



APPENDIX N: AGENCY CORRESPONDENCE



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:

July 11, 2018

Consultation Code: 05E2CB00-2018-SLI-1540

Event Code: 05E2CB00-2018-E-03365

Project Name: I-495 and I-270 Managed Lanes Study

Subject: 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). 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

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

Virginia Ecological Services Field Office

6669 Short Lane
Gloucester, VA 23061-4410
(804) 693-6694

DRAFT

Project Summary

Consultation Code: 05E2CB00-2018-SLI-1540

Event Code: 05E2CB00-2018-E-03365

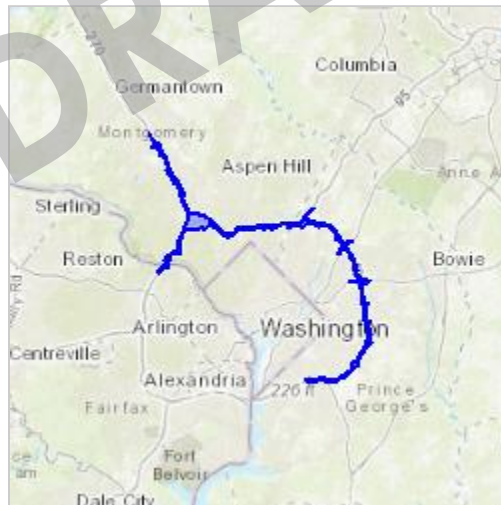
Project Name: I-495 and I-270 Managed Lanes Study

Project Type: TRANSPORTATION

Project Description: Environmental Impact Statements (EIS) and Record of Decision (ROD) for the Traffic Relief Plan: I-495 and I-270 Managed Lanes Study in compliance with the National Environmental Policy Act (NEPA) process. The study limits include I-495 (Capital Beltway) in Montgomery and Prince George's Counties, Maryland, near the American Legion Bridge (ALB) in Virginia to near the Woodrow Wilson Bridge approximately at MD 210, and I-270 from I-495 to I-370, including the east and west spurs along I-270.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.976551115377056N76.87217305679863W>



Counties: Montgomery, MD | Prince George's, MD | Fairfax, VA

Endangered Species Act Species

There is a total of 0 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.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, 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.

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.

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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.

FRESHWATER EMERGENT WETLAND

- [PEM1Fh](#)
- [PEM1/SS1Fh](#)
- [PEM1Ch](#)
- [PEM5Ax](#)
- [PEM1A](#)
- [PEM1E](#)
- [PEM1/SS1A](#)
- [PEM1/SS1C](#)
- [PEM5A](#)

FRESHWATER FORESTED/SHRUB WETLAND

- [PFO1A](#)
- [PFO1/EM1F](#)
- [PFO1Ax](#)
- [PFO1C](#)
- [PSS1C](#)
- [PSS1A](#)
- [PSS1Ah](#)
- [PFO1/EM5Ax](#)
- [PFO1E](#)
- [PSS1Cx](#)
- [PSS1/EM5A](#)

FRESHWATER POND

- [PABHx](#)
 - [PABHh](#)
 - [PUBFx](#)
-

- [PUBFh](#)
- [PUBHh](#)
- [PUBHx](#)
- [PUSC_x](#)

LAKE

- [L1UBHh](#)
- [L1UBHx](#)

RIVERINE

- [R4SBC](#)
- [R5UBH](#)
- [R2UBH](#)
- [R3UBH](#)
- [R2UBH_x](#)
- [R2USC](#)

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Phone: (804) 693-6694 Fax: (804) 693-9032
<http://www.fws.gov/northeast/virginiafield/>



In Reply Refer To:
Consultation Code: 05E2VA00-2018-SLI-4358
Event Code: 05E2VA00-2018-E-09962
Project Name: I-495 and I-270 Managed Lanes Study

July 11, 2018

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

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Project Summary

Consultation Code: 05E2VA00-2018-SLI-4358

Event Code: 05E2VA00-2018-E-09962

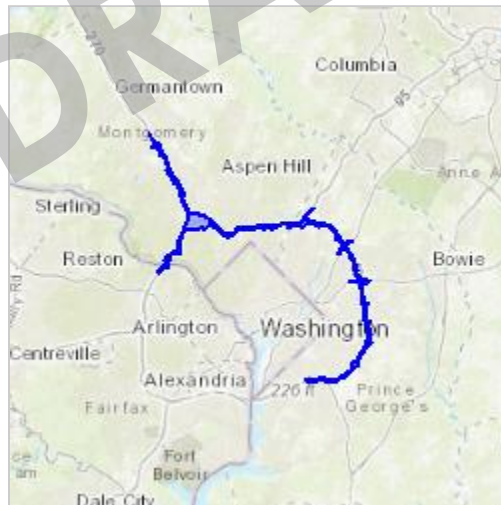
Project Name: I-495 and I-270 Managed Lanes Study

Project Type: TRANSPORTATION

Project Description: Environmental Impact Statements (EIS) and Record of Decision (ROD) for the Traffic Relief Plan: I-495 and I-270 Managed Lanes Study in compliance with the National Environmental Policy Act (NEPA) process. The study limits include I-495 (Capital Beltway) in Montgomery and Prince George's Counties, Maryland, near the American Legion Bridge (ALB) in Virginia to near the Woodrow Wilson Bridge approximately at MD 210, and I-270 from I-495 to I-370, including the east and west spurs along I-270.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.976551115377056N76.87217305679863W>



Counties: Montgomery, MD | Prince George's, MD | Fairfax, VA

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

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Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Clams

NAME	STATUS
Yellow Lance <i>Elliptio lanceolata</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4511	Threatened

Critical habitats

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<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:

October 24, 2019

Consultation Code: 05E2CB00-2019-SLI-1184

Event Code: 05E2CB00-2020-E-00279

Project Name: I-495/I-270 Managed Lanes Study

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:

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6669 Short Lane
Gloucester, VA 23061-4410
(804) 693-6694

Project Summary

Consultation Code: 05E2CB00-2019-SLI-1184

Event Code: 05E2CB00-2020-E-00279

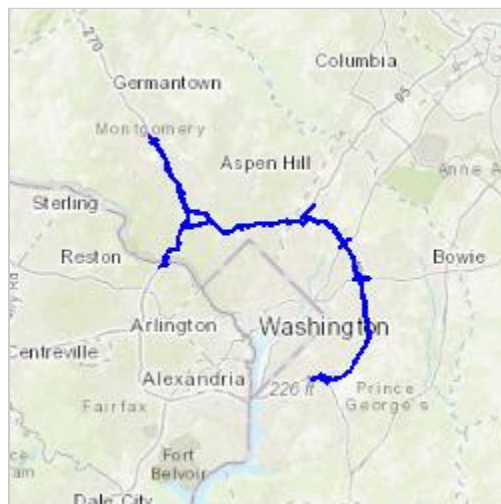
Project Name: I-495/I-270 Managed Lanes Study

Project Type: TRANSPORTATION

Project Description: The purpose of the study is to develop a travel demand management solution that addresses congestion, improves trip reliability on I-495 and I-270 within the study limits and enhances existing and planned multimodal mobility and connectivity. The study area encompasses I-495 from just south of the George Washington Memorial Parkway in Virginia to west of MD 5 and along I-270 from the west and east spurs to I-370, in both Prince George's and Montgomery counties. Currently, the study includes seven alternatives that would widen I-495 and I-270 by two to four lanes to support additional managed lanes and assumes full replacement of the American Legion Bridge. Direct access ramps to the managed lanes are proposed to be provided at several interchanges throughout the corridors.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.97094096355009N77.17911402779382W>



Counties: Montgomery, MD | Prince George's, MD | Fairfax, VA

Endangered Species Act Species

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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> 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">▪ 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 Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

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USFWS National Wildlife Refuge Lands And Fish Hatcheries

