

# JOINT FEDERAL/STATE APPLICATION FOR THE ALTERATION OF ANY FLOODPLAIN, WATERWAY, TIDAL OR NONTIDAL WETLAND IN MARYLAND

## FOR AGENCY USE ONLY

Application Number	_____	Date Determined Complete	_____
Date Received by State	_____	Date(s) Returned	_____
Date Received by Corps	_____	Date of Field Review	_____
Type of State permit needed	_____	Agency Performed Field Review	_____
Type of Corps permit needed	_____		

- +++++
- Please submit 1 original and 6 copies of this form, required maps and plans to the Wetlands and Waterways Program as noted on the last page of this form.
  - Any application that is not completed in full or is accompanied by poor quality drawings may be considered incomplete and result in a time delay to the applicant.

Please check one of the following:

RESUBMITTAL: \_\_\_\_\_ APPLICATION AMENDMENT: \_\_\_\_\_ MODIFICATION TO AN EXISTING PERMIT: \_\_\_\_\_  
JURISDICTIONAL DETERMINATION ONLY: \_\_\_\_\_ APPLYING FOR AUTHORIZATION   X    
PREVIOUSLY ASSIGNED NUMBER (RESUBMITTALS AND AMENDMENTS) \_\_\_\_\_

DATE November 11, 2021, amended May 3, 2022 and June 21, 2022

## 1. APPLICANT INFORMATION:

### APPLICANT NAME:

A. Name:	<u>Jeff Folden</u>	B. Daytime Telephone:	<u>(410) 637-3321</u>
C. Company:	<u>MDOT SHA</u>	D. Email Address:	<u>JFolden1@mdot.maryland.gov</u>
E. Address:	<u>601 N. Calvert Street</u>		
F. City:	<u>Baltimore</u>	State:	<u>MD</u> Zip: <u>21202</u>

### AGENT/ENGINEER INFORMATION:

A. Name:	<u>Karen Kahl</u>	B. Daytime Telephone:	<u>(410) 462-9243</u>
C. Company:	<u>MDOT SHA/RK&amp;K</u>	D. Email Address:	<u>Kkahl.consultant@mdot.maryland.gov</u>
E. Address:	<u>601 N. Calvert Street</u>		
F. City:	<u>Baltimore</u>	State:	<u>MD</u> Zip: <u>21202</u>

### ENVIRONMENTAL CONSULTANT:

A. Name:	<u>Justin Reel</u>	B. Daytime Telephone:	<u>(410) 462-9348</u>
C. Company:	<u>RK&amp;K</u>	D. Email Address:	<u>jreel@rkk.com</u>
E. Address:	<u>700 E Pratt Street, Suite 500</u>		
F. City:	<u>Baltimore</u>	State:	<u>MD</u> Zip: <u>21202</u>

### CONTRACTOR (If known): Environmental Consultant Reviewer

A. Name:	<u>Emily Dolbin</u>	B. Daytime Telephone:	<u>(410) 462-7400</u>
C. Company:	<u>McCormick Taylor, Inc.</u>	D. Email Address:	<u>EBDolbin@mccormicktaylor.com</u>
E. Address:	<u>509 South Exeter Street, 4th Floor</u>		
F. City:	<u>Baltimore</u>	State:	<u>MD</u> Zip: <u>21202</u>

### PRINCIPAL CONTACT:

A. Name:	<u>Caryn Brookman</u>	B. Daytime Telephone:	<u>(410) 637-3335</u>
C. Company:	<u>MDOT SHA</u>	D. Email Address:	<u>Cbrookman.consultant@mdot.maryland.gov</u>
E. Address:	<u>601 N. Calvert Street</u>		
F. City:	<u>Baltimore</u>	State:	<u>MD</u> Zip: <u>21202</u>

## 2. PROJECT DESCRIPTION

### a. GIVE WRITTEN DESCRIPTION OF PROJECT:

A description of the project is provided in Section 1 of the I-495 & I-270 Managed Lanes Study FEIS

