

**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 \_\_\_\_\_  
Type of State permit needed \_\_\_\_\_ Date of Field Review \_\_\_\_\_  
Type of Corps permit needed \_\_\_\_\_ Agency Performed Field Review \_\_\_\_\_

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- 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 which 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:  X  MODIFICATION TO AN EXISTING PERMIT: \_\_\_\_\_  
JURISDICTIONAL DETERMINATION ONLY \_\_\_\_\_ APPLYING FOR AUTHORIZATION \_\_\_\_\_  
PREVIOUSLY ASSIGNED NUMBER (RESUBMITTALS AND AMENDMENTS) \_\_\_\_\_ 19-NT-0150/201960846  
CENAB-OPR-MN 2019-60846-M48

DATE  June 25, 2024

**APPLICATION DESCRIPTION: MDTA I-95 Express Toll Lane (ETL) Northbound Extension Phase II**

**1. APPLICANT INFORMATION:**

**APPLICANT NAME:**

A. Name:  Brian Wolfe, P.E.  B. Daytime Telephone:  410-537-8200   
C. Company:  Maryland Transportation Authority  D. Email Address:  Bwolfe3@mdta.state.md.us   
E. Address:  Division of Engineering and Construction, 8019 Corporate Drive, Suite F   
City:  Baltimore  State:  Maryland  Zip:  21236

**AGENT/ENGINEER INFORMATION:**

A. Name:  Michael Rothenheber, P.E., AICP  B. Daytime Telephone:  410-316-2260   
C. Company:  Johnson, Mirmiran & Thompson (JMT)  D. Email Address:  mrothenheber@jmt.com   
E. Address:  40 Wight Avenue   
F. City:  Hunt Valley  State:  Maryland  Zip:  21030

**ENVIRONMENTAL CONSULTANT:**

A. Name:  Erin Markel  B. Daytime Telephone:  443-212-7143   
C. Company:  Johnson, Mirmiran & Thompson (JMT)  D. Email Address:  emarkel@jmt.com   
E. Address:  40 Wight Avenue   
F. City:  Hunt Valley  State:  Maryland  Zip:  21030

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

A. Name:  Jennifer Bird  B. Daytime Telephone:  410-316-7959   
C. Company:  KCI Technologies, Inc.  D. Email Address:  jennifer.bird@kci.com   
E. Address:  936 Ridgebrook Road   
F. City:  Sparks  State:  Maryland  Zip:  21152

**PRINCIPAL CONTACT:**

A. Name:  Erin Markel  B. Daytime Telephone:  443-212-7143   
C. Company:  Johnson, Mirmiran & Thompson (JMT)  D. Email Address:  emarkel@jmt.com   
E. Address:  40 Wight Avenue   
F. City:  Hunt Valley  State:  Maryland  Zip:  21030

## 2. PROJECT DESCRIPTION

### a. GIVE WRITTEN DESCRIPTION OF PROJECT:

The Maryland Transportation Authority (MDTA) is proposing to modify the permit issued for Phase II of the staged implementation of the I-95 Section 200 approved NEPA FONSI improvements. Phase II of the staged implementation will include extending the Express Toll Lanes on northbound I-95, safety and operational improvements along northbound I-95, construction of a new Park and Ride on MD 924, relocation of the MD 152 Park and Ride, reconstruction of the Clayton Road and Abingdon Road overpasses, construction of two noise walls adjacent to northbound I-95 and two noise walls adjacent to southbound I-95, providing a new ITS communication system to improve operations and incident management, and construction of a mitigation site. Stream relocation and/or stabilization is also proposed in several locations, and a flood attenuation facility will be constructed. Geotechnical borings will also be performed to support design efforts for future improvements within the corridor. Additionally, impacts associated with tree clearing at the former MD 7 mitigation site will be permitted after the fact, as will emergency stabilization of a stream bank as part of KH-3031. Stabilization of a bank along Winters Run has also been added to KH-3021.