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In Reply Refer To:
Consultation Code: 05E2VA00-2019-SLI-3335
Event Code: 05E2VA00-2020-E-01073
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October 24, 2019

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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). 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
-

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:

Virginia Ecological Services Field Office

6669 Short Lane

Gloucester, VA 23061-4410

(804) 693-6694

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

Project Summary

Consultation Code: 05E2VA00-2019-SLI-3335

Event Code: 05E2VA00-2020-E-01073

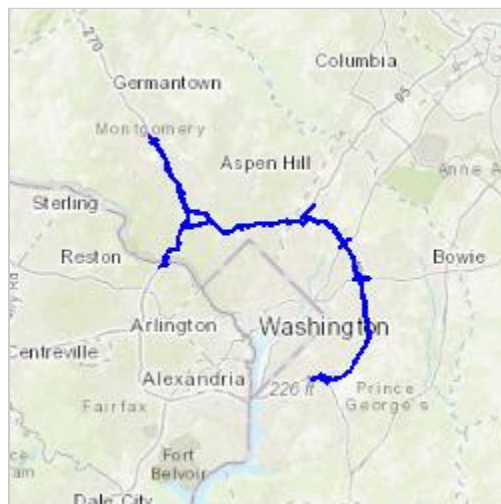
Project Name: I-495/I-270 Managed Lanes Study

Project Type: TRANSPORTATION

Project Description: The purpose of the study is to develop a travel demand management solution that addresses congestion, improves trip reliability on I-495 and I-270 within the study limits and enhances existing and planned multimodal mobility and connectivity. The study area encompasses I-495 from just south of the George Washington Memorial Parkway in Virginia to west of MD 5 and along I-270 from the west and east spurs to I-370, in both Prince George's and Montgomery counties. Currently, the study includes seven alternatives that would widen I-495 and I-270 by two to four lanes to support additional managed lanes and assumes full replacement of the American Legion Bridge. Direct access ramps to the managed lanes are proposed to be provided at several interchanges throughout the corridors.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.97094096355009N77.17911402779382W>



Counties: Montgomery, MD | Prince George's, MD | Fairfax, VA

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.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, 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> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

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.



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

July 17, 2018

MEMO

To: Gwen Gibson, IPR

From: Lori Byrne, WHS

RE: Environmental Review for I-270/I-495 Managed Lane Study - AW073A11 Montgomery & Prince George's Counties

The Wildlife and Heritage Service has determined that there are the following areas of concern in regard to potential impacts to rare, threatened or endangered species, in the study corridor that you have provided:

In the area of the project route crossing of the Potomac River, there are records for these RT&E species occurring within close proximity where they may be directly impacted by this project:

<u>Scientific Name</u>	<u>Common Name</u>	<u>State Status</u>
<i>Rumex altissimus</i>	Tall Dock	Endangered
<i>Paspalum fluitans</i>	Horse-tail Paspalum	Endangered
<i>Matelea obliqua</i>	Climbing Milkweed	Endangered
<i>Baptisia australis</i>	Blue Wild Indigo	Threatened
<i>Coreopsis tripteris</i>	Tall Tickseed	Endangered
<i>Phacelia covillei</i>	Buttercup Scorpionweed	Endangered

Near Sellman Road there is a meadow habitat within a powerline right-of-way that is known to support occurrences of state-listed threatened Sundial Lupine (*Lupinus perennis*) and state-listed endangered Long's Rush (*Juncus longii*). The Lupine occurs in open sandy soils within the powerline corridor and the Long's Rush is found in seepage areas in the same corridor.

Just south of the intersection of Powder Mill Road with I-95, there are wetlands associated with Little Paint Branch that are designated in state regulations as NTWSSCs, and are regulated by MDE, due in part to the presence of these species: Long's Rush, state-listed threatened Long-stalk Greenbrier (*Smilax pseudochina*) and state rare Pink Milkwort (*Polygala incarnata*). Impacts to this wetland should be avoided as much as possible.

Where the project route crosses Little Paint Branch in the area of Cherry Hill, there are records for the state-listed threatened American Brook Lamprey (*Lethenteron appendix*) and the Acuminate Crayfish (*Cambarus acuminatus*), a species with In Need of Conservation status in Maryland. Maintaining good water quality and hydrology is important to these species.

Adjacent to the Greenbelt Metro Station, a stream system associated with Indian Creek supports a population of state-listed endangered Trailing Stitchwort (*Stellaria alsine*). Impacts to the floodplain should be avoided and all appropriate BMPs for sediment and erosion control should be stringently enforced.

On the northeast side of the project route where Indian Creek crosses there are records for state rare Laura's Clubtail (*Stylurus laurae*) and state-listed threatened Selys' Sundragon (*Helocordulia selysii*) occurring downstream in Beaverdam Creek where the wetland is designated as a NTWSSC. These odonate species have an aquatic larval stage that is very susceptible to changes in water quality.

Where the project route overlaps Bald Hill Branch, there are records for these species in close proximity to the project route, downstream in Western Branch. Maintaining good water quality and hydrology is important to these species, especially the fish.

<u>Scientific Name</u>	<u>Common Name</u>	<u>State Status</u>
<i>Arundinaria tecta</i>	Switch Cane	Rare
<i>Lethenteron appendix</i>	American Brook Lamprey	Threatened
<i>Etheostoma vitreum</i>	Glassy Darter	Threatened
<i>Percina notogramma</i>	Stripeback Darter	Endangered

Thank you for the opportunity to review and comment. We look forward to further coordination as project details become available. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

ER# 2018.0981.pg/mo

DRAFT



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

September 11, 2018

MEMO

To: Gwen Gibson, IPR

From: Lori Byrne, WHS

**RE: Follow-Up to Environmental Review for I-270/I-495 Managed Lane Study - AW073A11
Montgomery & Prince George's Counties**

Regarding the need for RT&E species surveys, please see the additional comments after each section. The Wildlife and Heritage Service has determined that there are the following areas of concern in regard to potential impacts to rare, threatened or endangered species, in the study corridor that you have provided:

In the area of the project route crossing of the Potomac River, there are records for these RT&E species occurring within close proximity where they may be directly impacted by this project. We recommend that surveys for these species be conducted in areas of appropriate habitat that may fall within proposed limits-of-disturbance for this project.

<u>Scientific Name</u>	<u>Common Name</u>	<u>State Status</u>
<i>Rumex altissimus</i>	Tall Dock	Endangered
<i>Paspalum fluitans</i>	Horse-tail Paspalum	Endangered
<i>Matelea obliqua</i>	Climbing Milkweed	Endangered
<i>Baptisia australis</i>	Blue Wild Indigo	Threatened
<i>Coreopsis tripteris</i>	Tall Tickseed	Endangered
<i>Phacelia covillei</i>	Buttercup Scorpionweed	Endangered

Based on a compilation of Maryland records, habitat info and flowering/fruitletting info for these species is described as:

Rumex altissimus Polygonaceae (Smartweed Family)

Habitat: Frequently flooded zones along rivers in sandy/gravelly alluvium; also forested wetlands in muck soils.

Flw: May-Jun (July); Fr: Aug.

Paspalum fluitans Poaceae (Grass Family)

Habitat: Floodplain seeps and pools in muck soils; seasonally exposed rocky stream channels.

Flw/Fr: late Aug-Sept (Oct).

Matelea obliqua Apocynaceae (Dogbane Family)

Habitat: Bedrock scour and terrace woodlands in rich alluvium, upland forests, barrens, glades, clearings, and roadsides over limestone or shale substrates.

Flw: Jun-Jul; Fr: Sept.

Baptisia australis Fabaceae (Legume Family)

Habitat: Prairie-like scour bars, depositional bars, rocky alluvial flats.

Flw: May; Fr: late Jun-Aug.

Coreopsis tripteris Asteraceae (Aster Family)

Habitat: Bedrock scour bars and riverside prairies, in rich alluvium.

Flw: Sept; Fr: Sept-Oct.

