

## **APPENDIX C: CONSULTATION AND COORDINATION**

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## United States Department of the Interior

NATIONAL PARK SERVICE  
C&O Canal National Historical Park  
1850 Dual Highway, Suite 100  
Hagerstown, Maryland 21740

IN REPLY REFER TO:  
L7621 (CHOH)

October 15, 2010

Ms. Elizabeth Cole, Administrator  
Project Review and Compliance  
Maryland Historical Trust  
100 Community Place  
Crownsville, MD 21032

Subject: Proposed Water Access for Summit Hall Turf  
Farm Water Access, Poolesville, Maryland

Dear Ms Cole:

The National Park Service (NPS) Chesapeake and Ohio Canal National Historical Park (C&O Canal NHP) is evaluating the proposed modification of an existing water line and construction of an additional water line from the Potomac River, across the C&O Canal NHP, between Mile 28.46 and Mile 29.35 of the park. The proposed project has been requested by Summit Hall Turf Farm, Inc., 21300 River Road, Poolesville, MD. NPS has corresponded via email with your office regarding archeological survey concerns related to this undertaking in January 2010.

The action is needed because the farm has been experiencing difficulty in maintaining a suitable water intake supply for Line #2, and because of additional irrigation needs due to the expansion of farm operations in recent the years.

Line #2 was established in 1975 through the deeded authority and is located through the historic culvert #39, at Mile 28.46. Summit Hall Turf Farm holds a permit from the State of Maryland to withdraw water from the Potomac River for agricultural purposes. Due to changes along the shoreline of the Potomac River, the intake for Line #2 is negatively impacted from frequent siltation, reducing the capability to draw water.

NPS is preparing an Environmental Assessment (EA) to evaluate effects of the proposed project, in accordance with the National Environmental Policy Act (NEPA) of 1969, and we are now informing you of our intention to use the NEPA process to fulfill the requirement to take into account the effect of the undertaking on historic properties, as outlined in the implementing regulations for Section 106 of the National Historic Preservation Act (36 CFR 800.8(c)). We plan to use the NEPA Public Scoping process to fulfill the requirement to take into account the

comments of the public. We presented an overview of the project at a public meeting on July 21, 2010, and we will continue to solicit input from the public as the NEPA process proceeds.

A copy of the draft EA will be provided to your office for review when it becomes available, and we expect further consultation with your office as mandated by Section 106.

We are enclosing a project information packet, including a map that illustrates the potential project areas. If you have any questions or if there is a need for additional information, please contact Sam Tamburro, Cultural Resource Program Manager, at 301-714-2211.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Brandt". The signature is written in a cursive, flowing style.

Kevin Brandt  
Superintendent

Enclosures

SHPO Correspondence Enclosures







United States Department of the Interior

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NATIONAL PARK SERVICE  
C&O Canal National Historical Park  
1850 Dual Highway, Suite 100  
Hagerstown, Maryland 21740

IN REPLY REFER TO  
L76 (CHOH)

October 18, 2010

Mary Ratnaswamy  
U.S. Fish and Wildlife Service  
177 Admiral Chchrane Drive  
Annapolis, MD 21401

Reference: Informal Consultation on Listed Species for Proposed Water Access by Summit Hall Turf Farm in Poolesville, MD

Dear Ms. Ratnaswamy:

Chesapeake and Ohio Canal National Historical Park (C&O Canal NHP) is in the process of preparing an Environmental Assessment for a project proposing to modify an existing water line and construct an additional water line from the Potomac River, across the C&O Canal NHP, between Mile 28.46 and Mile 29.35 of the park. The proposed project has been requested by Summit Hall Turf Farm, Inc., 21300 River Road, Poolesville, MD. The action is needed because the farm is experiencing difficulty in maintaining a suitable water intake supply for Line #2, and because of additional irrigation needs due to the expansion of farm operations in recent years.

Line #2 was established in 1975 through the deeded authority and is located through the historic culvert #39, at Mile 28.46. Summit Hall Turf Farm holds a permit from the State of Maryland to withdraw water from the Potomac River for agricultural purposes. Due to changes along the shoreline of the Potomac River, the intake for Line #2 is negatively impacted from frequent siltation, reducing the capability to draw water.

As part of the scoping process for the proposed project we are informally requesting any information regarding listed or proposed threatened or endangered species or critical habitats that might occur in the project vicinity, and any special management considerations for such species. We also welcome any comments you may have regarding the project. Our intent is to address your agency's concerns and incorporate any recommendations into the planning process at the earliest possible time.

The site is located between Edwards Ferry Rd. and Sycamore Landing Rd. along the Potomac River near Poolesville, MD. Enclosed you will find a map of the site. If you have any questions, please contact Michelle Carter, Biologist, at (301) 714-2225.

Thank you for your assistance in this matter.

Sincerely,

Kevin D. Brandt  
Superintendent

Enclosure

bcc: CHOH Superintendent  
CHOH Compliance Officer  
CHOH Chief of Resources Management







## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office  
177 Admiral Cochrane Drive  
Annapolis, Maryland 21401  
<http://www.fws.gov/chesapeakebay>



November 9, 2010

United States Department of the Interior  
National Park Service  
C&O Canal National Historical Park  
1850 Dual Highway, Suite 100  
Hagerstown, MD 21740

*RE: Proposed Water Access by Summit Hall Turf Farm Poolesville, MD*

Dear Kevin D. Brandt:

This responds to your letter, received, October 18, 2010, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the vicinity of the above reference project area. We have reviewed the information you enclosed and are providing comments in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project impact area. Therefore, no Biological Assessment or further section 7 Consultation with the U.S. Fish and Wildlife Service is required. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. For information on the presence of other rare species, you should contact Lori Byrne of the Maryland Wildlife and Heritage Division at (410) 260-8573.