Has any portion of the project been completed?  Yes  No If yes, explain See cover letter  
 Is this a residential subdivision or commercial development?  Yes  No  
 If yes, total number of acres on property \_\_\_\_\_ acres

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: 114.37 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 water G.  removing or destroying vegetation  
 B.  dredging E.  draining H.  building structures  
 C.  excavating F.  grading

**Wetlands (see attached summary table for details – note that these amounts include impacts associated with mitigation sites)**

USACE Nontidal Wetlands – <i>Permanent</i>	<u>236,882</u>	SF
USACE Nontidal Wetlands – <i>Temporary</i>	<u>150,387</u>	SF
MDE Nontidal Wetlands – <i>Permanent</i>	<u>239,289</u>	SF
MDE Nontidal Wetlands – <i>Temporary</i>	<u>150,387</u>	SF
Tidal Wetlands – <i>Permanent</i>	<u>0</u>	SF
Tidal Wetlands – <i>Temporary</i>	<u>0</u>	SF

**Wetland Buffers (see attached summary table for details – note that these amounts include impacts associated with mitigation sites)**

MDE Nontidal Wetlands Buffer – <i>Permanent</i>	<u>416,602</u>	SF
MDE Nontidal Wetlands Buffer – <i>Temporary</i>	<u>192,270</u>	SF

**Waters of the U.S. / Streams (see attached summary table for details – note that these amounts include impacts associated with mitigation sites)**

USACE Waters of the U.S. / Streams – <i>Permanent</i>	<u>25,889</u>	LF	<u>215,020</u>	SF
USACE Waters of the U.S. / Streams – <i>Temporary</i>	<u>3,124</u>	LF	<u>38,293</u>	SF
MDE Waters of the U.S. / Streams – <i>Permanent</i>	<u>24,683</u>	LF	<u>208,577</u>	SF
MDE Waters of the U.S. / Streams – <i>Temporary</i>	<u>2,531</u>	LF	<u>35,984</u>	SF
Tidal Waters – <i>Permanent</i>	<u>0</u>	LF	<u>0</u>	SF
Tidal Waters – <i>Temporary</i>	<u>0</u>	LF	<u>0</u>	SF

**100-Year Floodplain (see attached summary table for details – note that these amounts include impacts associated with mitigation sites)**

Disturbance on Floodplain – <i>Permanent</i>	<u>110,657</u>	SF
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Disturbance on Floodplain – *Temporary*

766,567 SF

Net Volume of Fill in the Floodplain

-29,076 +/- CY

**c. TYPE OF PROJECTS: Project Dimensions**

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.	<input type="checkbox"/> Bulkhead	_____	_____	_____	_____	_____	_____
B.	<input type="checkbox"/> Revetment	_____	_____	_____	_____	_____	_____
C.	<input type="checkbox"/> Vegetative Stabilization	_____	_____	_____	_____	_____	_____
D.	<input type="checkbox"/> Gabions	_____	_____	_____	_____	_____	_____
E.	<input type="checkbox"/> Groins	_____	_____	_____	_____	_____	_____
F.	<input type="checkbox"/> Jetties	_____	_____	_____	_____	_____	_____
G.	<input type="checkbox"/> Boat Ramp	_____	_____	_____	_____	_____	_____
H.	<input type="checkbox"/> Pier	_____	_____	_____	_____	_____	_____
I.	<input type="checkbox"/> Breakwater	_____	_____	_____	_____	_____	_____
J.	<input checked="" type="checkbox"/> Repair & Maintenance	Varies	Varies	_____	_____	_____	_____
K.	<input checked="" type="checkbox"/> Road Crossing	Varies	Varies	_____	_____	_____	_____
L.	<input checked="" type="checkbox"/> Utility Line	Varies	Varies	_____	_____	_____	_____
M.	<input checked="" type="checkbox"/> Outfall Construction	Varies	Varies	_____	_____	_____	_____
N.	<input type="checkbox"/> Small Pond	_____	_____	_____	_____	_____	_____
O.	<input type="checkbox"/> Dam	_____	_____	_____	_____	_____	_____
P.	<input type="checkbox"/> Lot Fill	_____	_____	_____	_____	_____	_____
Q.	<input checked="" type="checkbox"/> Building Structures	Varies	Varies	_____	_____	_____	_____
R.	<input checked="" type="checkbox"/> Culvert	Varies	Varies	_____	_____	_____	_____
S.	<input checked="" type="checkbox"/> Bridge	Varies	Varies	_____	_____	_____	_____
T.	<input type="checkbox"/> Stream Channelization	_____	_____	_____	_____	_____	_____
U.	<input checked="" type="checkbox"/> Parking Area	Varies	Varies	_____	_____	_____	_____
V.	<input type="checkbox"/> Dredging	_____	_____	_____	_____	_____	_____
	1. <input type="checkbox"/> New	2. <input type="checkbox"/> Maintenance	3. <input type="checkbox"/> Hydraulic	4. <input type="checkbox"/> Mechanical			
W.	<input checked="" type="checkbox"/> Other (explain)	Highway expansion/improvements					