Phacelia covillei Boraginaceae (Borage Family)

Habitat: Rich floodplain and terrace and ravine forests, mesic upland woods.

Near Sellman Road there is a meadow habitat within a powerline right-of-way that is known to support occurrences of state-listed threatened Sundial Lupine (*Lupinus perennis*) and state-listed endangered Long's Rush (*Juncus longii*). The Lupine occurs in open sandy soils within the powerline corridor and the Long's Rush is found in seepage areas in the same corridor. If either of these suitable habitats occurs in proposed limits-of-disturbance for this project, we recommend that surveys be conducted for these species. Based on a compilation of Maryland records, habitat info and flowering/fruiting info for these species is described as:

Lupinus perennis Fabaceae (Legume Family)

Habitat: Dry sandy soils of inland dunes and sand ridge woodlands, sandy powerline meadows, dry rocky slopes and outcrops.

Flw: May-early Jun; Fr: late Jun-early Jul.

Juncus longii Juncaceae (Rush Family)

Habitat: Open-canopied seepage wetlands, roadside seeps, powerlines.

Just south of the intersection of Powder Mill Road with I-95, there are wetlands associated with Little Paint Branch that are designated in state regulations as NTWSSCs, and are regulated by MDE, due in part to the presence of these species: Long's Rush, state-listed threatened Long-stalk Greenbrier (*Smilax pseudochina*) and state rare Pink Milkwort (*Polygala incarnata*). Impacts to this wetland should be avoided as much as possible. If impacts to this NTWSSC are unavoidable, we may ask for the extent of these populations to be delineated so that impacts can be evaluated.

Where the project route crosses Little Paint Branch in the area of Cherry Hill, there are records for the state-listed threatened American Brook Lamprey (*Lethenteron appendix*) and the Acuminate Crayfish (*Cambarus acuminatus*), a species with In Need of Conservation status in Maryland. Maintaining good water quality and hydrology is important to these species. We would not recommend surveys for these aquatic species, but instead would want to emphasize the need for stringent sediment and erosion control during all work in this area.

Adjacent to the Greenbelt Metro Station, a stream system associated with Indian Creek supports a population of state-listed endangered Trailing Stitchwort (*Stellaria alsine*). Impacts to the floodplain should be avoided and all appropriate BMPs for sediment and erosion control should be stringently enforced. Recent surveys have indicated that this population still exists within the braided stream floodplain to the southwest of I-95/495, therefore we would not recommend more surveys, but instead would want to emphasize the need for stringent sediment and erosion control during all work in this area.

On the northeast side of the project route where Indian Creek crosses there are records for state rare Laura's Clubtail (*Stylurus laurae*) and state-listed threatened Selys' Sundragon (*Helocordulia selysii*) occurring downstream in Beaverdam Creek where the wetland is designated as a NTWSSC. These odonate species have an aquatic larval stage that is very susceptible to changes in water quality. We would not recommend surveys for these aquatic species, but would want to emphasize the need for stringent sediment and erosion control during all work in this area.

Where the project route overlaps Bald Hill Branch, there are records for these species in close proximity to the project route, downstream in Western Branch. Maintaining good water quality and hydrology is important to these species. We would not recommend surveys for these aquatic species, but would want to emphasize the need for stringent sediment and erosion control during all work in this area.

<u>Scientific Name</u>	<u>Common Name</u>	<u>State Status</u>
<i>Arundinaria tecta</i>	Switch Cane	Rare
<i>Lethenteron appendix</i>	American Brook Lamprey	Threatened
<i>Etheostoma vitreum</i>	Glassy Darter	Threatened
<i>Percina notogramma</i>	Stripeback Darter	Endangered

Thank you for the opportunity to review and comment. We look forward to further coordination as project details become available. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

ER# 2018.0981x.pg/mo

Cc: K. McCarthy, DNR



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

Coordination Sheet for MD DNR Environmental Review Related to Project Locations

Date of Request:	Name of Requestor:	FMIS Number:
June 19, 2018	Kirby Cole	AW073A11

Project Name and Location: I-495 and I-270 Managed Lanes Study

The Maryland Department of Transportation State Highway Administration is reviewing existing and future traffic, roadway, and environmental conditions along the I-495 and I-270 corridors to identify potential improvement alternatives and assess potential impacts. Please see the attached "Corridor Boundary" shapefile for precise study limits.

Please note that this letter does not provide information regarding rare, threatened, and endangered species, which are being coordinated between DNR's Wildlife and Heritage Service separately.

NAME OF STREAM(S) (and MDE Use Classification) WITHIN THE STUDY AREA:

I495 Streams

Rock Run (Use I)
Potomac River (Use I)
Chesapeake & Ohio Canal (Use I)
Cabin John Creek (Use I)
Thomas Branch (Use I)
Bulls Run (Use I)
Old Farm Creek (Use I)
Rock Creek (Use I)
Unnamed Tributaries to Rock Creek (Use I)
Sligo Creek (Use I)
Northwest Branch Anacostia (Use IV)
Paint Branch (Use III)
Unnamed Tributary (UT) to Paint Branch (Use I)

Indian Creek (Use I)
Brier Ditch and UTs to Brier Ditch (Use I)
Beaverdam Creek and UTs to Beaverdam Creek (Use I)
Cattail Branch (Use I)
Bald Hill Branch (Use I)
Western Branch of Patuxent (Use I)
UT to Henson Creek (Use I)

I270 Streams

Cabin John Creek (Use I)
Old Farm Creek (Use I)
Watts Branch (Use I)
Muddy Branch (Use I)

DNR RESPONSE:

√ Generally, no instream work is permitted in Use I streams during the period of March 1 through June 15, inclusive, during any year. *This applies to all areas except where otherwise noted.*

√ Where presence of yellow perch has been documented in the vicinity of an instream project area, generally no instream work is permitted in Use I waters during the period of February 15 through June 15, inclusive, during any year (*Bald Hill Branch and Western Branch of Patuxent*).

√ Generally, no instream work is permitted in Use III streams during the period of October 1 through April 30, inclusive, during any year (*Paint Branch*).

√ Generally, no instream work is permitted in Use IV streams during the period of March 1 through May 31, inclusive, during any year (*Northwest Branch Anacostia*).

GENERAL RESOURCES NOTES:

Important fisheries resources in this area include American Eel presence. American Eels migrate upstream through this region to smaller streams where they grow to adult stages. Some eels may reside within the project study area long term. Their spawning runs then take them back through this area as they migrate downstream as adults to a specific region of the Atlantic Ocean to spawn. Special attention has been given to American Eel management in recent years, due to their ecological and economic importance, and their declining numbers.

Our analysis of the information provided also suggests that the forested area on or adjacent to the project site contains Forest Interior Dwelling Bird habitat. Populations of many Forest Interior Dwelling Bird Species (FIDS) are declining in Maryland and throughout the eastern United States. The conservation of FIDS habitat is strongly encouraged by the Department of Natural Resources.

SITE SPECIFIC RESOURCE NOTES:

Rock Run (Use I)

Potomac River (Use I)

Chesapeake & Ohio Canal (Use I)

A nearby Maryland Biological Stream Survey (MBSS) station documents the following summary of findings for fish: American Eel, Blacknose Dace, Central Stoneroller, Creek Chubsucker, Cutlip Minnow, Fantail Darter, Green Sunfish, Greenside Darter, Longnose Dace, Redbreast Sunfish, Rosyside Dace, and White Sucker.

NHP mussels stations in the Potomac and C&O Canal document the following summary of findings: *Elliptio complanata* (Eastern Elliptio), *Elliptio producta*, *Lampsilis* species, and *Utterbackia imbecillis*.

The proposed project may be visible from the Potomac River which is a Maryland Scenic and Wild River; further coordination may need to be conducted with DNR as project planning and review continues.

