

APPENDIX D – AGENCY CORRESPONDENCE

Agency	Page No.	Date	Subject
Maryland Department of Natural Resources (MDNR)	2	09/14/2021	Concurrence on Preferred Corridor Alternative
Maryland Department of Planning (MDP)	3	09/10/2021	Concurrence on Preferred Corridor Alternative
Maryland Department of the Environment (MDE)	4	09/15/2021	Concurrence on Preferred Corridor Alternative with Attached Concurrence Form
MDOT State Highway Administration (MDOT SHA)	6	09/17/2021	Concurrence on Preferred Corridor Alternative
National Park Service (NPS)	7	09/07/2021	Concurrence on Preferred Corridor Alternative
	8	09/08/2021	Coordination regarding NPS participation level
National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS)	9	09/15/2021	No Objection on Preferred Corridor Alternative
US Army Corps of Engineers (USACE)	10	09/8/2021	Concurrence Transmittal for Preferred Corridor Alternative with Attached Concurrence Form
US Coast Guard (USCG)	12	09/24/2021	No Objection on Preferred Corridor Alternative
US Environmental Protection Agency (USEPA)	13	09/15/2021	Concurrence with Comments on Preferred Corridor Alternative with Attached Concurrence Form and Comments

From: Gwendolyn Gibson -DNR- <gwendolyn.gibson@maryland.gov>

Sent: Tuesday, September 14, 2021 2:01 PM

To: Sarah Williamson <sarahw@cri.biz>; Heather Lowe (hlowe@mdta.state.md.us) <hlowe@mdta.state.md.us>

Cc: Ryan Snyder (rsnyder@rkk.com) <rsnyder@rkk.com>; Tony Redman -DNR- <tony.redman@maryland.gov>

Subject: Re: Bay Crossing Study ICM #14 and BCS Preferred Alternative Package (PCA)

Hello Sarah and Heather,

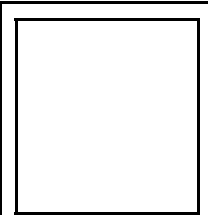

DNR has reviewed the Chesapeake Bay Crossing Tier 1 Study Preferred Corridor Alternative (PCA) Memorandum dated August 17, 2021. DNR concurs with the findings of the PCA memo, but would like to provide the following comments:

- The preferred corridor identified in the Tier 1 Study is adjacent to Sandy Point State Park. Additional coordination regarding avoidance and minimization of impacts to this DNR-managed resource is required. Additionally, DNR is actively engaged in the planning and design of significant infrastructure improvements at Sandy Point State Park, including a new water tower. Close coordination with regard to the planned bridge alignment and related road improvements will be necessary in the coming months to ensure that this \$3.5M project will not be adversely impacted. DNR assumes that this coordination will occur during Tier II of the study, to allow specific alignments and their impacts to be evaluated.
- As summarized in the PCA Memo, some of the public comments received questioned the accuracy of the traffic studies used for the Tier 1 EIS. Please note that DNR comments and review focused primarily on Natural Resource impacts of the project and impacts to Sandy Point which are DNR's purview. Generally, DNR does not provide traffic expertise for these types of projects.

Thank you for the opportunity to review and comment. Please feel free to call or email me to discuss this further.

Thanks,

Gwen

	<p>Gwen Gibson Maryland Environmental Service/ SHA Liaison Environmental Review Program Department of Natural Resources 580 Taylor Avenue, B-3 Annapolis, Maryland 21401 410-260-8405 (office) 240-278-6429 (cell) gwendolyn.gibson@maryland.gov</p>
 dnr.maryland.gov	

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

From: [Bihui Xu -MDP-](#)
To: [Sarah Williamson](#); [Heather Lowe](#)
Cc: [Chuck Boyd -MDP-](#); [Michael Bayer -MDP-](#); [Scott Hansen -MDP-](#)
Subject: Re: Bay Crossing Study ICM #14 and BCS Preferred Alternative Package (PCA)
Date: Friday, September 10, 2021 8:54:48 AM
Attachments: [image001.png](#)

Sarah and Heather,

The Maryland Department of Planning (Planning) has reviewed the draft Preferred Corridor Alternative (PCA) package and the public comments on the Draft Environmental Impact Statement (DEIS) for the Chesapeake Bay Crossing Study (BCS). Planning supports advancing Corridor 7 as the PCA for the BCS_Tier 1 NEPA Final Environmental Impact Statement.