Has any portion of the project been completed? \_\_\_\_\_ Yes ☒ No If Yes, explain:

Is this a residential subdivision or commercial development? \_\_\_\_\_ Yes ☒ No \_\_\_\_\_ acres

If yes, yes, total number of acres on property \_\_\_\_\_

Will there be temporary or permanent tree clearing occurring on the overall project site (i.e., uplands and wetlands), including but not limited to, tree clearing for site development, road/highways, utilities, mining, stormwater management, restoration, energy production and transmission, etc.)? \_\_\_\_\_ Yes ☒ No

If yes, total estimated acres of tree clearing for the overall project site: 454.96 acres

**b. ACTIVITY:** Check all activities that are proposed in the wetland, waterway, floodplain, and nontidal wetland buffer as appropriate.

- A. ☒ filling D. \_\_\_\_\_ flooding or impounding F. ☒ grading  
B. \_\_\_\_\_ dredging G. ☒ removing or destroying  
C. ☒ excavating E. \_\_\_\_\_ draining H. ☒ building structures

Area for item(s) checked: Wetland MDE 288,943; USACE 290,872 (sq. ft.) Buffer (Nontidal Wetland Only) MDE 351,423; USACE N/A (sq. ft.)  
Expanded Buffer (Nontidal Wetland Only) \_\_\_\_\_ (sq. ft.)

Area of stream impact MDE 1,331,738; USACE 1,352,481 (sq. ft.)

Length of stream affected MDE 54,035; USACE 56,249 (linear feet)

Area of floodplain impact: MDE 2,760,796 sq. ft.; USACE N/A

(See Impact Tables for breakdown of impacts)

**c. TYPE OF PROJECTS:** Project Dimensions **(\*\*\*Reference Attachments for Specific Impacts\*\*\*)**

For each activity, give overall length and width (in feet), in columns 1 and 2. For multiple activities, give total area of disturbance in square feet in column 3. For activities in tidal waters, give maximum distance channelward (in feet) in column 4. For dam or small ponds, give average depth (in feet) for the completed project in column 5. Give the volume of fill or dredged material in column 6.

	Length (Ft.) 1	Width (Ft.) 2	Area (Sq. Ft.) 3	Maximum/Average Channelward Encroachment 4	Pond Depth 5	Volume of fill/dredge material (cubic yards) below MHW or OHW 6
A. _____ Bulkhead	_____	_____	_____	_____	_____	_____
B. _____ Revetment	_____	_____	_____	_____	_____	_____
C. _____ Vegetative Stabilization	_____	_____	_____	_____	_____	_____
D. _____ Gabions	_____	_____	_____	_____	_____	_____
E. _____ Groins	_____	_____	_____	_____	_____	_____
F. _____ Jetties	_____	_____	_____	_____	_____	_____
G. _____ Boat Ramp	_____	_____	_____	_____	_____	_____
H. _____ Pier	_____	_____	_____	_____	_____	_____
I. _____ Breakwater	_____	_____	_____	_____	_____	_____
J. _____ Repair & Maintenance	_____	_____	_____	_____	_____	_____
K. <input checked="" type="checkbox"/> Road Crossing	_____	(See Attachment A and Impact Tables)		_____	_____	_____
L. _____ Utility Line	_____	_____	_____	_____	_____	_____
M. _____ Outfall Construction	_____	_____	_____	_____	_____	_____
N. _____ Small Pond	_____	_____	_____	_____	_____	_____
O. _____ Dam	_____	_____	_____	_____	_____	_____
P. _____ Lot Fill	_____	_____	_____	_____	_____	_____
Q. _____ Building Structures	_____	_____	_____	_____	_____	_____
R. <input checked="" type="checkbox"/> Culvert	_____	(See Attachment A and Impact Tables)		_____	_____	_____
S. _____ Bridge	_____	_____	_____	_____	_____	_____
T. _____ Stream Channelization	_____	_____	_____	_____	_____	_____
U. _____ Parking Area	_____	_____	_____	_____	_____	_____
V. _____ Dredging	_____	_____	_____	_____	_____	_____