Cabin John Creek (Use I)

Thomas Branch (Use I)

Bulls Run (Use I)

Old Farm Creek (Use I)

Nearby Maryland Biological Stream Survey (MBSS) stations located on Cabin John Creek and Old Farm Creek document the following summary of findings for fish: American Eel, Blacknose Dace, Bluegill, Bluntnose Minnow, Central Stoneroller, Common Shiner, Creek Chub, Cutlip Minnow, Fantail Darter, Golden Shiner, Green Sunfish, Greenside Darter, Largemouth Bass, Longnose Dace, Northern Hogsucker,

Potomac Sculpin, Redbreast Sunfish, Rock Bass, Rosyside Dace, Sea Lamprey, Shorthead Minnow, Silverjaw Minnow, Smallmouth Bass, Spotfin Shiner, Swallowtail Shiner, Tessellated Darter, and White Sucker.

Watts Branch (Use I)

Muddy Branch (Use I)

MBSS Stations located on Watts Branch and Muddy Branch document the following summary of findings for fish: Blacknose Dace, Bluntnose Minnow, Central Stoneroller, Creek Chub, Fantail Darter, Green Sunfish, Greenside Darter, Longnose Dace, Pumpkinseed, Redbreast Sunfish, Rosyside Dace, Silverjaw Minnow, Tessellated Darter, White Sucker and Yellow Bullhead.

Rock Creek (Use I)

Unnamed Tributaries to Rock Creek (Use I)

Nearby Maryland Biological Stream Survey (MBSS) stations located on the Unnamed Tributary to Rock Creek and on Rock Creek document the following summary of findings for fish: American Eel, Blacknose Dace, Bluegill, Creek Chub, Cutlip Minnow, Fallfish, Green Sunfish, Longnose Dace, Northern Hogsucker, Pumpkinseed, Redbreast Sunfish, Satinfin Shiner, Spottail Shiner, Swallowtail Shiner, Tessellated Darter, White Sucker and Yellow Bullhead.

Sligo Creek (Use I)

Nearby MBSS stations located on Sligo Creek document the following summary of findings for fish: American Eel, Blacknose Dace, Bluegill, Creek Chub, Goldfish, Green Sunfish, Longnose Dace, and White Sucker.

Northwest Branch Anacostia (Use IV)

Northwest Branch of the Anacostia is stocked with adult trout during the spring season approximately in in the vicinity of the project location upstream of Maryland Route 410 to Norwood Road. Depending upon flow and in-stream conditions, stocked trout may be found near the project site. Nearby MBSS stations located on the Northwest Branch Anacostia document the following summary of findings for fish: Blacknose Dace, Bluntnose Minnow, Creek chub, Cutlip Minnow, Fantail Darter, Largemouth Bass, Longnose Dace, Margined Madtom, Northern Hogsucker, Redbreast Sunfish, Rosyside Dace, Satinfin Shiner, Spottail Shiner, Swallowtail Shiner, Tessellated Darter, and White Sucker.

There are records of *Cambarus acuminatus* (Acuminate Crayfish) located upstream and downstream of this project site. Crayfish are in Greatest Conservation Need. Species of greatest conservation need are those animals, both aquatic and terrestrial, which are at risk or are declining in Maryland. It is crucial that water quality and hydrology be maintained during all work at this site. We would like to emphasize the need to prevent any sediment or debris from reaching the creek at this location.

Paint Branch (Use III)

Unnamed Tributary to Paint Branch (Use I)

A nearby Maryland Biological Stream Survey (MBSS) station documents the following summary of findings for fish: American Eel, Blacknose Dace, Blue Ridge Sculpin, Bluegill, Creek Chub, Cutlip Minnow, Fallfish, Green Sunfish, Largemouth Bass, Longnose Dace, Margined Madtom, Northern Hogsucker, Redbreast Sunfish, Rosyside Dace, Satinfin Shiner, Sea Lamprey, Spottail Shiner, Swallowtail Shiner, Tessellated Darter, and White Sucker.

Paint Branch is a designated natural trout stream containing wild naturally reproducing Brown Trout that are mostly found in the upper section from East Randolph Road upstream and headwater tributaries including Good Hope and Gum Springs tributaries. Although not surveyed recently, Central Region Freshwater Fisheries staff found Brown Trout below Route 29 and below Route 95 in the past. The project location could potentially have Brown Trout year round but due to warmer stream temperatures during the summer, likely would be inhabited by Brown Trout during the warmer periods of the year. No evidence of spawning in the lower Paint Branch has been documented as most natural reproduction occurs in the Good Hope tributary and the upper Paint Branch above Fairland Road. Trout are a high priority species for protection and restoration because of widespread declines (e.g. water temp, habitat degradation, competition from exotics) throughout its native range. So while not federal or state listed, DNR recommends conservation measures to avoid and minimize trout impacts, and may be unlikely to grant waivers to stream closures.

There are records of Crayfish located nearby this project site, which are in Greatest Conservation Need. Species of greatest conservation need are those animals, both aquatic and terrestrial, which are at risk or are declining in Maryland. It is crucial that water quality and hydrology be maintained during all work at this site. We would like to emphasize the need to prevent any sediment or debris from reaching the creek at this location.

Little Paint Branch (Use I)

A nearby Maryland Biological Stream Survey (MBSS) station documents the following summary of findings for fish: American Eel, Blacknose Dace, Bluegill, Common Shiner, Creek Chub, Cutlip Minnow, Eastern Mudminnow, Fallfish, Largemouth Bass, Longnose Dace, Northern Hogfish, Pumpkinseed, Redbreast Sunfish, Satinfish Shiner, Spottail Shiner, Swallowtail Shiner, Tessellated Darter, White Sucker, and Yellow Bullhead.

Indian Creek (Use I)

Brier Ditch and UTs to Brier Ditch (Use I)

Beaverdam Creek and UTs to Beaverdam Creek (Use I)

Cattail Branch (Use I)

In perennial stream reaches in this general vicinity, communities of several fish species can typically be found. Upstream and downstream MBSS stations document the following summary of findings for fish: American Eel, Blacknose Dace, Bluegill, Bluespotted Sunfish, Brown Bullhead, Chain Pickerel, Creek Chubsucker, Creek Chub, Cutlip Minnow, Eastern Mosquitofish, Eastern Mudminnow, Fallfish, Golden Shiner, Goldfish, Green Sunfish, Largemouth Bass, Least Brook Lamprey, Longnose Dace, Mummichog, Pumpkinseed, Redbreast Sunfish, Rosyside Dace, Sea Lamprey, Swallowtail Darter, Tessellated Darter, White Sucker, and Yellow Bullhead.

Indian Creek is designated as Tier II High Quality Waters upstream of this project area, demonstrating that both benthic and fish data for this stream segment is significantly higher than the standard. Any impacts requiring a permit may trigger an antidegradation review.

Bald Hill Branch (Use I)

Western Branch of Patuxent (Use I)

In perennial stream reaches in this general vicinity, communities of several fish species can typically be found. Upstream and downstream MBSS stations on Bald Hill Branch document the following summary of

findings for fish: American Brook Lamprey, American Eel, Black Crappie, Bluegill, Bluespotted Sunfish, Chain Pickerel, Creek Chubsucker, Eastern Mosquitofish, Eastern Mudminnow, Fallfish, Gizzard Shad, Glassy Darter, Green Sunfish, Largemouth Bass, Least Brook Lamprey, Margined Madtom, Pumpkinseed, Redbreast Sunfish, Redfin Pickerel, Rosyside dace, Satinfin Shiner, Sea Lamprey, Swallowtail, Tessellated Darter, White Sucker, Yellow bullhead, and Yellow Perch. The mussel, *Elliptio complanata* (Eastern Elliptio), has been documented downstream of the project area.