Effective August 8, 2007, under the authority of the Endangered Species Act of 1973, as amended, the U.S. Fish and Wildlife Service (Service) removed (delist) the bald eagle in the lower 48 States of the United States from the Federal List of Endangered and Threatened Wildlife. However, the bald eagle will still be protected by the Bald and Golden Eagle Protection Act, Lacey Act and the Migratory Bird Treaty Act. As a result, starting on August 8, 2007, if your project may cause "disturbance" to the bald eagle, please consult the



“National Bald Eagle Management Guidelines” dated May 2007.

If any planned or ongoing activities cannot be conducted in compliance with the National Bald Eagle Management Guidelines (Eagle Management Guidelines), please contact the Chesapeake Bay Ecological Services Field Office at 410-573-4573 for technical assistance. The Eagle Management Guidelines can be found at:

<http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>.

In the future, if your project can not avoid disturbance to the bald eagle by complying with the Eagle Management Guidelines, you will be able to apply for a permit that authorizes the take of bald and golden eagles under the Bald and Golden Eagle Protection Act, generally where the take to be authorized is associated with otherwise lawful activities. This proposed permit process will not be available until the Service issues a final rule for the issuance of these take permits under the Bald and Golden Eagle Protection Act.

An additional concern of the Service is wetlands protection. Federal and state partners of the Chesapeake Bay Program have adopted an interim goal of no overall net loss of the Basin’s remaining wetlands, and the long term goal of increasing the quality and quantity of the Basin’s wetlands resource base. Because of this policy and the functions and values wetlands perform, the Service recommends avoiding wetland impacts. All wetlands within the project area should be identified, and if construction in wetlands is proposed, the U.S. Army Corps of Engineers, Baltimore District, should be contacted for permit requirements. They can be reached at (410) 962-3670.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interests in these resources. If you have any questions or need further assistance, please contact Devin Ray at (410) 573-4531.

Sincerely,



Leopoldo Miranda  
Supervisor



United States Department of the Interior **COPY**

NATIONAL PARK SERVICE  
C&O Canal National Historical Park  
1850 Dual Highway, Suite 100  
Hagerstown, Maryland 21740

IN REPLY REFER TO  
L76 (CHOH)

October 18, 2010

Ms. Lori A. Byrne  
Environmental Review Specialist  
Maryland Wildlife & Heritage Service  
Tawes State Office Building  
Annapolis, MD 21401

Subject: Consultation on State RTE Species for Proposed Water Access by Summit Hall Turf Farm in Poolesville, MD

Dear Ms. Byrne:

Chesapeake and Ohio Canal National Historical Park (C&O Canal NHP) is in the process of preparing an Environmental Assessment for a project proposing to modify an existing water line and construct an additional water line from the Potomac River, across the C&O Canal NHP, between Mile 28.46 and Mile 29.35 of the park. The proposed project has been requested by Summit Hall Turf Farm, Inc., 21300 River Road, Poolesville, MD. The action is needed because the farm is experiencing difficulty in maintaining a suitable water intake supply for Line #2, and because of additional irrigation needs due to the expansion of farm operations in recent years.

Line #2 was established in 1975 through the deeded authority and is located through the historic culvert #39, at Mile 28.46. Summit Hall Turf Farm holds a permit from the State of Maryland to withdraw water from the Potomac River for agricultural purposes. Due to changes along the shoreline of the Potomac River, the intake for Line #2 is negatively impacted from frequent siltation, reducing the capability to draw water.


The site is located between Edwards Ferry Rd. and Sycamore Landing Rd. along the Potomac River near Poolesville, MD. Enclosed you will find a map of the site. It can also be found in the "Sterling Quadrangle" of the USGS 7.5" Quadrangle Maps.

As part of the National Environmental Policy Act process, we are requesting consultation on State Rare, Threatened, and Endangered Species within the vicinity of the project sites. We are also contacting the United States Fish and Wildlife Service for federally listed species.

If you have any questions, please contact Michelle Carter, Biologist, at (301) 714-2225.

Thank you for your assistance in this matter.

Sincerely,

  
Kevin D. Brandt, Superintendent

Enclosure

bcc: CHOH Superintendent  
CHOH Compliance Officer  
CHOH Chief of Resources Management





*Martin O'Malley, Governor*  
*Anthony G. Brown, Lt. Governor*  
*John R. Griffin, Secretary*  
*Joseph P. Gill, Deputy Secretary*

December 8, 2010

Mr. Kevin D. Brandt  
National Park Service  
C&O Canal National Historical Park  
1850 Dual Highway, Suite 100  
Hagerstown, MD 21740

**RE: Environmental Review for Proposed Water access by Summit Hall Turf Farm,  
Poolesville, Montgomery County, Maryland.**

Dear Mr. Brandt:

For both the existing line and the proposed new line, the Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. As a result, we have no specific requirements pertaining to protection measures at this time. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present. If appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted.

We would like to bring to your attention that the Potomac River is known to support species of RT&E freshwater mussels. Freshwater mussels require fish hosts for part of their life cycle and are filter-feeders; therefore maintaining water quality is crucial to their continued existence in this area. We would encourage the applicant to utilize appropriate-sized screening over the intake to avoid entrainment of fish or mussel larvae. All best management practices for sediment and erosion control should be strictly followed, as well.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,

Lori A. Byrne  
Environmental Review Coordinator  
Wildlife and Heritage Service  
MD Dept. of Natural Resources

ER # 2010.1597.mo  
Cc: D. Brinker, DNR









As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering wise use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historic places, and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people. The department also promotes the goals of the Take Pride in America campaign by encouraging stewardship and citizen responsibility for the public lands and promoting citizen participation in their care. The department also has major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.