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201  
phone (410) 779-7152  
fax (410) 962-4054

**From:** Carol Benson <pzbens00@aacounty.org>

**Sent:** Tuesday, December 4, 2018 3:34 PM

**To:** Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>

**Subject:** Re: [HA] Section 106 Consulting Party Invitation - Chesapeake Bay Crossing Study

I accept the invitation to serve on the Chesapeake bay crossing Study, please see my attached form. Thank you! Carol Benson

Section 106 Consulting Party Response Form  
Chesapeake Bay Crossing Study

From: ALTSCHA, Inc. (Four Rivers Heritage Area)  
Name: Carol Benson Telephone: (410) 222-1805  
Address: 44 Calvert Street MS 1106  
Street  
Annapolis MD 21401  
City State Zip Code  
Email: heritage\_area@aacounty.org

☒ Yes. I, or my organization, would like to participate as a consulting party for the Chesapeake Bay Crossing Study.

ALTSCHA, Inc. will be represented by  
Organization  
Carol Benson  
Representative

*Please provide contact information of representative if different from above.*

☐ No. I, or my organization, does not wish to participate as a consulting party for the Chesapeake Bay Crossing Study.

Please note that a response of "no" will not preclude you or your organization from requesting to participate as a consulting party at a later date, nor will it preclude consideration of comments from you or your organization as the project progresses.

If you know of other potential consulting parties for this project, please provide their names and contact information below.

\_\_\_\_\_  
\_\_\_\_\_

**Please complete and return this form by December 31, 2018.**



**Section 106 Consulting Party Response Form  
Chesapeake Bay Crossing Study**

**From:**

Dorchester

**Name:**

Amanda Fenstermaker

**Telephone:** (410) 228-1000

**Address:**

2 Rose Hill Place

Street

Cambridge

City

MD

State

21613

Zip Code

**Email:**

amanda@visitdorchester.org

☒

**Yes.** I, or my organization, would like to participate as a consulting party for the Chesapeake Bay Crossing Study.

Dorchester County Tourism / Heart of Chesapeake <sup>Dorchester County Heritage Area</sup>  
Organization will be represented by

Amanda Fenstermaker

Representative

*Please provide contact information of representative if different from above.*

☐ **No.** I, or my organization, does not wish to participate as a consulting party for the Chesapeake Bay Crossing Study.

Please note that a response of "no" will not preclude you or your organization from requesting to participate as a consulting party at a later date, nor will it preclude consideration of comments from you or your organization as the project progresses.

If you know of other potential consulting parties for this project, please provide their names and contact information below.

**Please complete and return this form by December 31, 2018.**

---

**From:** Kimberly Golden Brandt <kbrandt@presmd.org>  
**Sent:** Friday, December 7, 2018 4:23 PM  
**To:** Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>; hlowe@mdta.state.md.us  
**Subject:** 106 Consulting Party Response Form - Bay Crossing Study

Please see the attached completed 106 consulting party response form for the Chesapeake Bay Crossing Study.

Best,  
Kim

-----  
**Kimberly Golden Brandt**  
Director of Smart Growth Maryland  
**PRESERVATION MARYLAND**  
3600 Clipper Mill Road, Suite 248  
Baltimore, Maryland 21211  
o. 410-685-2886 x305 c. 410-598-9026

Section 106 Consulting Party Response Form  
Chesapeake Bay Crossing Study

From: Preservation Maryland  
Name: Kimberly Golden Brandt Telephone: ( ) 410.598.9026  
Address: 3600 Clipper Mill Road, Suite 248  
Baltimore Maryland 21211  
Street City State Zip Code  
Email: kbrandt@presmd.org

☒ **Yes.** I, or my organization, would like to participate as a consulting party for the Chesapeake Bay Crossing Study.

Preservation Maryland will be represented by  
Organization  
Kimberly Golden Brandt  
Representative

*Please provide contact information of representative if different from above.*

☐ **No.** I, or my organization, does not wish to participate as a consulting party for the Chesapeake Bay Crossing Study.

Please note that a response of "no" will not preclude you or your organization from requesting to participate as a consulting party at a later date, nor will it preclude consideration of comments from you or your organization as the project progresses.

If you know of other potential consulting parties for this project, please provide their names and contact information below.

**Please complete and return this form by December 31, 2018.**

**Section 106 Consulting Party Response Form  
Chesapeake Bay Crossing Study**

**From:**

Eastern Shore Heritage Inc./Stories of the Chesapeake Heritage Area

**Name:** Gail Owings **Telephone:** (410) 778 1460 or 410 708 6137

**Address:** **P. O. Box 727**

*Street*

Chestertown

Maryland

21620

*City*

*State*

*Zip Code*

**Email:**

info@storiesofthechesapeake.org

☒ **Yes.** I, or my organization, would like to participate as a consulting party for the Chesapeake Bay Crossing Study.

Eastern Shore Heritage inc/Stories of the Chesapeake will be represented by  
*Organization*

Gail Owings

*Representative*

*Please provide contact information of representative if different from above.*

☐ **No.** I, or my organization, does not wish to participate as a consulting party for the Chesapeake Bay Crossing Study.

Please note that a response of “no” will not preclude you or your organization from requesting to participate as a consulting party at a later date, nor will it preclude consideration of comments from you or your organization as the project progresses.

If you know of other potential consulting parties for this project, please provide their names and contact information below.

**Please complete and return this form by December 31, 2018.**

On Tue, Dec 11, 2018 at 1:55 PM leshc <[ludwig@lowershoreheritage.org](mailto:ludwig@lowershoreheritage.org)> wrote:

Ms Mar and Ms Lowe,

Please find attached for confirming my acceptance to participate as a consulting party for the Chesapeake Bay Crossing Study.

Lisa Ludwig  
Executive Director  
Lower Eastern Shore Heritage Area Council  
212 W Main Street, Suite 309  
Salisbury, MD 21801  
410 677-4706 office or 410 677-4707 fax

["Like" us on Facebook](#)

[www.lowershoreheritage.org](http://www.lowershoreheritage.org)

Sponsor of Bill 315 Maryland's State Dessert

**From:** Jesse Bergevin <jbergevin@oneida-nation.org>  
**Sent:** Wednesday, December 12, 2018 10:01 AM  
**To:** Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>  
**Subject:** RE: Section 106 Consulting Party Invitation - Chesapeake Bay Crossing Study

Ms. Mar,

The Oneida Indian Nation (the “Nation”) has review the documentation provided by the Federal Highway Administration regarding the planned Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study. The Nation does not wish to be a Section 106 consulting party at this time, however, the Nation requests the opportunity to review the EIS once it is completed.

Please let me know if there are any questions.

Thank you,

**Jesse Bergevin** | Historic Resources Specialist  
**Oneida Indian Nation** | 2037 Dream Catcher Plaza, Oneida, NY 13421-0662  
[jbergevin@oneida-nation.org](mailto:jbergevin@oneida-nation.org) | [www.oneidaindiannation.com](http://www.oneidaindiannation.com)  
315.829.8463 Office | 315.829.8473 Fax

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**From:** Janet Christensen-Lewis <KCPA@pucksglenfarm.com>  
**Sent:** Sunday, December 16, 2018 11:42 AM  
**To:** Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>  
**Cc:** Heather Lowe <hlowe@mdta.state.md.us>; Elizabeth Watson <aelizabethwatson@gmail.com>  
**Subject:** Fwd: Section 106 Consulting Party Invitation - Chesapeake Bay Crossing Study

Dear Ms. Mar,

Thank you for the invitation to become a Consulting Party as part of the Section 106 consultation for the Chesapeake Bay Crossing Study, Tier I NEPA.

Kent Conservation and Preservation Alliance wishes to participate as a consulting party. We have completed and attached the Response Form indicating our designated representative and contact information.

Please contact me if you have any questions regarding the form or our consulting status.

Sincerely  
Janet

Janet Christensen-Lewis, Chair  
Board of Directors  
Kent Conservation and Preservation Alliance  
Kentalliance.org  
267 357 0466

**Section 106 Consulting Party Response Form  
Chesapeake Bay Crossing Study**

**From:**

KENT CONSERVATION AND PRESERVATION ALLIANCE

---

**Name:**

Janet Christensen-Lewis

**Telephone:**

(267 ) 357 0466

**Address:**

503 Washington Avenue Suit 256

*Street*

Chestertown

*City*

Maryland

*State*

21651

*Zip Code*

**Email:**

jmchris@pucksglenfarm.com

---

  X  

**Yes.** I, or my organization, would like to participate as a consulting party for the Chesapeake Bay Crossing Study.

Kent Conservation and Preservation Alliance

*Organization*

will be represented by

A. Elizabeth Watson, FAICP

*Representative*

226-B North Kent Street Chestertown, MD 21620 aelizabethwatson@gmail.com 410 725 1272

*Please provide contact information of representative if different from above.*

       **No.** I, or my organization, does not wish to participate as a consulting party for the Chesapeake Bay Crossing Study.

Please note that a response of “no” will not preclude you or your organization from requesting to participate as a consulting party at a later date, nor will it preclude consideration of comments from you or your organization as the project progresses.

If you know of other potential consulting parties for this project, please provide their names and contact information below.

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**Please complete and return this form by December 31, 2018.**



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**From:** Erik Fisher <EFisher@cbf.org>  
**Sent:** Friday, December 21, 2018 12:09 PM  
**To:** jeanette.mar@dot.gov; Heather Lowe  
**Cc:** Alison Prost; Paul Smail; Lee Epstein; Karen Frostbutter  
**Subject:** RE: Section 106 Consulting Party Invitation - Chesapeake Bay Crossing Study  
**Attachments:** 181221 BCS consulting party CBF.pdf

Hello Jeanette and Heather,

Please find attached CBF's response form accepting your invitation to participate as a consulting party for the Bay Crossing study. As noted on our form, we will provide additional information on our specific representative when available. For now, please direct all correspondence to my attention and copy Karen Frostbutter at [kfrostbutter@cbf.org](mailto:kfrostbutter@cbf.org).

Thank you and happy holidays!

Erik

Erik Fisher, AICP  
Maryland Assistant Director  
Maryland Land Use Planner

Chesapeake Bay Foundation  
6 Herndon Ave, Annapolis, MD 21403  
410-268-8816 / [www.cbf.org](http://www.cbf.org)

443-482-2096 (direct)  
[efisher@cbf.org](mailto:efisher@cbf.org)

Section 106 Consulting Party Response Form  
Chesapeake Bay Crossing Study

From: CHESAPEAKE BAY FOUNDATION

Name: ERIK FISHER Telephone: (410) 268-8816

Address: 6 HERNDON AVE  
Street

ANNAPOLIS MD 21403  
City State Zip Code

Email: efisher@cbf.org

☒ Yes. I, or my organization, would like to participate as a consulting party for the Chesapeake Bay Crossing Study.

CHESAPEAKE BAY FOUNDATION will be represented by  
Organization

STAFF TO BE DETERMINED  
Representative

PLEASE COPY kfrostbutter@cbf.org ON ALL CORRESPONDENCE  
Please provide contact information of representative if different from above.

☐ No. I, or my organization, does not wish to participate as a consulting party for the Chesapeake Bay Crossing Study.

Please note that a response of "no" will not preclude you or your organization from requesting to participate as a consulting party at a later date, nor will it preclude consideration of comments from you or your organization as the project progresses.

If you know of other potential consulting parties for this project, please provide their names and contact information below.

\_\_\_\_\_  
\_\_\_\_\_

Please complete and return this form by December 31, 2018.

---

**From:** Darius Johnson <djohnson@eslc.org>  
**Sent:** Monday, December 31, 2018 4:28 PM  
**To:** Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>  
**Subject:** RE: Section 106 Consulting Party Invitation - Chesapeake Bay Crossing Study

Hi Jeanette,

I wanted to send over Eastern Shore Land Conservancy's response form. Apologies for the delay, I realized I never actually sent it over.

Please let me know if there is anything else that we need to do to be a part of this study as a consulting party.

Happy New Year!

Darius

**Darius Johnson**



Project Manager – Community Revitalization | Eastern Shore Land Conservancy | 410.690.4603  
ext. 154 | 410.708.9138 m

Join us at [eslc.org](http://eslc.org) [Facebook](#) [Instagram](#) [YouTube](#) [LinkedIn](#) [Twitter](#)

**Section 106 Consulting Party Response Form  
Chesapeake Bay Crossing Study**

**From:**

Eastern Shore Land Conservancy

**Name:** Darius Johnson **Telephone:** (410)-708-9138

**Address:** 114 South Washington Street  
*Street*

Easton Maryland 21601  
*City State Zip Code*

**Email:** djohnson@eslc.org



**Yes.** I, or my organization, would like to participate as a consulting party for the Chesapeake Bay Crossing Study.

Eastern Shore Land Conservancy will be represented by  
*Organization*

Darius Johnson  
*Representative*

*Please provide contact information of representative if different from above.*



**No.** I, or my organization, does not wish to participate as a consulting party for the Chesapeake Bay Crossing Study.

Please note that a response of “no” will not preclude you or your organization from requesting to participate as a consulting party at a later date, nor will it preclude consideration of comments from you or your organization as the project progresses.

If you know of other potential consulting parties for this project, please provide their names and contact information below.

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**Please complete and return this form by December 31, 2018.**

---

**From:** Greg Bowen <gbowen@acltweb.org>  
**Sent:** Monday, January 07, 2019 8:15 AM  
**To:** Heather Lowe  
**Subject:** Consulting Party Bay Crossing Study  
**Attachments:** ACLT.Bay.Crossing.Study.pdf

Dear Heather,

Attached is our request to be considered as a Consulting Party.

Thank you.

Greg

--

Gregory A. Bowen

**Executive Director**  
**American Chestnut Land Trust**  
...connecting people with the land  
[www.acltweb.org](http://www.acltweb.org)  
(410)414-3400

Section 106 Consulting Party Response Form  
Chesapeake Bay Crossing Study

From: American Chestnut Land Trust

Name: Gregory A Bowen Telephone: (410) 414-3400

Address: P.O. Box 2363 676 Double Oak Road  
Street

Prince Frederick MD 20678  
City State Zip Code

Email: gbowen@acltweb.org

☒ Yes. I, or my organization, would like to participate as a consulting party for the Chesapeake Bay Crossing Study.

American Chestnut Land Trust will be represented by  
Organization

Gregory A. Bowen  
Representative

*Please provide contact information of representative if different from above.*

☐ No. I, or my organization, does not wish to participate as a consulting party for the Chesapeake Bay Crossing Study.

Please note that a response of "no" will not preclude you or your organization from requesting to participate as a consulting party at a later date, nor will it preclude consideration of comments from you or your organization as the project progresses.

If you know of other potential consulting parties for this project, please provide their names and contact information below.

\_\_\_\_\_  
\_\_\_\_\_

**Please complete and return this form by December 31, 2018.**

---

**From:** Nekole Alligood <NAlligood@delawarenation.com>  
**Sent:** Friday, February 8, 2019 1:42 PM  
**To:** Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>  
**Cc:** Dana Kelly <dkelly@delawarenation.com>  
**Subject:** Chesapeake Bay Crossing Study

Good afternoon.

Please find attached a letter of concurrence regarding the above mentioned project. This letter is for your files, and is arriving well beyond the December 31, 2018 deadline. Our 106 office has experienced some personnel changes and we are working to get caught up on our project reviews.

I apologize for how late this response is, and I hope you will accept it. Currently myself and Dana Kelly ([dkelly@delawarenation.com](mailto:dkelly@delawarenation.com)) are currently working on the 106 reviews, so we will be your points of contact. Ms. Penrod is no longer with the Delaware Nation and I am serving as interim director until a replacement can be hired. Ms. Kelly is the 106 Assistant now as well.

Thank you.

*Nekole Alligood, MA  
NAGPRA Projects Officer  
DelawareNation  
103 W. Broadway  
Anadarko, OK 73005*

**CONFIDENTIALITY NOTE:**

This e-mail (including attachments) may be privileged and is confidential information covered by the Electronic Communications Privacy Act 18 U.S.C. 2510-2521 and any other applicable law, and is intended only for the use of the individual or entity named herein. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. Although this e-mail and any attachments are believed to be free of any virus or other defect that might affect any computer system in to which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Delaware Nation or the author hereof in any way from its use. If you have received this communication in error, please immediately notify us by return e-mail. Thank you.



## *The Delaware Nation*

### Cultural Resources /106 Department

31064 State Highway 281  
Anadarko, OK 73005  
Phone (405)247-2448 Fax (405) 247-8905

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8 February 2019

To Whom It May Concern:

The Delaware Nation Cultural Preservation Department received correspondence regarding the following referenced project(s).

**Project: Tier 1 Environment Impact Statement (EIS) for Chesapeake Bay Crossing Study (BCS) for consideration of corridors providing additional transportation capacity and access across the Chesapeake Bay and improve mobility, travel reliability and safety at the existing Bay Bridge.**

Our office is committed to protecting tribal heritage, culture and religion with particular concern for archaeological sites potentially containing burials and associated funerary objects.

The Lenape people occupied the area indicated in your letter during prior to European contact until their eventual removal to our present locations. According to our files, the location of the proposed project does not endanger cultural, or religious sites of interest to the Delaware Nation. **Please continue with the project as planned** keeping in mind during construction should an archaeological site or artifacts inadvertently be uncovered, all construction and ground disturbing activities should immediately be halted until the appropriate state agencies, as well as this office, are notified (within 24 hours), and a proper archaeological assessment can be made.

Please note the Delaware Nation, the Delaware Tribe of Indians, and the Stockbridge Munsee Band of Mohican Indians are the only Federally Recognized Delaware/Lenape entities in the United States and consultation must be made only with designated staff of these three tribes. We appreciate your cooperation in contacting the Delaware Nation Cultural Preservation Office to conduct proper Section 106 consultation. Should you have any questions, feel free to contact our offices at 405/247-2448.

Nekole Alligood  
NAGPRA Projects Officer  
The Delaware Nation  
31064 State Highway 281  
Anadarko, OK 73005  
Ph. 405-247-2448  
nalligood@delawarenation.com



**From:** Josh Hastings <[jhastings@lowershorelandtrust.org](mailto:jhastings@lowershorelandtrust.org)>

**Date:** April 11, 2019 at 5:18:54 PM EDT

**To:** <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)>

**Subject:** FW: Following Up - Section 106 Consulting Party Invitation, Chesapeake Bay Crossing Study

**The Lower Shore Land Trust would like to continue to participate... Thank you!**

**-Josh**

*Josh Hastings*

*Deputy Director* | **Lower Shore Land Trust**

[JHastings@LowerShoreLandTrust.org](mailto:JHastings@LowerShoreLandTrust.org) | 410-251-5268 (m)

Section 106 Consulting Party Response Form  
Chesapeake Bay Crossing Study

From: Lower Shore Land Trust

Name: Josh Hastings Telephone: (410) 251-5268

Address: 100 River street  
Street

Snow Hill MD 21863  
City State Zip Code

Email: jhastings@lower-shore-land-trust.org

☒ Yes. I, or my organization, would like to participate as a consulting party for the Chesapeake Bay Crossing Study.

Lower Shore Land Trust will be represented by  
Organization

Josh Hastings  
Representative

*Please provide contact information of representative if different from above.*

☐ No. I, or my organization, does not wish to participate as a consulting party for the Chesapeake Bay Crossing Study.

Please note that a response of "no" will not preclude you or your organization from requesting to participate as a consulting party at a later date, nor will it preclude consideration of comments from you or your organization as the project progresses.

If you know of other potential consulting parties for this project, please provide their names and contact information below.

\_\_\_\_\_  
\_\_\_\_\_

**Please complete and return this form within 30 days of receipt.**

Distributed: 03/2019

**From:** Roberta Laynor <rlaynor@annapolis.gov>  
**Sent:** Friday, April 12, 2019 12:42 PM  
**To:** Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>  
**Subject:** Re: Following Up - Section 106 Consulting Party Invitation, Chesapeake Bay Crossing Study

Hello Jeanette,

Attached is the form I signed to participate as Consulting Party in the Chesapeake Bay Crossing Study.

Best regards,  
Roberta

On Tue, Apr 9, 2019 at 5:30 PM Mar, Jeanette (FHWA) <[Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov)> wrote:

Dear Sir or Madam:

The Federal Highway Administration (FHWA) and Maryland Transportation Authority (MDTA) are inviting your organization to participate as a Consulting Party as part of Section 106 consultation for the Chesapeake Bay Crossing Study: Tier I NEPA (BCS). You are receiving this message because FHWA and MDTA did not receive a response to the attached letter, previously sent on November 29, 2018. FHWA and MDTA requested a response within 30 days. That deadline was then extended to January 31, 2019. FHWA and MDTA are pleased to announce another opportunity to participate as a consulting party.

#### Project Description

The BCS is a National Environmental Policy Act (NEPA) study that will result in the identification of a preferred corridor alternative to address congestion at the Chesapeake Bay Bridge and evaluation of its financial feasibility. The Bay Crossing Study includes scoping; purpose and need development; corridor alternative analysis and screening; traffic and environmental analysis; and public and agency involvement.

#### Section 106, Consulting Parties, and Historic Properties

We are writing to inform you of another chance to become a consulting party and participate in Section 106 consultation for the BCS. Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of projects with federal involvement on historic properties. Members of the public and organizations with a demonstrated interest in the project are invited to participate. Consulting parties will be actively informed of the steps in Section 106 consultation and invited to review and comment on the inventory of cultural resources and historic properties identified in the preliminary Area of Potential Effects. Consulting Parties will also have the opportunity to comment on the draft Programmatic Agreement that will stipulate how the requires of Section 106 will be satisfied during Tier 1 and subsequent phases of the project.

#### Next Steps

We want to hear from you! To become a consulting party, please read the attached letter and complete and return the enclosed invitation **prior to May 7, 2019**. If you choose not to participate as a consulting party at this time, you may apply to participate at a later date with the understanding that you may not have the opportunity to comment on findings or determinations made prior to your participation.

Sincerely,

*Jeanette*

Section 106 Consulting Party Response Form  
Chesapeake Bay Crossing Study

From: Roberta Laynor, Chief of Historic Preservation

Name: ↑ Telephone: 410 260-2200

Address: 145 Gorman Street, 3rd Floor  
Street

Annapolis MD 21401  
City State Zip Code

Email: rlaynor@annapolis.gov

☒ Yes. I, or my organization, would like to participate as a consulting party for the Chesapeake Bay Crossing Study.

City of Annapolis, Historic Preservation will be represented by  
Organization Division

Roberta Laynor, Chief of Historic Preservation  
Representative

*Please provide contact information of representative if different from above.*

☐ No. I, or my organization, does not wish to participate as a consulting party for the Chesapeake Bay Crossing Study.

Please note that a response of "no" will not preclude you or your organization from requesting to participate as a consulting party at a later date, nor will it preclude consideration of comments from you or your organization as the project progresses.

If you know of other potential consulting parties for this project, please provide their names and contact information below.

\_\_\_\_\_  
\_\_\_\_\_

**Please complete and return this form within 30 days of receipt.**

Distributed: 03/2019

Section 106 Consulting Party Response Form  
Chesapeake Bay Crossing Study

From:

Name: Johns W. Hopkins Telephone: (410) 332-9992  
Address: 11 1/2 West Chase St.  
*Street*  
Baltimore MD 21201  
*City State Zip Code*  
Email: hopkins@baltimoreheritage.org

☒ Yes. I, or my organization, would like to participate as a consulting party for the Chesapeake Bay Crossing Study.

Baltimore Heritage, Inc. will be represented by  
*Organization*  
Johns Hopkins  
*Representative*

*Please provide contact information of representative if different from above.*

☐ No. I, or my organization, does not wish to participate as a consulting party for the Chesapeake Bay Crossing Study.

Please note that a response of "no" will not preclude you or your organization from requesting to participate as a consulting party at a later date, nor will it preclude consideration of comments from you or your organization as the project progresses.

If you know of other potential consulting parties for this project, please provide their names and contact information below.

\_\_\_\_\_  
\_\_\_\_\_

**Please complete and return this form by December 31, 2018.**

June 24, 2020

Mr. John Raymond Jonson  
Governor  
Absentee-Shawnee Tribe of Oklahoma  
2025 S. Gordon Cooper Drive  
Shawnee, Oklahoma 74801

Dear Mr. Jonson:

In continuation of Section 106 consultation under the National Historic Preservation Act of 1966, as amended (NHPA), and its implementing regulations (36 CFR 800), the Federal Highway Administration (FHWA) and Maryland Transportation Authority (MDTA) are transmitting the Draft Cultural Resources Technical Report for the Chesapeake Bay Crossing Study: Tier 1 National Environmental Policy Act (NEPA) (Bay Crossing Study). Additionally, this letter serves to summarize the Bay Crossing Study Section 106 consultation to date, inform consulting parties of changes to FHWA's Section 106 approach, and outline project milestones through the end of Tier 1.

FHWA initiated Section 106 consultation with the Maryland Historical Trust (MHT) on May 3, 2018 and received MHT's response June 25, 2018. Because Tier 1 of the Bay Crossing Study analyzes the project on a broad scale, FHWA proposed to conduct a phased approach to the identification of historic properties pursuant to 36 CFR 800.4(b)(2), in which identification efforts would begin in Tier 1 and continue in Tier 2. The initiation letter laid out the following plan for how FHWA would comply with Section 106 during the Tier 1 Bay Crossing Study:

- Invite consulting parties to participate in Section 106 consultation;
- Conduct an inventory of known historic properties within the preliminary study area;
- Determine and document the Area of Potential Effects (APE) based on the Corridor Alternatives Retained for Analysis (CARA); and
- Conclude Section 106 with a programmatic agreement (PA) that established methods for the identification of historic properties and adverse effects. At that time, the PA was intended to identify the Section 106 activities that would take place during a Tier 2 NEPA Study.

FHWA invited consulting parties to participate in Section 106 via letter on November 29, 2018. A second letter dated April 9, 2019, was sent to those invited parties that had not responded. These letters included an overview of FHWA's proposed Section 106 methodology during Tier 1, following the above bullet points. FHWA completed an inventory of recorded cultural resources within the 14 preliminary study corridors. This information was presented as part of the environmental inventory at the Fall 2019 Open Houses where the public was able to provide comments.

In the Cultural Resources Technical Report, FHWA defines the APE as congruent with the CARA and begins the phased identification of historic properties by identifying known historic properties and unevaluated resources, such as MIHP resources and archaeological sites without NRHP evaluations. Additionally, the Technical Report begins the process of identifying unrecorded architectural and archaeological resources by analyzing the CARA and locating areas that may require additional cultural resource investigations during a future Tier 2 study. Through this analysis, FHWA and MDTA have made

recommendations for how phased historic properties identification will be completed in Tier 2 within the preferred corridor.

### **Revised Section 106 Approach**

FHWA and MDTA have reevaluated the BCS methodology and identified a revised approach that continues to follow Section 106 requirements and does not change FHWA's level of effort to begin the phased identification process during Tier 1, but provides greater flexibility during a Tier 2 study by not concluding Section 106 in Tier 1 with an executed PA. The PA would have documented the Tier 1 selection of a corridor alignment and established a process for completing historic properties identification and determining and resolving effects to historic properties during Tier 2. However, Tier 2 of the Bay Crossing Study currently has no timeline; other specific information such as project delivery method and schedule that would dictate the parameters of the PA are unknown. Without these specifics, the Tier 2 processes defined in a PA would necessarily be vague. If any unforeseen Tier 2 project constraints arise, the agreement could require amendment and cause project delays.