MBSS stations on the Western Branch of the Patuxent document the following summary of findings for fish: American Eel, Blacknose Dace, Bluegill, Creek Chub, Creek Chubsucker, Cutlip Minnow, Eastern Mosquitofish, Fallfish, Golden Shiner, Green Sunfish, Pumpkinseed, Redbreast Sunfish, Rosyside Dace, Satinfin Shiner, Swallowtail Shiner, Tessellated Darter, White Sucker, and yellow Bullhead.

Bald Hill Branch is designated as Tier II High Quality Waters in this project area, demonstrating that both benthic and fish data for this stream segment is significantly higher than the standard. Any impacts requiring a permit may trigger an antidegradation review.

Unnamed Tributaries to Henson Creek (Use I)

MBSS stations on the Henson Creek and its unnamed tributaries document the following summary of findings for fish: American Eel, Banded Killifish, Blacknose Dace, Bluegill, Central Stoneroller, Creek Chub, Creek Chubsucker, Eastern Mudminnow, Green Sunfish, Longnose Dace, Mummichog, Redbreast Sunfish, Rosyside Dace, Satinfin Shiner, Swallowtail Shiner, Tessellated Darter, and White Sucker.

ADDITIONAL COMMENTS ON BMPS:

Stream crossings, including culvert pipes and instream riprap, should not result in the blockage of passage for aquatic life. At least one culvert should be depressed at least one foot below stream invert, and a low flow channel should be provided through riprap structures.

To minimize solar heating of surface waters, the Department of Natural Resources encourages that infiltration, vegetation, or other design elements that encourage temperature regulation be incorporated into stormwater facility designs located in Use III and Use IV watersheds.

To minimize impact to water quality, DNR requests that runoff from bridge scuppers be diverted and possibly treated to not directly enter the waterway

Existing riparian vegetation in the area of the stream channel should be preserved as much as possible to maintain aquatic habitat and provide shading to the stream. Areas designated for the access of equipment and for the removal or disposal of material should avoid impacts to the stream and associated riparian vegetation. Any temporarily disturbed areas should be restored and re-vegetated. The use of concrete or grouting required to conduct repairs should be managed to assure curing processes do not impact the stream or modify stream PH.

The project area may be within or adjacent to mapped wetland areas, impacts from the use of heavy equipment, disposal of excavated material, or other construction activities should be avoided to the extent possible. When there is no reasonable alternative to the adverse effects on wetlands or other aquatic or

terrestrial habitat, the applicant shall be required to provide measures to mitigate, replace, or minimize the loss of habitat.

The fisheries resources in the above area should be adequately protected by the instream work restrictions referenced above, stringent sediment and erosion control methods, and other Best Management Practices typically used for protection of stream resources.

MD DNR, Environmental Review signature



Gwen Gibson

DATE: January 10, 2019

DRAFT

Matthew J. Strickler
Secretary of Natural Resources

Clyde E. Cristman
Director



Rochelle Altholz
Deputy Director of
Administration and Finance

Russell W. Baxter
Deputy Director of
Dam Safety & Floodplain
Management and Soil & Water
Conservation

Thomas L. Smith
Deputy Director of Operations

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

MEMORANDUM

DATE: May 3, 2018

TO: Caryn J. G. Brookman, MDOT

FROM: Roberta Rhur, Environmental Impact Review Coordinator

SUBJECT: MDOT: I-495 & I-270 MANAGED LANES STUDY

Division of Planning and Recreation Resources

The Department of Conservation and Recreation (DCR), Division of Planning and Recreational Resources (PRR), develops the *Virginia Outdoors Plan* and coordinates a broad range of recreational and environmental programs throughout Virginia. These include the Virginia Scenic Rivers program; Trails, Greenways, and Blueways; Virginia State Park Master Planning and State Park Design and Construction.

This project potentially affects the George Washington Parkway, a National Scenic Byway. For this reason, we recommend coordination with the National Park Service.

Division of Natural Heritage

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

According to the information currently in our files, natural heritage resources have been documented in the project area (See Attached Table). The table lists natural heritage resources within two miles of the project footprint in Virginia. As specific projects are being planned, DCR recommends coordination with this office for updated natural heritage information and determination of potential impacts to natural heritage resources.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species.

There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

New and updated information is continually added to Biotics. Please re-submit project information and map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

The Virginia Department of Game and Inland Fisheries (VDGIF) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Ernie Aschenbach at 804-367-2733 or Ernie.Aschenbach@dgif.virginia.gov.