1. \_\_\_\_\_ New 2. \_\_\_\_\_ Maintenance 3. \_\_\_\_\_ Hydraulic 4. \_\_\_\_\_ Mechanical  
W. \_\_\_\_\_ Other (explain) \_\_\_\_\_

**d. PROJECT PURPOSE:** Give brief written description of the project purpose:

The purpose and need for the project is provided in the I-495 & I-270 Managed Lanes Study FEIS.

**3. PROJECT LOCATION:**

**a. LOCATION INFORMATION:**

- A. County: MO B. City: \_\_\_\_\_ C. Name of waterway or closest waterway Multiple  
D. State stream use class designation: Use I and Use I-P  
E. Site Address or Location: I-495 from the American Legion Bridge to the I-270 east and west spurs, and I-270 from I-495 to north of I-370.  
The project is described in the I-495 and I-270 Managed Lanes Study FEIS.  
F. Directions from nearest intersection of two state roads:  
I-495 from the American Legion Bridge to the I-270 east and west spurs, and I-270 from I-495 to north of I-370.

Is your project located in the Chesapeake Bay Critical Area (generally within 1,000 feet of tidal waters or tidal wetlands)?:

       Yes   X   No

- H. County Book Map Coordinates (Alexandria Drafting Co.); Excluding Garrett and Somerset Counties:  
Map: Multiple Letter: \_\_\_\_\_ Number: \_\_\_\_\_ (to the nearest tenth)  
I. FEMA Floodplain Map Panel Number (if known): \_\_\_\_\_  
J. 1. 39° 02' 35.80777" latitude 2. -77° 09' 52.15340 longitude

**b. ACTIVITY LOCATION:** Check one or more of the following as appropriate for the type of wetland/waterway where you are proposing an activity:

- |   |  |  |
|---|--|--|
| A. <u>      </u> Tidal Waters   | F. <u>      </u> 100-foot buffer (nontidal wetland of special State concern) | H. <u>  X  </u> 100-year floodplain (outside stream channel) |
| B. <u>      </u> Tidal Wetlands   | G. <u>  X  </u> In stream channel  | I. <u>  X  </u> River, lake, pond                            |
| C. <u>      </u> Special Aquatic Site (e.g., mudflat, vegetated shallows) | 1. <u>      </u> Tidal 2. <u>  X  </u> Nontidal                              | J. <u>      </u> Other (Explain)                             |
| D. <u>  X  </u> Nontidal Wetland  |  |  |
| E. <u>  X  </u> 25-foot buffer (nontidal wetlands only)                   |  |  |

**c. LAND USE:**

- A. Current Use of Parcel Is: 1. Agriculture: Has SCS designated project site as a prior converted cropland?        Yes   X   No  
2.        Wooded 3.        Marsh/Swamp 4.        Developed  
5.   X   Other: Various, see the I-495 & I-270 Managed Lanes Study FEIS
- B. Present Zoning Is: 1.        Residential 2.        Commercial/Industrial 3.        Agriculture 4.        Marina 5.   X   Other
- C. Project complies with current zoning   X   Yes        No

**THE FOLLOWING INFORMATION IS REQUIRED BY THE STATE (blocks 4-7):**

**4. REDUCTION OF IMPACTS:** Explain measures taken or considered to avoid or minimize wetland losses in F. Also check Items A-E if any of these apply to your project.

