

Appendix A

Chronological Evolution of National Capital Parks



APPENDIX A

Appendix A: Chronological Evolution of National Capital Parks Legislation—The Connection Between the National Capital Park Commission and the National Park Service

Stephen Syphax, L.K. Thomas, Jr., National Capital Parks-East

August 25, 1916

39 Stat. 535. An Act “to establish a National Park Service. . . .”

“The service thus established shall promote and regulate use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

June 6, 1924

43 Stat 463. An Act, Providing for a comprehensive development of the park and playground system of the National Capital.

“ . . . to preserve the flow of water in Rock Creek, to prevent pollution of Rock Creek, and the Potomac and Anacostia Rivers, to preserve forests and natural scenery in and about Washington, and to provide for the comprehensive systematic, and continuous development of the park, parkway, and playground system of the National Capital, there is hereby constituted a commission, to be known as the National Capital Park Commission. . . .”

April 30, 1926

44 Stat. 374. Amended the above 1924 Act by changing to commission’s name to the National Capital Park *and Planning* Commission.

May 29, 1930

46 Stat. 482

“Capper-

Cramton Act”

An Act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital (In specific fulfillment of the purposes identified in the 1924 NCPC Act cited above). NOTE that this Act is included, below, in this appendix to the Environmental Assessment.

(b) For the extension of Rock Creek Park into Maryland, as may be agreed upon between the National Capital Park and Planning Commission and the Maryland National Capital Park and Planning Commission, for the preservation of the flow of water in Rock Creek, for the extension of the Anacostia Park system up the valley of the Anacostia River, Indian Creek, Paint Branch and Little Paint Branch, the Northwest Branch and Sligo Creek; of the Oxon Run Parkway from the District of Columbia line to Marlboro Road; and of the George Washington Memorial Parkway up the valley of Cabin John Creek, Little Falls Branch, and Willet Run, as may

Sec. 3. Whenever the use of the Forts Washington, Foote, and Hunt, or either of them, is no longer deemed necessary for military purposes they shall be turned over to the Director of Public Buildings and Public Parks of the National Capital, without cost, for administration and maintenance as a part of the said George Washington Memorial Parkway.

In spite of the fact that Congress has now given a purpose to the parks and a mandate for managing the resources, legislation is not followed. The U.S. Army Corps of Engineers still administers the parks. A legacy of not needing legislation to say what parks are for and how to manage resources is firmly entrenched. In addition, the Army had no expertise on how to manage wild lands—either the new ones acquired under the Capper-Cramton Act, or old ones like Rock Creek Park. The Army was removed from Yellowstone National Park and replaced with Park Rangers. There were no Park Rangers in the National Capital Parks until, approximately, 1960.

July 26, 1933

Executive Order

6166

Transferred the above NCPC responsibilities to the National Park Service.

“All functions of administration of public buildings, reservations, national parks, monuments, and national cemeteries are consolidated in an office of National Parks, Buildings, and Reservations in the Department of the Interior. . . .”

July 19, 1952

66 Stat. 782.

Added historical resources to protection responsibility, stating “appropriate and orderly development and redevelopment of the National Capital and the conservation of the important natural and historical features. . . .”

August 8, 1953

60 Stat. 885.

An Act, “. . . to facilitate the management of the National Park System and miscellaneous areas administered in connection with that system, and for other purposes.”

Identifies “national capital parks” as part of the “National Park System.”

August 18, 1970

84 Stat. 825.

“To improve the administration of the national park system . . . and to clarify the authorities applicable to system. . . .”

“. . . though distinct in character, are united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and collectively, these areas derive increased national dignity and recognition of their superb environmental quality through their inclusion jointly with each other in one national park system preserved and managed for the benefit of all the people of the United States. . . .” **There is but one National Park system.**

March 27, 1978

"Redwood Act"

Reaffirms that resources are primary, with no exceptions, unless otherwise directed by Congress.

LEGISLATION

CAPPER-CRAMTON ACT

Act of May 29, 1930 (46 Stat. 482), as amended by the Act of August 8, 1946 (60 Stat. 960), Section 3 of the Act of July 19, 1952 (66 Stat. 781, 791), and the Act of August 21, 1958 (72 Stat. 705).