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

DRAFT

EO NUMBER	GROUP NAME	SCIENTIFIC NAME	COMMON NAME	GLOBAL RANK	STATE RANK	FEDERAL PROTECTION STATUS	STATE PROTECTION STATUS	ASSOCIATED CONSERVATION SITE NAME
	3 Invertebrate Animal	Stygobromus pizzinii	Pizzini's Amphipod	G3G4	S1S2			
	5 Vascular Plant	Cirsium altissimum	Tall Thistle	G5	S1			
	2 Invertebrate Animal	Stygobromus pizzinii	Pizzini's Amphipod	G3G4	S1S2			
	9 Invertebrate Animal	Sphinx franckii	Franck's Sphinx	G4G5	S2S3			POTOMAC GORGE
	2 Vascular Plant	Echinocystis lobata	Wild cucumber	G5	SH			
	2 Invertebrate Animal	Stygobromus pizzinii	Pizzini's Amphipod	G3G4	S1S2			POTOMAC GORGE
	3 Vascular Plant	Silene nivea	Snowy Campion	G4?	S1			POTOMAC GORGE
	5 Vascular Plant	Cuscuta polygonorum	Smartweed Dodder	G5	S1			
	2 Vascular Plant	Rhododendron arborescens	Sweet azalea	G4G5	S2			POTOMAC GORGE
	5 Terrestrial Natural Community	Acer rubrum - Fraxinus (pennsylvanica, americana) / Linder benzoin / Symplocarpus foetidus Forest	Piedmont / Northern Coastal Plain Basic Seepage Swamp	G4G5	S2?			POTOMAC GORGE
	1 Vascular Plant	Valeriana pauciflora	Pink valerian	G4	S1			POTOMAC GORGE
	1 Terrestrial Natural Community	Acer (nigrum, saccharum) - Tilia americana / Asimina triloba / Jeffersonia diphylla - Caulophyllum thalictroides Forest	Central Appalachian / Piedmont Basic Mesic Forest (Twingleaf - Blue Cohosh Type)	G4G5	S4			POTOMAC GORGE
	6 Terrestrial Natural Community	Fagus grandifolia - Quercus (alba, rubra) - Liriodendron tulipifera / (Ilex opaca) / Polystichum acrostichoides Forest	Northern Coastal Plain / Piedmont Mesic Mixed Hardwood Forest	G5	S5			POTOMAC GORGE
	5 Terrestrial Natural Community	Fagus grandifolia - Liriodendron tulipifera - Carya cordiformis / Linder benzoin / Podophyllum peltatum Forest	Coastal Plain / Outer Piedmont Basic Mesic Forest	G4?	S3			POTOMAC GORGE
	4 Terrestrial Natural Community	Platanus occidentalis - Acer negundo - Juglans nigra / Asimina triloba / Mertensia virginica Forest	Piedmont / Central Appalachian Rich Floodplain Forest	G4	S3S4			POTOMAC GORGE
	1 Terrestrial Natural Community	Acer (saccharum, nigrum) - Tilia americana / Staphylea trifolia / Dryopteris marginalis - (Impatiens pallida) Forest	Central Appalachian / Piedmont Low-Elevation Rich Boulderfield Forest	G3G4	S2S3			POTOMAC GORGE
	1 Vascular Plant	Arabis patens	Spreading rock cress	G3	S1			POTOMAC GORGE
	1 Invertebrate Animal	Stygobromus pizzinii	Pizzini's Amphipod	G3G4	S1S2			
	2 Terrestrial Natural Community	Tsuga canadensis - Fagus grandifolia - Quercus (montana, alba) Forest	Piedmont / Coastal Plain Hemlock - Hardwood Forest	G2G3	S1			POTOMAC GORGE
	30 Invertebrate Animal	Bombus (Bombus) affinis	Rusty-patched Bumblebee	G1	S1	LE		
	9 Vascular Plant	Rorippa sessiliflora	Stalkless yellow cress	G5	S2			POTOMAC GORGE
	2 Vascular Plant	Lipocarpa micrantha	Small-flower halfchaff sedge	G5	S2			POTOMAC GORGE
	3 Vascular Plant	Senecio suaveolens	Sweet-scented Indian-plantain	G4	S2			POTOMAC GORGE
	1 Terrestrial Natural Community	Justicia americana Herbaceous Vegetation	Water-Willow Rocky Bar and Shore	G4G5	S4			POTOMAC GORGE
	2 Vascular Plant	Sida hermaphrodita	Virginia sida	G3	S1			POTOMAC GORGE
	1 Vascular Plant	Enemion biternatum	False Rue-anemone	G5	S1			POTOMAC GORGE
	2 Vascular Plant	Maianthemum stellatum	Starry Solomon's-plume	G5	S1S2			POTOMAC GORGE
	4 Aquatic Natural Community	NP-Middle Potomac-Catoctin Second Order Stream	NP-Middle Potomac-Catoctin Second Order Stream	G2?	S2?			POTOMAC RIVER - YELLOW FALLS SCU
	5 Vertebrate Animal	Glyptemys insculpta	Wood Turtle	G3	S2		LT	POTOMAC GORGE
	17 Vascular Plant	Eryngium yuccifolium var. yuccifolium	Northern rattlesnake-master	G5T5	S2			POTOMAC GORGE
	3 Vascular Plant	Orthilia secunda	One-sided shinleaf	G5	SH			
	2 Vascular Plant	Phacelia covillei	Coville's phacelia	G3	S1			POTOMAC GORGE
	3 Invertebrate Animal	Gomphus fraternus	Midland Clubtail	G5	S2			POTOMAC RIVER - YELLOW FALLS SCU
	2 Vertebrate Animal	Glyptemys insculpta	Wood Turtle	G3	S2		LT	POTOMAC GORGE
	6 Vascular Plant	Cerastium velutinum var. velutinum	Field chickweed	G5T4?	S1S2			POTOMAC GORGE
	2 Vascular Plant	Erythronium albidum	White trout lily	G5	S2			POTOMAC GORGE
	1 Invertebrate Animal	Stygobromus sextarius	Capital area groundwater amphipod	G1	S1			POTOMAC GORGE
	2 Terrestrial Natural Community	Quercus montana - Quercus rubra / Hamamelis virginiana Forest	Central Appalachian Dry-Mesic Chestnut Oak - Northern Red Oak Forest	G5	S4			POTOMAC GORGE
	1 Terrestrial Natural Community	Platanus occidentalis - Acer saccharinum - Ulmus americana - Fraxinus pennsylvanica / Boehmeria cylindrica - Carex emoryi Woodland	Piedmont / Central Appalachian Bedrock Floodplain Scour Woodland	G2?	S1			POTOMAC GORGE
	3 Terrestrial Natural Community	Platanus occidentalis - Betula nigra - Salix (caroliniana, nigra) / Apocynum sibiricum Woodland	Piedmont / Central Appalachian Sycamore - River Birch Scour Woodland	G4G5	S3			POTOMAC GORGE
	1 Vascular Plant	Spartina pectinata	Freshwater Cordgrass	G5	S2			POTOMAC GORGE
	1 Vascular Plant	Matteuccia struthiopteris var. pennsylvanica	Ostrich Fern	G5T5	S1			POTOMAC GORGE
	1 Vascular Plant	Solidago racemosa	Sticky Goldenrod	G5T3?	S1			POTOMAC GORGE
	3 Vascular Plant	Boechera dentata	Short's rock cress	G5	S1			POTOMAC GORGE
CONSERVATION SITE NAME		BIODIVERSITY RANK	LEGAL STATUS					
POTOMAC RIVER - YELLOW FALLS SCU		B3	NL					
POTOMAC GORGE		B1	SL					

Caryn Brookman

From: Ernst Aschenbach <ernie.aschenbach@dgif.virginia.gov>
Sent: Thursday, April 5, 2018 11:55 AM
To: Caryn Brookman; Amy Golden
Cc: ProjectReview (DGIF)
Subject: Preliminary NEPA scoping request for project located entirely in Maryland, USA: MDOT SHA I-495 & I-270 managed lanes study

To Whom It may concern:

Subject: DGIF instructions in response to request for preliminary scoping review and comments.

We appreciate that you submitted your project(s) for review by VDGIF to ensure the protection of sensitive wildlife resources during project development. Due to current staffing limitations within our Fish and Wildlife Information Services (FWIS) and Environmental Services sections, we are unable to review and provide comments on projects that are not currently involved in one of the regulatory review processes for which we are a consultative agency see <https://www.dgif.virginia.gov/environmental-programs/environmental-services-section/>.

Please note that no response from VDGIF does not constitute “no comment” nor does it imply support of the project or associated activities. It simply means VDGIF has not been able to respond to your request.

To assist you in determining which, if any, wildlife resources under our jurisdiction, including threatened and endangered wildlife, may be present on or near your project site, we recommend that you access the Virginia Fish and Wildlife Information System (VAFWIS) at <http://vafwis.org/fwis/>.

If you should have further questions or need additional information about VDGIF’s Environmental Programs, please visit: <https://www.dgif.virginia.gov/environmental-programs/>.

Please feel free to attach a copy of this correspondence and any reports from VAFWIS with your project paper work to document your correspondence with us regarding this project.

Thank you,

Ernie Aschenbach
Environmental Services Biologist
Virginia Dept. of Game and Inland Fisheries
Phone: (804) 367-2733
Email: Ernie.Aschenbach@dgif.virginia.gov

Physical Address: 7870 Villa Park Drive, Suite 400 | Henrico, VA 23228

Mailing Address: P.O. Box 90778 | Henrico, VA 23228-0778

Carly V Barron

From: Maddy Sigrist
Sent: Monday, January 14, 2019 3:07 PM
To: Carly V Barron
Subject: FW: I-495 & I-270 Managed Lanes Study in Maryland and Virginia; Request for Information

Please see below from Brian Hopper.

MADDY SIGRIST, PWS
Project Scientist



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Baltimore, MD 21202

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From: Brian D Hopper - NOAA Federal <brian.d.hopper@noaa.gov>
Sent: Thursday, August 9, 2018 7:47 AM
To: Caryn Brookman <CBrookman@sha.state.md.us>
Cc: Kristy Beard - NOAA Federal <kristy.beard@noaa.gov>; Maddy Sigrist <msigrist@rkk.com>; Erron Ramsey <eramsey@rkk.com>
Subject: Re: I-495 & I-270 Managed Lanes Study in Maryland and Virginia; Request for Information

Hi Caryn,

Atlantic and shortnose sturgeon are present in the Potomac River. The New York Bight, Chesapeake Bay, South Atlantic and Carolina DPS of Atlantic sturgeon are endangered; the Gulf of Maine DPS is threatened. Shortnose sturgeon are endangered throughout their range.

However, after reviewing the study area involved with this proposed project, we have concluded that no federally listed or proposed threatened or endangered species under our jurisdiction will be exposed to any direct or indirect effects of the action. Based on this, we do not believe a consultation in accordance with section 7 of the Endangered Species Act is necessary. Should project plans change or new information become available that changes the basis for this determination, further coordination should be pursued. If you have any questions regarding these comments, please contact me (410-573-4592; brian.d.hopper@noaa.gov). Please be aware that we have recently provided guidance and tools on our website (<http://www.greateratlantic.fisheries.noaa.gov/protected/section7/>) to assist action agencies with their description of the action and analysis of effects to support their determination.