To anticipate and minimize the impact of the unknowns, FHWA and MDTA revised the methodology to record Tier 1 decisions and commitments for Tier 2 in the Final Environmental Impact Statement/Record of Decision (FEIS/ROD), the NEPA decision document which records a Federal agency's decision concerning a proposed action. Section 106 regulations allow for decisions made during phased identification of historic properties to be recorded in an agreement document (such as a PA) or in NEPA documentation when coordinating Section 106 with NEPA compliance. Commitments recorded in these documents could include the deferral of historic properties identification and the continuation of the Section 106 process during Tier 2. The FEIS/ROD will also document Section 106 activities completed in Tier 1 and specify that Section 106 consultation will continue only within the preferred corridor alternative. Recording Tier 1 decisions and commitments in the FEIS/ROD allows FHWA to document all decisions and commitments that would be in a PA while avoiding potential pitfalls of specifically defining the processes of identifying historic properties and resolving effects without specific Tier 2 project information. If necessary, a Section 106 agreement document may be executed during Tier 2 to resolve any adverse effects to historic properties. FHWA and MDTA's Cultural Resources Methodology, outlining the revised approach to Tier 1 Section 106 consultation, is included as an appendix to the Cultural Resources Technical Report.

FHWA and MDTA's revised methodology continues to allow consulting parties to provide input and comments as Tier 1 progresses beginning with soliciting comments on the Cultural Resources Technical Report. After receiving comments from consulting parties, FHWA and MDTA will revise the Cultural Resources Technical Report, as appropriate. The revised document will be posted along with publication of the Draft Environmental Impact Statement (DEIS), anticipated in Fall 2020. The Section 106 consulting parties and the public will be able to provide additional comments on the DEIS and Cultural Resources Technical Report at that time.

Public hearings following the Notice of Availability of the DEIS will provide another opportunity for public comment. FHWA and MDTA will review and consider comments received to identify any cultural, historic, and/or tribal concerns. The key Section 106 decisions and commitments will be recorded in the Tier 1 FEIS/ROD anticipated to be published in Summer 2021.

## Review Request

We are pleased to share the Cultural Resources Technical Report with the Maryland Historical Trust (MHT), Advisory Council on Historic Preservation (ACHP), and all consulting parties. **FHWA request that consulting parties review the report and provide comments by July 24, 2020.** The Cultural Resources Technical Report is posted at the link below. No username or password is required.

[https://rkkllp-my.sharepoint.com/:b:/g/personal/jschmidt2\\_rkk\\_com/EQ5fSxPPaChHpk3iVUiDcJIB6l-E\\_dngmr483QWjzFy9jA?e=5plF7U](https://rkkllp-my.sharepoint.com/:b:/g/personal/jschmidt2_rkk_com/EQ5fSxPPaChHpk3iVUiDcJIB6l-E_dngmr483QWjzFy9jA?e=5plF7U)

Finally, FHWA and MDTA would like to **confirm and define** the parties interested in continued consultation on the Bay Crossing Study. We will continue to provide information to the Section 106 consulting parties (ACHP, state historic preservation office, and others not included in the aforementioned parties). **Please send a reply to this e-mail indicating you wish to continue consultation** (or conversely if you are not interested in consulting on this project and would like to be removed from this list). If no response is received, you will continue to be a consulting party. Additionally, if there is a more appropriate or updated contact for Section 106 consultation in your organization, please let us know as well.

As always, please feel free to contact me with any questions or information needs on this project, and we appreciate your input and consultation regarding historic properties for this challenging and complex project. Please e-mail your comments directly to Ms. Jeanette Mar, Environmental Program Manager, FHWA at [Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov).

Sincerely,

Gregory Murrill  
Division Administrator

Attachment

CC: Ms. Devon Frazier, THPO, Abentee-Shawnee Tribe of Oklahoma  
Ms. Jeanette Mar, FHWA-MD Division, Environmental Program Manager  
Ms. Sarah Groesbeck, MDTA, Consultant Architectural Historian, Division of Planning & Program Development  
Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program Development  
Mr. Keith Colston, Maryland Commission on Indian Affairs



June 24, 2020

Deborah Dotson,  
Tribal President  
Delaware Nation  
PO Box 825  
31064 State Highway 281  
Anadarko, Oklahoma 73005

Dear Ms. Dotson:

In continuation of Section 106 consultation under the National Historic Preservation Act of 1966, as amended (NHPA), and its implementing regulations (36 CFR 800), the Federal Highway Administration (FHWA) and Maryland Transportation Authority (MDTA) are transmitting the Draft Cultural Resources Technical Report for the Chesapeake Bay Crossing Study: Tier 1 National Environmental Policy Act (NEPA) (Bay Crossing Study). Additionally, this letter serves to summarize the Bay Crossing Study Section 106 consultation to date, inform consulting parties of changes to FHWA's Section 106 approach, and outline project milestones through the end of Tier 1.

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recommendations for how phased historic properties identification will be completed in Tier 2 within the preferred corridor.

### **Revised Section 106 Approach**

FHWA and MDTA have reevaluated the BCS methodology and identified a revised approach that continues to follow Section 106 requirements and does not change FHWA's level of effort to begin the phased identification process during Tier 1, but provides greater flexibility during a Tier 2 study by not concluding Section 106 in Tier 1 with an executed PA. The PA would have documented the Tier 1 selection of a corridor alignment and established a process for completing historic properties identification and determining and resolving effects to historic properties during Tier 2. However, Tier 2 of the Bay Crossing Study currently has no timeline; other specific information such as project delivery method and schedule that would dictate the parameters of the PA are unknown. Without these specifics, the Tier 2 processes defined in a PA would necessarily be vague. If any unforeseen Tier 2 project constraints arise, the agreement could require amendment and cause project delays.

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Finally, FHWA and MDTA would like to **confirm and define** the parties interested in continued consultation on the Bay Crossing Study. We will continue to provide information to the Section 106 consulting parties (ACHP, state historic preservation office, and others not included in the aforementioned parties). **Please send a reply to this e-mail indicating you wish to continue consultation** (or conversely if you are not interested in consulting on this project and would like to be removed from this list). If no response is received, you will continue to be a consulting party. Additionally, if there is a more appropriate or updated contact for Section 106 consultation in your organization, please let us know as well.

As always, please feel free to contact me with any questions or information needs on this project, and we appreciate your input and consultation regarding historic properties for this challenging and complex project. Please e-mail your comments directly to Ms. Jeanette Mar, Environmental Program Manager, FHWA at [Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov).

Sincerely,

Gregory Murrill  
Division Administrator

Attachment

CC: Ms. Erin Paden, Delaware Nation, Director, Historic Preservation Office  
Ms. Jeanette Mar, FHWA-MD Division, Environmental Program Manager  
Ms. Sarah Groesbeck, MDTA, Consultant Architectural Historian, Division of Planning & Program Development  
Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program Development  
Mr. Keith Colston, Maryland Commission on Indian Affairs

June 24, 2020

Chester “Chet” Brooks  
Chief  
Delaware Tribe of Indians  
5100 Tuxedo Blvd.  
Bartlesville, Oklahoma 74006

Dear Chief Brooks:

In continuation of Section 106 consultation under the National Historic Preservation Act of 1966, as amended (NHPA), and its implementing regulations (36 CFR 800), the Federal Highway Administration (FHWA) and Maryland Transportation Authority (MDTA) are transmitting the Draft Cultural Resources Technical Report for the Chesapeake Bay Crossing Study: Tier 1 National Environmental Policy Act (NEPA) (Bay Crossing Study). Additionally, this letter serves to summarize the Bay Crossing Study Section 106 consultation to date, inform consulting parties of changes to FHWA’s Section 106 approach, and outline project milestones through the end of Tier 1.

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recommendations for how phased historic properties identification will be completed in Tier 2 within the preferred corridor.

### **Revised Section 106 Approach**

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[https://rkkllp-my.sharepoint.com/:b:/g/personal/jschmidt2\\_rkk\\_com/EQ5fSxPPaChHpk3iVUiDcJIB6l-E\\_dngmr483QWjzFy9jA?e=5plF7U](https://rkkllp-my.sharepoint.com/:b:/g/personal/jschmidt2_rkk_com/EQ5fSxPPaChHpk3iVUiDcJIB6l-E_dngmr483QWjzFy9jA?e=5plF7U)

Finally, FHWA and MDTA would like to **confirm and define** the parties interested in continued consultation on the Bay Crossing Study. We will continue to provide information to the Section 106 consulting parties (ACHP, state historic preservation office, and others not included in the aforementioned parties). **Please send a reply to this e-mail indicating you wish to continue consultation** (or conversely if you are not interested in consulting on this project and would like to be removed from this list). If no response is received, you will continue to be a consulting party. Additionally, if there is a more appropriate or updated contact for Section 106 consultation in your organization, please let us know as well.

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Sincerely,

Gregory Murrill  
Division Administrator

Attachment

CC: Ms. Susan Bachor, Delaware Tribe, Historic Preservation Representative  
Ms. Jeanette Mar, FHWA-MD Division, Environmental Program Manager  
Ms. Sarah Groesbeck, MDTA, Consultant Architectural Historian, Division of Planning & Program Development  
Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program Development  
Mr. Keith Colston, Maryland Commission on Indian Affairs

June 24, 2020

Glenna J. Wallace  
Chief  
Eastern Shawnee Tribe  
70500 E. 128 Road  
Wyandotte, OK 74370

Dear Chief Wallace:

In continuation of Section 106 consultation under the National Historic Preservation Act of 1966, as amended (NHPA), and its implementing regulations (36 CFR 800), the Federal Highway Administration (FHWA) and Maryland Transportation Authority (MDTA) are transmitting the Draft Cultural Resources Technical Report for the Chesapeake Bay Crossing Study: Tier 1 National Environmental Policy Act (NEPA) (Bay Crossing Study). Additionally, this letter serves to summarize the Bay Crossing Study Section 106 consultation to date, inform consulting parties of changes to FHWA's Section 106 approach, and outline project milestones through the end of Tier 1.

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Sincerely,

Gregory Murrill  
Division Administrator

Attachment

CC: Mr. Brett Barnes, Eastern Shawnee Tribe, Tribal Historic Preservation Officer  
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Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program Development  
Mr. Keith Colston, Maryland Commission on Indian Affairs

June 24, 2020

Sidney Hill  
Chief  
Onondaga Nation  
4040 Route 11  
Nedrow, NY 13120

Dear Chief Hill:

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Sincerely,

Gregory Murrill  
Division Administrator

Attachment

CC: Mr. Anthony Gonyea, Onondaga Nation, Faithkeeper (Beaver Clan)  
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Ms. Sarah Groesbeck, MDTA, Consultant Architectural Historian, Division of Planning & Program Development  
Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program Development  
Mr. Keith Colston, Maryland Commission on Indian Affairs

June 24, 2020

Mr. William L. Fisher  
Chief  
Seneca Cayuga Nation  
23701 South 655 Road, 10 Hwy  
Grove, Oklahoma 74344

Dear Chief Fisher:

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Ms. Sarah Groesbeck, MDTA, Consultant Architectural Historian, Division of Planning & Program Development

Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program Development

Mr. Keith Colston, Maryland Commission on Indian Affairs

June 24, 2020

Mr. Michael Conners  
Chief  
Saint Regis Mohawk Tribe  
Tribal Administration Building  
71 Margaret Terrance  
Memorial Way  
Akwesasne, NY 13655

Dear Chief Conners:

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Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program Development  
Mr. Keith Colston, Maryland Commission on Indian Affairs

June 24, 2020

Mr. Ron Sparkman  
Chief  
Shawnee Tribe  
PO Box 189  
29 S Hwy 69A  
Miami, OK 74355

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To anticipate and minimize the impact of the unknowns, FHWA and MDTA revised the methodology to record Tier 1 decisions and commitments for Tier 2 in the Final Environmental Impact Statement/Record of Decision (FEIS/ROD), the NEPA decision document which records a Federal agency's decision concerning a proposed action. Section 106 regulations allow for decisions made during phased identification of historic properties to be recorded in an agreement document (such as a PA) or in NEPA documentation when coordinating Section 106 with NEPA compliance. Commitments recorded in these documents could include the deferral of historic properties identification and the continuation of the Section 106 process during Tier 2. The FEIS/ROD will also document Section 106 activities completed in Tier 1 and specify that Section 106 consultation will continue only within the preferred corridor alternative. Recording Tier 1 decisions and commitments in the FEIS/ROD allows FHWA to document all decisions and commitments that would be in a PA while avoiding potential pitfalls of specifically defining the processes of identifying historic properties and resolving effects without specific Tier 2 project information. If necessary, a Section 106 agreement document may be executed during Tier 2 to resolve any adverse effects to historic properties. FHWA and MDTA's Cultural Resources Methodology, outlining the revised approach to Tier 1 Section 106 consultation, is included as an appendix to the Cultural Resources Technical Report.

FHWA and MDTA's revised methodology continues to allow consulting parties to provide input and comments as Tier 1 progresses beginning with soliciting comments on the Cultural Resources Technical Report. After receiving comments from consulting parties, FHWA and MDTA will revise the Cultural Resources Technical Report, as appropriate. The revised document will be posted along with publication of the Draft Environmental Impact Statement (DEIS), anticipated in Fall 2020. The Section 106 consulting parties and the public will be able to provide additional comments on the DEIS and Cultural Resources Technical Report at that time.

Public hearings following the Notice of Availability of the DEIS will provide another opportunity for public comment. FHWA and MDTA will review and consider comments received to identify any cultural, historic, and/or tribal concerns. The key Section 106 decisions and commitments will be recorded in the Tier 1 FEIS/ROD anticipated to be published in Summer 2021.

## Review Request

We are pleased to share the Cultural Resources Technical Report with the Maryland Historical Trust (MHT), Advisory Council on Historic Preservation (ACHP), and all consulting parties. **FHWA request that consulting parties review the report and provide comments by July 24, 2020.** The Cultural Resources Technical Report is posted at the link below. No username or password is required.

[https://rkkllp-my.sharepoint.com/:b:/g/personal/jschmidt2\\_rkk\\_com/EQ5fSxPPaChHpk3iVUiDcJIB6I-E\\_dnqmr483QWjzFy9jA?e=5pIF7U](https://rkkllp-my.sharepoint.com/:b:/g/personal/jschmidt2_rkk_com/EQ5fSxPPaChHpk3iVUiDcJIB6I-E_dnqmr483QWjzFy9jA?e=5pIF7U)

Finally, FHWA and MDTA would like to **confirm and define** the parties interested in continued consultation on the Bay Crossing Study. We will continue to provide information to the Section 106 consulting parties (ACHP, state historic preservation office, and others not included in the aforementioned parties). **Please send a reply to this e-mail indicating you wish to continue consultation** (or conversely if you are not interested in consulting on this project and would like to be removed from this list). If no response is received, you will continue to be a consulting party. Additionally, if there is a more appropriate or updated contact for Section 106 consultation in your organization, please let us know as well.

As always, please feel free to contact me with any questions or information needs on this project, and we appreciate your input and consultation regarding historic properties for this challenging and complex project. Please e-mail your comments directly to Ms. Jeanette Mar, Environmental Program Manager, FHWA at [Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov).

Sincerely,

Gregory Murrill  
Division Administrator

Attachment

CC: Ms. Tonya Tipton, Shawnee Tribe  
Ms. Jeanette Mar, FHWA-MD Division, Environmental Program Manager  
Ms. Sarah Groesbeck, MDTA, Consultant Architectural Historian, Division of Planning & Program Development  
Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program Development  
Mr. Keith Colston, Maryland Commission on Indian Affairs

June 24, 2020

Mr. Leo R. Henry  
Chief  
Tuscarora Nation  
2006 Mt. Hope Road  
Lewiston, NY 14092

Dear Chief Henry:

In continuation of Section 106 consultation under the National Historic Preservation Act of 1966, as amended (NHPA), and its implementing regulations (36 CFR 800), the Federal Highway Administration (FHWA) and Maryland Transportation Authority (MDTA) are transmitting the Draft Cultural Resources Technical Report for the Chesapeake Bay Crossing Study: Tier 1 National Environmental Policy Act (NEPA) (Bay Crossing Study). Additionally, this letter serves to summarize the Bay Crossing Study Section 106 consultation to date, inform consulting parties of changes to FHWA's Section 106 approach, and outline project milestones through the end of Tier 1.

FHWA initiated Section 106 consultation with the Maryland Historical Trust (MHT) on May 3, 2018 and received MHT's response June 25, 2018. Because Tier 1 of the Bay Crossing Study analyzes the project on a broad scale, FHWA proposed to conduct a phased approach to the identification of historic properties pursuant to 36 CFR 800.4(b)(2), in which identification efforts would begin in Tier 1 and continue in Tier 2. The initiation letter laid out the following plan for how FHWA would comply with Section 106 during the Tier 1 Bay Crossing Study:

- Invite consulting parties to participate in Section 106 consultation;
- Conduct an inventory of known historic properties within the preliminary study area;
- Determine and document the Area of Potential Effects (APE) based on the Corridor Alternatives Retained for Analysis (CARA); and
- Conclude Section 106 with a programmatic agreement (PA) that established methods for the identification of historic properties and adverse effects. At that time, the PA was intended to identify the Section 106 activities that would take place during a Tier 2 NEPA Study.

FHWA invited consulting parties to participate in Section 106 via letter on November 29, 2018. A second letter dated April 9, 2019, was sent to those invited parties that had not responded. These letters included an overview of FHWA's proposed Section 106 methodology during Tier 1, following the above bullet points. FHWA completed an inventory of recorded cultural resources within the 14 preliminary study corridors. This information was presented as part of the environmental inventory at the Fall 2019 Open Houses where the public was able to provide comments.

In the Cultural Resources Technical Report, FHWA defines the APE as congruent with the CARA and begins the phased identification of historic properties by identifying known historic properties and unevaluated resources, such as MIHP resources and archaeological sites without NRHP evaluations. Additionally, the Technical Report begins the process of identifying unrecorded architectural and archaeological resources by analyzing the CARA and locating areas that may require additional cultural resource investigations during a future Tier 2 study. Through this analysis, FHWA and MDTA have made

recommendations for how phased historic properties identification will be completed in Tier 2 within the preferred corridor.

### **Revised Section 106 Approach**

FHWA and MDTA have reevaluated the BCS methodology and identified a revised approach that continues to follow Section 106 requirements and does not change FHWA's level of effort to begin the phased identification process during Tier 1, but provides greater flexibility during a Tier 2 study by not concluding Section 106 in Tier 1 with an executed PA. The PA would have documented the Tier 1 selection of a corridor alignment and established a process for completing historic properties identification and determining and resolving effects to historic properties during Tier 2. However, Tier 2 of the Bay Crossing Study currently has no timeline; other specific information such as project delivery method and schedule that would dictate the parameters of the PA are unknown. Without these specifics, the Tier 2 processes defined in a PA would necessarily be vague. If any unforeseen Tier 2 project constraints arise, the agreement could require amendment and cause project delays.

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FHWA and MDTA's revised methodology continues to allow consulting parties to provide input and comments as Tier 1 progresses beginning with soliciting comments on the Cultural Resources Technical Report. After receiving comments from consulting parties, FHWA and MDTA will revise the Cultural Resources Technical Report, as appropriate. The revised document will be posted along with publication of the Draft Environmental Impact Statement (DEIS), anticipated in Fall 2020. The Section 106 consulting parties and the public will be able to provide additional comments on the DEIS and Cultural Resources Technical Report at that time.

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[https://rkkllp-my.sharepoint.com/:b:/g/personal/jschmidt2\\_rkk\\_com/EQ5fSxPPaChHpk3iVUiDcJIB6l-E\\_dngmr483QWjzFy9jA?e=5plF7U](https://rkkllp-my.sharepoint.com/:b:/g/personal/jschmidt2_rkk_com/EQ5fSxPPaChHpk3iVUiDcJIB6l-E_dngmr483QWjzFy9jA?e=5plF7U)

Finally, FHWA and MDTA would like to **confirm and define** the parties interested in continued consultation on the Bay Crossing Study. We will continue to provide information to the Section 106 consulting parties (ACHP, state historic preservation office, and others not included in the aforementioned parties). **Please send a reply to this e-mail indicating you wish to continue consultation** (or conversely if you are not interested in consulting on this project and would like to be removed from this list). If no response is received, you will continue to be a consulting party. Additionally, if there is a more appropriate or updated contact for Section 106 consultation in your organization, please let us know as well.

As always, please feel free to contact me with any questions or information needs on this project, and we appreciate your input and consultation regarding historic properties for this challenging and complex project. Please e-mail your comments directly to Ms. Jeanette Mar, Environmental Program Manager, FHWA at [Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov).

Sincerely,

Gregory Murrill  
Division Administrator

Attachment

CC: Mr. Bryan Printup, Tuscarora Nation, Chief's Council  
Ms. Jeanette Mar, FHWA-MD Division, Environmental Program Manager  
Ms. Sarah Groesbeck, MDTA, Consultant Architectural Historian, Division of Planning & Program Development  
Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program Development  
Mr. Keith Colston, Maryland Commission on Indian Affairs



---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Saturday, November 25, 2017 8:46 AM  
**To:** Michael Wisnosky (mwisnosky@qac.org)  
**Cc:** Steve Cohoon (schoon@qac.org)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Queen Annes County.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Wisnosky,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdt Maryland.gov>

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November 24, 2017



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[www.mdtta.maryland.gov](http://www.mdtta.maryland.gov)

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Michael Wisnosky  
Director  
Planning and Zoning  
Queen Anne's County  
110 Vincit Street  
Suite 104  
Centerville, MD 21617

Dear Mr. Wisnosky:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

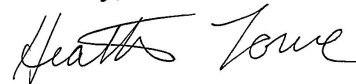
1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,



Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

cc: Mr. Steve Cohoon, Queen Anne's County

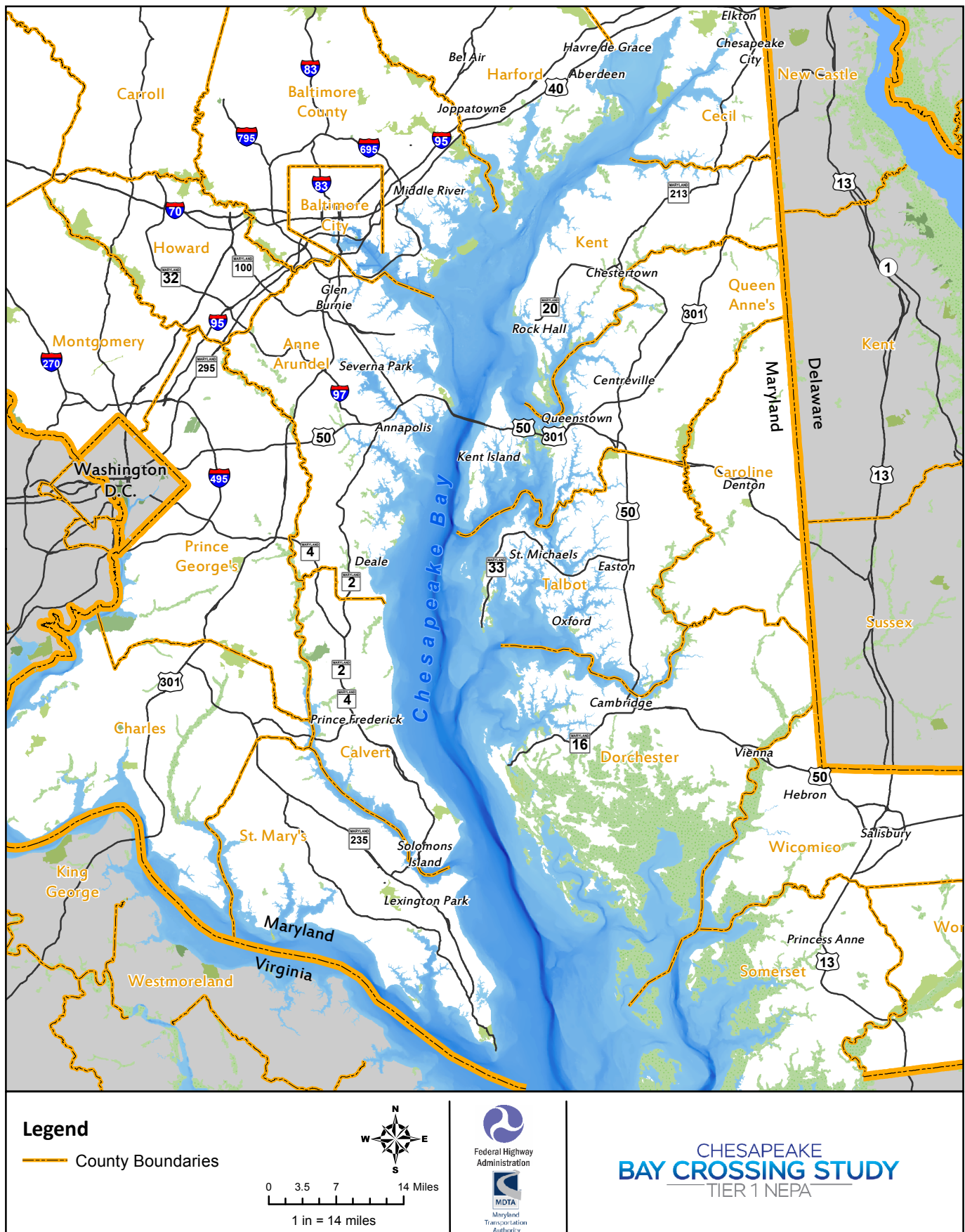
**Chesapeake Bay Crossing Study: Tier 1 NEPA**  
**Participating Agency Response**

- ☐ Elect to accept the invitation to be a participating agency.
- ☐ Elect to decline the invitation to be a participating agency, because:
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Agency: \_\_\_\_\_

Title: \_\_\_\_\_



**Section 106 Consulting Party Response Form  
Chesapeake Bay Crossing Study**

**From:** Queen Anne's County Department of Public Works

---

**Name:** Steve Cohoon

**Telephone:** (410)758-0520 ext 4131

**Address:** 312 Safety Drive  
*Street*

Centreville  
*City*

Maryland  
*State*

21617  
*Zip Code*

**Email:** scohoon@qac.org

**X** **Yes.** I, or my organization, would like to participate as a consulting party for the Chesapeake Bay Crossing Study.

Queen Anne's County Department of Public Works will be represented by  
*Organization*

Steve Cohoon, Public Facilities Planner  
*Representative*

---

*Please provide contact information of representative if different from above.*

       **No.** I, or my organization, does not wish to participate as a consulting party for the Chesapeake Bay Crossing Study.

Please note that a response of "no" will not preclude you or your organization from requesting to participate as a consulting party at a later date, nor will it preclude consideration of comments from you or your organization as the project progresses.

If you know of other potential consulting parties for this project, please provide their names and contact information below.

---

---

**Please complete and return this form by December 31, 2018.**

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, November 24, 2017 10:17 AM  
**To:** Keith Hall (khall@wicomiconcounty.org)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Salisbury-Wicomico MPO.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Hall,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdt Maryland.gov>

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November 24, 2017



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e-mail: [mdta@mdta.maryland.gov](mailto:mdta@mdta.maryland.gov)

[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Keith D. Hall, AICP  
Administrator  
Salisbury/Wicomico Metropolitan Planning Organization  
P.O. Box 870  
Salisbury, MD 21803-0870

Dear Mr. Keith D. Hall, AICP:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

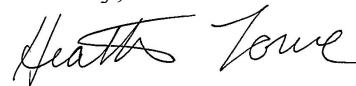


3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

---

**From:** Keith Hall [mailto:khall@wicomiconcounty.org]  
**Sent:** Monday, November 27, 2017 10:16 AM  
**To:** Heather Lowe <hlowe@mdta.state.md.us>  
**Subject:** RE: Chesapeake Bay Crossing Study: Tier 1 NEPA

Good morning, Ms. Lowe.