Based on the current information, Planning notes that Corridor 7 would best meet the purpose and needs of the BCS_Tier 1 NEPA Project and would likely have lower overall environmental impacts including lower adverse indirect and cumulative impacts on Maryland's land use and associated environmental resources. As we indicated in our comments on the DEIS for the project, Planning would like to continue working with the Maryland Transportation Authority to help address potential induced land use impacts if the BCS_Tier 1 NEPA Project concludes with the selection of Corridor 7 for a future Tier 2 NEPA study.

In addition, Planning supports having the future Tier 2 NEPA study update the traffic analysis to include an assessment of the effects of the COVID-19 pandemic and the implementation of all-electronic tolling at the Bay Bridge. Planning also strongly supports a further evaluation of TSM and TDM measures including exploring pedestrian and bicycle access, the Bus Rapid Transit or other transit services, and ferry service in a future Tier 2 NEPA study.

If you have any questions on our comments above, please contact me.



Bihui Xu, AICP
Lead Transportation Planner
Maryland Department of Planning
301 West Preston Street, RM 1101
Baltimore, MD 21201
(443)-854-6488 (Mobile)
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bihui.xu@maryland.gov

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Maryland

Department of the Environment

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

Ben Crumbles, Secretary
Horacio Tablada, Deputy Secretary

September 15, 2021

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

Re: Chesapeake Bay Crossing Study: Tier 1 NEPA – Preferred Corridor Alternative

Dear Ms. Lowe:

The Maryland Department of the Environment (MDE), Wetlands and Waterways Program, in consultation with Programs in the Water and Science, Air and Radiation and Land and Materials Administrations at MDE have reviewed the Chesapeake Bay Crossing Study: Tier 1 NEPA – Preferred Corridor Alternative (PCA). Attached is the signed Concurrence Form for the project.

Please note Table 5-5 does not include any information regarding the 25-foot nontidal wetland buffer for any of the corridors that were reviewed. This information will need to be included as part of the avoidance and minimization and alternatives site analysis information provided in any future Joint Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland (JPA) for the project. The table also does not distinguish between state and private tidal wetlands and does not identify specific tidal wetlands resource types such as emergent wetlands, shallow water habitat, scrub-shrub, forested or tidal wetlands habitat for rare, threatened, or endangered species or species in need of conservation. This information should be included in the JPA and identified during the Tier 2 study.

Concurrence with the PCA in no way affects the review or decisions regarding a future JPA or other authorizations required by MDE for the project. Any JPA and other authorizations will be reviewed in accordance with MDE policies and procedures, including evaluation and consideration of public and agency input and any new project information. If you need any further information or assistance, please don't hesitate to contact Tammy Roberson at (443) 286-0524, or by email at tammy.roberson@maryland.gov.

Sincerely,

Heather L. Nelson, Manager
Wetlands and Waterways Program

Attachment

cc: Sarah Williamson, Coastal Resources Inc.
Ryan Synder, RKK

PREFERRED CORRIDOR ALTERNATIVE

Project Name & Limits: Chesapeake Bay Crossing Study: Tier 1 NEPA (BCS) – Maryland Bay Area

Having reviewed the PCA Concurrence Package, the following agency concurs on the Preferred Corridor Alternative (Corridor 7) (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:

See attached cover letter dated
/15/21.