Regards,
-Brian

April 12, 2018

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

Dear Ms. Hughes:

Introduction and Study Description

This letter serves to inform the Maryland Historical Trust (MHT) of the Maryland Department of Transportation State Highway Administration's (MDOT SHA) proposed Study No. AW073A11, I-495 & I-270 Managed Lanes Study (MLS). The study is the first element of a broader I-495 & I-270 Public-Private Partnership (P3) Program which considers improvements along the entire length of I-495 (Capital Beltway), as well as the entire length of I-270 (Dwight D. Eisenhower Memorial Highway) up to I-70 in Frederick County, Maryland. The study limits of the initial phase, the I-495 & I-270 MLS, encompass I-495 from south of the American Legion Bridge in Fairfax County, Virginia, to east of the Woodrow Wilson Bridge and I-270 from I-495 north to I-370, including the east and west I-270 spurs along I-495. The preliminary purpose of the MLS is to accommodate existing traffic and long-term traffic growth, enhance trip reliability, and improve travel choice on I-495 and I-270, within the study limits.

As a P3 study, design and construction will be undertaken by private sector concessionaires, who will also be responsible for the ongoing operation of the improvements. Due to the nature of the P3 study delivery structure, the precise nature of the improvements will not be determined until the concessionaires have been selected and develop a solution that meets the goals of the study.

Due to the complexity of the undertaking and the design flexibility allowed by the P3 delivery method, MDOT SHA expects Section 106 review to be completed through execution of a Programmatic Agreement documenting assessment and resolution of effects to known properties and providing protocols for evaluation and resolution of effects following advancement of design. MDOT SHA will ask FHWA to notify the Advisory Council on Historic Preservation and invite their participation in the proposed Agreement.

Preliminary Area of Potential Effects

In developing a preliminary Area of Potential Effects (APE) for this study, MDOT SHA considered possible visual, audible, atmospheric and/or physical effects to historic properties,

both archaeological sites and standing structures, that would diminish the integrity of any characteristics that would qualify a property for the National Register of Historic Places (NRHP).

Because the precise limits of disturbance are unknown, MDOT SHA has developed a Corridor Study Boundary (CSB), the envelope within which improvements may occur. The CSB is defined as a line extending 300 feet from the centerline on either side of I-495 and I-270 within the study limits, as shown in Attachment 1. MDOT SHA makes the assumption at this point that the CSB represents the area where direct effects to historic properties, including archaeological resources, may occur.

To capture anticipated direct and indirect effects, the preliminary APE encompasses the CSB and extends an additional 250 feet on either side, expanding farther at certain interchanges. The CSB and APE are preliminary and subject to change as more information about the I-495 & I-270 MLS study becomes available.

Funding

Federal funds are anticipated for this study.

Identification Methods and Results

Potentially significant architectural and archaeological resources will be researched as part of the historic investigation instigated by the proposed I-495 & I-270 MLS.

Architecture: The study area is located along I-495 from south of the Potomac River to I-270 in Montgomery County, and along I-270 between its confluence with I-495 to I-370 South of Gaithersburg. Within the study limits, I-495 and I-270 are multilane divided highway that form multiple large interchanges with Maryland highways. The surrounding areas include a range of residential, commercial, and office and industrial buildings constructed from the early twentieth century up to the present. Residential dwellings include single-family houses, multi-family apartments, and townhouse communities. Commercial properties are primarily auto-oriented shopping centers, and office and industrial uses are present individually and concentrated in single-use developments. The majority of buildings are single-family houses within residential subdivisions developed between 1950 and 1980.

North, east, and south of Washington, D.C., I-495 mainly passes through and between preexisting suburban neighborhoods constructed following World War II and those built concurrently with the highway into the 1960s. Later development appears primarily in Montgomery County along the western section of the Beltway and along the I-270 corridor.

A preliminary review of MHT's Medusa database, the Maryland Inventory of Historic Properties (MIHP), the Virginia Department of Historic Resources' V-CRIS database, and property tax data has identified 35 NRHP listed or eligible properties within the APE. The APE also includes 18

properties that are listed in the MIHP but have not been evaluated for NRHP eligibility. One eligible property within the APE, the WMAL Transmittal Property (M: 30-24), was demolished in 2017. A list of eligible and unevaluated resources within the APE is provided as Attachment 2.

In addition, under Section 106 of the National Historic Preservation Act of 1966, buildings that are 50 years of age qualify to be considered for inclusion in the National Register of Historic Places (NRHP). In consideration of the study schedule, MDOT SHA intends to evaluate resources within the APE that were constructed in or prior to 1978 for NRHP eligibility to account for resources that may become eligible during the course of construction.

MDOT SHA will develop an addendum to the existing *Suburbanization Historic Context and Survey Methodology* (KCI Technologies, Inc., 2000) which covers suburban development in Montgomery and Prince George's counties up to 1960, to provide guidance for evaluating resources constructed after 1960.

As the study develops and details regarding the study limits and CSB are finalized, MDOT SHA will revise the APE accordingly and determine the extent of affected properties. MDOT SHA looks forward to coordinating with MHT and other consulting parties on this study.

Archaeology: The archaeology survey area is defined as the CSB, and is subject to change. MDOT SHA prepared a preliminary archaeological assessment, which identified 48 archaeological sites have been recorded in or within 250 m of the current archaeology survey area.

As part of the prior I-495 Capital Beltway Managed Lanes Project, the Capital Beltway was surveyed by Diamante et al. (2008), who tested two previously recorded sites and identified 9 archaeological sites and 10 isolated finds. One of two previously identified sites and one of nine newly identified archaeological sites were recommended for further archaeological investigations that did not occur at that time.

Within the archaeology survey area, the preliminary assessment identified at least 49 discrete areas that appear to be undisturbed and warrant additional archaeological investigation (including inaccessible parcels identified by Diamante et al. 2008). Stormwater, wetland, reforestation, and other environmental stewardship and mitigation sites have not yet been identified, and additional areas requiring archaeological survey may be identified as the study is refined. In addition, the following archaeological resources may require further archaeological investigations; MDOT SHA will consult with MHT and appropriate consulting parties as we develop the scope of work for these resources.

- Previously recorded Site 18MO514 is within the National Register listed National Park Seminary Historic District (M:36-01) and determination of the eligibility of its archaeological component was beyond the scope of the investigation by Diamante et al. (2008).

- Site 18PR750 may be eligible for the National Register of Historic Places and Phase II testing is warranted to evaluate significance.
- The Montgomery County Poor Farm (18MO514) along I-270 should be evaluated for the possible presence of human remains associated with the cemetery.
- The Walker Family Cemetery (PG:67-3), located along the Capital Beltway immediately south of MD 201, is part of the NRHP listed Greenbelt Historic District.
- The C&O Canal National Historic Park (NR-12), including Canal Locks 12 through 14, is a National Historic Landmark property.

MDOT SHA will continue to consult with MHT and other consulting parties as the study evolves.

Review Request

Please examine the attached APE map (**Attachment 1**). We request your comments by May 11, 2018 on MDOT SHA's proposed I-495 and I-270 MLS. By carbon copy, we are inviting the relevant agencies, local government representatives, and historic groups (Attachment 3) to provide comments and participate in the Section 106 process. Federally recognized tribes will also be invited to consult.

MDOT SHA also looks forward to coordination with the Virginia Department of Transportation and the Virginia Department of Historical Resources for the portion of the study within Virginia jurisdiction.


Pursuant to the requirements of the implementing regulations found at 36 CFR Part 800, MDOT SHA seeks the attached parties' assistance in identifying historic preservation issues as they relate to this specific study (see 36 CFR §800.2(c)(3) and (5), and §800.3(f) for information regarding the identification and participation of consulting parties, and §800.4, and §800.5 regarding the identification of historic properties and assessment of effects). For additional information regarding the Section 106 regulations, see the Advisory Council on Historic Preservation's website, www.achp.gov, or contact MDOT SHA or MHT. If you do not wish to consult on this study, please notify MDOT SHA.