Thank you for affording the opportunity to participate in the Chesapeake Bay Crossing Study. Given the importance and impact of the movement of persons, goods, and services between the two sides of the Chesapeake Bay, I look forward to contributing on this regional planning initiative.

Attached is a signed copy of the Participating Agency Response form for your records.

Sincerely,  
Keith

**Keith D. Hall, AICP**  
Chief, Long Range and Transportation Planning  
Salisbury/Wicomico County  
Department of Planning, Zoning, and Community Development  
Government Office Building  
Room 203  
P.O. Box 870  
Salisbury, MD 21803-0870

Email: [Khall@wicomiconcounty.org](mailto:Khall@wicomiconcounty.org)  
Telephone: (410) 548 4860  
Fax: (410) 548-4955



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---

**From:** Heather Lowe [<mailto:hlowe@mdta.state.md.us>]  
**Sent:** Friday, November 24, 2017 10:17 AM  
**To:** Keith Hall <[khall@wicomocounty.org](mailto:khall@wicomocounty.org)>  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA

Mr. Hall,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager

Maryland Transportation Authority

Division of Planning and Program Development

Point Breeze

2310 Broening Highway

Baltimore MD 21224

410-537-5665

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[www.mdtamaryland.gov](http://www.mdtamaryland.gov)

November 24, 2017

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Keith D. Hall, AICP  
Administrator  
Salisbury/Wicomico Metropolitan Planning Organization  
P.O. Box 870  
Salisbury, MD 21803-0870

Dear Mr. Keith D. Hall, AICP:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

**Chesapeake Bay Crossing Study: Tier 1 NEPA**  
**Participating Agency Response**

- ☒ Elect to accept the invitation to be a participating agency.
- ☐ Elect to decline the invitation to be a participating agency, because:
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature: Keith Hall Date: 11/27/17

Print Name: KEITH HALL Agency: SALISBURY - WICOMICO METROPOLITAN PLANNING ORGANIZATION

Title: EXECUTIVE DIRECTOR

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Saturday, November 25, 2017 8:47 AM  
**To:** Daniel Thompson (dthompson@somersetmd.us)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Somerset.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Thompson,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdt Maryland.gov>

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November 24, 2017



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711 (MD Relay)  
1-866-713-1596

e-mail: [mdta@mdta.maryland.gov](mailto:mdta@mdta.maryland.gov)

[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Daniel K. Thompson  
Executive Director  
Planning and Zoning  
Somerset County  
County Office Complex  
Suite 202, 11916 Somerset Ave.,  
Princess Anne, MD 21853

Dear Mr. Thompson:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

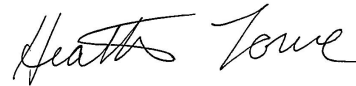
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3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map



---

**From:** Gary R. Pusey [mailto:gpusey@somersetmd.us]  
**Sent:** Monday, November 27, 2017 4:08 PM  
**To:** Heather Lowe <hlowe@mdta.state.md.us>  
**Cc:** Doug Taylor <dtaylor@somersetmd.us>; Danny Thompson <dthompson@somersetmd.us>  
**Subject:** RE: Chesapeake Bay Crossing Study: Tier 1 NEPA

Hi Ms. Lowe,

Danny Thompson forwarded your email to me for a response. Attached is the completed form indicating Somerset County P&Z would like to be a participating agency in the Tier 1 EIS process for the Chesapeake Bay Crossing Study.

Thank you, and please let me know if you need anything additional from us.



**Gary Pusey**  
Planning Director | Dept. of Technical & Community Services  
**Somerset County Government**  
11916 Somerset Avenue Room 211  
Princess Anne, MD 21853  
[www.somersetmd.us](http://www.somersetmd.us)  
[gpusey@somersetmd.us](mailto:gpusey@somersetmd.us)  
**Voice:** (410) 651 1424 | **Fax:** (410) 651 2597

---

**From:** Danny Thompson  
**Sent:** Monday, November 27, 2017 11:10 AM  
**To:** Gary R. Pusey  
**Cc:** Doug Taylor  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA

Gary:  
Hello and good morning. Hope all is well. I received this email from MTA. It looks like it should have been sent to Planning & Zoning. I can respond to her email and cc you guys. Let me know. Thanks and take care. Have a great week.  
Sincerely, Danny



**Daniel Thompson**  
Executive Director  
**Somerset County Economic Development**  
11916 Somerset Avenue Room 202  
Princess Anne, MD 21853  
[www.somersetcountyedc.org](http://www.somersetcountyedc.org) or [www.somersetmd.us](http://www.somersetmd.us)  
[dthompson@somersetmd.us](mailto:dthompson@somersetmd.us)  
**Voice:** (410) 651 0500 | **Fax:** (410) 651 3836

---

**From:** Heather Lowe [<mailto:hlowe@mdta.state.md.us>]  
**Sent:** Saturday, November 25, 2017 8:47 AM  
**To:** Danny Thompson  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA

Mr. Thompson,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdt Maryland.gov>

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**Chesapeake Bay Crossing Study: Tier 1 NEPA**  
**Participating Agency Response**

- ☒ Elect to accept the invitation to be a participating agency.
- ☐ Elect to decline the invitation to be a participating agency, because:
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature: Gary R. Pusey Date: 11/27/17

Print Name: Gary R. Pusey Agency: Somerset Co. Planning + Zoning

Title: Planning Director

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Saturday, November 25, 2017 8:48 AM  
**To:** William Hunt (bill.hunt@stmarysmd.com)  
**Cc:** Laura Kay  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** St Marys.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Hunt,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
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November 24, 2017

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. William B. Hunt  
Director  
Department of Land Use and Growth Management  
St. Mary's County  
Patuxent Building  
23150 Leonard Hall Drive  
Leonardtown, MD 20650-0653

Dear Mr. Hunt:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

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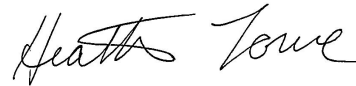
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Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

cc: Ms. Laura Kay, St. Mary's County

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, November 24, 2017 10:04 AM  
**To:** Kathleen Easley (Kathleen.Easley@stmarysmd.com)  
**Cc:** Laura Kay  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Calvert-StMarys MPO.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ms. Easley,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
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November 24, 2017



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[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Ms. Kathleen Easley  
Program Administrator and Planner  
Metropolitan Planning Organization  
Calvert-St. Mary's MPO  
St. Mary's County Department of Land Use and Growth Management  
P.O. Box 653, Leonardtown, MD 20650-0653

Dear Ms. Easley:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

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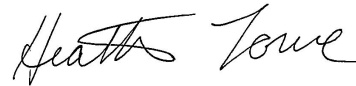


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4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

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Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

## Emma Beck

---

**From:** Emma Beck  
**Sent:** Friday, February 02, 2018 3:27 PM  
**To:** kathleen.easley@stmarysmd.com  
**Subject:** Chesapeake Bay Crossing Study  
**Attachments:** DRAFT Guiding Principles Memo 12-19-17.pdf

Hi Kathleen,

Sorry I haven't gotten back to you, I've been out doing field work most of the week and haven't been in the office much. I got your message, you can read the Guiding Principles Memo (emailed out before the past two JE meetings, I also attached the memo) to see what your responsibilities as a Participating Agency would be. As a Participating Agency would continue to be invited to attend the monthly JE meetings. You'll also receive draft versions of documents for review and would be expected to provide comments on each document throughout the study.

If you believe that your organization does not have the time or staffing capabilities to be a Participating Agency, you may request to be a Notified Agency. As a Notified Agency you would receive email updates at the same time information/final documents are released to the public and would be able to provide comments through the project website ([baycrossingstudy.com](http://baycrossingstudy.com)) or by sending written comments to the project manager. However, you would no longer be invited to attend the monthly JE meetings, nor would you be able to review draft versions of documents.

The last page of the invitation to be a Participating Agency provides options to be either a Participating or Notified Agency; please submit that page along with any scoping comments you may have on the project at this time to the MDTA project manager, Heather Lowe. Her contact information is listed in the invitation.

Hope this helps and I look forward to working with your organization throughout the study!

Have a great weekend,

**Emma C. Beck** | *Environmental Scientist*

[Coastal Resources, Inc.](#)

25 Old Solomons Island Road  
Annapolis, MD 21401

Office Phone: 410-956-900 ext. 116

Direct: 443-837-2156

Cell Phone: 717-433-3519

Fax: 410-956-0566

[emmab@CRI.biz](mailto:emmab@CRI.biz)



---

**From:** Bonney Hartley [[mailto:Bonney.Hartley@mohican\\_nsn.gov](mailto:Bonney.Hartley@mohican_nsn.gov)]  
**Sent:** Friday, December 08, 2017 10:14 AM  
**To:** Mar, Jeanette (FHWA) <[Jeanette.Mar@dot.gov](mailto:Jeanette.Mar@dot.gov)>  
**Cc:** HistoricPres Intern <[HistoricPres.Intern@MohicanSMC.onmicrosoft.com](mailto:HistoricPres.Intern@MohicanSMC.onmicrosoft.com)>  
**Subject:** RE: Chesapeake Bay Crossing Study

Dear Jeanette:

Thank you for the invitation to participate in the study. On behalf of Stockbridge-Munsee Community, I am writing to confirm that the location is not within our cultural area of interest, therefore we do not have comment on the project. Respectfully,

Bonney

*Bonney Hartley*

Tribal Historic Preservation Officer  
Stockbridge-Munsee Mohican Tribal Historic Preservation  
Extension office  
65 1st Street  
Troy, NY 12180  
(518) 244-3164  
[Bonney.Hartley@mohican\\_nsn.gov](mailto:Bonney.Hartley@mohican_nsn.gov)  
[www.mohican-nsn.gov](http://www.mohican-nsn.gov)

---

**From:** Mar, Jeanette (FHWA) [<mailto:Jeanette.Mar@dot.gov>]  
**Sent:** Thursday, December 07, 2017 6:56 PM  
**To:** Bonney Hartley <[Bonney.Hartley@mohican-nsn.gov](mailto:Bonney.Hartley@mohican-nsn.gov)>  
**Subject:** Chesapeake Bay Crossing Study

Bonney:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). The proposed project is located in an area that may be of interest to your tribe. Attached is a hard copy of a letter sent to your tribe.

FHWA requests that you respond to this invitation by providing comments on the scope of the Tier 1 EIS by **December 31, 2017**. If you do not provide comments through the public scoping meeting link at [www.baycrossingstudy.com](http://www.baycrossingstudy.com) or in writing by that date, we will assume that you have no comments at this stage of project development. We hope that your tribe will view the scoping meeting presentation and provide comments on the project.

If you have any questions or need additional information, please contact me via email at [jeanette.mar@dot.gov](mailto:jeanette.mar@dot.gov) or via phone at (410) 779 -7152.

Thanks!  
*Jeanette*

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Saturday, November 25, 2017 8:49 AM  
**To:** Mary Kay Verdery (mverdery@talbotcountymd.gov)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Talbot.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ms. Verdery,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdt Maryland.gov>

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November 24, 2017



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Authority**

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Mario J. Gangemi, P.E.  
John Von Paris

Kevin C. Reigert  
Executive Director

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Baltimore MD 21224  
410-537-1000  
410-537-1003 (fax)  
711 (MD Relay)  
1-866-713-1596

e-mail: [mdta@mdta.maryland.gov](mailto:mdta@mdta.maryland.gov)

[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Ms. Mary Kay Verdery  
Planning Officer  
Planning and Zoning  
Talbot County  
215 Bay Street  
Suite 2  
Easton, MD 21601

Dear Ms. Verdery:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

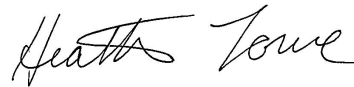
1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map



## TALBOT COUNTY MARYLAND

COURT HOUSE

11 N. WASHINGTON STREET

EASTON, MARYLAND 21601-3178

PHONE: 410-770-8010

[www.talbotcountymd.gov](http://www.talbotcountymd.gov)

**R. ANDREW HOLLIS**

County Manager

FAX: 410-770-8007

TTY: 410-822-8735

November 30, 2017

Heather Lowe  
Project Manager  
Division of Planning & Program Development  
Maryland Transportation Authority  
2310 Broening Highway  
Baltimore, MD 21224

**RE: Chesapeake Bay Crossing Study – Tier 1 NEPA –  
Invitation to Serve as a Participating Agency**

Dear Ms. Lowe:

Thank you for the opportunity to serve as a Participating Agency for the Chesapeake Bay Crossing Study as part of the Tier 1 NEPA. I would like to serve as the primary point of contact for this purpose and will coordinate my responses with Mary Kay Verdery, Planning Officer.

I have enclosed the Participating Agency Response form for your use.

Sincerely,

COUNTY MANAGER OF TALBOT COUNTY

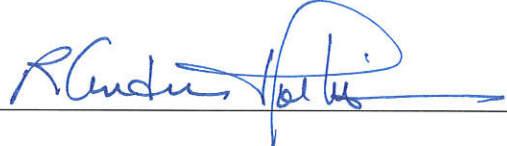
R. Andrew Hollis  
County Manager

RAH/jkm  
Enclosure

Cc: Mary Kay Verdery, Planning Officer

**Chesapeake Bay Crossing Study: Tier 1 NEPA**  
**Participating Agency Response**

- ☒ Elect to accept the invitation to be a participating agency.
- ☐ Elect to decline the invitation to be a participating agency, because:
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature:  Date: 11-28-17

Print Name: R. Andrew Hollis Agency: Talbot County Government

Title: County Manager

Contact Information:

R. Andrew Hollis  
Talbot County Manager  
Courthouse - South Wing  
11 North Washington Street  
Easton, MD 21601

Phone: 410-770-8010  
Fax: 410-770-8007  
E-mail: [ahollis@talbotcountymd.gov](mailto:ahollis@talbotcountymd.gov)



---

**From:** Michael P. Pennington [mailto:[mpennington@tcclesmd.org](mailto:mpennington@tcclesmd.org)]  
**Sent:** Tuesday, December 05, 2017 4:19 PM  
**To:** Heather Lowe <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)>  
**Subject:** RE: Chesapeake Bay Crossing Study: Tier 1 NEPA

Please see attached. Please let us know if you need any other additional info.

Thanks for thinking of us.

Mike Pennington

**MICHAEL P. PENNINGTON**  
EXECUTIVE DIRECTOR  
TRI-COUNTY COUNCIL FOR THE LOWER  
EASTERN SHORE OF MARYLAND  
31901 TRI-COUNTY WAY, SUITE 203  
SALISBURY, MARYLAND 21804  
PHONE: 410.341.8989  
FAX: 410.341.8988  
EMAIL: [MPENNINGTON@TCCLESMD.ORG](mailto:MPENNINGTON@TCCLESMD.ORG)  
WEB: [WWW.LOWERSHORE.ORG](http://WWW.LOWERSHORE.ORG)



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---

**From:** Heather Lowe [mailto:[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)]  
**Sent:** Friday, November 24, 2017 10:08 AM  
**To:** Michael P. Pennington <[mpennington@tcclesmd.org](mailto:mpennington@tcclesmd.org)>  
**Cc:** Kristie Eberly <[keberly@tcclesmd.org](mailto:keberly@tcclesmd.org)>; Brad Bellacicco <[bbellacicco@tcclesmd.org](mailto:bbellacicco@tcclesmd.org)>  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA

Mr. Pennington,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdtamaryland.gov>

**Chesapeake Bay Crossing Study: Tier 1 NEPA**  
**Participating Agency Response**

- ☒ Elect to accept the invitation to be a participating agency.
- ☐ Elect to decline the invitation to be a participating agency, because:
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature: Michael P. Pennington Date: 12/5/2017

Print Name: MICHAEL P. PENNINGTON Agency: TRI-County Council

Title: EXECUTIVE DIRECTOR

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, November 24, 2017 10:10 AM  
**To:** John Hartline (jhartline@tccsmd.org)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Tri-County Council So MD.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Hartline,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdt Maryland.gov>

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November 24, 2017



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Mario J. Gangemi, P.E.  
John Von Paris

Kevin C. Reigert  
Executive Director

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[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. John Hartline  
Executive Director  
Tri-County Council for Southern Maryland  
15045 Burnt Store Road  
Mailing: P.O. Box 745  
Hughesville, MD 20637

Dear Mr. Hartline:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

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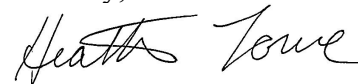
1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

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Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a more compact, stylized manner and the last name "Lowe" written more fully.

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

**From:** [Sandy Faucheux](#) on behalf of [John Hartline](#)  
**To:** [Sarah Williamson](#)  
**Subject:** FW: Bay Crossing Study Draft Purpose and Need  
**Date:** Thursday, July 05, 2018 9:47:05 AM  
**Importance:** High

---

Good Morning Ms. Williamson,

I hope you had a great 4<sup>th</sup> and I hope this finds you well!

TCCSMD would like to send a concurrence letter for this study. Would you or someone with the Bay Crossing study team happen to have 2 or 3 sample concurrence letters you could send us as a model for our letter?

Thank you in advance for any help you can give.

Thank you!

*Sandy Faucheux*

Executive Assistant & Coordinator  
Tri-County Council for Southern Maryland  
PO Box 745  
Hughesville, Maryland 20637  
301-274-1922; \*810  
[SFaucheux@tccsmd.org](mailto:SFaucheux@tccsmd.org)

---

**From:** Sarah Williamson <[sarahw@cri.biz](mailto:sarahw@cri.biz)>  
**Sent:** Wednesday, June 27, 2018 12:33 PM  
**To:** [Blair.jones@dot.gov](mailto:Blair.jones@dot.gov); [joy.liang@dot.gov](mailto:joy.liang@dot.gov); [Jeanette.mar@dot.gov](mailto:Jeanette.mar@dot.gov); [joseph.davia@usace.army.mil](mailto:joseph.davia@usace.army.mil); [john.j.dinne@usace.army.mil](mailto:john.j.dinne@usace.army.mil); [hal.r.pitts@uscg.mil](mailto:hal.r.pitts@uscg.mil); [mickey.d.sanders2@uscg.mil](mailto:mickey.d.sanders2@uscg.mil); [magerr.kevin@epa.gov](mailto:magerr.kevin@epa.gov); [blair.aaronm@epa.gov](mailto:blair.aaronm@epa.gov); [elder.ghigiarelli@maryland.gov](mailto:elder.ghigiarelli@maryland.gov); [Amanda.sigillito@maryland.gov](mailto:Amanda.sigillito@maryland.gov); [april.field@maryland.gov](mailto:april.field@maryland.gov); [William.seiger@maryland.gov](mailto:William.seiger@maryland.gov); [spomento@sha.state.md.us](mailto:spomento@sha.state.md.us); [dschlie@sha.state.md.us](mailto:dschlie@sha.state.md.us); [sbiddle@sha.state.md.us](mailto:sbiddle@sha.state.md.us); [greg.golden@maryland.gov](mailto:greg.golden@maryland.gov); [roland.limpert@maryland.gov](mailto:roland.limpert@maryland.gov); [Christopher.aadland@maryland.gov](mailto:Christopher.aadland@maryland.gov); [Kimberly.damon-randall@noaa.gov](mailto:Kimberly.damon-randall@noaa.gov); [kristy.beard@noaa.gov](mailto:kristy.beard@noaa.gov); [brian.d.hopper@noaa.gov](mailto:brian.d.hopper@noaa.gov); [keith.hanson@noaa.gov](mailto:keith.hanson@noaa.gov); [sstokely@achp.gov](mailto:sstokely@achp.gov); [Ray\\_li@fws.gov](mailto:Ray_li@fws.gov); [chris\\_guy@fws.gov](mailto:chris_guy@fws.gov); [Cheryl\\_sams@nps.gov](mailto:Cheryl_sams@nps.gov); [bob\\_campbell@nps.gov](mailto:bob_campbell@nps.gov); [Katherine.charbonneau@maryland.gov](mailto:Katherine.charbonneau@maryland.gov); [tay.harris@maryland.gov](mailto:tay.harris@maryland.gov); [charlotte.shearin@maryland.gov](mailto:charlotte.shearin@maryland.gov); [Alexandra.deweese@maryland.gov](mailto:Alexandra.deweese@maryland.gov); [Imolesworth@mta.maryland.gov](mailto:Imolesworth@mta.maryland.gov); [pat.keller@maryland.gov](mailto:pat.keller@maryland.gov); [bihui.xu@maryland.gov](mailto:bihui.xu@maryland.gov); [scott.hansen@maryland.gov](mailto:scott.hansen@maryland.gov); [Russell.strickland@maryland.gov](mailto:Russell.strickland@maryland.gov); [kate.hession@maryland.gov](mailto:kate.hession@maryland.gov); [chas.eby@maryland.gov](mailto:chas.eby@maryland.gov); [tasha.mcnutt@maryland.gov](mailto:tasha.mcnutt@maryland.gov); [patricia.engler@md.usda.gov](mailto:patricia.engler@md.usda.gov); [allan.stahl@md.usda.gov](mailto:allan.stahl@md.usda.gov); [jdwyer@mdot.state.md.us](mailto:jdwyer@mdot.state.md.us); [jlemke@mdot.state.md.us](mailto:jlemke@mdot.state.md.us); [Daniel.koenig@dot.gov](mailto:Daniel.koenig@dot.gov); [beth.cole@maryland.gov](mailto:beth.cole@maryland.gov); [tim.tamburrino@maryland.gov](mailto:tim.tamburrino@maryland.gov); [dixie.henry@maryland.gov](mailto:dixie.henry@maryland.gov); [bill.morgante@maryland.gov](mailto:bill.morgante@maryland.gov); [jennifer.salyers@vdot.virginia.gov](mailto:jennifer.salyers@vdot.virginia.gov); [tlang@baltometro.org](mailto:tlang@baltometro.org); [raris@baltometro.org](mailto:raris@baltometro.org); [Vanessa.Price@stmarysmd.com](mailto:Vanessa.Price@stmarysmd.com); [mike@lowershore.org](mailto:mike@lowershore.org); [mpennington@tcclesmd.org](mailto:mpennington@tcclesmd.org); [khall@wicomicocounty.org](mailto:khall@wicomicocounty.org); John Hartline

<[jhartline@tccsmd.org](mailto:jhartline@tccsmd.org)>

**Cc:** [hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us); [ealmquist@rkk.com](mailto:ealmquist@rkk.com); [kkahl@rkk.com](mailto:kkahl@rkk.com); [janie.tiedeman@aec.com](mailto:janie.tiedeman@aec.com); [rsnyder@rkk.com](mailto:rsnyder@rkk.com); Emma Beck <[emmab@cri.biz](mailto:emmab@cri.biz)>; [cfisher2@mdta.state.md.us](mailto:cfisher2@mdta.state.md.us)

**Subject:** Bay Crossing Study Draft Purpose and Need

Good Afternoon,

As discussed in the BCS ICM earlier today, please find attached a clean version of the Bay Crossing Study Draft Purpose and Need for your review. This version reflects the updates presented in track changes format at the ICM today.

The team plans to request concurrence from Cooperating Agencies on this document at the July 25<sup>th</sup> ICM. If you have any questions, please contact me or Heather Lowe at [hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us).

Sincerely,

***Sarah Williamson*** | *BCS Team*

[Coastal Resources, Inc.](http://www.coastalresourcesinc.com)

25 Old Solomon's Island Road

Annapolis, MD 21401

Office Phone: 410-956-9000 ext. 113

Direct: 443-837-2155

Cell Phone: 443-995-4131

Fax: 410-956-0566

[sarahw@CRI.biz](mailto:sarahw@CRI.biz)



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DEPARTMENT OF THE ARMY  
BALTIMORE DISTRICT, CORPS OF ENGINEERS  
ATTN: REGULATORY BRANCH  
2 HOPKINS PLAZA  
BALTIMORE, MD 21201

**FEB 12 2018**

Operations Division

Mr. Gregory Murrill  
Federal Highway Administration  
Maryland Division  
31 Hopkins Plaza, Suite 1520  
Baltimore, Maryland 21201

Dear Mr. Murrill:

This is in response to the Federal Highway Administration (FHWA) October 11, 2017 Notice of Intent (NOI) to prepare a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study and the request for scoping comments and cooperating agency status in the preparation of a National Environmental Policy Act (NEPA) document for the proposed Bay Crossing Study. The Tier I EIS study considers the entire length of the Chesapeake Bay and will assess the potential environmental impacts of adding capacity at the existing bridge location or a new bridge location. The Tier I EIS study will consider a full range of potential corridor alternatives and identify a preferred corridor alternative. The U.S. Army Corps of Engineers, Baltimore District (Corps) understands that Tier I EIS will not conclude the study and that FHWA intends to prepare a second NEPA document (i.e., a Tier II EIS) to complete the NEPA process for the Bay Crossing Study. Based on that understanding, this letter provides scoping comments and addresses cooperating agency status and permitting needs in the context of NEPA documentation.

The Corps understands that ultimately the proposed Bay Crossing project will likely result in discharges of dredged and fill material into waters of the U.S., including jurisdictional wetlands, and structures built in navigable waters. Therefore, the project will require a Department of Army (DA) authorization under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. In this regard, the Corps will be a cooperating agency in the preparation of the Tier I EIS. We look forward to working with your agency and other cooperating and consulting parties as the document is developed to ensure that information presented clearly documents the preferred corridor alternatives balancing a multitude of environmental and social factors including Department of Army/Corps regulations, the Clean Water Act Section 404(b)(1) Guidelines, and the Corps public interest review factors. We understand that FHWA is not requesting a DA permit decision at the conclusion of the Tier I study.

In general, the EIS process should evaluate project corridor alternatives, permanent and temporary impacts to waters of the U.S., including jurisdictional tidal and nontidal streams and wetlands, permanent and temporary roads, stormwater management, disposal of excess material, including dredged material), mitigation proposals, and



secondary and cumulative impacts. In addition, as part of the scoping process, the Corps requests the following topics be comprehensively evaluated in the NEPA process:

The Purpose and Need of the Proposed Project. In order to satisfy the Department of Army regulations, the Corps will need to concur on the purpose and need statement for the project. We would be pleased to work with you and the Maryland Transportation Authority (MDTA) to develop a purpose and need statement that will ultimately satisfy the Department of Army regulations for review of a project under the Clean Water Act and Section 10 of the Rivers and Harbors Act, including documenting the need for the additional Chesapeake Bay crossing capacity.