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:  wetland & waterways
Program, MDE Date: /13/2021

From: Stephen Miller <SMiller2@mdot.maryland.gov>
Sent: Friday, September 17, 2021 7:21 AM
To: Heather Lowe
Cc: Heather Lowe; Emma Beck; Scott Pomento; David Schlie; Matt Baker; Donna Buscemi; Benjamin Allen (Consultant); Sarah Williamson; Emma Beck
Subject: Re: Bay Crossing Study PCA Concurrence Request

Heather,

MDOT SHA concurs with the Preferred Corridor Alternative (PCA) and have no objection.

Sincerely,

Stephen P. Miller

Regional Planner – Anne Arundel & Howard Counties
Regional and Intermodal Planning Division
Maryland State Highway Administration
SMiller2@mdot.maryland.gov
Work: 410-545-5673
Cell: 917-214-1115

From: Eberle, Mark D <mark_eberle@nps.gov>

Sent: Tuesday, September 7, 2021 1:36 PM

To: Sarah Williamson <sarahw@cri.biz>

Cc: O'Sullivan, Wendy <Wendy_O'Sullivan@nps.gov>

Subject: Re: [EXTERNAL] Bay Crossing Study ICM #14 and BCS Preferred Alternative Package (PCA)

Hi Sarah,

The National Park Service (NPS), a Participating Agency, does not have any additional comments on the Preferred Corridor Alternative. Also, since you have selected your Preferred Corridor Alternative, and it is near NPS resources, the NPS would like to change our status for the project from participating to cooperating. We will send you a letter requesting Cooperating Agency status for this project.

Any questions, please let me know-

Thanks,

Mark

Mark Eberle

External Review Coordinator / Resource Planning Specialist
National Park Service

Interior Region 1, North Atlantic-Appalachian

1234 Market Street, 20th Floor, Philadelphia, PA 19107

Phone: 215-597-1258 Mobile: 267-315-1631

From: Eberle, Mark D <mark_eberle@nps.gov>

Sent: Wednesday, September 8, 2021 2:58 PM

To: Sarah Williamson <sarahw@cri.biz>

Cc: O'Sullivan, Wendy <Wendy_O'Sullivan@nps.gov>; Maver, Jennifer R <Jennifer_Maver@nps.gov>; hlowe@mdta.state.md.us

Subject: Re: [EXTERNAL] Bay Crossing Study ICM #14 and BCS Preferred Alternative Package (PCA)

Hi Sarah,

As a follow up to my discussion with Heather Lowe today about the Bay Crossing Study, the National Park Service will stay a Participating Agency for the remainder of the Tier 1 Study. Since the Tier 1 Study is almost complete, we think it makes sense to stay a Participating Agency now and plan on changing to a Cooperating Agency when you start the Tier 2 Study. We understand that the Tier 2 Study is dependent on receiving funding, and that when you do start Tier 2, you will send out new invitations to all the agencies asking if they want to be a Cooperating or Participating Agency.

We look forward to working with you further on this Study.

Thanks,

Mark

Mark Eberle

External Review Coordinator / Resource Planning Specialist
National Park Service

Interior Region 1, North Atlantic-Appalachian

1234 Market Street, 20th Floor, Philadelphia, PA 19107

Phone: 215-597-1258 Mobile: 267-315-1631

From: Jonathan Watson - NOAA Federal <jonathan.watson@noaa.gov>

Sent: Wednesday, September 15, 2021 2:25 PM

To: Sarah Williamson <sarahw@cri.biz>

Cc: Heather Lowe <hlowe@mdta.state.md.us>; Brian D Hopper - NOAA Federal <brian.d.hopper@noaa.gov>; Karen Greene - NOAA Federal <karen.greene@noaa.gov>; Sean Corson - NOAA Federal <Sean.Corson@noaa.gov>

Subject: Re: Bay Crossing Study ICM #14 and BCS Preferred Alternative Package (PCA)