- |   |  |                                      |
|---|--|--------------------------------------|
| A. <u>  X  </u> Reduced the area of disturbance | B. <u>  X  </u> Reduced size/scope of project  | C. <u>  X  </u> Relocated structures |
|   |  | D. <u>  X  </u> Redesigned project   |
| E. <u>  X  </u> Other                           | <u>See the I-495 &amp; I-270 Managed Lanes Study Avoidance, Minimization, and Impacts Report</u>   |                                      |
| F. Explanation                                  | <u>Approximately 6.0 acres of Section 4(f) parkland impacts, 0.5 acres of wetland impacts, 17.0 acres of floodplain impacts, and 45.0 acres of forest canopy impacts have been avoided since the SDEIS. Additionally, the Preferred Alternative continues to completely avoid the Morningstar Tabernacle No. 88 Moses Hall and Cemetery. For information about additional avoidance and minimization efforts, see the I-495 &amp; I-270 MLS Avoidance, Minimization, and Impacts Report.</u> |                                      |

**Describe reasons why impacts were not avoided or reduced in Q. Also check Items G-P that apply to your project.**

- |   |  |  |
|---|--|--|
| G. <input checked="" type="checkbox"/> Cost                           | K. <input type="checkbox"/> Parcel size                                      | N. <input checked="" type="checkbox"/> Safety/public welfare issue |
| H. <input checked="" type="checkbox"/> Extensive wetlands on site     | L. <input checked="" type="checkbox"/> Other regulatory requirement          | O. <input type="checkbox"/> Inadequate zoning                      |
| I. <input checked="" type="checkbox"/> Engineering/design constraints | M. <input checked="" type="checkbox"/> Failure to accomplish project purpose | P. <input type="checkbox"/> Other                                  |
| J. <input checked="" type="checkbox"/> Other natural features         |  |  |

**Q. Description**

Although numerous avoidance and minimization measures were implemented, many impacts to wetlands, their buffers, waterways, and floodplains were unavoidable. Unavoidable impacts result primarily from fill and structures used to support the widened roadway; new interchanges; direct access ramps; and construction access areas needed to complete construction. Channel relocation, SWM outfalls, and wetland hydrology loss also cause unavoidable impacts. Mitigation will offset these unavoidable impacts. The mitigation package includes but is not limited to stream restoration totaling approximately 6,300 functional feet, over 4 acres of wetland restoration, acquisition of parkland replacement property totaling approximately 94.50 acres, historic resource condition assessments and restoration, ecological restoration on park lands, reforestation, and almost 40 miles of noise barriers, among other efforts. Additional wetlands and waterways mitigation information is discussed in the Final Wetlands and Waterways Compensatory Mitigation Plan.

**5. LETTER OF AUTHORIZATION:** If you are applying for a letter of authorization for activities in nontidal wetlands and/or their buffers, explain why the project qualifies:

- |   |  |
|---|--|
| A. <input type="checkbox"/> No significant plant or wildlife value and wetland impact                           | B. <input type="checkbox"/> Repair existing structure/fill |
| 1. <input type="checkbox"/> Less than 5,000 square feet   | C. <input type="checkbox"/> Mitigation Project             |
| 2. <input type="checkbox"/> In an isolated nontidal wetland less than 1 acre in size                            | D. <input type="checkbox"/> Utility Line                   |
| E. <input type="checkbox"/> Other (explain)   | 1. <input type="checkbox"/> Overhead                       |
|   | 2. <input type="checkbox"/> Underground                    |
| F. <input checked="" type="checkbox"/> Check here if you are <b>not</b> applying for a letter of authorization. |  |

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**IF YOU ARE APPLYING FOR A LETTER OF AUTHORIZATION, PROCEED TO BLOCK 10**

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**6. ALTERNATIVE SITE ANALYSIS:** Explain why other sites that were considered for this project were rejected in M. Also check any items in D-L if they apply to your project. **(If you are applying for a letter of authorization, do not complete this block.)**

- |                                    |   |  |
|------------------------------------|---|--|
| A. <input type="checkbox"/> 1 site | B. <input type="checkbox"/> 2 - 4 sites | C. <input checked="" type="checkbox"/> 5 or more sites |
|------------------------------------|---|--|