Alternatives Analysis/Clean Water Section 404(b)(1) Guidelines. A fundamental precept of the Clean Water Act Section 404 Regulatory Program is that impacts to waters of the U.S., including jurisdictional tidal and nontidal wetlands, will be avoided and minimized, where it is practicable to do so. Under Section 404, only the Least Environmentally Damaging Practicable Alternative (LEDPA) can receive Department of Army authorization. Note that an alternative is practicable if it is available and capable of being done after taking consideration cost, logistics, and existing technology in light of the overall project purposes. Because of this, at a minimum, the NEPA documentation must ultimately evaluate the practicability of various corridor alternatives and avoidance and minimization techniques. Based on the to be agreed upon project purpose and need, and in accordance with established Corps policy on the review of linear transportation projects, the Corps will need to concur on the range of alternative corridors retained for detailed study in the Tier I EIS. The Tier I EIS should clearly document study constraints and the various evaluation factors for each alternative corridor in consistent manner to allow meaningful comparisons and the ultimate identification/documentation of the LEDPA. The interagency review team, including the Corps, should review and approve the study constraints and evaluation factors and methods prior to completing the analysis.

Corps Public Interest Review Factors. The decision to issue a DA permit for a new Chesapeake Bay crossing will be based on an evaluation of the probable impacts, including secondary and cumulative impacts, of the proposed activity and its intended effect on the public. Among the factors that must be evaluated as part of the Corps public interest review include: conservation, economics, aesthetics, general environmental concerns, wetlands and streams, historic and cultural resources, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, energy needs, safety, food and fiber production, mineral needs, water quality, consideration of property ownership, air and noise impacts, and in general, the needs and welfare of the people. These Corps public interest factors must be comprehensively evaluated in the NEPA process, as we weigh and balance overall impacts of potential project corridors.

Delineation. The initial screening of alternative corridors in the Tier I EIS must be compared using the same level evaluation for determining impacts to waters of the U.S. (i.e., an approved jurisdictional determination is not required for all the alternative corridors evaluated in the Tier I EIS; however, the comparison of aquatic resources must be based on a consistent approach). For example, if a desktop JD analysis is conducted for one alternative corridor, it must be conducted for all alternative corridors.

Impacts. The Tier I EIS should quantify temporary and permanent impact to all waters of the U.S., including tidal and nontidal wetlands, for each alternative corridor in a way that allows meaningful comparisons. As stated above, an approved jurisdictional determination is not required for all the alternative corridors considered in the Tier I EIS; however, the resources and impacts must be evaluated in a consistent manner for a meaningful comparison.

Cumulative Impacts. A new Chesapeake Bay crossing would have effects far beyond the direct impacts associated with any crossing footprint. Cumulative, secondary and indirect impacts resulting from the project along with historical impacts and possible changes in land use must be analyzed within the study area. Support infrastructure, such as new and/or upgraded access/approach roadways to logical termini, must also be included in the analysis.

Disposal Sites. An estimate of material and the potential need for disposal site(s) should be included in the analysis. The Corps would also strongly encourage, as part of the study, evaluating and seeking opportunities for beneficial uses of any dredged material.

Compensatory Mitigation. In accordance with the Corps/EPA 2008 Final Mitigation Rule, compensatory mitigation for unavoidable permanent impacts to aquatic resources will need to be evaluated and approved as part of a Department of Army authorization.

Compliance with Existing Acts. Analysis of the project's compliance with Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 401 of the Clean Water Act, and the Magnuson-Stevens Fishery Conservation and Management Act, and Air quality standards under the Clean Air Act General Conformity Rule Review.

Compliance with Executive Orders. The NEPA process must evaluate compliance with Executive Orders on floodplains and environmental justice.

Section 408 Compliance. Corps Federal Navigation Channel(s) are within the study area. Section 14 of the River and Harbors Act of 1899, as amended, and codified in 33 USC 408 (Section 408) provides that the Secretary of the Army may, upon the

recommendation of the Chief of Engineers, grant permission to other entities for the permanent or temporary alteration or use of any Corps Civil Works project. This requires a determination by the Secretary that the requested alternation is not injurious to the public interest and will not impair the usefulness of the Corps (Civil Works) project. In order to assure compliance with Section 408 requirements, please evaluate the applicability of Section 408 to the proposed project.

We look forward to working with your agency as the documents are developed in the NEPA process to ensure that the information presented in the NEPA documentation is adequate to fulfill the requirements of Corps regulations, the Clean Water Act Section 404(b)(1) Guidelines, Section 10 of the Rivers and Harbor Act, and the Corps' public interest review process. We also concur that the FHWA, as the lead Federal agency on this project, coordinates with the Native American tribes and the responsible Federal agencies to ensure compliance with Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, Section 401 of the Clean Water Act, and the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267) [essential fish habitat (EFH) assessment].

Again, we look forward to coordinating with FHWA as this important study proceeds. If you have any questions concerning this matter, please contact me or Mr. Jack Dinne of my staff at (410) 962-6005.

Sincerely,



Joseph P. DaVia  
Chief, Maryland Section Northern

Cc:

Mr. Elder Ghigiarelli, MDE Wetlands and Waterways Program (via email)  
Ms. Jeanette Mar, FHWA (via email)

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To identify how we can better serve you, we need your help. Please take the time to fill out our new customer service survey at:  
<http://www.nab.usace.army.mil/Missions/Regulatory.aspx>

From: Dinne, John J CIV USARMY CENAB (US) [mailto:JOHN.J.DINNE@usace.army.mil]  
Sent: Thursday, March 22, 2018 8:33 AM  
To: Heather Lowe <hlowe@mdta.state.md.us>; Sarah Williamson <sarahw@cri.biz>  
Cc: Davia, Joseph P CIV CENAB CENAD (US) <Joseph.DaVia@usace.army.mil>; elder.ghigiarelli@maryland.gov  
Subject: BCS Concurrence

Sarah/Heather,

Thank you for the opportunity to review and concur on the Bay Crossing Tier I NEPA Study Guiding Principles and the Schedule component of the Coordination Plan. The Corps has completed its review and concurs with the information presented in both documents with the following comment:

In reviewing the Guiding Principles and the Schedule component of the Coordination Plan, there is reference in the Schedule to presenting the draft screening criteria at the March Interagency Coordination Meeting (ICM). Per our previous comments, the screening criteria are the critical elements in the evaluation of the corridor alternatives. The Corps agrees the draft should be presented and, ultimately discussed, at ICM; however, the Corps would recommend some form of agency concurrence/acceptance of the screening criteria in the Guidance Principles and Schedule prior to proceeding with the Corridor Alternatives Retained for Analysis (CARA). Without agreement on elements used to advance, prioritize, and/or eliminate alternatives it may be impossible for agencies to later concur on the CARA.

Again, thank you for this opportunity to comment and concur on the Guiding Principles and Schedule.

Jack Dinne  
Baltimore District, Regulatory Branch  
Maryland Section  
410 962-6005

---

**From:** Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>  
**Sent:** Thursday, May 10, 2018 1:46 PM  
**To:** joseph.davia@usace.army.mil  
**Cc:** Heather Lowe  
**Subject:** FW: BCS Section 106 Initiation Letter  
**Attachments:** BCS MHT\_initiation letter\_sec 106.pdf

Joe:

Attached is a copy of the Section 106 Initiation Letter for the Chesapeake Bay Study project that was sent to Maryland Historical Trust (MHT) on Friday. The letter has a map, list of consulting parties and draft schedule of Section 106 milestones. We have requested MHT's comment on the list of consulting parties and Maryland Transportation Authority (MDTA's) proposed phased identification and evaluation of effects to historic properties.

In that letter we also stated that Federal Highway Administration (FHWA) would serve as the lead federal agency to fulfill the collective federal responsibilities under Section 106 for this project on behalf of the US Army Corps of Engineers.

We look forward to working with you on this project. Please let us know if your agency has any concerns about FHWA being the lead federal agency for the Section 106 Consultation process or you need additional information.

Thanks!

*Jeanette*

Jeanette Mar  
Environmental Program Manager  
FHWA - Maryland Division  
George H. Fallon Federal Building  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201  
phone (410) 779-7152  
fax (410) 962-4054





U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Maryland Division**

31 Hopkins Plaza, Suite 1520  
Baltimore, Maryland 21201  
(410) 962-4440  
(410) 962-4054

May 3, 2018

In Reply Refer To:  
HDA-MD

Ms. Elizabeth Hughes  
State Historic Preservation Officer  
Maryland Historical Trust  
100 Community Place  
Crownsville, MD 21032

Dear Ms. Hughes:

The Federal Highway Administration (FHWA) and the Maryland Transportation Authority (MDTA) are preparing a Tier I Environmental Impact Statement (EIS) to satisfy the requirements of the National Environmental Policy Act (NEPA). With this letter, FHWA is initiating consultation with the Maryland Historical Trust (MHT) regarding the Chesapeake Bay Crossing Study (BCS): Tier I NEPA in compliance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR §800). Pursuant to §800.2(a)(2), FHWA will serve as the lead federal agency to fulfill the collective federal responsibilities under Section 106 for this undertaking on behalf of the United States Army Corps of Engineers (USACE), the National Marine Fisheries Service (NMFS), the United States Environmental Protection Agency (US EPA), and the United States Coast Guard (USCG).

The purpose of the BCS is to consider corridors for providing additional traffic capacity and access across the Chesapeake Bay to improve mobility, travel reliability, and safety at the existing Bay Bridge. The BCS will evaluate potential new corridor alternatives that will include an assessment of existing and potentially expanded transportation infrastructure needed to support additional capacity; improve travel times; and accommodate maintenance activities, while considering financial viability and environmental responsibility. The preliminary study area covers the entire length of the Chesapeake Bay in Maryland. A map identifying the preliminary study area for the BCS is enclosed as Attachment 1.

#### **Identification of Consulting Parties**

Potential consulting parties as they relate to the BCS (36 CFR §800.2(c)(3) and (5), and §800.3(f)) were identified from an existing list maintained by the Maryland Department of Transportation State Highway Administration (MDOT SHA) Cultural Resources Division. For the purposes of the BCS, FHWA and MDTA supplemented the list with government agencies, organizations, and individuals with a demonstrated legal or economic interest in the preservation or conservation of historic properties, landscapes, archaeological sites, and/or the Chesapeake Bay. Pursuant to the requirements and implementing regulations of Section 106, FHWA and

MDTA seek assistance from the MHT in the identification of additional consulting parties. The list of identified potential consulting parties is enclosed as Attachment 2. Once MHT has reviewed and commented on the list of potential consulting parties, FHWA and MDTA will invite those parties listed in Attachment 2 and any other parties suggested by MHT to participate in the Section 106 consultation process for the BCS. FHWA will initiate consultation with federal Indian tribes on a government-to-government basis.

### **Identification Methods**

FHWA and MDTA propose a phased approach to the identification and evaluation of effects to historic properties pursuant to §800.4(b)(2). During the Tier I NEPA study, FHWA and MDTA will conduct an inventory of known historic properties within the preliminary study area.

Pursuant to NEPA requirements, FHWA and MDTA will assess a reasonable range of build alternatives, in addition to a “No-Build” alternative, as part of the Tier I analysis. Within the preliminary study area, FHWA and MDTA will identify Corridor Alternatives Retained for Analysis (CARA) for analysis in the Tier I Draft EIS. In accordance with §800.4(a)(1), FHWA and MDTA will determine and document the area of potential effects (APE) based on the CARA.

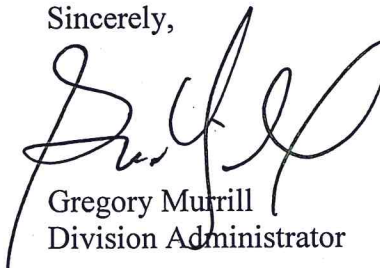
A preferred corridor alternative will be documented in the Tier I Draft EIS. FHWA and MDTA will work with consulting parties to draft a Programmatic Agreement that will establish methods for the identification of historic properties and assessment of adverse effects within a revised APE associated with the preferred corridor alternative. The Programmatic Agreement will identify the Section 106 activities that will take place during the Tier II NEPA Study. A draft schedule of Section 106 milestones is enclosed as Attachment 3.

### **Review Request**

Please examine the attached map and list of consulting parties. We request MHT’s comment by **June 4, 2018** on the list of consulting parties and MDTA’s proposed phased identification and evaluation of effects to historic properties.

If you have any questions or need additional information regarding this request, please contact Ms. Jeanette Mar at 410-779-7152 or Jeanette.Mar@dot.gov or Ms. Heather Lowe at 410-537-5665 or HLowe@mdta.state.md.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Murrill", is written over the typed name and title.

Gregory Murrill  
Division Administrator

Attachments:

1. Map of Preliminary Study Area
2. List of Consulting Parties
3. Draft Section 106 Milestone Schedule

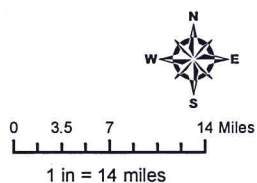
cc: Ms. Sarah Stokely, ACHP, Program Analyst  
Mr. Joseph DaVia, USACE, Section Chief, Maryland Section North  
Mr. Mickey Sanders, USCG Bridge Administration Branch, Fifth District  
Ms. Kristy Beard, NOAA-NMFS HCD, Marine Habitat Resource Specialist  
Mr. Brian Hopper, NOAA-NMFS PRD, Marine Habitat Resource Specialist  
Mr. Kevin Magerr, EPA, NEPA Reviewer  
Mr. Aaron Blair, EPA, Physical Scientist  
Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program Development  
Ms. Jeanette Mar, FHWA-MD Division, Environmental Program Manager





# Legend

County Boundaries



CHESAPEAKE  
BAY CROSSING STUDY  
— TIER 1 NEPA —



**Chesapeake Bay Crossing Study**  
**Tier I Section 106 Consulting Parties Invitation List**

	Organization	Contact	Contact Information
1	Anne Arundel County Office of Environmental and Cultural Resources	Darian Beverungen	p2Beve19@aacounty.org
2	Annapolis Historic District Commission	Dr. Al H. Luckenbach	Alluck@aol.com
3	Deale Area Historical Society	Roberta Laynor, Preservation Coordinator	Robingross65@gmail.com
4	Four Rivers Heritage Area	Robin Gross, Board Chairperson	heritage_area@aacounty.org
5	Historic Annapolis Foundation	Carol Benson, Executive Director	Robert.Clark@annapolis.org
6	Historic London Town and Gardens	Robert Clark, President and CEO	rodcofield@historiclondontown.org
7	Historic Owensville Civic Association	Rod Cofield, Executive Director	410-867-2447
8	North County Land Trust	F. Rawson Carter, Jr., President	4848 Sudley Road West River, MD 20778
9	Scenic Rivers Land Trust	Rebecca Kolbery	info@northcountylantrust.us
10	Baltimore Heritage	Rick Leader, Executive Director	Rick@srlt.org
11	Baltimore County Landmarks Preservation Commission, Baltimore County Planning Office	Johns Hopkins, Executive Director	hopkins@baltimoreheritage.org
12	Patapsco Heritage Greenway	Ms. Teri Rising	Trising@baltimorecountymd.gov
13	Preservation Alliance of Baltimore County	Lindsey Baker, Executive Director	Director@Patapsco.org
14	American Chestnut Land Trust	Ms. Patricia L. Bentz, Executive Director	Director@PreservationABC.org
15	Calvert County Department of Community Planning and Building, Calvert County Historic District	Greg Bowen, Executive Director	info@actweb.org
16	Calvert County Historical Society	Kirsti Uunila, Historic Preservation Specialist	uunilak@co.cal.md.us
17	North Beach Historic Preservation Commission	Leila Boyer, Director	cchsadmin@calverthistory.org
18	Southern Maryland Heritage Area	Stacey Wilkerson, Town Clerk	Swilkerson@ci.north-beach.md.us
19	Cecil County Planning Commission	Roz Ranella, Executive Director	Somdheritage@tccsmd.org
20	Cecil Historical Trust	Mr. Eric Sennstrom	Esennstrom@ccgov.org
21	Charlestown Historic District Commission	Mr. David Holsten	Dholsten@zoominternet.net
22	Chesapeake City Historic District Commission	Ronald Edwards, Chairman	410-287-6173
23	Eastern Shore Land Conservancy	Harriett Davis, Chair	Box 52 Charlestown, MD 21914
24	Lower Susquehanna Heritage Greenway	Rob Etgen, Executive Director	410-885-2415
25	Charles County Department of Planning and Growth Management	Mary Ann Lisanti, Executive Director	108 Bohemia Street Chesapeake City, MD 21915
		Cathy Thompson, Community Planning Program Manager and Staff to Historic Preservation Commission	retgen@eslc.org susquehannagreenway@direcway.com
			ThompsCA@charlescounty.org

**Chesapeake Bay Crossing Study**  
**Tier I Section 106 Consulting Parties Invitation List**

	Organization	Contact	Contact Information
26	Cambridge Historic Preservation Commission	Ms. Anne Roane, City Planner	Aroane@choossecambridge.com
27	Dorchester County Planning and Zoning	Steve Dodd, Director of Planning and Zoning	Sdodd@docogonet.com
28	Heart of Chesapeake Country Heritage Area	Amanda Fenstermaker, Director	Amanda@visitdorchester.org
29	Aberdeen Heritage Trust	Phyllis Grover, Director of Planning and Community Development	Phyllis@aberdeendmd.gov
30	Aberdeen Proving Ground	Mark T. Gallihue, Cultural Resources Manager	mark.t.gallihue.civ@mail.mil
31	Harford Land Trust	Kristin Kirkwood, Executive Director	kkirkwood@harfordlandtrust.org
32	Havre de Grace Historic District Commission	Mr. Ben Martorana, Director of Planning Mr. Ronald Browning, Chair	BenM@havredegracemd.com
33	Chestertown Historic District Commission	Bill Ingersoll, Staff	Bill@chestertown.com
34	Kent Conservation and Preservation Alliance	Janet Christensen-Lewis, Chair	contact@kentalliance.org
35	Kent County Heritage Trust	Susanne DeBerry Cole, PhD	director@kentcountyhistory.org
36	Stories of the Chesapeake Heritage Area	Executive Director	info@storiesofthechesapeake.org 410-643-3776
37	Kent Island Heritage Society	John E. Broderick, Board President	PO Box 321 Stevensville, MD 21666
38	Queen Anne's Conservation Association	Jay Falstead, Executive Director	Jay.Falstad@qaca.org
39	Queen Anne's County Department of Planning and Zoning	Michael Wisnosky, Director	Mwisnosky@qac.org
40	Queen Anne's County Historical Society	Chris Pupke, President of Board of Directors	QACHSociety@gmail.com
41	Patuxent Tidewater Land Trust	Andrew Garte, Executive Director	info@patuxent-tidewater.org
42	St. Mary's County Department of Land Use and Growth Management; St. Mary's County Historic Preservation Commission	William Hunt, Director Grace Mary Brady, Staff to HPC	bill.hunt@stmarysmd.com gracie.brady@stmarysmd.com
43	Lower Eastern Shore Heritage Council	Ms. Lisa Ludwig, Executive Director	ludwig@lowershoreheritage.org info@lowershoreheritage.org
44	Lower Shore Land Trust	Kate Patton, Executive Director	info@lowershorelandtrust.org
45	Princess Anne Historic District Commission	Ms. Deborah Hrusko, Town Manager	projects@townofprincessanne.com
46	Somerset County Historical Trust	Mr. Rich Ziolkowski, President of Board of Trustees	moreinfo@somersetcountyhistoricalsociety.org
47	Somerset County Planning and Zoning Commission	Mr. Gary Pusey	gpusey@somersetmd.us
48	Preservation Maryland	Nicholas A. Redding	Nredding@presmd.org
49	Easton Historic District Commission	Stacie Rice, Planning Secretary	zoning@town-eastmd.com
50	Oxford Historic District Commission	Cheryl A. Lewis, Town Administrator	oxfordclerk@goeaston.net

**Chesapeake Bay Crossing Study**  
**Tier I Section 106 Consulting Parties Invitation List**

	Organization	Contact	Contact Information
51	St. Michaels Historic District Commission	Sarah Abel, Staff	Sabel@townofst Michaels.org
52	Talbot Historical Society	Director	410-822-0773 30 S. Washington Street Easton, MD 21601
53	Tilghman Watermen's Museum	Hall and Mary Kellogg, Founders	twm6031@gmail.com
54	Preservation Trust of Wicomico	Jim Morris, Chair	jgmmorris@comcast.net
55	Wicomico County Department of Planning and Zoning	Mr. John F. Lenox, AICP Directory of Planning Gloria Smith, Staff to Historic District Commission	Jlenox@wicomiconcounty.org GSmith@wicomiconcounty.org
56	Chesapeake Bay Foundation	Alison Prost, Maryland Executive Director	410-268-8816 6 Herndon Ave Annapolis, MD 21403
57	Chesapeake Bay Maritime Museum	Kristen L. Greenaway, President	Kgreenaway@cbmm.org 410-939-4078 PO Box 647 Havre de Grace, MD 21078
58	Chesapeake Heritage Conservancy	Cynthia Beane, Executive Director	
59	Waterkeepers Chesapeake	Elizabeth (Betsy) Nicholas, Executive Director	betsy@waterkeeperschesapeake.org
60	Maryland Department of the Military	Captain Thomas Terrio	Thomas.a.terrio.mil@mail.mil
61	Naval Air Station Patuxent River	Mr. Kyle Rambo, Director of Environmental Planning and Conservation	TBD
62	United States Naval Academy	Kimberly Hickey, Natural Resources Specialist NAVFAC Washington PWD Annapolis (USNA)	kimberly.hickey@navy.mil



<b>DRAFT Schedule For Section 106 Activities Chesapeake Bay Crossing Study Tier I NEPA</b>	
<b>Cultural Resources Tasks</b>	<b>Date</b>
Section 106 Initiation with MHT	May 2018
MHT Response Due	June 2018
Distribute Invitations to Consulting Parties	June 2018
Responses from Consulting Parties Due	July 2018
Inventory of Known Historic Properties within Corridor Study Area	Summer 2018
Develop Area of Potential Effects, following Identification of Corridor Alternatives Retained for Analysis (CARA)	Spring 2019
MHT Concurrence on APE	Spring 2019
Publish Draft PA in DEIS	Fall 2019
Circulate Final Programmatic Agreement for signature	Spring 2020
Executed PA included in FEIS/ROD	Summer 2020

## **DRAFT PURPOSE & NEED STATEMENT**

**Project Name & Limits:**

Chesapeake Bay Crossing Study: Tier 1 NEPA – Maryland Chesapeake Bay Area

**Having reviewed the Draft Purpose and Need concurrence/comment package, the following agency (by signing this document):**

☐ Federal Highway Administration      ☒ Corps of Engineers      ☐ Maryland Department of the Environment

☒ **Concurs with comments**

☐ **Does Not Concur**

**Comments / Reasons for Non-Concurrence:**

Section 1.1.1 Tier 1. Please clarify what is meant by and how the “most reasonable” Corridor Alternatives Retained for Analysis (CARA) will be identified.

Please clarify the intent of the statement “conclusions regarding the size of the corridor alternatives analyzed in Tier 1 will not necessarily be binding for a Tier 2 level analysis, depending on the corridor alternative selected and the nature of the key resources identified within that corridor.” If analysis for potential impacts are uniform through the initial screening/evaluation how can MDTA justify changing the review area once a corridor is selected without re-evaluating the other alternatives?

Section 1.3.1 Figure 2 includes estimates of increased employment growth by County (weekday demand), are data available for estimated recreation growth (weekend demand) or tourism/recreational capacity in the Ocean City/Delaware Beaches area? Similarly, for Section 1.3.2, Dependable and Reliable Travel Times, is there any reliable information exploring the tie between tourism and level of service and/or PTI?

Table 4 has a typo in the Key Bridge row.

Travel Demand Origins and Destinations. Why are Prince George's and Anne Arundel County data broken by north and south?

Section 1.3.3 Figure 5 and supporting text. Do the EB and WB data include times when contra-flow lanes were active (e.g., EB travelers on the WB span)? Are there separate crash data for contra-flow lanes operation?

Section 1.4 Financial Viability. Two factors, range of structures lengths and type of structure, are specific to a bridge crossing alternative. Please add, “, if appropriate” to these factors.

***Note: Please do not provide “conditional” concurrence. You should either concur with the information as provided (without comments or with minor comments) or not concur until revisions are made or additional information is provided.***

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## RECOMMENDED CORRIDOR ALTERNATIVES RETAINED FOR ANALYSIS

<b>Project Name &amp; Limits:</b> Chesapeake Bay Crossing Study: Tier 1 NEPA (BCS) – Maryland Bay Area	
<b>Having reviewed the BCS Alternatives Concurrence Package, the following agency concurs on the Corridor Alternatives Retained for Analysis (Corridors 6, 7 and 8) (by signing this document):</b>	
<input type="checkbox"/> Federal Highway Administration	<input checked="" type="checkbox"/> Corps of Engineers
<input type="checkbox"/> Maryland Department of the Environment	
<input checked="" type="checkbox"/> <b>Concurs</b>	
<input type="checkbox"/> <b>Does Not Concur</b>	
Comments:	
Section 3.6, second sentence might be more appropriate in the following section, Section 3.7 Wetland, Perennial Streams, and Floodplains. Also, in Section 3.7, impacts to jurisdictional streams and wetlands require a DA/Corps permit.	
Page 32 Diversion of traffic from the existing Bay Bridge assumes the closure/delay is on the bridge(s), would this conclusion for Alt 7 be the same if the delay were on the access/approach roads?	
Note: Please do <u>not</u> provide “conditional” concurrence. You should either concur with the information as provided (without comments or with <u>minor</u> comments) or not concur until revisions are made or additional information is provided.	
Signature: _____	Date: _____

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**From:** Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>  
**Sent:** Thursday, May 10, 2018 1:52 PM  
**To:** Sanders, Mickey D CIV  
**Cc:** Heather Lowe  
**Subject:** FW: BCS Section 106 Initiation Letter  
**Attachments:** BCS MHT\_initiation letter\_sec 106.pdf

Mickey:

Attached is a copy of the Section 106 Initiation Letter for the Chesapeake Bay Study project that was sent to Maryland Historical Trust (MHT) on Friday. The letter has a map, list of consulting parties and draft schedule of Section 106 milestones. We have requested MHT's comment on the list of consulting parties and Maryland Transportation Authority (MDTA's) proposed phased identification and evaluation of effects to historic properties.

In that letter we also stated that Federal Highway Administration (FHWA) would serve as the lead federal agency to fulfill the collective federal responsibilities under Section 106 for this project on behalf of the US Coast Guard.

We look forward to working with you on this project. Please let us know if your agency has any concerns about FHWA being the lead federal agency for the Section 106 Consultation process or you need additional information.

Thanks!

*Jeanette*

Jeanette Mar  
Environmental Program Manager  
FHWA - Maryland Division  
George H. Fallon Federal Building  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201  
phone (410) 779-7152  
fax (410) 962-4054





U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Maryland Division**

31 Hopkins Plaza, Suite 1520  
Baltimore, Maryland 21201  
(410) 962-4440  
(410) 962-4054

May 3, 2018

In Reply Refer To:  
HDA-MD

Ms. Elizabeth Hughes  
State Historic Preservation Officer  
Maryland Historical Trust  
100 Community Place  
Crownsville, MD 21032

Dear Ms. Hughes:

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The purpose of the BCS is to consider corridors for providing additional traffic capacity and access across the Chesapeake Bay to improve mobility, travel reliability, and safety at the existing Bay Bridge. The BCS will evaluate potential new corridor alternatives that will include an assessment of existing and potentially expanded transportation infrastructure needed to support additional capacity; improve travel times; and accommodate maintenance activities, while considering financial viability and environmental responsibility. The preliminary study area covers the entire length of the Chesapeake Bay in Maryland. A map identifying the preliminary study area for the BCS is enclosed as Attachment 1.