Hi Sarah

We have reviewed the Bay Crossing Study (BCS) Preferred Corridor Alternative Memorandum provided on August 17, 2021. Accompanying this memo was a request for concurrence from Cooperating Agencies, including NMFS. We appreciate your attention to our comments during the Tier I NEPA process and we look forward to working with the BCS team should the Tier II process be initiated. As we have indicated previously, it is difficult to anticipate the nature and extent of impacts to NOAA trust resources resulting from the construction of a crossing with the coarse level of detail included in the Tier I NEPA process. We anticipate that much of our assistance will be rendered during the selection of an alignment and project design to ensure that adverse impacts to our trust resources are adequately avoided, minimized, mitigated, or otherwise offset. Our involvement in this process will help to streamline the formal consultation processes (e.g., Section 7 of the Endangered Species Act, Magnuson-Stevens Act Essential Fish Habitat), should they be initiated.

The Interagency Coordination Guiding Principles Memorandum from December 19, 2017, stipulates that "For some Cooperating Agencies, formal affirmative concurrence may be difficult at the Tier 1 level due to a lack of detailed data on resources under their jurisdiction at this stage of the process. In this case, MDTA will accept 'No Objection or No Comment' in lieu of affirmative concurrence based on the level of information available." This accurately reflects our position. Therefore, we have no objection to the completion of the Tier I NEPA process which included the designation of a Preferred Corridor Alternative. We look forward to working with the BCS team as this project progresses. Should you have any questions regarding our roles in this process, please contact me (Jonathan.Watson@noaa.gov) and Brian Hopper (Brian.D.Hopper@noaa.gov) in our Annapolis field office.

Sincerely,

Jonathan Watson

From: [Dinne, John J CIV USARMY CENAB \(USA\)](#)
To: [Heather Lowe](#)
Cc: [Sarah Williamson](#)
Subject: NAB-2017-01158.20210908.Bay Crossing PCA concurrence.pdf
Date: Wednesday, September 8, 2021 2:27:27 PM
Attachments: [NAB-2017-01158.20210908.Bay Crossing PCA concurrence.pdf](#)

Heather,

Thank you for the opportunity to review the Bay Crossing Study Preferred Corridor Alternative (PCA) analysis. Attached is the Corps concurrence on the PCA. Please contact me if you have any questions.

Cheers.

Jack Dinne
Baltimore District, Regulatory Branch
Mitigation Banking & ILF Program POC
Maryland Section
410 962-6005 (o)
410 935-3787 (m)

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PREFERRED CORRIDOR ALTERNATIVE

Project Name & Limits: Chesapeake Bay Crossing Study: Tier 1 NEPA (BCS) – Maryland Bay Area	
Having reviewed the PCA Concurrence Package, the following agency concurs on the Preferred Corridor Alternative (Corridor 7) (by signing this document):	
<input type="checkbox"/> Federal Highway Administration	<input checked="" type="checkbox"/> Corps of Engineers
<input type="checkbox"/> Maryland Department of the Environment	<input type="checkbox"/> Environmental Protection Agency
<input checked="" type="checkbox"/> Concurs	<input type="checkbox"/> Does Not Concur
Comments / Reasons for Non-Concurrence: Corps concurrence of Corridor 7 as the PCA is made contingent upon several factors and underlying assumptions associated with the Tier I analysis. The Corps acknowledges the basic premise of the environmental considerations analysis (i.e., the environmental inventory within the two mile corridors does not provide the level of specificity to determine actual environmental impact). This is common in Tier I NEPA analysis; however, the total corridor length in combination with any information on the resources, including geographic distribution, within the corridor does allow of comparison of potential environmental impacts. In addition, the Corps has relied upon the likely nature of the potential environmental impacts (e.g., additional or expansion of existing impacts along Corridor 7 versus potential new impacts to environmental resources along Corridor 6 & 8). Avoidance and minimization of impacts to environmental resources will be a focal point of any Tier II analysis for the Corps. The Corps evaluation for concurrence of Corridor 7 as the PCA also relied upon the potential indirect and cumulative effects associated with the CRA corridors.	
Note: Please do not 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: <u>Jack Dine</u>	Date: <u>9/8/2021</u>

**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
or CGDFiveBridges@uscg.mil

16591
24 SEP 2021

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 (Preferred Corridor Alternative Report) document of July 2020.