An Act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that there is hereby authorized to be appropriated the sum of \$13,500,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for acquiring and developing, except as in this section otherwise provided, in accordance with the provision of the Act of June 6, 1924, entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital," as amended, such lands in the States of Maryland and Virginia as are necessary and desirable for the park and parkway system of the National Capital in the environs of Washington. Such funds shall be appropriated as required for the expeditious, economical, and efficient development and completion of the following projects:

(a) For the George Washington Memorial Parkway, to include the shores of the Potomac, and adjacent lands, from Mount Vernon to a point above the Great Falls on the Virginia side, except within the City of Alexandria, and from Fort Washington to a similar point above the Great Falls on the Maryland side except within the District of Columbia, and including the protection and preservation of the natural scenery of the Gorge and the Great Falls of the Potomac, the preservation of the historic Patowmack Canal, and the acquisition of that portion of the Chesapeake and Ohio Canal below Point of Rocks, \$7,500,00; Provided, That the acquisition of any land in the Potomac River Valley for park purposes shall not debar, limit, or abridge its use for such works as Congress may in the future authorize for the improvement and the extension of navigation, including the connecting of the upper Potomac River with the Ohio River, or for flood control irrigation or drainage, or for the development of hydroelectric power.

The title to the lands acquired hereunder shall vest in the United States, and said lands, including the Mount Vernon Memorial Highway authorized by the Act approved May 23, 1928, upon its completion, shall be maintained and administered by the Director of Public Buildings and Public Parks of the National Capital, who shall exercise all the authority, power, and duties with respect to lands acquired under this section as are conferred upon him within the District of Columbia by the Act approved February 26, 1925; and said director is authorized to incur such expenses as may be necessary for the proper administration and maintenance of said lands within the limits of the appropriations from time to time granted therefore from the Treasury of the United States, which appropriations are hereby authorized.

The National Capital Park and Planning Commission is authorized to occupy such lands belonging to the United States as may be necessary for the development and protection of said parkway and to accept the donation to the United States of any other lands by it deemed desirable for inclusion in said parkway. As to any lands in Maryland or Virginia along or adjacent to the shores of the Potomac within the proposed limits of the parkway that would involve great expense for their acquisition and are held by said commission not to be essential to the proper carrying out of the project, the acquisition of said lands shall not be required, upon a finding of the commission to that effect.

Said parkway shall include a highway from Fort Washington to the Great Falls on the Maryland side of the Potomac and a free bridge across the Potomac at or near Great Falls and necessary approaches to said bridge; Provided, That no money shall be expended by the United States for lands for any unit of this project until the National Capital Park and Planning Commission shall have received definite commitments from the State of Maryland or Virginia, or political subdivisions thereof or from other responsible sources for one-half the cost

of acquiring the lands in its judgment necessary for such unit of said project deemed by said commission sufficiently complete, other than lands now belonging to the United States or donated to the United States; Provided, That in the discretion of the National Capital Park and Planning Commission, upon agreement duly entered into the State of Maryland and Virginia or any political subdivision thereof to reimburse the United States as hereinafter provided, it may advance the full amount of the funds necessary for the acquisition of the lands in any such unit referred to in this paragraph, such agreement providing for reimbursement to the United States to the extent of one-half of the cost thereof within interest within nor more than eight years from the date of any such expenditure; Provided further, That in the discretion of the National Capital Planning Commission, upon agreement duly entered into between that Commission and the Maryland National Capital Park and Planning Commission, an agency of the State of Maryland, created by chapter 448 of the laws of Maryland of 1927, as amended, such portion of the said \$7,500,000 authorized to be appropriated under this paragraph as the said Federal and Maryland agencies may determine may be appropriated for the purposes set forth under paragraph (b) of this section and subject to the conditions imposed by that paragraph. The appropriation of the amount necessary for such advance, in addition to the contribution by the United States, is hereby authorized from any money in the Treasury not otherwise appropriated.