Alternative sites were rejected/not considered for the following reason(s):

- |  |   |  |
|--|---|--|
| D. <input checked="" type="checkbox"/> Cost                            | H. <input type="checkbox"/> Greater wetlands impact                   | L. <input checked="" type="checkbox"/> Other |
| E. <input type="checkbox"/> Lack of availability                       | I. <input type="checkbox"/> Water dependency                          |  |
| F. <input checked="" type="checkbox"/> Failure to meet project purpose | J. <input type="checkbox"/> Inadequate zoning                         |  |
| G. <input type="checkbox"/> Located outside general/market area        | K. <input checked="" type="checkbox"/> Engineering/design constraints |  |

M. Explanation: See the I-495 & I-270 Managed Lanes Study Avoidance, Minimization and Impacts Report

**7. PUBLIC NEED:** Describe the public need or benefits that the project will provide in F. Also check Items in A-E that apply to your project. **(If you are applying for a letter of exemption, do not complete this block.)**

- |   |  |  |
|---|--|--|
| A. <input checked="" type="checkbox"/> Economic | C. <input checked="" type="checkbox"/> Health/welfare        | E. <input checked="" type="checkbox"/> Other |
| B. <input checked="" type="checkbox"/> Safety   | D. <input type="checkbox"/> Does not provide public benefits |  |

**F. Description**

See the I-495 & I-270 Managed Lanes Study FEIS

**8. MITIGATION PLAN:** Please provide the following information. **(If you are applying for a letter of authorization outside of the Critical Area, do not complete this block.)**

a. Description of a monetary compensation proposal, if applicable (for **state requirements** only). Attach another sheet if necessary.

N/A

b. Give a brief description of the proposed mitigation project.

See the I-495 & I-270 Managed Lanes Study Final Compensatory Wetlands and Waterways Mitigation Plan

c. Describe why you selected your proposed mitigation site, including what other areas were considered and why they were rejected.

See the I-495 & I-270 Managed Lanes Study Final Wetlands and Waterways Compensatory Mitigation Plan

d. Describe how the mitigation site will be protected in the future.

See the I-495 & I-270 Managed Lanes Study Final Wetlands and Waterways Compensatory Mitigation Plan

**9. HAVE ADJACENT PROPERTY OWNERS BEEN NOTIFIED?**

A. \_\_\_\_\_ Yes B. x No

Provide names and mailing addresses below (Use separate sheet, if necessary). **(If you are applying for a letter of exemption, do not complete this block.)**

- a. Adjacent property owners will be notified via certified mail prior to the commencement of the Public Comment Period, anticipated from mid-July to the end of September 2022.
- b. A final list of adjacent property owners and elected officials to be notified will be provided 15-days prior to the notification.
- c.

**10. OTHER APPROVALS NEEDED/GRANTED:**

A. a. Agency	b. Date Sought	c. Decision		d. Decision Date	e. Other Status
		1. Granted	2. Denied		
USACE AJD	10/2019	X		12/12/2019	Jurisdictional change, AJD no longer valid. 09/2021
Sediment and Erosion Control	TBD				
401 Water Quality Certification	05/2022			Pending	
Dam Safety Approvals	TBD				
VWPP Approval	08/2022			Pending	

**B. FEDERALLY AUTHORIZED CIVIL WORKS PROJECTS:** Does the project require permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers' federally authorized civil works project, structure, property, or easement (e.g., federal navigation channel, flood control levees, dams and reservoirs, lake property, etc.)?

\_\_\_\_\_ Yes x No

If yes, have you submitted a written request for Section 408 permission from the Corps district having jurisdiction over that project (i.e., Baltimore district in Maryland or Philadelphia district in C & D canal)? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please provide the date your request was submitted to the Corps district: \_\_\_\_\_

**11. HISTORIC PROPERTIES:** Is your project located in the vicinity of historic properties? (For example: structures over 50 years old, archeological sites, shell mounds, Indian or Colonial artifacts). Provide any supplemental information in Section 12.