The Coast Guard has no objection to the decision to select corridor seven as the preferred corridor alternative.

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 that reads "Hal R. Pitts".

HAL R. PITTS
Bridge Program Manager
By direction

Copy: CG Sector Maryland-National Capital Region, Waterways Management

From: Witman, Timothy <witman.timothy@epa.gov>
Sent: Wednesday, September 15, 2021 8:25 AM
To: Heather Lowe <hlowe@mdta.state.md.us>
Cc: sarahw@cri.biz; Nevshehirlian, Stepan <Nevshehirlian.Stepan@epa.gov>
Subject: EPA Concurrence Bay Crossing Study PCA

Hi Heather,

Attached please find our concurrence with comments. Let me know if you have any questions. We look forward to working through the FEIS and Tier 2 if it moves forward.

Thanks,

Tim

Timothy Witman

Environmental Assessment Branch
Office of Communities, Tribes and Environmental Assessment
Phone: (215) 814-2775
Email: Witman.Timothy@EPA.GOV

USEPA - Mid-Atlantic Region

1650 Arch Street (3RA12)
Philadelphia, PA 19103-2029

PREFERRED CORRIDOR ALTERNATIVE

Project Name & Limits: Chesapeake Bay Crossing Study: Tier 1 NEPA (BCS) – Maryland Bay Area

Having reviewed the PCA Concurrence Package, the following agency concurs on the Preferred Corridor Alternative (Corridor 7) (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 concurs with comments. See attached comments.

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: **Witman, Timothy**

Digitally signed by Witman, Timothy

Date: 2021.09.15 07:38:34 -04'00'

Chesapeake Bay Crossing Study: Tier 1 NEPA (BCS) – Maryland Bay Area
EPA Concurrence with Comments - Corridor 7

We concur with comments, on the selection of Corridor 7 as the recommended preferred alternative. EPA appreciates the coordination that has occurred as part of the BCS Tier 1 Study. We look forward to continued coordination with the Federal Highway Administration and the Maryland Transportation Authority on the BCS should the project progress into a Tier 2 study, specifically, where alignment alternatives and bridge design are developed to further reduce impacts to environmental resources, climate change, and environmental justice. In addition to the comments below, please refer to EPA comments on the Draft Environmental Impact Statement (DEIS) dated May 10, 2021 regarding the use of EJ SCREEN, climate change, and other comments that provide additional recommendations.

The DEIS analysis resulted in the selection of Corridor 7 as the recommended preferred alternative. As stated in the DEIS, this alternative would improve congestion and possibly have less environmental impacts than Corridors 6 or 8. The DEIS Tier 1 corridor analysis evaluated impacts at a high level. The final bridge design and alignment within the selected 2-mile-wide corridor will ultimately determine the extent of Corridor 7's impacts. Although the preferred corridor analysis conclusion indicates that "...Corridor 7 would provide the greatest traffic relief at the Bay Bridge and thus have a greater ability to meet the Tier 1 DEIS Purpose and Need," subsequent permit processes, such as the Clean Water Act Section 404 permit, and specifically the 404(b)(1) guidelines, which require the selection of the Least Environmentally Damaging Practicable Alternative (LEDPA), should also be a major deciding factor by which the alignment within Corridor 7 is selected. Consideration of the LEDPA could include other alignments within Corridor 7 that still meet the purpose and need but may not provide the greatest traffic relief.

The preferred corridor traffic analysis assumed the corridor would support eight new lanes. However, in Section 5.2 Engineering and Cost, it appears the cost analysis was completed using a varying number of lanes, between four and seven, depending on the corridor. To support this information, EPA suggests the Final EIS reference the appropriate section where additional information clarifies why the analysis utilized varying lane numbers as part of the engineering and cost to select the preferred corridor and did not assume eight lanes.