MDOT SHA proposes to hold a consulting parties kickoff meeting at 11 a.m. on May 3, 2018 at the P3 Study Office located at 601 N. Calvert Street in Baltimore and invites all consulting parties to attend. If you are unable to attend the meeting but wish to receive information, please feel free to contact MDOT SHA using the contact information below.

Please contact Cultural Resources Team Leader Steve Archer (410-545-8508 or email sarcher@sha.state.md.us) for general questions about the Section 106 process for this study. Matt Manning may be reached at 410-545-8560 (or via email at MManning@sha.state.md.us) with questions regarding standing structures, and Richard Ervin may be reached at 410-545-2878 (or via email at rervin@sha.state.md.us) with concerns regarding archaeology.

Ms. Elizabeth Hughes
Page Five

Sincerely,

 Digitally signed by Steve Archer
DN: cn=Steve Archer,
o=Maryland State Highway
Administration, ou=Cultural
Resources Section/
Environmental Planning
Division,
email=SArcher@sha.state.md.us,
c=US

for Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division

Attachments

cc:

Ms. Julie Langan, Virginia State Historic Preservation Officer
Ms. Jeanette Mar, Environmental Manager, FHWA
Lisa B. Choplin, DBIA, Director, I-495 & I-270 P3 Office, MDOT SHA
Jeffrey Folden, P.E., DBIA, Deputy Director, I-495 & I-270 P3 Office, MDOT SHA (w/
Attachments)
Ms. Caryn Brookman, Environmental Manager, I-495 & I-270 P3 Office, MDOT SHA
Mr. Steve Archer, MDOT SHA-EPLD
Mr. Richard Ervin, MDOT SHA-EPLD
Mr. Matt Manning, MDOT SHA-EPLD

From: [Maddy Sigrist](#)
To: [Christina Simini](#)
Subject: FW: Bald eagle nests
Date: Monday, May 4, 2020 3:38:41 PM
Attachments: [image001.png](#)
[image005.png](#)

Please see below for email from Lori Byrne.

MADDY SIGRIST, PWS
Senior Project Scientist



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From: Lori Byrne -DNR- <lori.byrne@maryland.gov>
Sent: Friday, February 28, 2020 10:15 AM
To: Gwendolyn Gibson -DNR- <gwendolyn.gibson@maryland.gov>
Cc: Maddy Sigrist <msigrist@rkk.com>; Justin Reel <jreel@rkk.com>
Subject: Re: Bald eagle nests

Hi Gwen,
We no longer track bald eagle nests in Maryland. While this species is no longer listed by the State of Maryland, it is protected under the federal Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c). We generally defer to the National Bald Eagle Management Guidelines, which can be found online at

www.fws.gov/northeast/ecologicalservices/eaglenationalguide.html.

Thanks.

Lori

	<p>Lori A. Byrne Environmental Review Coordinator Wildlife and Heritage Service Department of Natural Resources 580 Taylor Avenue, E-1 Annapolis, MD 21401 410-260-8573 (office) 410-260-8596 (FAX) lori.byrne@maryland.gov</p>
 dnr.maryland.gov	

On Fri, Feb 28, 2020 at 9:39 AM Gwendolyn Gibson -DNR- <gwendolyn.gibson@maryland.gov> wrote:

Hi Lori,

The I495-I270 Managed Lane study team has inquired if DNR tracks the locations of bald eagle nests? If so, can we provide information on their locations for their study?

Justin and Maddy with the study team are included on this email. So feel free to "reply all".

Thanks,

Gwen

Sent from my iPhone

From: [Clark, Trevor](#)
To: [Ryan Leiberher](#)
Cc: [Jenny Saville](#); [Justin Reel](#); [Maddy Sigrist](#); [Stacy Talmadge \(Consultant\)](#); [Caryn Brookman](#); [Thompson, Julie](#); [Guy, Chris](#); [Li, Ray](#)
Subject: I-495/I-270: Managed Lanes Study (COVID-19 virus (SARS CoV-2) and North American bats)
Date: Friday, April 10, 2020 1:00:28 PM
Importance: High

Hi Ryan,

Please temporarily postpone mist-netting surveys and radio telemetry for the I-495/I-270: Managed Lanes Study due to the potential risks of humans transmitting the COVID-19 virus (SARS CoV-2) to North American bats. Acoustic bat surveys can still be conducted. When we receive additional guidance on this issue, we will forward it to you. Please contact me if you have any questions. Thanks Ryan.

Trevor Clark
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Chesapeake Bay Ecological Services Field Office
Endangered and Threatened Species Branch
177 Admiral Cochrane Drive
Annapolis, Maryland 21401
Telephone: (410) 573-4527 Fax: (410) 269-0832
Email: trevor_clark@fws.gov

From: [Clark, Trevor](#)
To: [Maddy Sigrist](#)
Cc: [Koppie, Craig](#); [Li, Ray](#)
Subject: I-495/I-270 Managed Lanes Study bald eagle and peregrine falcon comments
Date: Wednesday, May 13, 2020 11:45:09 AM

Hi Maddy,

This is in response to your request for information about bald eagle (*Haliaeetus leucocephalus*) nests locations in Maryland that may be located near the action area of the I-495 & I-270 Managed Lanes Study. We also address your concerns regarding protection measures for peregrine falcons (*Falco peregrinus*) during improvements to the I-495 American Legion Bridge which is also part of this same Study. The Service offers these comments under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d) and Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*).

Bald eagle

Bald eagle nest surveys were annually conducted by Maryland DNR but ended with the last comprehensive efforts in 2004. Recently, the Maryland Bird Conservation Partnership established a Bald Eagle Nest Monitoring Program with the support of volunteers to monitor nests and collect information (<<https://marylandbirds.org/bald-eagle-nest-monitoring>>). These data are entered into an electronic database and used by the U.S. Fish and Wildlife Service's Chesapeake Bay Field Office (Service) to make determinations on project impacts that may impact eagle nests. A recent database search resulted in no bald eagle nests within the I-495 & I-270 Managed Lanes Study corridor study boundary. The closest nests were found in Prince George's County near the I-495/ Woodrow Wilson Memorial Bridge, and one at the Washington DC-Maryland border, over eight miles away. Bald Eagle populations are expanding in the Chesapeake Bay region. It is possible that additional nest pairs may utilize natural habitat patches of highway right-of-ways in coming years. We recommend that Maryland State Highway Administration (MD SHA) contact the Service when construction is starting to confirm that the situation has not changed.

Peregrine falcon

Peregrine falcons began nesting at the American Legion Bridge in 2007 (USFWS. C. Koppie, 2007 MD Peregrine Falcon Annual Nest Survey). When MD SHA initiated a contract for bridge painting and maintenance it became apparent that nesting attempts would be unsuccessful. Soon after, MD SHA formed a partnership with the Service and Maryland Department of Natural Resources to protect and promote more favorable conditions for nesting falcons on the Bridge. Through this partnership MD SHA constructed and installed a nest box platform to ensure long term protection for nesting peregrine falcons on the bridge. The falcon pair has been successfully using the nest box for 12 consecutive years (USFWS. Koppie, C.A, 2019 MD Peregrine Falcon Nest Survey).

The upcoming project for improvements to lanes of the American Legion Bridge will most likely disturb the resident peregrine falcons. For this reason the Service is recommending

that the MD SHA remove the existing peregrine falcon nest box just prior to nesting season when construction is scheduled to begin. The pair will likely attempt to find a new nest location on the bridge which may or may not be successful. The Service expects disruption for one or more nesting seasons, due to long term construction activities. Once construction activities are mostly complete near the former nest site, we recommend that the partnership reinstall the nest box.

If you have any questions or concerns regarding this email, please contact Craig Koppie at (410) 573-4534 or by email at Craig_Koppie@fws.gov; or Trevor Clark at (410) 573-4527 or by email at Trevor_Clark@fws.gov.

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