#### **Identification of Consulting Parties**

Potential consulting parties as they relate to the BCS (36 CFR §800.2(c)(3) and (5), and §800.3(f)) were identified from an existing list maintained by the Maryland Department of Transportation State Highway Administration (MDOT SHA) Cultural Resources Division. For the purposes of the BCS, FHWA and MDTA supplemented the list with government agencies, organizations, and individuals with a demonstrated legal or economic interest in the preservation or conservation of historic properties, landscapes, archaeological sites, and/or the Chesapeake Bay. Pursuant to the requirements and implementing regulations of Section 106, FHWA and

MDTA seek assistance from the MHT in the identification of additional consulting parties. The list of identified potential consulting parties is enclosed as Attachment 2. Once MHT has reviewed and commented on the list of potential consulting parties, FHWA and MDTA will invite those parties listed in Attachment 2 and any other parties suggested by MHT to participate in the Section 106 consultation process for the BCS. FHWA will initiate consultation with federal Indian tribes on a government-to-government basis.

### Identification Methods

FHWA and MDTA propose a phased approach to the identification and evaluation of effects to historic properties pursuant to §800.4(b)(2). During the Tier I NEPA study, FHWA and MDTA will conduct an inventory of known historic properties within the preliminary study area.

Pursuant to NEPA requirements, FHWA and MDTA will assess a reasonable range of build alternatives, in addition to a "No-Build" alternative, as part of the Tier I analysis. Within the preliminary study area, FHWA and MDTA will identify Corridor Alternatives Retained for Analysis (CARA) for analysis in the Tier I Draft EIS. In accordance with §800.4(a)(1), FHWA and MDTA will determine and document the area of potential effects (APE) based on the CARA.

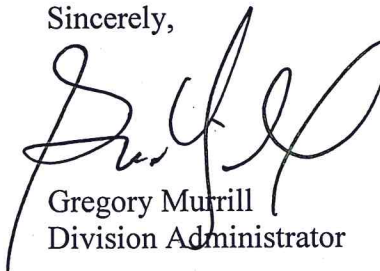
A preferred corridor alternative will be documented in the Tier I Draft EIS. FHWA and MDTA will work with consulting parties to draft a Programmatic Agreement that will establish methods for the identification of historic properties and assessment of adverse effects within a revised APE associated with the preferred corridor alternative. The Programmatic Agreement will identify the Section 106 activities that will take place during the Tier II NEPA Study. A draft schedule of Section 106 milestones is enclosed as Attachment 3.

### Review Request

Please examine the attached map and list of consulting parties. We request MHT's comment by **June 4, 2018** on the list of consulting parties and MDTA's proposed phased identification and evaluation of effects to historic properties.

If you have any questions or need additional information regarding this request, please contact Ms. Jeanette Mar at 410-779-7152 or Jeanette.Mar@dot.gov or Ms. Heather Lowe at 410-537-5665 or HLowe@mdta.state.md.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Murrill", is written over the typed name and title.

Gregory Murrill  
Division Administrator

Attachments:

1. Map of Preliminary Study Area
2. List of Consulting Parties
3. Draft Section 106 Milestone Schedule

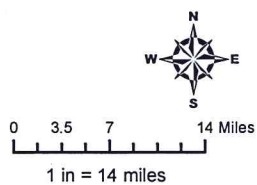
cc: Ms. Sarah Stokely, ACHP, Program Analyst  
Mr. Joseph DaVia, USACE, Section Chief, Maryland Section North  
Mr. Mickey Sanders, USCG Bridge Administration Branch, Fifth District  
Ms. Kristy Beard, NOAA-NMFS HCD, Marine Habitat Resource Specialist  
Mr. Brian Hopper, NOAA-NMFS PRD, Marine Habitat Resource Specialist  
Mr. Kevin Magerr, EPA, NEPA Reviewer  
Mr. Aaron Blair, EPA, Physical Scientist  
Ms. Heather Lowe, MDTA, Project Manager, Division of Planning & Program Development  
Ms. Jeanette Mar, FHWA-MD Division, Environmental Program Manager





# Legend

County Boundaries



CHESAPEAKE  
BAY CROSSING STUDY  
— TIER 1 NEPA —



**Chesapeake Bay Crossing Study**  
**Tier I Section 106 Consulting Parties Invitation List**

	Organization	Contact	Contact Information
1	Anne Arundel County Office of Environmental and Cultural Resources	Darian Beverungen	p2Beve19@aacounty.org
2	Annapolis Historic District Commission	Dr. Al H. Luckenbach	Alluck@aol.com
3	Deale Area Historical Society	Roberta Laynor, Preservation Coordinator	Robingross65@gmail.com
4	Four Rivers Heritage Area	Robin Gross, Board Chairperson	heritage_area@aacounty.org
5	Historic Annapolis Foundation	Carol Benson, Executive Director	Robert.Clark@annapolis.org
6	Historic London Town and Gardens	Robert Clark, President and CEO	rodcofield@historiclondontown.org
7	Historic Owensville Civic Association	Rod Cofield, Executive Director	410-867-2447
8	North County Land Trust	F. Rawson Carter, Jr., President	4848 Sudley Road West River, MD 20778
9	Scenic Rivers Land Trust	Rebecca Kolbery	info@northcountylantrust.us
10	Baltimore Heritage	Rick Leader, Executive Director	Rick@srlt.org
11	Baltimore County Landmarks Preservation Commission, Baltimore County Planning Office	Johns Hopkins, Executive Director	hopkins@baltimoreheritage.org
12	Patapsco Heritage Greenway	Ms. Teri Rising	Trising@baltimorecountymd.gov
13	Preservation Alliance of Baltimore County	Lindsey Baker, Executive Director	Director@Patapsco.org
14	American Chestnut Land Trust	Ms. Patricia L. Bentz, Executive Director	Director@PreservationABC.org
15	Calvert County Department of Community Planning and Building, Calvert County Historic District	Greg Bowen, Executive Director	info@actweb.org
16	Calvert County Historical Society	Kirsti Uunila, Historic Preservation Specialist	uunilak@co.cal.md.us
17	North Beach Historic Preservation Commission	Leila Boyer, Director	cchsadmin@calverthistory.org
18	Southern Maryland Heritage Area	Stacey Wilkerson, Town Clerk	Swilkerson@ci.north-beach.md.us
19	Cecil County Planning Commission	Roz Ranella, Executive Director	Somdheritage@tccsmd.org
20	Cecil Historical Trust	Mr. Eric Sennstrom	Esennstrom@ccgov.org
21	Charlestown Historic District Commission	Mr. David Holsten	Dholsten@zoominternet.net
22	Chesapeake City Historic District Commission	Ronald Edwards, Chairman	410-287-6173
23	Eastern Shore Land Conservancy	Harriett Davis, Chair	Box 52 Charlestown, MD 21914
24	Lower Susquehanna Heritage Greenway	Rob Etgen, Executive Director	410-885-2415
25	Charles County Department of Planning and Growth Management	Mary Ann Lisanti, Executive Director	108 Bohemia Street Chesapeake City, MD 21915
		Cathy Thompson, Community Planning Program Manager and Staff to Historic Preservation Commission	retgen@eslc.org susquehannagreenway@direcway.com
			ThompsCA@charlescounty.org

**Chesapeake Bay Crossing Study**  
**Tier I Section 106 Consulting Parties Invitation List**

	Organization	Contact	Contact Information
26	Cambridge Historic Preservation Commission	Ms. Anne Roane, City Planner	Aroane@choossecambridge.com
27	Dorchester County Planning and Zoning	Steve Dodd, Director of Planning and Zoning	Sdodd@docogonet.com
28	Heart of Chesapeake Country Heritage Area	Amanda Fenstermaker, Director	Amanda@visitdorchester.org
29	Aberdeen Heritage Trust	Phyllis Grover, Director of Planning and Community Development	Phyllis@aberdeendmd.gov
30	Aberdeen Proving Ground	Mark T. Gallihue, Cultural Resources Manager	mark.t.gallihue.civ@mail.mil
31	Harford Land Trust	Kristin Kirkwood, Executive Director	kkirkwood@harfordlandtrust.org
32	Havre de Grace Historic District Commission	Mr. Ben Martorana, Director of Planning Mr. Ronald Browning, Chair	BenM@havredegracemd.com
33	Chestertown Historic District Commission	Bill Ingersoll, Staff	Bill@chestertown.com
34	Kent Conservation and Preservation Alliance	Janet Christensen-Lewis, Chair	contact@kentalliance.org
35	Kent County Heritage Trust	Susanne DeBerry Cole, PhD	director@kentcountyhistory.org
36	Stories of the Chesapeake Heritage Area	Executive Director	info@storiesofthechesapeake.org 410-643-3776
37	Kent Island Heritage Society	John E. Broderick, Board President	PO Box 321 Stevensville, MD 21666
38	Queen Anne's Conservation Association	Jay Falstead, Executive Director	Jay.Falstad@qaca.org
39	Queen Anne's County Department of Planning and Zoning	Michael Wisnosky, Director	Mwisnosky@qac.org
40	Queen Anne's County Historical Society	Chris Pupke, President of Board of Directors	QACHSociety@gmail.com
41	Patuxent Tidewater Land Trust	Andrew Garte, Executive Director	info@patuxent-tidewater.org
42	St. Mary's County Department of Land Use and Growth Management; St. Mary's County Historic Preservation Commission	William Hunt, Director Grace Mary Brady, Staff to HPC	bill.hunt@stmarysmd.com gracie.bradley@stmarysmd.com
43	Lower Eastern Shore Heritage Council	Ms. Lisa Ludwig, Executive Director	ludwig@lowershoreheritage.org info@lowershoreheritage.org
44	Lower Shore Land Trust	Kate Patton, Executive Director	info@lowershorelandtrust.org
45	Princess Anne Historic District Commission	Ms. Deborah Hrusko, Town Manager	projects@townofprincessanne.com
46	Somerset County Historical Trust	Mr. Rich Ziolkowski, President of Board of Trustees	moreinfo@somersetcountyhistoricalsociety.org
47	Somerset County Planning and Zoning Commission	Mr. Gary Pusey	gpusey@somersetmd.us
48	Preservation Maryland	Nicholas A. Redding	Nredding@presmd.org
49	Easton Historic District Commission	Stacie Rice, Planning Secretary	zoning@town-eastmd.com
50	Oxford Historic District Commission	Cheryl A. Lewis, Town Administrator	oxfordclerk@goeaston.net

**Chesapeake Bay Crossing Study**  
**Tier I Section 106 Consulting Parties Invitation List**

	Organization	Contact	Contact Information
51	St. Michaels Historic District Commission	Sarah Abel, Staff	Sabel@townofst Michaels.org
52	Talbot Historical Society	Director	410-822-0773 30 S. Washington Street Easton, MD 21601
53	Tilghman Watermen's Museum	Hall and Mary Kellogg, Founders	twm6031@gmail.com
54	Preservation Trust of Wicomico	Jim Morris, Chair	jgmorris@comcast.net
55	Wicomico County Department of Planning and Zoning	Mr. John F. Lenox, AICP Directory of Planning Gloria Smith, Staff to Historic District Commission	Jlenox@wicomiconcounty.org GSmith@wicomiconcounty.org
56	Chesapeake Bay Foundation	Alison Prost, Maryland Executive Director	410-268-8816 6 Herndon Ave Annapolis, MD 21403
57	Chesapeake Bay Maritime Museum	Kristen L. Greenaway, President	Kgreenaway@cbmm.org 410-939-4078 PO Box 647 Havre de Grace, MD 21078
58	Chesapeake Heritage Conservancy	Cynthia Beane, Executive Director	
59	Waterkeepers Chesapeake	Elizabeth (Betsy) Nicholas, Executive Director	betsy@waterkeeperschesapeake.org
60	Maryland Department of the Military	Captain Thomas Terrio Mr. Kyle Rambo, Director of Environmental Planning and Conservation	Thomas.a.terrio.mil@mail.mil
61	Naval Air Station Patuxent River		TBD
62	United States Naval Academy	Kimberly Hickey, Natural Resources Specialist NAVFAC Washington PWD Annapolis (USNA)	kimberly.hickey@navy.mil



<b>DRAFT Schedule For Section 106 Activities Chesapeake Bay Crossing Study Tier I NEPA</b>	
<b>Cultural Resources Tasks</b>	<b>Date</b>
Section 106 Initiation with MHT	May 2018
MHT Response Due	June 2018
Distribute Invitations to Consulting Parties	June 2018
Responses from Consulting Parties Due	July 2018
Inventory of Known Historic Properties within Corridor Study Area	Summer 2018
Develop Area of Potential Effects, following Identification of Corridor Alternatives Retained for Analysis (CARA)	Spring 2019
MHT Concurrence on APE	Spring 2019
Publish Draft PA in DEIS	Fall 2019
Circulate Final Programmatic Agreement for signature	Spring 2020
Executed PA included in FEIS/ROD	Summer 2020



U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
United States Coast Guard  
Fifth Coast Guard District

431 Crawford Street  
Portsmouth, VA 23704-5004  
Staff Symbol: dpb  
Phone: (757) 398-6587  
Fax: (757) 398-6334  
Email: [Mickey.D.Sanders2@uscg.mil](mailto:Mickey.D.Sanders2@uscg.mil)  
or [CGDFiveBridges@uscg.mil](mailto:CGDFiveBridges@uscg.mil)

16591  
16 OCT 2018

Ms. Jeanette Mar  
Environmental Program Manager  
FHWA – Maryland Division  
George H. Fallon Federal Building  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201

Dear Ms. Mar:

The Coast Guard has reviewed the Chesapeake Bay Crossing Study (Purpose and Need) draft document of June 2018.

The Coast Guard has no objection to the decisions and findings contained in the document.

The Coast Guard will continue to participate in the Chesapeake Bay Crossing Study NEPA process and will provide letters to document the Coast Guard's review of NEPA documents, in lieu of signing the agreement documents. The Coast Guard will provide either a "statement of no objection" or "statement of objection", inclusive of a detailed rationale for the objection.

If you have any questions, please contact Mr. Mickey Sanders at the above listed address, email or telephone number.

Sincerely,

A handwritten signature in blue ink, appearing to read "Hal R. Pitts".

HAL R. PITTS  
Bridge Program Manager  
By direction

Copy: CG Sector Maryland-National Capital Region, Waterways Management

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
United States Coast Guard  
Fifth Coast Guard District

431 Crawford Street  
Portsmouth, VA 23704-5004  
Staff Symbol: dpb  
Phone: (757) 398-6587  
Fax: (757) 398-6334  
Email: [Mickey.D.Sanders2@uscg.mil](mailto:Mickey.D.Sanders2@uscg.mil)  
or [CGDFiveBridges@uscg.mil](mailto:CGDFiveBridges@uscg.mil)

16591  
4 MAR 2020

Ms. Jeanette Mar  
Environmental Program Manager  
FHWA – Maryland Division  
George H. Fallon Federal Building  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201

Dear Ms. Mar:

The Coast Guard has reviewed the Chesapeake Bay Crossing Study (Alternatives Concurrence Report) draft document of January 2020.

The Coast Guard has no objection to the decisions and findings contained in the document.

The Coast Guard will continue to participate in the Chesapeake Bay Crossing Study NEPA process and will provide letters to document the Coast Guard's review of NEPA documents, in lieu of signing the agreement documents. The Coast Guard will either provide a "statement of no objection" or "statement of objection", inclusive of a detailed rationale for the objection.

If you have any questions, please contact Mr. Mickey Sanders at the above listed address, email or telephone number.

Sincerely,

A handwritten signature in blue ink, appearing to read "Hal R. Pitts".

HAL R. PITTS  
Bridge Program Manager  
By direction

Copy: CG Sector Maryland-National Capital Region, Waterways Management



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

December 11, 2017

DEC 11 2017

Mr. Gregory Murrill  
Division Administrator  
Federal Highway Administration- Maryland Division  
31 Hopkins Plaza, Suite 1520  
Baltimore, Maryland 21201

RE: Cooperating Agency Request for the Development of a Tier I Environmental Impact Statement under the National Environmental Policy Act for the Chesapeake Bay Crossing Study

Dear Mr. Murrill:

The U.S. Environmental Protection Agency (EPA) has received, through your correspondence of November 24, 2017, the invitation to become a cooperating agency in the development of a Tier I Environmental Impact Statement (EIS) for the above referenced project. The EIS is being prepared pursuant to the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) NEPA regulations (40 CFR parts 1500-1508). EPA accepts this invitation to contribute to the EIS as a cooperating agency.

The CEQ has determined that a cooperating agency has the responsibility to assist the lead agency by involvement in the NEPA process at the earliest possible time. This participation includes engaging in the scoping process; in developing information and preparing environmental analyses including portions of the environmental assessment where the cooperating agency has special technical expertise; and in making available staff support at the lead agency's request to enhance the lead agency's interdisciplinary capabilities. Our role as a cooperating agency in support of the subject EIS will consist of providing comments on general NEPA compliance and Clean Water Act (CWA), Section 404 issues as well as providing technical support in the development of the EIS. The EPA would like the opportunity to contribute in the EIS process in the following manner:

- Identification of significant issues;
- Provide technical assistance in the development of the analysis of alternatives and their environmental impact; and
- Technical assistance on Environmental Justice, cumulative impacts, etc.

The benefits of cooperating agency engagement in the preparation of NEPA analyses include disclosing relevant information early in the analytical process and establishing a mechanism for addressing intergovernmental issues. Other benefits include fostering intra- and intergovernmental trust



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and a common understanding and appreciation for various governmental roles in the NEPA process, as well as enhancing agencies' ability to adopt environmental documents.

We agree to the responsibilities as a cooperating agency, as mentioned in your correspondence, including to adhere to timeframes for providing concurrence/comments on major milestones. Due to resource constraints, we may limit our attendance of project meetings and hope that video or telephone conference opportunities may be made available. Given reasonable time frames, we would be pleased to review preliminary project documentation including preliminary draft versions of the EIS. CEQ guidance recognizes that, while the lead agency has overall responsibility for the content of the EIS, status as a cooperating agency should not be construed as expressing agreement with the lead agency regarding the conclusions to be drawn from the EIS or selection of the preferred alternative. In addition, EPA has a number of independent responsibilities related to the proposed project, including our responsibilities pursuant to Section 309 of the Clean Air Act (CAA), Sections 402(d) and 404(b), (c), and (q) of the CWA.

EPA appreciates the opportunity to engage as a cooperating agency in the development of the documentation to satisfy the requirements of NEPA and the Clean Water Act for the Chesapeake Bay Crossing Study Tier I EIS while, consistent with CEQ guidance, we retain our independent obligations and right under Section 309 (a) of the CAA to review and comment on an environmental document. If there are any questions or concerns, please feel free to contact me or Mr. Kevin Magerr at 215-814-5724, [Magerr.kevin@epa.gov](mailto:Magerr.kevin@epa.gov) or Mr. Aaron Blair at 215-814-2748, [blair.aaronM@epa.gov](mailto:blair.aaronM@epa.gov), staff reviewers for the project.

Sincerely,



Barbara Rudnick  
NEPA Review Coordinator/Program Manager  
Office of Environmental Programs



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Customer Service Hotline: 1-800-438-2474*

PARTICIPATING AND/OR COOPERATING AGENCY DESIGNATION  
RESPONSE FORM

Chesapeake Bay Crossing Study

- ☐ No, our agency does not wish to be designated a Participating or Cooperating agency for the proposed Chesapeake Bay Crossing Study because our agency has no jurisdiction or authority with respect to the Proposed Action; no expertise or information relevant to the Proposed Action; and/or does not intend to submit comments on the Proposed Action\*, OR
- ☐ No, our agency does not wish to be designated a Cooperating agency for the Chesapeake Bay Crossing Study. However, we do wish to be designated a Participating agency. OR
- ☒ Yes, our agency wishes to be designated a Cooperating and Participating agency for the proposed Chesapeake Bay Crossing Study. *(see attached)*

\_\_\_\_\_ (Sign/Date – Authorized Representative)

\_\_\_\_\_ (Name/Title of Signatory)

\_\_\_\_\_ (Name/Title of POC, if different than  
signatory)

\_\_\_\_\_ (Agency)

\_\_\_\_\_ (Mailing Address)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (Email)

\_\_\_\_\_ (Phone)

Please email or mail response by **December 31, 2017** to:

Jeanette Mar  
Environmental Program Manager  
USDOT Federal Highway Administration  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201  
[jeanette.mar@dot.gov](mailto:jeanette.mar@dot.gov)

\* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency.

**From:** [Blair, AaronM](#)  
**To:** ["Heather Lowe"](#); [Sarah Williamson](#); [Blair.jones@dot.gov](#); [joy.liang@dot.gov](#); [Jeanette.mar@dot.gov](#); [joseph.davia@usace.army.mil](#); [john.j.dinne@usace.army.mil](#); [hal.r.pitts@uscg.mil](#); [mickey.d.sanders2@uscg.mil](#); [Magerr, Kevin](#); [elder.ghigiarelli@maryland.gov](#); [Amanda.sigillito@maryland.gov](#); [april.field@maryland.gov](#); [William.seiger@maryland.gov](#); [Scott.Pomento](#); [David.Schlie](#); [Samantha.Biddle](#); [greg.golden@maryland.gov](#); [roland.limpert@maryland.gov](#); [Christopher.aadland@maryland.gov](#); [Kimberly.damon-randall@noaa.gov](#); [kristy.beard@noaa.gov](#); [brian.d.hopper@noaa.gov](#); [kelth.hanson@noaa.gov](#); [sstokely@achp.gov](#); [Ray\\_li@fws.gov](#); [chris\\_guy@fws.gov](#); [Cheryl.sams@nps.gov](#); [bob\\_campbell@nps.gov](#); [Katherine.charbonneau@maryland.gov](#); [tay.harris@maryland.gov](#); [charlotte.shearin@maryland.gov](#); [Alexandra.deweese@maryland.gov](#); [Lauren.Molesworth](#); [pat.keller@maryland.gov](#); [bihui.xu@maryland.gov](#); [Scott.Hansen -MDP-](#); [Russell.strickland@maryland.gov](#); [kate.hession@maryland.gov](#); [chas.eby@maryland.gov](#); [tasha.mcnutt@maryland.gov](#); [patricia.engler@md.usda.gov](#); [allan.stahl@md.usda.gov](#); [Jim.Dwyer](#); [Jill.Lemke](#); [Daniel.koenig@dot.gov](#); [beth.cole@maryland.gov](#); [tim.tamburrino@maryland.gov](#); [dixie.henry@maryland.gov](#); [bill.morgante@maryland.gov](#); [jennifer.salyers@vdot.virginia.gov](#); [tlang@baltometro.org](#); [raris@baltometro.org](#); [Vanessa.Price@stmarysmd.com](#); [mike@lowershore.org](#); [mpennington@tcclesmd.org](#); [khal@wicomicoounty.org](#); [jhartline@tccsmd.org](#)  
**Cc:** [ealmquist@rkk.com](#); [kkahl@rkk.com](#); [janie.tiedeman@aecom.com](#); [rsnyder@rkk.com](#); [Emma Beck](#); [Christy Fisher](#)  
**Subject:** RE: Bay Crossing Study ICM # 8, July 25, 2018, 10:30 - 11:00 am  
**Date:** Wednesday, August 01, 2018 1:28:56 PM

---

Good Afternoon Heather and Sarah –

Regarding the discussion last week at the BCS meeting, EPA has no objections to the Draft Purpose and Need. We do look forward to the incorporation of provisions to facilitate sustainable growth and controlling urban sprawl as part of the Tier 1 NEPA study.

Please feel free to reach out to myself or Kevin Magerr anytime.

Thank you,  
Aaron

---

**Aaron Blair**  
Physical Scientist

U.S. EPA Mid-Atlantic Region 3  
Environmental Assessment and Innovation Division  
1650 Arch Street

Philadelphia, PA 19103

215-814-2748

## RECOMMENDED CORRIDOR ALTERNATIVES RETAINED FOR ANALYSIS

**Project Name & Limits:** Chesapeake Bay Crossing Study: Tier 1 NEPA (BCS) – Maryland Bay Area

**Having reviewed the BCS Alternatives Concurrence Package, the following agency concurs on the Corridor Alternatives Retained for Analysis (Corridors 6, 7 and 8) (by signing this document):**

☐ Federal Highway Administration

☐ Corps of Engineers

☐ Maryland Department of the Environment

☒ Environmental Protection Agency

☒ **Concurs**

☐ **Does Not Concur**

Comments / Reasons for Non-Concurrence:

EPA appreciates the opportunity to review the Tier 1 Alternatives Concurrence Report for the Chesapeake Bay Crossing Study and looks forward to being involved in future meetings, concurrence points, and working with the Maryland Transportation Authority and the other agencies as this project continues through the NEPA process.

Although every natural resource cannot be screened at this Tier 1 level, EPA suggests that some high-level evaluation be considered in the report which attempts to capture and document the distribution of the natural resources throughout each corridor. Each corridor is unique, and some corridors may have higher acreages or quantities of natural resources. It was not clear in the report that a corridor with a high number of resources could not accommodate an alignment that ultimately avoids and minimized the impacts to natural resources.

**Note: Please do not provide "conditional" concurrence. You should either concur with the information as provided (without comments or with minor comments) or not concur until revisions are made or additional information is provided.**

Signature: 

Date: 2/26/20





# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office  
177 Admiral Cochrane Drive  
Annapolis, Maryland 21401  
<http://www.fws.gov/chesapeakebay>

December 21, 2017

Mr. Gregory Murrill  
Division Administrator  
Federal Highway Administration, Maryland Division  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201

Attention: Ms. Jeanette Mar

*RE: HDA-MD – Tier I NEPA for Chesapeake Bay Crossing Study*

Dear Mr. Murrill:

The U.S. Fish and Wildlife Service (Service) has received your invitation to serve as a Cooperating and/or Participating Agency to prepare a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study (Study) in accordance with the National Environmental Policy Act (NEPA). The purpose of the Tier I EIS is to consider multiple corridors to provide additional traffic capacity and access across the Maryland portion of the Chesapeake Bay. The Tier I EIS will narrow the scope of the Study to one single corridor or a set of corridors prior to more detailed analysis in a future Tier II NEPA analysis.

The Service has several authorities potentially related to this Study including the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Coastal Barrier Resources Act (16 U.S.C.; 3501 *et seq.*; 12 U.S.C.; 1441 *et seq.*), the Migratory Bird Treaty Act (16 U.S.C. 703), the Bald and Golden Eagle Protection Act (16 U.S.C. 668), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*). In addition, the Service has several National Wildlife Refuges located within the study area. Due to the Service's expertise regarding fish and wildlife resources and refuge lands being located within the study area, the Service will appreciate the opportunity to be a Participating Agency for the Tier I EIS. If significant impacts are anticipated to Service trust resources during any part of the Tier I EIS, the Service may request to increase our participation to a Cooperating Agency.

If you have further questions, please call Raymond Li of my staff at (410) 573-4522 or email at [ray\\_li@fws.gov](mailto:ray_li@fws.gov).