A. \_\_\_\_\_ Yes      B. \_\_\_\_\_ No      C. \_\_\_\_\_ Unknown

**12. ADDITIONAL INFORMATION:** Use this space for detailed responses to any of the previous items. Attach another sheet if necessary:

5.7

Check box if data is enclosed for any one or more of the following (see checklist for required information):

- |                              |                                  |                        |
|------------------------------|----------------------------------|------------------------|
| A. _____ Soil borings        | D. _____ Field surveys           | G. _____ Site plan     |
| B. _____ Wetland data sheets | E. _____ Alternate site analysis | H. _____ Avoidance and |
| C. _____ Photographs         | F. _____ Market analysis         | minimization analysis  |
| I. _____ Other (explain)     |                                  |                        |

## CERTIFICATION:

Application is hereby made for a permit or permits to authorize the work described in this application. I hereby designate and authorize the agent named above to act on my behalf in the processing of this application and to furnish any information that is requested. I certify that the information on this application form and on the attached plans and specifications is true and accurate to the best of my knowledge and belief. I understand that any of the agencies involved in authorizing the proposed works may request information in addition to that set forth herein as may be deemed appropriate in considering this proposal. I certify that all wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and all streams have been identified and delineated on site, and that all jurisdictional wetlands have been delineated in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual and appropriate regional supplement(s). I grant permission to the agencies responsible for authorization of this work, or their duly authorized representative, to enter the project site for inspection purposes during working hours. I will abide by the conditions of all permit(s) or license(s) if issued and will not begin work without the appropriate authorization. I also certify that the proposed works are consistent with Maryland's Coastal Zone Management Plan. All information, including permit applications and related materials, submitted to MDE may be subject to public disclosure consistent with the Maryland Public Information Act, §4-101 et seq., General Provisions Article of the Maryland Code and the Freedom of Information Act, 5 USC Section 552 et seq. Pursuant to Clean Water Act Section 404(o), 33 USC 1344 (o), permit applications and permits will be available to the public. I understand that I may request that additional required information be considered confidential under applicable laws. I further understand that failure of the landowner to sign the application will result in the application being deemed incomplete.

LANDOWNER MUST SIGN: Jeffrey T. Folden DATE: 4/27/2022

PRINTED NAME OF LANDOWNER Jeffrey T. Folden

**Authorities:** Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers, 33 CFR 320-332. **Principal Purpose:** Information provided on this JPA will be used in evaluating the application for a permit. **Routine Uses:** This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice. Submission of requested information is voluntary, however, if information is not provided, the permit application cannot be evaluated nor can a permit be issued.

**State Authorities:** Nontidal Wetlands Protection Act, Md. Ann. Code, Envir., Title 5, Subtitle 9; Waterway Construction, Md. Ann. Code, Envir., Title 5, Subtitle 5; Tidal Wetlands Act, Md. Ann. Code, Envir., Title 16.

**BEST MANAGEMENT PRACTICES VERIFICATION:** I verify that my project will meet all Endangered Species Act Best Management Practices applicable to work in tidal waters and wetlands as required by the MDSPGP (see Section VII.B.4.c.i-iii).

☒ Yes ☐ No ☐ Unknown

Refer to the application instructions and the MDSPGP for additional information regarding these Best Management Practices.

☐ I am the property owner/applicant and do not want to be contacted by MDE. All correspondence should occur with my authorized agent /principal contact designated in Section 3, located on the 1st page of this application. (By initializing the box, you are acknowledging that you will not receive any correspondence directly from MDE ). I understand a copy of MDE's final decision regarding this application will be sent to me. This opt-out option does not apply to the U.S. Army Corps' correspondence, which will continue to be with the applicant/permittee.

## Vicinity Map