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

The proposed improvements will address capacity, operational, and safety concerns that exist along northbound I-95. The proposed improvements will be constructed within different contracts to address constructability, maintenance of traffic, and yearly funding availability.

**3. PROJECT LOCATION:**

**a. LOCATION INFORMATION:**

A. County: Harford, Baltimore, Cecil B. City: N/A C. Name of waterway or closest waterway: Multiple, see vicinity maps  
D. State stream use class designation: Multiple: Use I and III  
E. Site Address or Location: I-95 corridor in Harford County, from just south of MD 152 (Mountain Road) to Bynum Run  
F. Directions from nearest intersection of two state roads: From I-95 at MD 43, continue north until MD 152 Mountain Road, the project area begins south of here and continues until the bridge at Bynum Run.

G. Is your project located in the Chesapeake Bay Critical Area (generally within 1,000 feet of tidal waters or tidal wetlands)?:  
X (MD 7 only) Yes No

H. County Book Map Coordinates (Alexandria Drafting Co.); Excluding Garrett and Somerset Counties:  
Map: Multiple Letter: Multiple Number: Multiple (to the nearest tenth)

I. FEMA Floodplain Map Panel Number (if known):  
Roadway Improvements (#24025C0252E; #24025C0253E; #24025C0254E; #24025C0256E; #24025C0257E; #24025C0258E; #24025C0259E) Mitigation Sites (#2400100240F, 24015C0153E)

J. 1. 39.456474 N (varies) latitude 2. 76.310858 W (varies) 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.      Tidal Waters F.      100-foot buffer (nontidal wetland of special State concern) H.   X   100-year floodplain (outside stream channel)  
B.      Tidal Wetlands G.   X   In stream channel I.      River, lake, pond  
C.      Special Aquatic Site (e.g., mudflat, vegetated shallows) 1.      Tidal 2.   X   Nontidal J.      Other (Explain)  
D.   X   Nontidal Wetland  
E.   X   25-foot buffer (nontidal wetlands only)

**c. LAND USE:**

A. Current Use of Parcel Is: 1.   X   Agriculture: Has SCS designated project site as a prior converted cropland?  
     Yes   X   No 2.      Wooded 3.      Marsh/Swamp 4.      Developed  
5.   X   Other Highway (transportation improvements); agriculture/open space/forest (mitigation)

B. Present Zoning Is: 1.      Residential 2.      Commercial/Industrial 3.      Agriculture 4.      Marina  
5.   X   Other: Transportation

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.   X   Reduced the area of disturbance  
B.   X   Reduced size/scope of project  
C.   X   Relocated structures  
D.   X   Redesigned project  
E.      Other

F. Explanation Please see Avoidance and Minimization memoranda for individual contracts for additional information.

**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 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 type="checkbox"/> Other natural features                    |  | _____  |

Q. Description Not all impacts could be avoided due to the linear nature of the project. Please see Avoidance and Minimization memoranda for details.