Sincerely,







Genevieve LaRouche  
Field Supervisor

Attachment

PARTICIPATING AND/OR COOPERATING AGENCY DESIGNATION  
RESPONSE FORM

Chesapeake Bay Crossing Study

- ☐ No, our agency does not wish to be designated a Participating or Cooperating agency for the proposed Chesapeake Bay Crossing Study because our agency has no jurisdiction or authority with respect to the Proposed Action; no expertise or information relevant to the Proposed Action; and/or does not intend to submit comments on the Proposed Action\*, OR
- ☒ No, our agency does not wish to be designated a Cooperating agency for the Chesapeake Bay Crossing Study. However, we do wish to be designated a Participating agency. OR
- ☐ Yes, our agency wishes to be designated a Cooperating and Participating agency for the proposed Chesapeake Bay Crossing Study.

Christopher P. Guy (Sign/Date – Authorized Representative)

Christopher P. Guy (Name/Title of Signatory)

Raymond Li / Biologist (Name/Title of POC, if different than signatory)

U.S. Fish and Wildlife Service (Agency)

177 Admiral Cochrane Dr. (Mailing Address)

Annapolis, MD 21401

ray\_li@fws.gov (Email)

410-573-4522 (Phone)

Please email or mail response by **December 31, 2017** to:

Jeanette Mar  
Environmental Program Manager  
USDOT Federal Highway Administration  
31 Hopkins Plaza, Suite 1520  
Baltimore, MD 21201  
[jeanette.mar@dot.gov](mailto:jeanette.mar@dot.gov)

\* Please note that if Federal agencies do not state their position in these terms, then the Federal agency should be treated as a participating agency.

**From:** Li, Ray [mailto:ray\_li@fws.gov]  
**Sent:** Monday, March 12, 2018 11:31 AM  
**To:** Sarah Williamson <sarahw@cri.biz>  
**Cc:** Guy, Chris <chris\_guy@fws.gov>; Trevor Clark <trevor\_clark@fws.gov>  
**Subject:** CBCS - petitioned species and schedule

Hi Sarah -

I've attached list of species petitioned for Federal listing - this list only includes species known to occur in MD. As we continue the Species Status Assessment process, the information related to counties of occurrence and habitat descriptions will continue to be updated, and so this should not be considered a definitive or static list.

Also, FWS has no objection to the Coordination Plan Schedule for the Chesapeake Bay Crossing Tier I NEPA Study.

Cheers,  
Ray

Raymond Li  
Biologist / Transportation Liaison  
U.S. Fish and Wildlife Service  
Chesapeake Bay Field Office  
177 Admiral Cochrane Drive  
Annapolis, MD 21401

Mobile: 202-236-1713  
Office: 410 573 4522



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Chesapeake Bay Ecological Services Field Office  
177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307  
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<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:

March 03, 2020

Consultation Code: 05E2CB00-2020-SLI-0607

Event Code: 05E2CB00-2020-E-01806

Project Name: Bay Bridge Crossing Study Corridor 06

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Chesapeake Bay Ecological Services Field Office**

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

## Project Summary

Consultation Code: 05E2CB00-2020-SLI-0607

Event Code: 05E2CB00-2020-E-01806

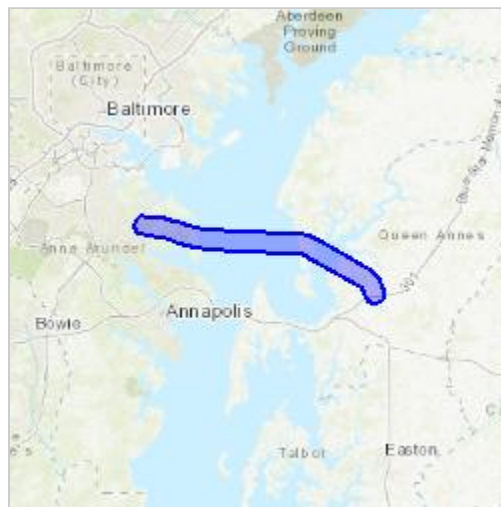
Project Name: Bay Bridge Crossing Study Corridor 06

Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

**Project Description:** The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA), is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study (CBCS) in accordance with the National Environmental Policy Act (NEPA). The purpose of the Tier I study is to identify the preferred location for addressing congestion on the Chesapeake Bay Bridge, and to estimate the financial viability of a preferred corridor location.

**Project Location:**

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/39.069495938713274N76.17115630415269W>



Counties: Anne Arundel, MD | Kent, MD | Queen Anne's, MD

## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i>	Threatened
No critical habitat has been designated for this species.	
This species only needs to be considered under the following conditions:	
<ul style="list-style-type: none"> <li>Projects with a federal nexus that have tree clearing = to or &gt; 15 acres: 1. REQUEST A SPECIES LIST 2. NEXT STEP: EVALUATE DETERMINATION KEYS 3. SELECT EVALUATE under the Northern Long-Eared Bat (NLEB) Consultation and 4(d) Rule Consistency key</li> </ul>	
Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



## USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

## Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

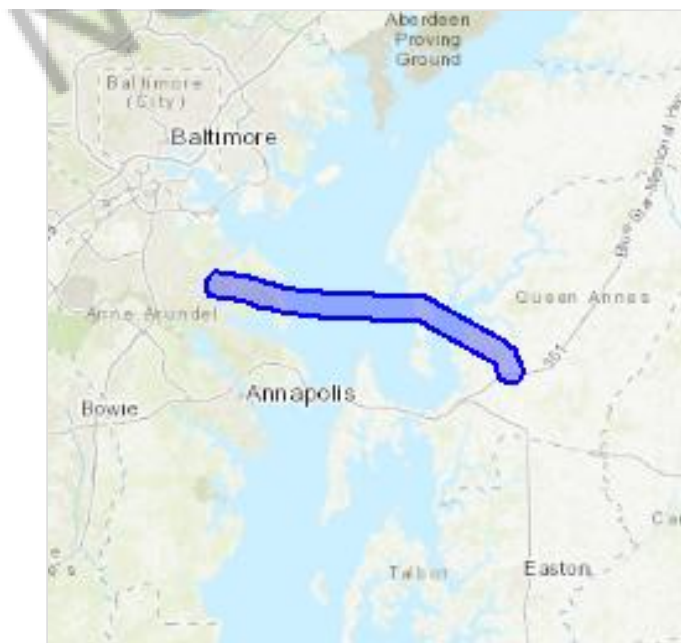
## Project information

### NAME

Bay Bridge Crossing Study Corridor 06

### LOCATION

Anne Arundel, Kent and Queen Anne's counties, Maryland



## DESCRIPTION

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA), is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study (CBCS) in accordance with the National Environmental Policy Act (NEPA). The purpose of the Tier I study is to identify the preferred location for addressing congestion on the Chesapeake Bay Bridge, and to estimate the financial viability of a preferred corridor location.

## Local office

Chesapeake Bay Ecological Services Field Office

☎ (410) 573-4599

📠 (410) 266-9127

177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307

<http://www.fws.gov/chesapeakebay/>

<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

# Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Log in to IPaC.
2. Go to your My Projects list.

3. Click PROJECT HOME for this project.
4. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

## Mammals

NAME

STATUS

## Northern Long-eared Bat *Myotis septentrionalis*

Threatened

This species only needs to be considered if the following condition applies:

- Projects with a federal nexus that have tree clearing = to or > 15 acres: 1. REQUEST A SPECIES LIST 2. NEXT STEP: EVALUATE DETERMINATION KEYS 3. SELECT EVALUATE under the Northern Long-Eared Bat (NLEB) Consultation and 4(d) Rule Consistency key

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/9045>

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

## Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.



Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

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1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your

list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
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**Bald Eagle** *Haliaeetus leucocephalus*

Breeds Oct 15 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

**Black Rail** *Laterallus jamaicensis*

Breeds Mar 1 to Sep 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/7717>

**Black Scoter** *Melanitta nigra*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Black Skimmer** *Rynchops niger*

Breeds May 20 to Sep 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/5234>

**Black-billed Cuckoo** *Coccyzus erythrophthalmus*

Breeds May 15 to Oct 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9399>

**Bobolink** *Dolichonyx oryzivorus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 20 to Jul 31

**Bonaparte's Gull** *Chroicocephalus philadelphia*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

**Brown Pelican** *Pelecanus occidentalis*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/6034>

Breeds Jan 15 to Sep 30

**Buff-breasted Sandpiper** *Calidris subruficollis*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9488>

Breeds elsewhere

**Canada Warbler** *Cardellina canadensis*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 20 to Aug 10

Cerulean Warbler *Dendroica cerulea*

Breeds Apr 29 to Jul 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/2974>

Clapper Rail *Rallus crepitans*

Breeds Apr 10 to Oct 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Common Loon *gavia immer*

Breeds Apr 15 to Oct 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/4464>

Common Tern *Sterna hirundo*

Breeds May 10 to Sep 10

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/4963>

**Double-crested Cormorant** *phalacrocorax auritus*

Breeds Apr 20 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/3478>

**Dunlin** *Calidris alpina arctica*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

**Eastern Whip-poor-will** *Antrostomus vociferus*

Breeds May 1 to Aug 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Golden Eagle** *Aquila chrysaetos*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1680>

**Golden-winged Warbler** *Vermivora chrysoptera*

Breeds May 1 to Jul 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8745>

**Great Black-backed Gull** *Larus marinus*

Breeds Apr 15 to Aug 20

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Gull-billed Tern** *Gelochelidon nilotica*

Breeds May 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9501>

**Herring Gull** *Larus argentatus*

Breeds Apr 20 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Hudsonian Godwit** *Limosa haemastica*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Kentucky Warbler** *Oporornis formosus*

Breeds Apr 20 to Aug 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

King Rail *Rallus elegans*

Breeds May 1 to Sep 5

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8936>

Least Tern *Sterna antillarum*

Breeds Apr 20 to Sep 10

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Lesser Yellowlegs *Tringa flavipes*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9679>

Long-tailed Duck *Clangula hyemalis*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/7238>

Nelson's Sparrow *Ammodramus nelsoni*

Breeds May 15 to Sep 5

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.



**Northern Gannet** *Morus bassanus*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Prairie Warbler** *Dendroica discolor*

Breeds May 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Prothonotary Warbler** *Protonotaria citrea*

Breeds Apr 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Red-breasted Merganser** *Mergus serrator*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Red-headed Woodpecker** *Melanerpes erythrocephalus*

Breeds May 10 to Sep 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Red-necked Phalarope** *Phalaropus lobatus*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Red-throated Loon** *Gavia stellata*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Ring-billed Gull** *Larus delawarensis*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Royal Tern** *Thalasseus maximus*

Breeds Apr 15 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Ruddy Turnstone** *Arenaria interpres morinella*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Rusty Blackbird *Euphagus carolinus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

Seaside Sparrow *Ammodramus maritimus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 10 to Aug 20

Semipalmated Sandpiper *Calidris pusilla*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

Short-billed Dowitcher *Limnodromus griseus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9480>

Breeds elsewhere

Snowy Owl *Bubo scandiacus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

Surf Scoter *Melanitta perspicillata*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

Whimbrel *Numenius phaeopus*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9483>

White-winged Scoter *Melanitta fusca*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Willet *Tringa semipalmata*

Breeds Apr 20 to Aug 5

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Wood Thrush *Hylocichla mustelina*

Breeds May 10 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

## Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

## Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

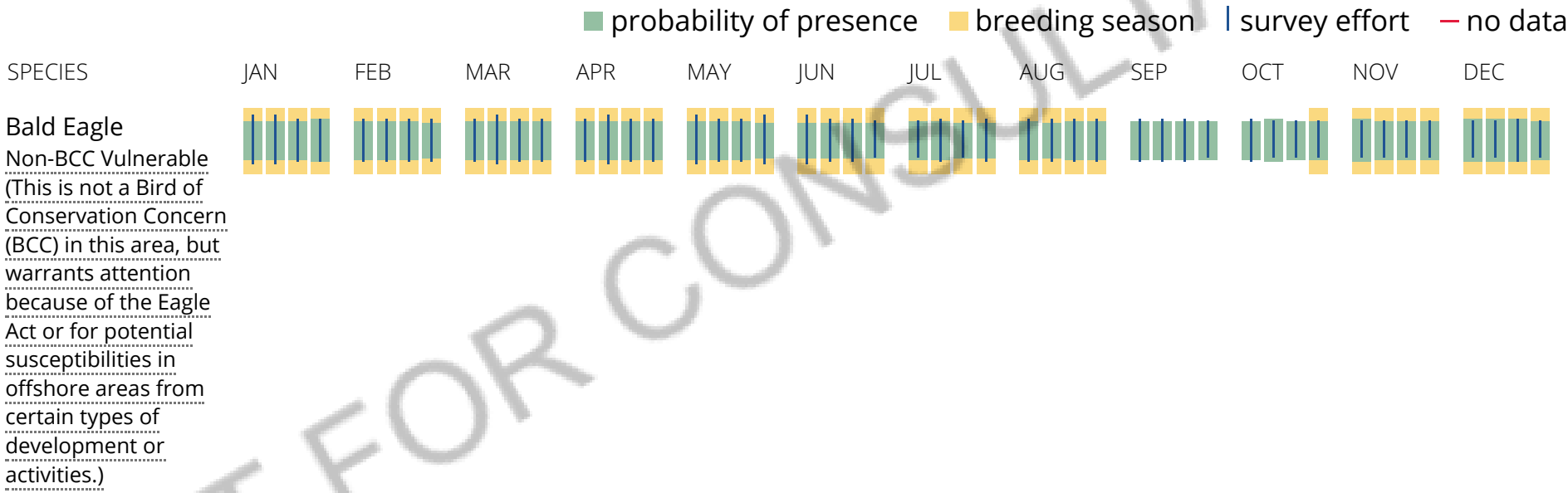
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

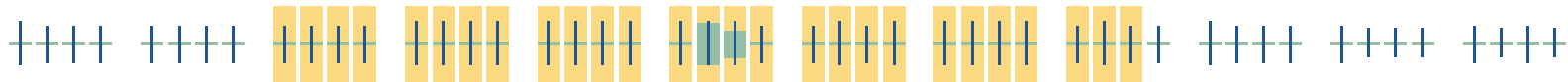
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



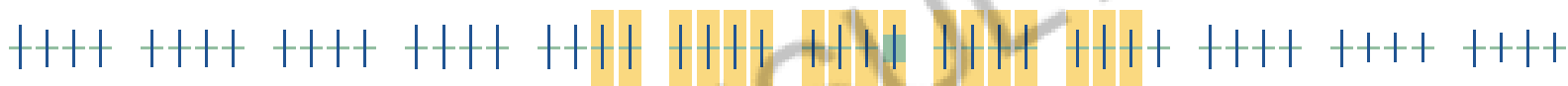
Black Rail  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



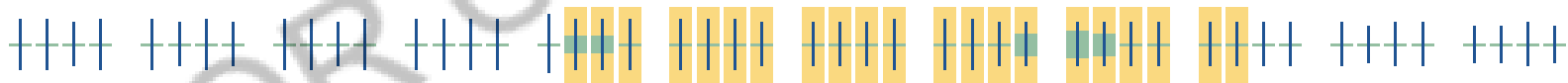
Black Scoter  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



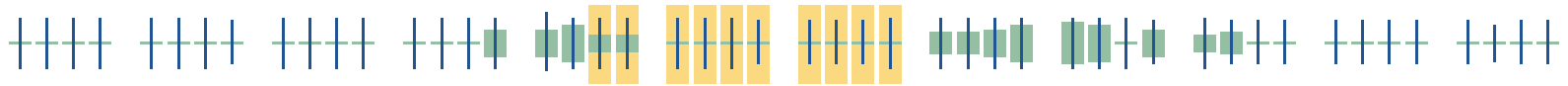
Black Skimmer  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



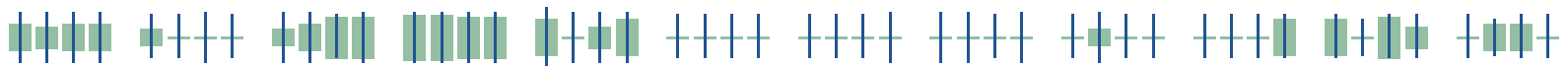
Black-billed Cuckoo  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



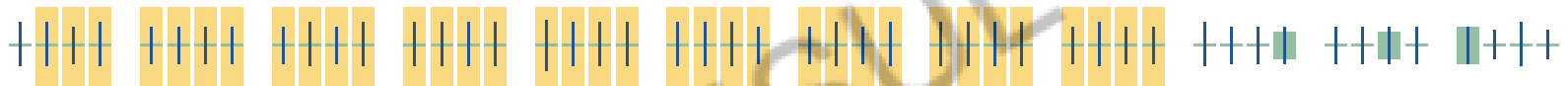
Bobolink  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



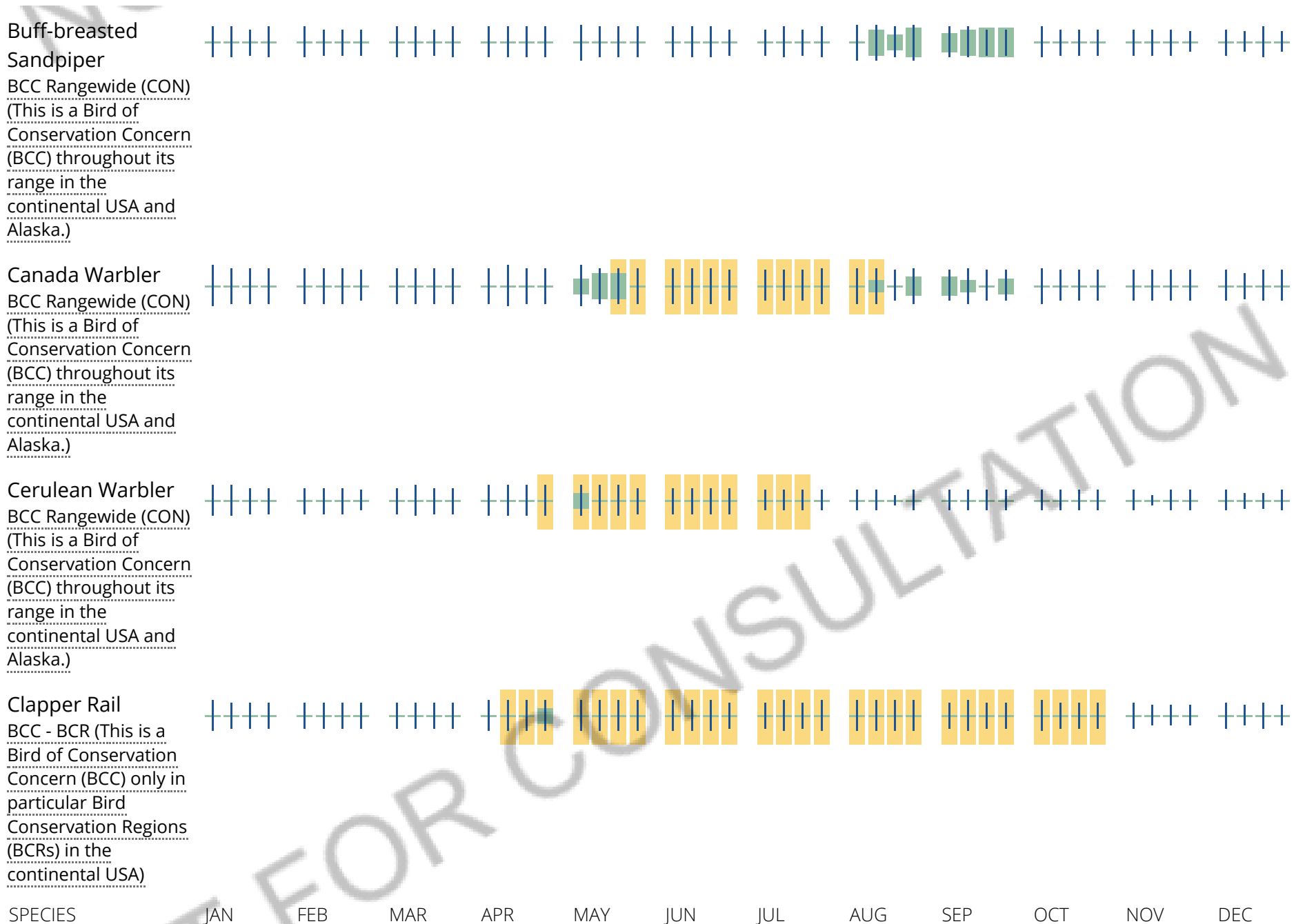
Bonaparte's Gull  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



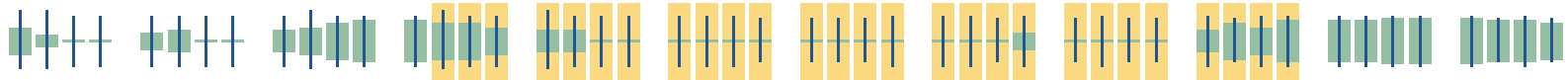
Brown Pelican  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



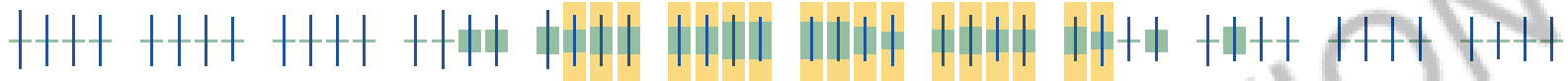




Common Loon  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Common Tern  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Double-crested  
Cormorant  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Dunlin  
BCC - BCR (This is a  
Bird of Conservation  
Concern (BCC) only in  
particular Bird  
Conservation Regions  
(BCRs) in the  
continental USA)



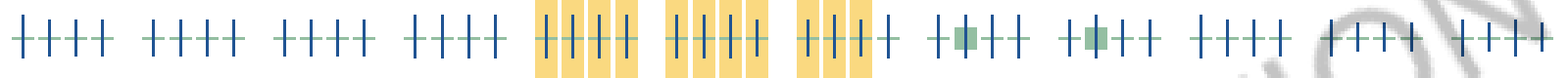
Eastern Whip-poor-  
will  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Golden Eagle  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



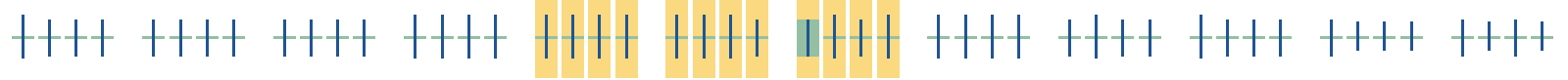
Golden-winged  
Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Great Black-backed  
Gull  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Gull-billed Tern  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



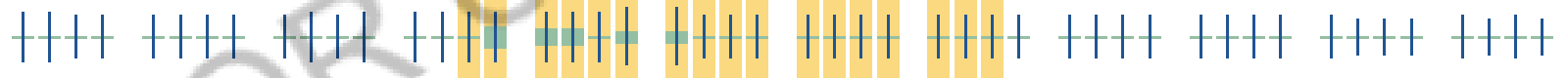
Herring Gull  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Hudsonian Godwit  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Kentucky Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



SPECIES

JAN

FEB

MAR

APR

MAY

JUN

JUL

AUG

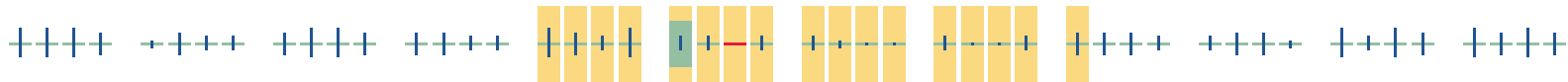
SEP

OCT

NOV

DEC

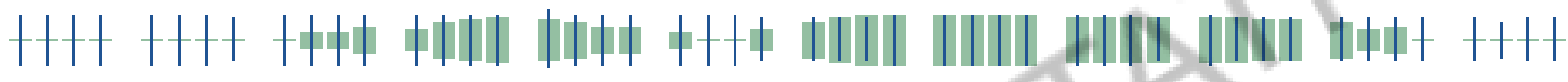
King Rail  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Least Tern  
BCC - BCR (This is a  
Bird of Conservation  
Concern (BCC) only in  
particular Bird  
Conservation Regions  
(BCRs) in the  
continental USA)



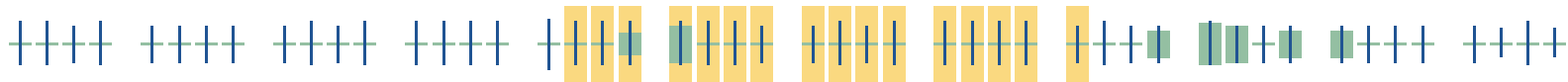
Lesser Yellowlegs  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Long-tailed Duck  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



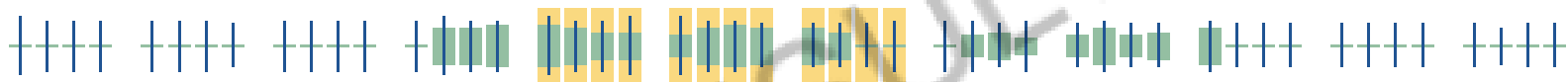
Nelson's Sparrow  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



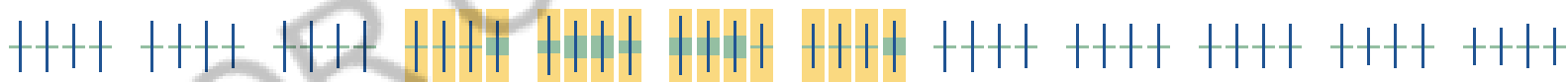
Northern Gannet  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Prairie Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Prothonotary  
Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



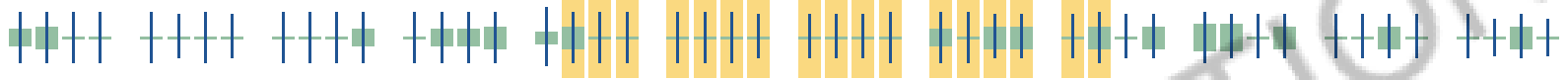
Red-breasted  
Merganser

Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Red-headed  
Woodpecker

BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Red-necked  
Phalarope

Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)





Red-throated Loon  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



SPECIES

JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Ring-billed Gull  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Royal Tern  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



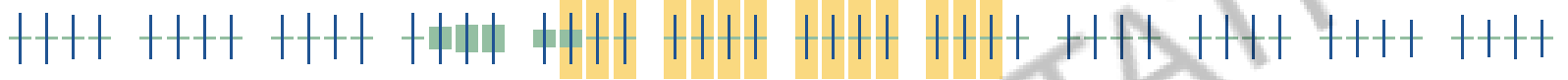
Ruddy Turnstone  
BCC - BCR (This is a  
Bird of Conservation  
Concern (BCC) only in  
particular Bird  
Conservation Regions  
(BCRs) in the  
continental USA)



Rusty Blackbird  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Seaside Sparrow  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Semipalmated  
Sandpiper  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Short-billed  
Dowitcher



BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)

Snowy Owl



BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)

Surf Scoter



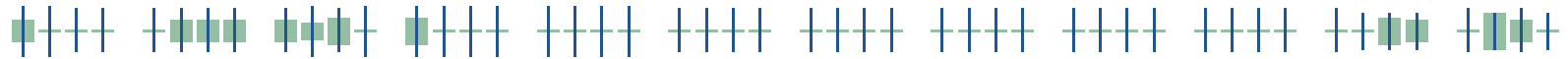
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)

Whimbrel



BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)

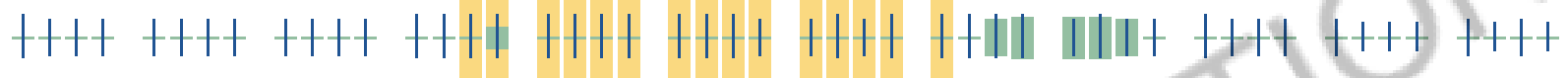
White-winged  
Scoter



Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)

Willet

BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)

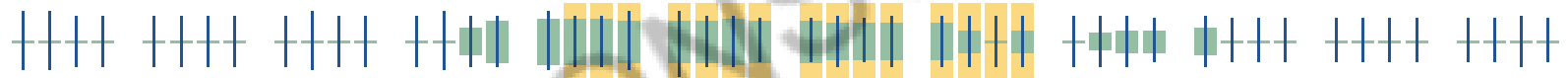


SPECIES

JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Wood Thrush

BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding

their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

### **What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

### **What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

## How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

## What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

## Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review.

Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

# Facilities

## National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

## Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

## Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).



WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

### **Data limitations**

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

### **Data exclusions**

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

### **Data precautions**

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Chesapeake Bay Ecological Services Field Office  
177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307  
Phone: (410) 573-4599 Fax: (410) 266-9127

<http://www.fws.gov/chesapeakebay/>  
<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:

March 03, 2020

Consultation Code: 05E2CB00-2020-SLI-0608

Event Code: 05E2CB00-2020-E-01807

Project Name: Bay Bridge Crossing Study Corridor 07

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Chesapeake Bay Ecological Services Field Office**

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

## Project Summary

Consultation Code: 05E2CB00-2020-SLI-0608

Event Code: 05E2CB00-2020-E-01807

Project Name: Bay Bridge Crossing Study Corridor 07

Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

**Project Description:** The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA), is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study (CBCS) in accordance with the National Environmental Policy Act (NEPA). The purpose of the Tier I study is to identify the preferred location for addressing congestion on the Chesapeake Bay Bridge, and to estimate the financial viability of a preferred corridor location.

**Project Location:**

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.99579024319924N76.37445613043636W>



Counties: Anne Arundel, MD | Queen Anne's, MD

## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i>	Threatened
No critical habitat has been designated for this species.	
This species only needs to be considered under the following conditions:	
<ul style="list-style-type: none"> <li>Projects with a federal nexus that have tree clearing = to or &gt; 15 acres: 1. REQUEST A SPECIES LIST 2. NEXT STEP: EVALUATE DETERMINATION KEYS 3. SELECT EVALUATE under the Northern Long-Eared Bat (NLEB) Consultation and 4(d) Rule Consistency key</li> </ul>	
Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

# USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.



## Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

## Project information

### NAME

Bay Bridge Crossing Study Corridor 07

### LOCATION

Anne Arundel and Queen Anne's counties, Maryland



## DESCRIPTION

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA), is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study (CBCS) in accordance with the National Environmental Policy Act (NEPA). The purpose of the Tier I study is to identify the preferred location for addressing congestion on the Chesapeake Bay Bridge, and to estimate the financial viability of a preferred corridor location.

## Local office

Chesapeake Bay Ecological Services Field Office

☎ (410) 573-4599

📠 (410) 266-9127

177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307

<http://www.fws.gov/chesapeakebay/>

<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

# Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Log in to IPaC.
2. Go to your My Projects list.

3. Click PROJECT HOME for this project.
4. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

## Mammals

NAME

STATUS

## Northern Long-eared Bat *Myotis septentrionalis*

Threatened

This species only needs to be considered if the following condition applies:

- Projects with a federal nexus that have tree clearing = to or > 15 acres: 1. REQUEST A SPECIES LIST 2. NEXT STEP: EVALUATE DETERMINATION KEYS 3. SELECT EVALUATE under the Northern Long-Eared Bat (NLEB) Consultation and 4(d) Rule Consistency key

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/9045>

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

## Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

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1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your



list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A  
BREEDING SEASON IS INDICATED  
FOR A BIRD ON YOUR LIST, THE  
BIRD MAY BREED IN YOUR  
PROJECT AREA SOMETIME WITHIN  
THE TIMEFRAME SPECIFIED,  
WHICH IS A VERY LIBERAL  
ESTIMATE OF THE DATES INSIDE  
WHICH THE BIRD BREEDS ACROSS  
ITS ENTIRE RANGE. "BREEDS  
ELSEWHERE" INDICATES THAT THE  
BIRD DOES NOT LIKELY BREED IN  
YOUR PROJECT AREA.)

**Bald Eagle** *Haliaeetus leucocephalus*

Breeds Oct 15 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

**Black Scoter** *Melanitta nigra*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Black Skimmer** *Rynchops niger*

Breeds May 20 to Sep 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/5234>

**Black-billed Cuckoo** *Coccyzus erythrophthalmus*

Breeds May 15 to Oct 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9399>

**Black-legged Kittiwake** *Rissa tridactyla*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Bobolink** *Dolichonyx oryzivorus*

Breeds May 20 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Bonaparte's Gull** *Chroicocephalus philadelphia*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Brown Pelican** *Pelecanus occidentalis*

Breeds Jan 15 to Sep 30

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/6034>

**Buff-breasted Sandpiper** *Calidris subruficollis*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9488>

Canada Warbler *Cardellina canadensis*

Breeds May 20 to Aug 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Cerulean Warbler *Dendroica cerulea*

Breeds Apr 29 to Jul 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/2974>

Clapper Rail *Rallus crepitans*

Breeds Apr 10 to Oct 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Common Loon *Gavia immer*

Breeds Apr 15 to Oct 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/4464>

Common Tern *Sterna hirundo*

Breeds May 10 to Sep 10

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/4963>

**Double-crested Cormorant** *phalacrocorax auritus*

Breeds Apr 20 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/3478>

**Dunlin** *Calidris alpina arctica*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

**Eastern Whip-poor-will** *Antrostomus vociferus*

Breeds May 1 to Aug 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Golden Eagle** *Aquila chrysaetos*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1680>

**Golden-winged Warbler** *Vermivora chrysoptera*

Breeds May 1 to Jul 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8745>

**Great Black-backed Gull** *Larus marinus*

Breeds Apr 15 to Aug 20

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Herring Gull** *Larus argentatus*

Breeds Apr 20 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Hudsonian Godwit** *Limosa haemastica*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Kentucky Warbler** *Oporornis formosus*

Breeds Apr 20 to Aug 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**King Rail** *Rallus elegans*

Breeds May 1 to Sep 5

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8936>

**Least Tern** *Sterna antillarum*

Breeds Apr 20 to Sep 10

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

**Lesser Yellowlegs** *Tringa flavipes*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9679>

**Long-tailed Duck** *Clangula hyemalis*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/7238>

**Nelson's Sparrow** *Ammodramus nelsoni*

Breeds May 15 to Sep 5

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Northern Gannet** *Morus bassanus*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Pomarine Jaeger** *Stercorarius pomarinus*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Prairie Warbler** *Dendroica discolor*

Breeds May 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Prothonotary Warbler** *Protonotaria citrea*

Breeds Apr 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Purple Sandpiper** *Calidris maritima*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Red-breasted Merganser** *Mergus serrator*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.



**Red-headed Woodpecker** *Melanerpes erythrocephalus*

Breeds May 10 to Sep 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Red-necked Phalarope** *Phalaropus lobatus*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Red-throated Loon** *Gavia stellata*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Ring-billed Gull** *Larus delawarensis*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Royal Tern** *Thalasseus maximus*

Breeds Apr 15 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Ruddy Turnstone** *Arenaria interpres morinella*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Breeds elsewhere

**Rusty Blackbird** *Euphagus carolinus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

**Seaside Sparrow** *Ammodramus maritimus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 10 to Aug 20

**Semipalmated Sandpiper** *Calidris pusilla*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

**Short-billed Dowitcher** *Limnodromus griseus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9480>

Breeds elsewhere

**Snowy Owl** *Bubo scandiacus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

**Sooty Tern** *Onychoprion fuscatus*

Breeds Mar 10 to Jul 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Surf Scoter** *Melanitta perspicillata*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Whimbrel** *Numenius phaeopus*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9483>

**White-winged Scoter** *Melanitta fusca*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Willet** *Tringa semipalmata*

Breeds Apr 20 to Aug 5

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ “Proper Interpretation and Use of Your Migratory Bird Report” before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence

across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .

3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

### No Data (—)

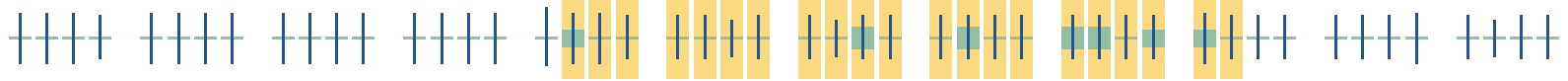
A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Black-billed Cuckoo  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Black-legged  
Kittiwake  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



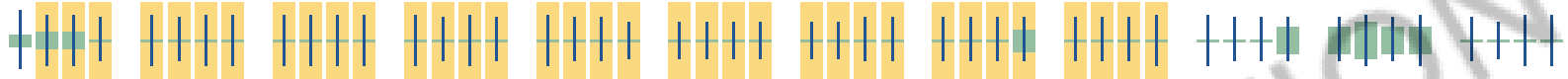
Bobolink  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Bonaparte's Gull  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Brown Pelican  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Buff-breasted  
Sandpiper  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)

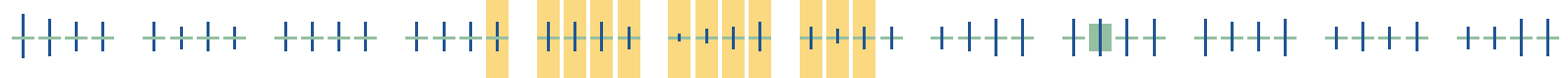




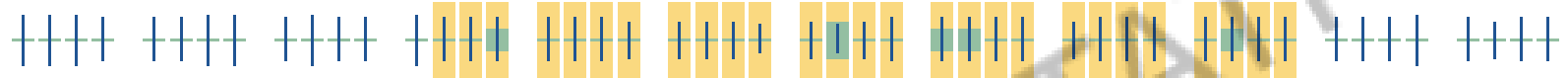
Canada Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Cerulean Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



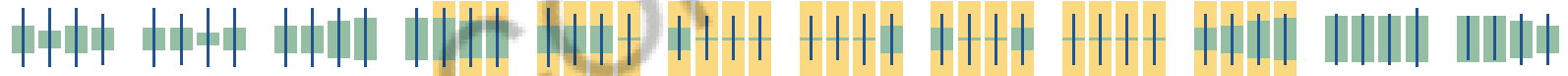
Clapper Rail  
BCC - BCR (This is a  
Bird of Conservation  
Concern (BCC) only in  
particular Bird  
Conservation Regions  
(BCRs) in the  
continental USA)



SPECIES

JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Common Loon  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Common Tern  
Non-BCC Vulnerable  
(This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Double-crested Cormorant  
Non-BCC Vulnerable  
(This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)

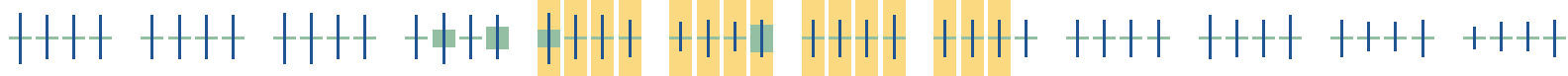


Dunlin  
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)



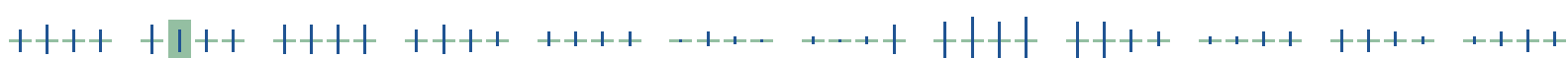
Eastern Whip-poor-will

BCC Rangewide (CON)  
(This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



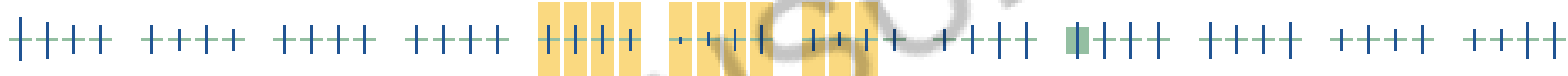
Golden Eagle

Non-BCC Vulnerable  
(This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Golden-winged Warbler

BCC Rangewide (CON)  
(This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Great Black-backed  
Gull

Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Herring Gull

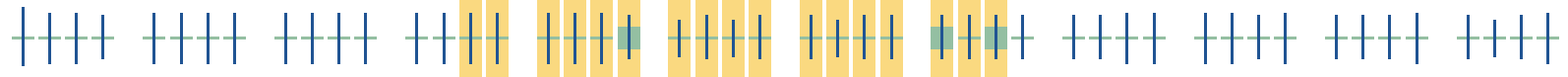
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



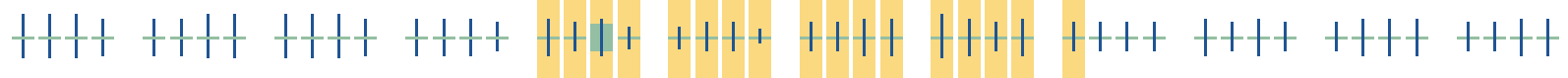
Hudsonian Godwit  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Kentucky Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



King Rail  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



SPECIES

JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Least Tern  
BCC - BCR (This is a  
Bird of Conservation  
Concern (BCC) only in  
particular Bird  
Conservation Regions  
(BCRs) in the  
continental USA)



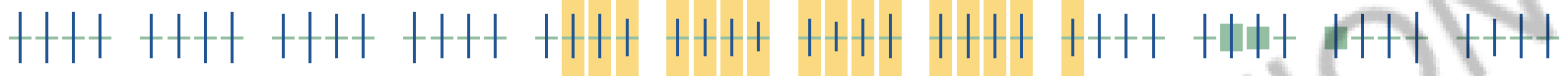
Lesser Yellowlegs  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Long-tailed Duck  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Nelson's Sparrow  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Northern Gannet  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Pomarine Jaeger  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Prairie Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Prothonotary  
Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Purple Sandpiper  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



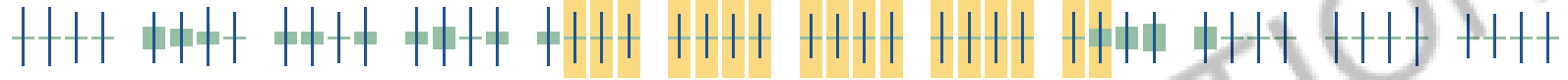
Red-breasted  
Merganser

Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Red-headed  
Woodpecker

BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Red-necked  
Phalarope

Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



SPECIES

JAN

FEB

MAR

APR

MAY

JUN

JUL

AUG

SEP

OCT

NOV

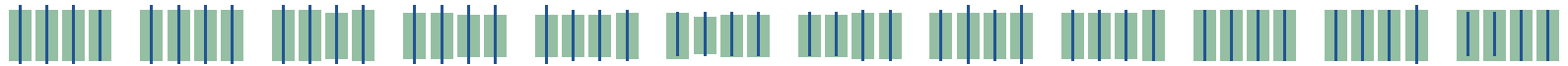
DEC



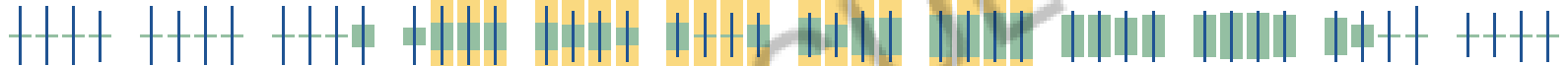
Red-throated Loon  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Ring-billed Gull  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



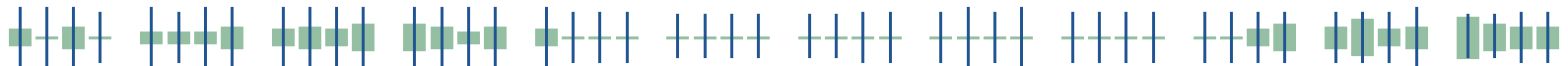
Royal Tern  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



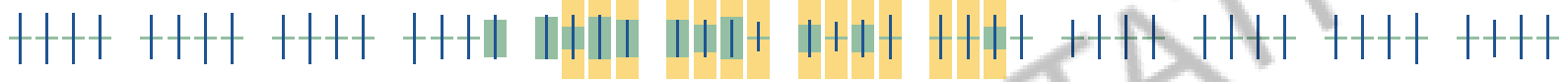
Ruddy Turnstone  
BCC - BCR (This is a  
Bird of Conservation  
Concern (BCC) only in  
particular Bird  
Conservation Regions  
(BCRs) in the  
continental USA)



Rusty Blackbird  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Seaside Sparrow  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Semipalmated  
Sandpiper  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Short-billed  
Dowitcher

BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Snowy Owl

BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)

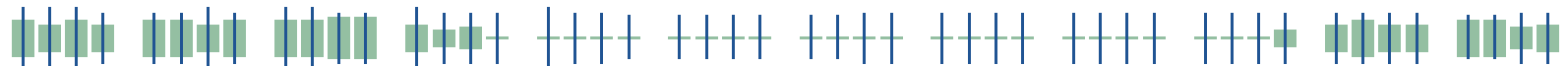


Sooty Tern

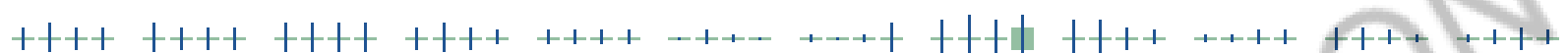
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Surf Scoter  
Non-BCC Vulnerable  
(This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Whimbrel  
BCC Rangewide (CON)  
(This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



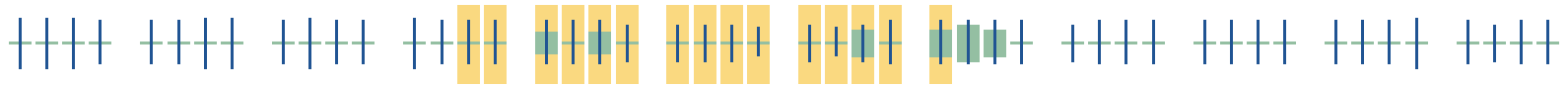
SPECIES

JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

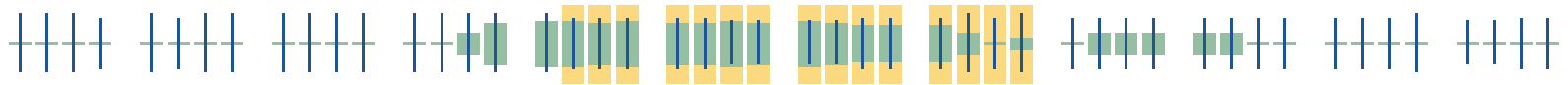
White-winged  
Scoter  
Non-BCC Vulnerable  
(This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Willet  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Wood Thrush  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

### **What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

### **How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

## What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

## Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

## What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

## **Facilities**

## **National Wildlife Refuge lands**



Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

## Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

## Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

## **Data limitations**

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

## **Data exclusions**

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

## **Data precautions**

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or

local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Chesapeake Bay Ecological Services Field Office  
177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307  
Phone: (410) 573-4599 Fax: (410) 266-9127

<http://www.fws.gov/chesapeakebay/>  
<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:

March 03, 2020

Consultation Code: 05E2CB00-2020-SLI-0609

Event Code: 05E2CB00-2020-E-01808

Project Name: Bay Bridge Crossing Study Corridor 08

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Chesapeake Bay Ecological Services Field Office**

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

## Project Summary

Consultation Code: 05E2CB00-2020-SLI-0609

Event Code: 05E2CB00-2020-E-01808

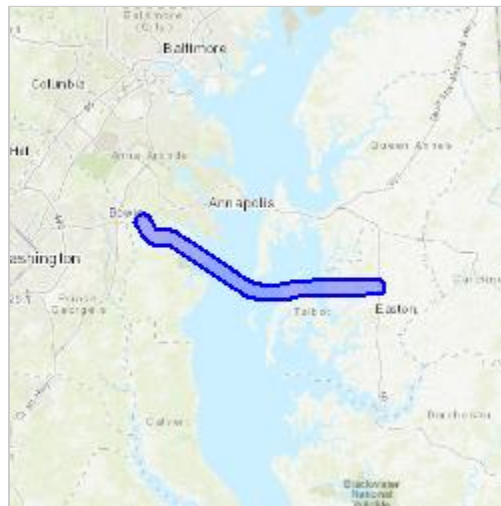
Project Name: Bay Bridge Crossing Study Corridor 08

Project Type: BRIDGE CONSTRUCTION / MAINTENANCE

**Project Description:** The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA), is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study (CBCS) in accordance with the National Environmental Policy Act (NEPA). The purpose of the Tier I study is to identify the preferred location for addressing congestion on the Chesapeake Bay Bridge, and to estimate the financial viability of a preferred corridor location.

**Project Location:**

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.88693862373424N76.5095633933588W>



Counties: Anne Arundel, MD | Queen Anne's, MD | Talbot, MD

## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i>	Threatened
No critical habitat has been designated for this species.	
This species only needs to be considered under the following conditions:	
<ul style="list-style-type: none"> <li>Projects with a federal nexus that have tree clearing = to or &gt; 15 acres: 1. REQUEST A SPECIES LIST 2. NEXT STEP: EVALUATE DETERMINATION KEYS 3. SELECT EVALUATE under the Northern Long-Eared Bat (NLEB) Consultation and 4(d) Rule Consistency key</li> </ul>	
Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



# USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

## Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

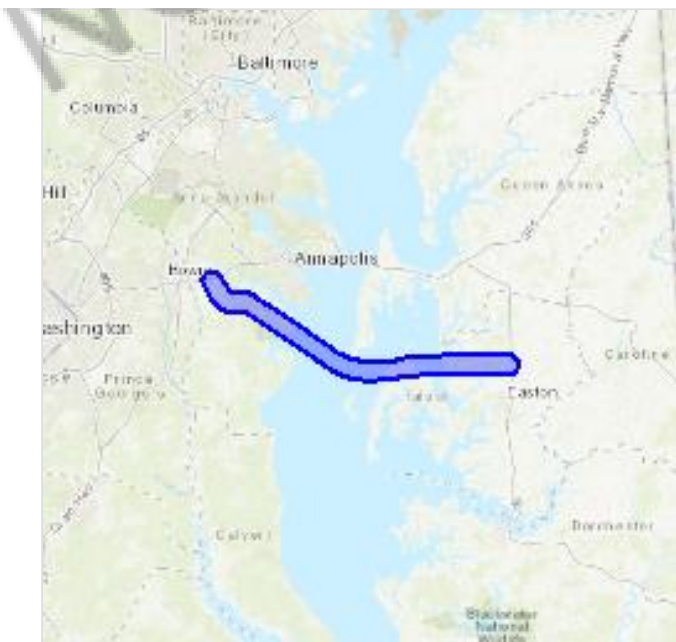
## Project information

### NAME

Bay Bridge Crossing Study Corridor 08

### LOCATION

Anne Arundel, Queen Anne's and Talbot counties, Maryland



## DESCRIPTION

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA), is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study (CBCS) in accordance with the National Environmental Policy Act (NEPA). The purpose of the Tier I study is to identify the preferred location for addressing congestion on the Chesapeake Bay Bridge, and to estimate the financial viability of a preferred corridor location.

## Local office

Chesapeake Bay Ecological Services Field Office

☎ (410) 573-4599

📠 (410) 266-9127

177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307

<http://www.fws.gov/chesapeakebay/>

<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

# Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Log in to IPaC.
2. Go to your My Projects list.

3. Click PROJECT HOME for this project.
4. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

- 
1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
  2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

## Mammals

NAME

STATUS

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## Northern Long-eared Bat *Myotis septentrionalis*

Threatened

This species only needs to be considered if the following condition applies:

- Projects with a federal nexus that have tree clearing = to or > 15 acres: 1. REQUEST A SPECIES LIST 2. NEXT STEP: EVALUATE DETERMINATION KEYS 3. SELECT EVALUATE under the Northern Long-Eared Bat (NLEB) Consultation and 4(d) Rule Consistency key

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/9045>

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

## Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.



Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

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1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your

list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

American Oystercatcher *Haematopus palliatus*  
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  
<https://ecos.fws.gov/ecp/species/8935>

Breeds Apr 15 to Aug 31

**Bald Eagle** *Haliaeetus leucocephalus*

Breeds Oct 15 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

**Black Scoter** *Melanitta nigra*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Black Skimmer** *Rynchops niger*

Breeds May 20 to Sep 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/5234>

**Black-billed Cuckoo** *Coccyzus erythrophthalmus*

Breeds May 15 to Oct 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9399>

**Bobolink** *Dolichonyx oryzivorus*

Breeds May 20 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Bonaparte's Gull** *Chroicocephalus philadelphia*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Brown Pelican** *Pelecanus occidentalis*

Breeds Jan 15 to Sep 30

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/6034>

**Buff-breasted Sandpiper** *Calidris subruficollis*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9488>

**Canada Warbler** *Cardellina canadensis*

Breeds May 20 to Aug 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Cerulean Warbler** *Dendroica cerulea*

Breeds Apr 29 to Jul 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/2974>

Clapper Rail *Rallus crepitans*

Breeds Apr 10 to Oct 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Common Loon *gavia immer*

Breeds Apr 15 to Oct 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/4464>

Common Tern *Sterna hirundo*

Breeds May 10 to Sep 10

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/4963>

Double-crested Cormorant *phalacrocorax auritus*

Breeds Apr 20 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/3478>

Dunlin *Calidris alpina arctica*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Eastern Whip-poor-will *Antrostomus vociferus*

Breeds May 1 to Aug 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Evening Grosbeak *Coccothraustes vespertinus*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Golden Eagle *Aquila chrysaetos*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1680>

Golden-winged Warbler *Vermivora chrysoptera*

Breeds May 1 to Jul 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8745>

**Great Black-backed Gull** *Larus marinus*

Breeds Apr 15 to Aug 20

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Gull-billed Tern** *Gelochelidon nilotica*

Breeds May 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9501>

**Herring Gull** *Larus argentatus*

Breeds Apr 20 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Hudsonian Godwit** *Limosa haemastica*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Kentucky Warbler** *Oporornis formosus*

Breeds Apr 20 to Aug 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Least Tern** *Sterna antillarum*

Breeds Apr 20 to Sep 10

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

**Lesser Yellowlegs** *Tringa flavipes*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9679>

**Long-tailed Duck** *Clangula hyemalis*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/7238>

**Nelson's Sparrow** *Ammodramus nelsoni*

Breeds May 15 to Sep 5

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Northern Gannet** *Morus bassanus*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.