**5. LETTER OF EXEMPTION:** If you are applying for a letter of exemption 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. Other (explain) _____  | 1. <input type="checkbox"/> Overhead                       |
|   | 2. <input type="checkbox"/> Underground                    |

F.  Check here if you are **not** applying for a letter of exemption.

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**IF YOU ARE APPLYING FOR A LETTER OF EXEMPTION, PROCEED TO BLOCK 11**

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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 exemption, do not complete this block):**

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

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

- |  |   |   |
|--|---|---|
| D. <input type="checkbox"/> Cost                                       | H. <input checked="" type="checkbox"/> Greater wetlands impact        | L. <input type="checkbox"/> Other _____ |
| E. <input checked="" 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: During the original Section 200 NEPA analysis, the project went through a selection process for the Preferred Alternative. The Preferred Alternative was selected based on the ability to meet the purpose and need, environmental impacts, operational efficiency, fiscal responsibility, consistency with the State Transportation Policy, public comments, and input from Federal, State, and local agencies.

**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 type="checkbox"/> Economic          | C. <input checked="" type="checkbox"/> Health/welfare        | E. <input checked="" type="checkbox"/> Other: <u>Traffic Congestion</u> |
| B. <input checked="" type="checkbox"/> Safety | D. <input type="checkbox"/> Does not provide public benefits | _____   |

F. Description The proposed improvements are staged improvements for northbound I-95 to address capacity, operational, and safety concerns that exist along NB I-95 until the ultimate buildout of Section 200 is achieved.

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

A. Agency	B. Date Sought	C. Decision		D. Decision Date	E. Other Status
		1. Granted	2. Denied		
<u>See attached chart</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**9. MITIGATION PLAN:** Please provide the following information:

- a. Description of a monetary compensation proposal, if applicable (for **state requirements** only). Attach another sheet if necessary. Monetary compensation is not being proposed. Please see attached Compensatory Mitigation Plan for the project.

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- b. Give a brief description of the proposed mitigation project. See attached Compensatory Mitigation Plan.

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- c. Describe why you selected your proposed mitigation site, including what other areas were considered and why they were rejected. Please see the Compensatory Mitigation Plan for details regarding site selection for mitigation.

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- d. Describe how the mitigation site will be protected in the future. Site protection mechanisms will vary from site to site but standard conservation easements and/or Declarations of Restrictive Covenants will be sought. Please see attached Compensatory Mitigation Plan for the project.

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

A. \_\_\_\_\_ Yes    B. X No

Provide names and mailing addresses below (Use separate sheet, if necessary):

- |                              |          |          |
|------------------------------|----------|----------|
| a. _____                     | b. _____ | c. _____ |
| <u>Please see Section 08</u> | _____    | _____    |
| _____                        | _____    | _____    |
| _____                        | _____    | _____    |

**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 13.

A. X 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:

See attachments from previous modification JPA

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

- |   |   |  |
|---|---|--|
| A. <input type="checkbox"/> Soil borings        | D. <input type="checkbox"/> Field surveys           | G. <input checked="" type="checkbox"/> Site plan     |
| B. <input type="checkbox"/> Wetland data sheets | E. <input type="checkbox"/> Alternate site analysis | H. <input checked="" type="checkbox"/> Avoidance and |
| C. <input type="checkbox"/> Photographs         | F. <input type="checkbox"/> Market analysis         | minimization analysis                                |

I.  Other (explain) Vicinity Maps, Impact Summary Tables, Impact Plates, Compensatory Mitigation Plan, Agency Coordination, Avoidance and Minimization Memoranda, Adjacent Property Owner Notifications

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**CERTIFICATION:**

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 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 Waters of the United States have been identified and delineated on site, and that all jurisdictional wetlands have been delineated in accordance with the Corps of Engineers Wetlands Delineation Manual (Wetlands Research Program Technical Report Y-87-1). 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 the permit or license 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. I understand that none of the information contained in the application form is confidential and 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:  
LANDOWNER MUST SIGN:

*Nafiz Akhavan for*

Mr. Brian Wolfe, P.E.  
Director of Project Development  
Maryland Transportation Authority

ATE:  
DATE:

6-26-24