**Prairie Warbler** *Dendroica discolor*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 1 to Jul 31

**Prothonotary Warbler** *Protonotaria citrea*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Apr 1 to Jul 31

**Purple Sandpiper** *Calidris maritima*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

**Red-breasted Merganser** *Mergus serrator*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

**Red-headed Woodpecker** *Melanerpes erythrocephalus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 10 to Sep 10

**Red-necked Phalarope** *Phalaropus lobatus*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Red-throated Loon** *Gavia stellata*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Ring-billed Gull** *Larus delawarensis*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Royal Tern** *Thalasseus maximus*

Breeds Apr 15 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Ruddy Turnstone** *Arenaria interpres morinella*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Rusty Blackbird *Euphagus carolinus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

Seaside Sparrow *Ammodramus maritimus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 10 to Aug 20

Semipalmated Sandpiper *Calidris pusilla*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

Short-billed Dowitcher *Limnodromus griseus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9480>

Breeds elsewhere

Snowy Owl *Bubo scandiacus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

Surf Scoter *Melanitta perspicillata*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds elsewhere

**Whimbrel** *Numenius phaeopus*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9483>

**White-winged Scoter** *Melanitta fusca*

Breeds elsewhere

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

**Willet** *Tringa semipalmata*

Breeds Apr 20 to Aug 5

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Wood Thrush** *Hylocichla mustelina*

Breeds May 10 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

## Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

## Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

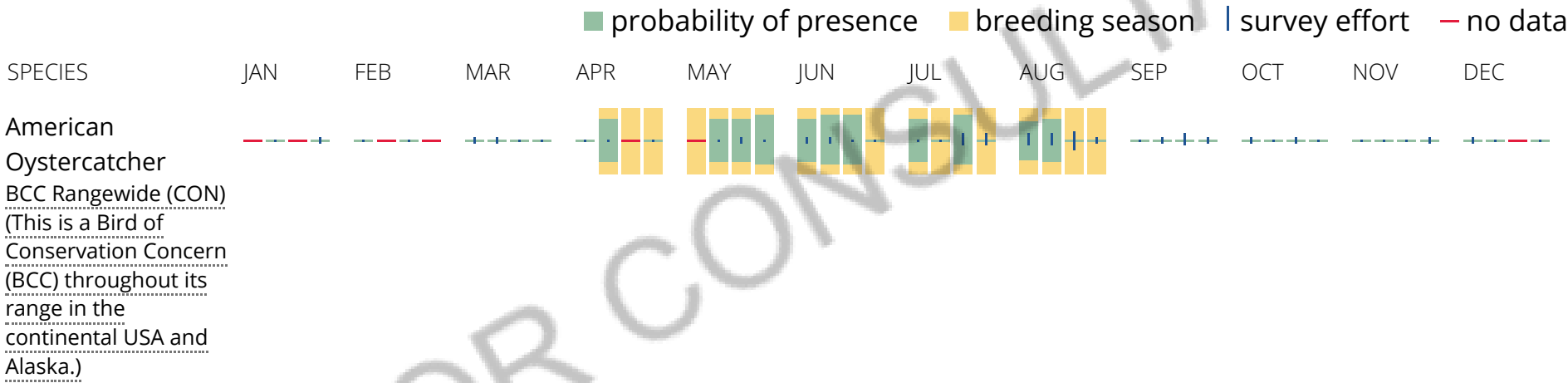
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

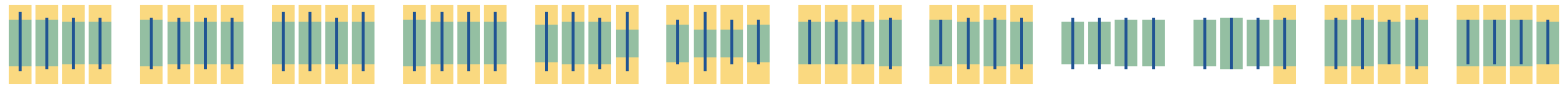
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



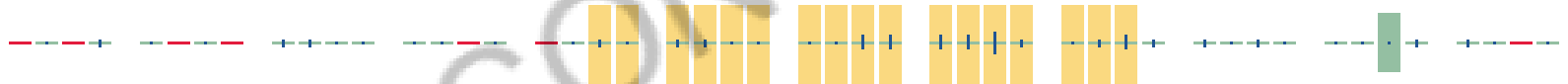
Bald Eagle  
Non-BCC Vulnerable  
(This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Black Scoter  
Non-BCC Vulnerable  
(This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Black Skimmer  
BCC Rangewide (CON)  
(This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Black-billed Cuckoo  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Bobolink  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)

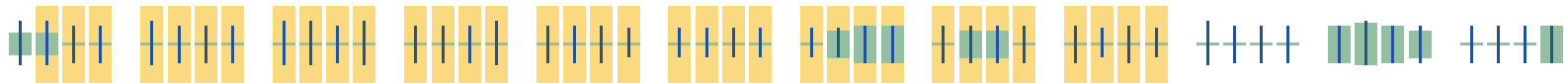


Bonaparte's Gull  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)





Brown Pelican  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



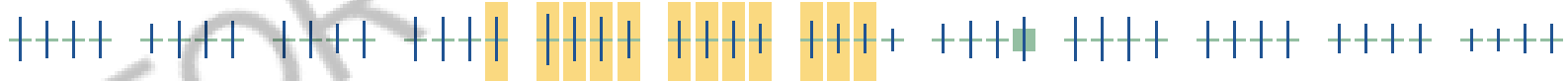
Buff-breasted  
Sandpiper  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Canada Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)

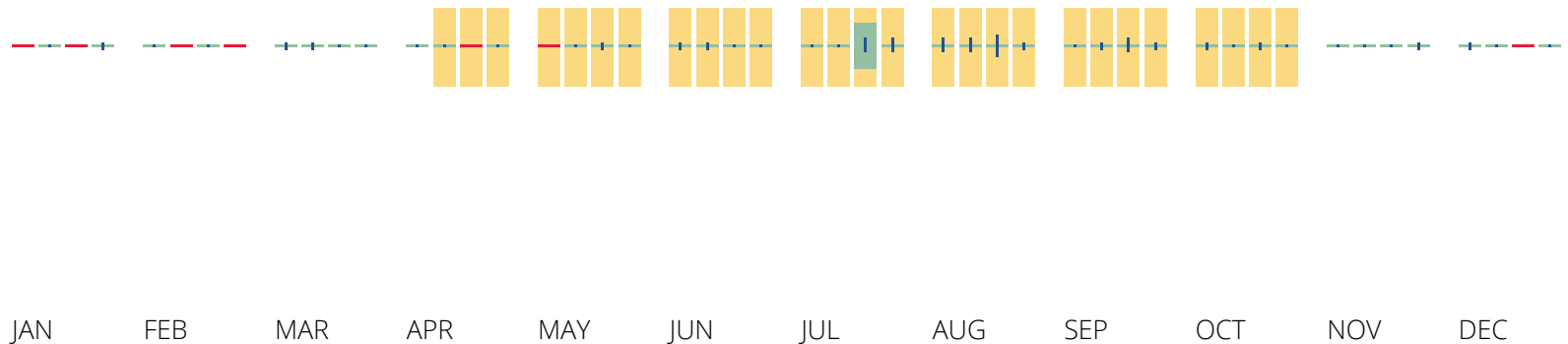


Cerulean Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Clapper Rail  
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)

SPECIES



Common Loon  
Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Common Tern  
Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



Double-crested  
Cormorant  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Dunlin  
BCC - BCR (This is a  
Bird of Conservation  
Concern (BCC) only in  
particular Bird  
Conservation Regions  
(BCRs) in the  
continental USA)



Eastern Whip-poor-  
will  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



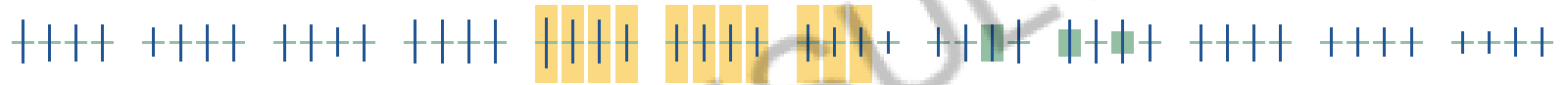
Evening Grosbeak  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Golden Eagle  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Golden-winged  
Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)

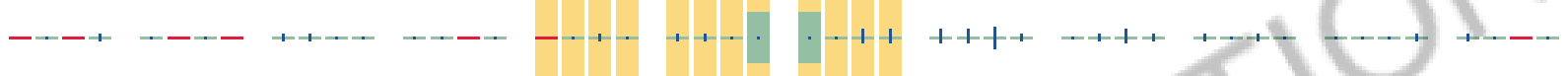


Great Black-backed  
Gull

Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Gull-billed Tern  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Herring Gull  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Hudsonian Godwit  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)

+++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++

SPECIES

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Kentucky Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)

+++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++

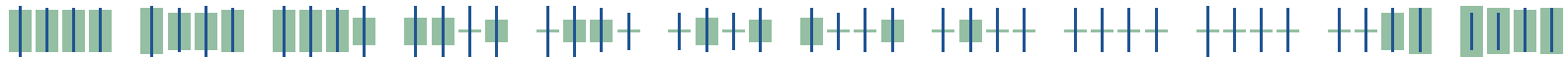
Least Tern  
BCC - BCR (This is a  
Bird of Conservation  
Concern (BCC) only in  
particular Bird  
Conservation Regions  
(BCRs) in the  
continental USA)

+++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++

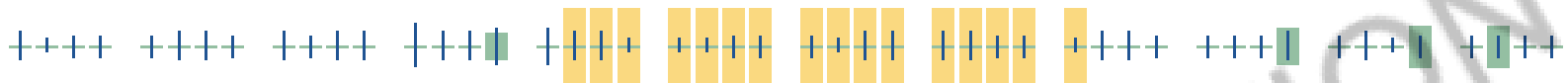
Lesser Yellowlegs  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)

+++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++ +++++

Long-tailed Duck  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



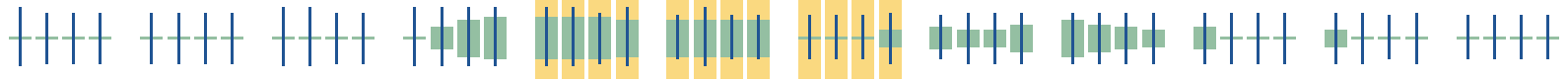
Nelson's Sparrow  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



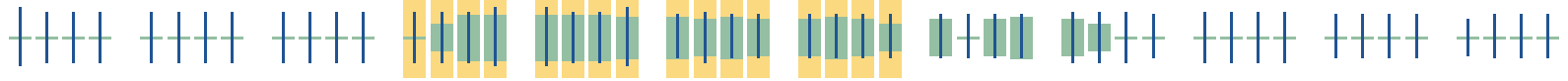
Northern Gannet  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Prairie Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Prothonotary  
Warbler  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Purple Sandpiper  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)





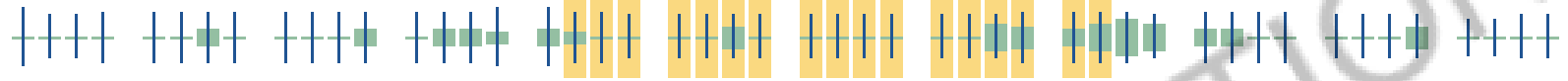
Red-breasted  
Merganser

Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Red-headed  
Woodpecker

BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Red-necked  
Phalarope

Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



SPECIES

JAN

FEB

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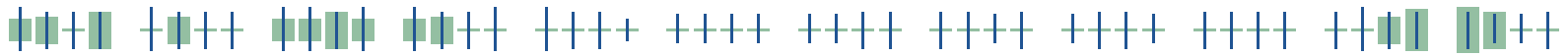
SEP

OCT

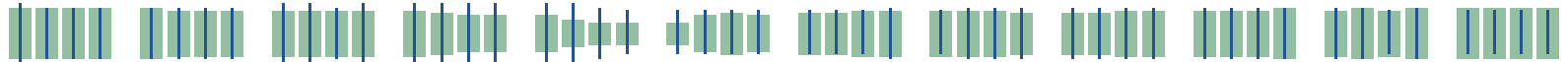
NOV

DEC

Red-throated Loon  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Ring-billed Gull  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Royal Tern  
Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



Ruddy Turnstone  
BCC - BCR (This is a  
Bird of Conservation  
Concern (BCC) only in  
particular Bird  
Conservation Regions  
(BCRs) in the  
continental USA)



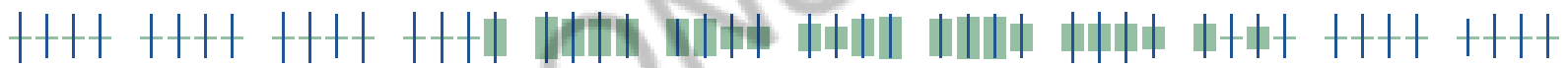
Rusty Blackbird  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Seaside Sparrow  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Semipalmated  
Sandpiper  
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Short-billed  
Dowitcher



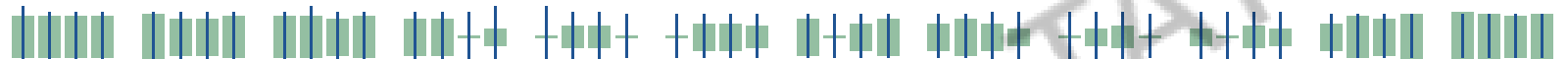
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)

Snowy Owl



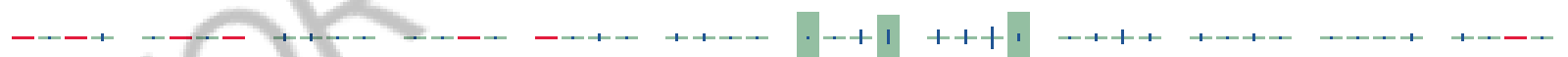
BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)

Surf Scoter



Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)

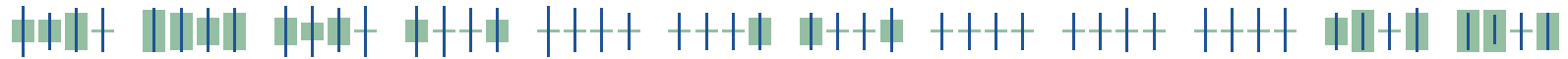
Whimbrel



BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)

White-winged  
Scoter

Non-BCC Vulnerable  
(This is not a Bird of  
Conservation Concern  
(BCC) in this area, but  
warrants attention  
because of the Eagle  
Act or for potential  
susceptibilities in  
offshore areas from  
certain types of  
development or  
activities.)



SPECIES

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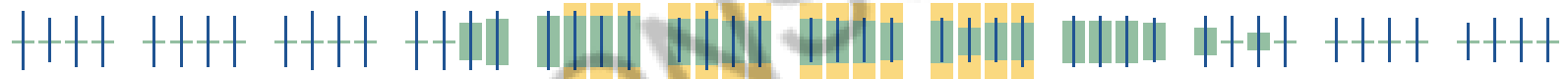
Willet

BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



Wood Thrush

BCC Rangewide (CON)  
(This is a Bird of  
Conservation Concern  
(BCC) throughout its  
range in the  
continental USA and  
Alaska.)



**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding

their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

### **What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

### **What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

## How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

## What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

## Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review.

Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.



# Facilities

## National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

## Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

## Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

### **Data limitations**

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

### **Data exclusions**

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

### **Data precautions**

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

From: Kenson, Gail E CIV NDW HQ, N442 [mailto:gail.kenson@navy.mil]  
Sent: Wednesday, July 11, 2018 7:50 AM  
To: Mar, Jeanette (FHWA) <Jeanette.Mar@dot.gov>  
Cc: Windus, William E CDR NDW HQ, N4A <william.windus@navy.mil>  
Subject: Chesapeake Bay Crossing Agency Response Form

Ms. Mar,

I apologize for the late response. I am returning a signed Agency Response form on behalf of Naval District Washington. We would like to be included as a participating agency in the Chesapeake Bay Crossing Study Tier I EIS.

We appreciate your consideration.

Regards,

Gail Kenson

Gail Kenson, AICP  
Regional Community Planning Liaison Officer Naval District Washington  
1314 Harwood Street, SE, Bldg 212  
Washington, DC 20374  
Work: 202.685.7273  
Cell: 202.718.8389



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
1401 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219 2000

**Charles A. Kilpatrick, P.E.**  
Commissioner

December 6, 2017

Ms. Heather Lowe  
Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
2310 Broening Highway  
Baltimore, Maryland 21224

RE: Chesapeake Bay Crossing Study Tier 1 NEPA

Dear Ms. Lowe:

The Virginia Department of Transportation (VDOT) would like to thank you for the opportunity to provide comments on this transportation study. In accordance with 23 U.S.C. §139 (d), VDOT would like to serve as a Participating Agency for the study, reviewing documents and providing technical input at your request. The VDOT offers the following comments in response to your request.

The location study area map does not identify the potential for a touch point or direct connection on land in Virginia. As such, VDOT has no comments regarding the scope of your Tier 1 study. Regarding the study area, please note that Tangier Island is located on the Maryland/Virginia line in the Chesapeake Bay within the view shed of your location study area. Tangier Island was recently listed on the National Register of Historic Places. VDOT recommends coordination with the Virginia Department of Historic Resources regarding effects on historic properties within Virginia.

The VDOT has existing traffic and other information that may be pertinent to your study area. For specific traffic requests, please contact Ben Mannell at (804) 786-2971 or via email at [Ben.Mannell@VDOT.Virginia.gov](mailto:Ben.Mannell@VDOT.Virginia.gov).

Ms. Heather Lowe  
Project Manager  
Maryland Transportation Authority  
December 6, 2017  
Page 2

The VDOT appreciates the opportunity to engage in the review process as a Participating Agency. We look forward to future opportunities to comment throughout the study development process. Should you have any questions, please contact Jennifer Salyers at (804) 371-6706 or via email at [Jennifer.Salyers@VDOT.Virginia.gov](mailto:Jennifer.Salyers@VDOT.Virginia.gov) who will serve as our point of contact for your study.

Sincerely,

A handwritten signature in black ink, appearing to read "Angel Deem". The signature is fluid and cursive, with the first name "Angel" and last name "Deem" clearly distinguishable.

Angel N. Deem  
Environmental Division Director

cc: Mr. Ben Mannell, VDOT

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Saturday, November 25, 2017 8:50 AM  
**To:** John Lenox (jlenox@wicomiconcounty.org)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Wicomico.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Lenox,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
410-537-5665  
<http://www.mdtamaryland.gov>

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John Von Paris

Kevin C. Reigert  
Executive Director

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Baltimore MD 21224  
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410-537-1003 (fax)  
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November 24, 2017

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. John F. Lenox, AICP  
Director  
Planning, Zoning, and Community Development  
Wicomico County  
Government Office Building  
125 N. Division St., Room 203  
Salisbury, MD 21803-0870

Dear Mr. Lenox:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

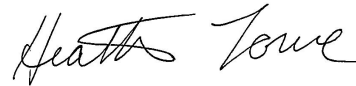


3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Lowe".

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

**From:** Jack Lenox [mailto:[jlenox@wicomicoounty.org](mailto:jlenox@wicomicoounty.org)]  
**Sent:** Friday, December 01, 2017 11:31 AM  
**To:** Heather Lowe <[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)>  
**Subject:** RE: Chesapeake Bay Crossing Study: Tier 1 NEPA

Ms. Lowe,

Attached is Wicomico County's Participating Agency acceptance.

Thank you for keeping us involved in this important project.

Jack

**John F. Lenox, AICP**

Director

Salisbury-Wicomico County

Department of Planning, Zoning and Community Development

125 North Division Street

Salisbury, Maryland 21801

410-548-4860

410-548-4955 (fax)



---

**From:** Heather Lowe [mailto:[hlowe@mdta.state.md.us](mailto:hlowe@mdta.state.md.us)]  
**Sent:** Saturday, November 25, 2017 8:50 AM  
**To:** Jack Lenox <[jlenox@wicomicoounty.org](mailto:jlenox@wicomicoounty.org)>  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA

Mr. Lenox,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager

Maryland Transportation Authority

Division of Planning and Program Development

Point Breeze

2310 Broening Highway

Baltimore MD 21224

410-537-5665

<http://www.mdtamaryland.gov>

**Chesapeake Bay Crossing Study: Tier 1 NEPA**  
**Participating Agency Response**

- ☒ Elect to accept the invitation to be a participating agency.
- ☐ Elect to decline the invitation to be a participating agency, because:
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature:  Date: 12/1/17

Print Name: JOHN F. LENOX Agency: WICOMICO COUNTY PLANNING + ZONING

Title: DIRECTOR

---

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, November 24, 2017 10:14 AM  
**To:** Tigist Zegeye (tzegeye@wilmapco.org)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** WILMAPCO.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Zegeye,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
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November 24, 2017



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[www.mdta.maryland.gov](http://www.mdta.maryland.gov)

**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Tigist Zegeye  
Executive Director  
Wilmington Area Planning Council  
850 Library Ave., Suite 100  
Newark, DE 19711

Dear Mr. Zegeye:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

Your agency has been identified as one that may have an interest in this project; accordingly, MDTA and FHWA invite your agency to become a participating agency in the environmental review process and development of the Tier I EIS for the subject project. This designation does not imply that your agency supports the proposal. Pursuant to 23 USC §139, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential environmental impacts that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. As a participating agency, your agency would have the following responsibilities related to its jurisdiction:

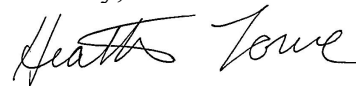
1. Identify, as early as practicable, any issues of concern regarding potential impacts on the natural or human environment.
2. Provide meaningful and early input on relevant issues such as the study purpose and need, the range of alternatives to be considered, and the methodologies and level of detail required in the alternatives analysis.

3. Participate in coordination meetings and field reviews with other environmental resource agencies, as appropriate.
4. Adhere to timeframes for reviewing and commenting on administrative copies of environmental documentation, including the Tier I Draft and Final EIS.

Your agency may elect to accept or decline the invitation by checking the appropriate box(s) and signing below. If your agency elects to decline the invitation for one of the following reasons: your agency (a) has no jurisdiction or authority with respect to the project; (b) has no expertise or information relevant to the project; and/or (c) does not intend to submit comments on the project, please include the reason for declining with your agency's response. Your agency will be treated as a participating agency unless your response declining such designation as outlined above is transmitted to this office **by December 31, 2017**.

Thank you in advance for your consideration; we look forward to receiving your response to our invitation to serve as a participating agency. If you are not the point of contact, please provide the appropriate contact information. If you have any questions or need additional information, please contact me via email at [HLowe@mdta.state.md.us](mailto:HLowe@mdta.state.md.us) or via phone at (410) 537-5665.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Lowe", written in a cursive style.

Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map

**Chesapeake Bay Crossing Study: Tier 1 NEPA**  
**Participating Agency Response**

- ☐ Elect to accept the invitation to be a participating agency.
- ☐ Elect to decline the invitation to be a participating agency, because:
- ☐ my agency has no jurisdiction or authority with respect to the project;
  - ☐ my agency has no information or expertise relevant to the project; and/or
  - ☐ my agency does not intend to submit comments on the project.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Agency: \_\_\_\_\_

Title: \_\_\_\_\_





---

**From:** Tigist Zegeye [mailto:tzegeye@wilmapco.org]  
**Sent:** Thursday, January 25, 2018 9:26 AM  
**To:** Heather Lowe <hlowe@mdta.state.md.us>  
**Subject:** RE: Chesapeake Bay Crossing Study: Tier 1 NEPA Participating Agency Request

Good morning Heather,

Thank you for reaching out to WILMAPCO. My apologies for not responding sooner. WILMAPCO has no jurisdiction or authority with respect to this project. However, if possible, we would like to continue receiving information on the project. Thank you.

Best Regards

Tigist

---

**From:** Heather Lowe [mailto:hlowe@mdta.state.md.us]  
**Sent:** Wednesday, January 24, 2018 5:12 PM  
**To:** Heather Lowe <hlowe@mdta.state.md.us>  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA Participating Agency Request

Good Afternoon,

In November 2017 your agency was invited by the Maryland Transportation Authority (MDTA) to be a Participating Agency on the Chesapeake Bay Crossing Tier 1 NEPA Study. To date, we have not received a reply either accepting or declining this invitation. As indicated in the original invitation, agencies that did not decline the invitation by December 31, 2017 will be treated as a Participating Agency as we move forward on the study. As such, we will continue to coordinate with you and provide you with information as a fully Participating Agency moving forward.

If at any time you wish to stop receiving this information and be removed from the list of Participating Agencies, please provide a letter to my attention declining participating agency status and your reason for doing so.

Thank you, and I look forward to working with you on the Bay Crossing Study.

Sincerely,  
Heather Lowe



**Heather Lowe**

Project Manager

Maryland Transportation Authority

Division of Planning and Program Development

Point Breeze

2310 Broening Highway

Baltimore MD 21224

410-537-5665

<http://www.mdta.maryland.gov>

**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Friday, January 26, 2018 4:48 PM  
**To:** 'Tigist Zegeye'  
**Subject:** RE: Chesapeake Bay Crossing Study: Tier 1 NEPA Participating Agency Request  
**Attachments:** WILMAPCO.PDF

Tigist,

Thank you for getting back to me. Based on your response, it sounds as if becoming a Notified Agency would be a more appropriate to your organization's preferred level of involvement. Notified Agencies will receive periodic project information and announcements throughout the study, but will not be responsible for regularly contributing to the study or attending Interagency Coordination Meetings.

So that we have a formal record of your response to our invitation, would you please complete the form attached to the invitation letter (I have attached for your convenience) declining participating agency status and we will be happy to add you to our Notified Agency list.

Please let me know if you have any questions. And have a great weekend.

Thanks,  
Heather



**Heather Lowe**

Project Manager

Maryland Transportation Authority

Division of Planning and Program Development

Point Breeze

2310 Broening Highway

Baltimore MD 21224

410-537-5665

<http://www.mdt Maryland.gov>

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**From:** Heather Lowe <hlowe@mdta.state.md.us>  
**Sent:** Saturday, November 25, 2017 8:51 AM  
**To:** Edward Tudor (drpdir@co.worcester.md.us)  
**Subject:** Chesapeake Bay Crossing Study: Tier 1 NEPA  
**Attachments:** Worcester.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Tudor,

Please see the attached Participating Agency invitation for the Bay Crossing Study.

I am looking forward to working with you on the Bay Crossing Study. Please feel free to contact me with any questions.

Thank you,

Heather Lowe



**Heather Lowe**

Project Manager  
Maryland Transportation Authority  
Division of Planning and Program Development  
Point Breeze  
2310 Broening Highway  
Baltimore MD 21224  
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November 24, 2017



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**IN REPLY REFER TO:**

Chesapeake Bay Crossing Study:  
Tier I NEPA;  
Invitation to Serve as a  
Participating Agency

Mr. Edward A. Tudor  
Director  
Department of Development Review and Permitting  
Worcester County  
Government Center  
Room 1201, One West Market St.,  
Snow Hill, MD 21683-1070

Dear Mr. Tudor:

The Maryland Transportation Authority (MDTA), in coordination with the Federal Highway Administration (FHWA) is preparing a Tier I Environmental Impact Statement (EIS) for the Chesapeake Bay Crossing Study in accordance with the National Environmental Policy Act (NEPA). FHWA issued a Notice of Intent to prepare the Tier I EIS in the Federal Register on October 11, 2017. The purpose of the Bay Crossing Study is to consider multiple corridors for providing additional traffic capacity and access across the Chesapeake Bay. The Tier I study will initiate the NEPA process with the goal of narrowing the scale and scope of this complex project prior to more detailed analysis in a future Tier II NEPA analysis. The Tier I study area extends from the top of the Bay near Havre de Grace, Maryland southward to near Point Lookout, Maryland. The attached figure (**Attachment A**) depicts the extent of the study area.

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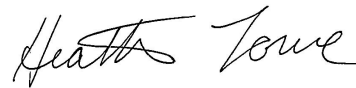
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Sincerely,

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Heather Lowe  
Project Manager, Division of Planning and  
Program Development

Attachment: Study Area Map