(b) For the extension of Rock creek into Maryland, as may be agreed upon between the National Capital Park and Planning Commission and the Maryland National Capital Park and Planning Commission, for the preservation of the flow of water in Rock Creek, for the extension of the Anacostia Park system up the valley of the Anacostia River, Indian Creek, Paint Branch and Little Paint Branch, the Northwest Branch and Sligo Creek; of the Oxon Run Parkway from the District of Columbia line to Marlboro Road; and of the George Washington Memorial Parkway up the valley of Cabin John Creek, Little Falls Branch, and Willet Run, as may be agreed upon between the National Capital Park and Planning Commission and the Maryland National Capital Park and Planning Commission, \$1,500,000; Provided, That no appropriation authorized in this subsection shall be available for expenditure until a suitable agreement is entered into by the National Capital Park and Planning Commission and the Washington Suburban Sanitary Commission as to sewage disposal and storm water flow; Provided further, That no money shall be contributed by the United States for any unit of such extensions until the National Capital Park and Planning Commission shall have received definite commitments from the Maryland National Capital Park and Planning Commission for the balance of the cost of acquiring such unit of said extensions deemed by said commission sufficiently complete, other than lands now belonging to the United States or donated to the United States; Provided further, That in the discretion of the National Capital Park and Planning Commission upon agreement duly entered into with the Maryland National Capital Park and Planning Commission to reimburse the United States as hereinafter provided, it may advance the full amount of the funds necessary for the acquisition of the lands required for such extensions referred to in this paragraph, such advance, exclusive of said contribution of \$1,500,000 by the United States, not to exceed \$3,000,000, the appropriation of which amount from funds in the Treasury of the United States not otherwise appropriated is hereby authorized, such agreement providing for reimbursement to the United States of such advance, exclusive of said Federal contribution, without interest within not more than eight years from the date of any such expenditure. The title to the lands acquired hereunder shall vest in the State of Maryland. The development and administration thereof shall be under the Maryland National Capital Park and Planning Commission and in accordance with plans approved by the National Capital Park and Planning Commission.

(c) For the extension of the park and parkway system of the National Capital in the Virginia environs of Washington, as may be agreed upon between the National Capital Planning Commission and a park authority established under the Park Authorities Act of the State of Virginia (and such other public bodies as may be authorized under the laws of the State of Virginia), up the valleys of Hunting Creek, Cameron Run, Holmes Run, Tripps Run, Four Mile Run, Pimmit Run, Accotink Creek, and tributaries of such streams, and over other desirable lands, \$4,500,000. No part of such sum shall be expended by the United States for any unit or such extension until the National Capital Planning Commission has received definite commitments from such park authority (and other public bodies, and the State of Virginia for two-thirds of the cost of acquiring the lands in its judgment necessary for such unit of the extension deemed by the Commission sufficiently complete. The title to the lands acquired hereunder shall vest in, and the development and administration thereof shall be under, such park authority or the State of Virginia in accordance with plans approved by the National Capital Planning Commission. Such lands shall not be used for any purpose other than the development and

completion of the park and parkway system provided for in this paragraph, except with the approval and consent of the National Capital Planning Commission. No appropriation authorized in this paragraph shall be available for expenditure until a suitable agreement has been entered into between the National Capital Planning Commission and the appropriate local authority as to sewage disposal and storm-water flow.

Sec. 2. Whenever it becomes necessary to acquire by condemnation proceedings any lands in the States of Virginia or Maryland for the purpose of carrying out the provisions of this Act, such acquisition shall be under and in accordance with the provisions of the Act of August 1, 1888 (U.S.C., p. 1302, sec. 257). No payment shall be made for any such lands until the title thereto in the United States shall be satisfactory to the Attorney General of the United States.

Sec. 3. Whenever the use of the Forts Washington, Foote, and Hunt, or either of them, is no longer deemed necessary for military purposes they shall be turned over to the Director of Public Buildings and Public Parks of the National Capital, without cost, for administration and maintenance as a part of the said George Washington Memorial Parkway.

Sec. 4. There is hereby further authorized to be appropriated the sum of \$16,000,000, or so much thereof as may be necessary, out of any money in the Treasury of the United States not otherwise appropriated, for the acquiring of such lands in the District of Columbia as are necessary and desirable for the suitable development of the National Capital park, parkway, and playground system, in accordance with the provisions of the said Act of June 6, 1924, as amended, except as in this section otherwise provided. Such funds shall be appropriated for the fiscal year 1931 and thereafter as required for the expeditious, economical, and efficient accomplishment of the purposes of this Act and shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia as follows, to wit: \$1,000,000 on the 30th day of June, 1931; and \$1,000,000 on the 30 day of June each year thereafter until the full amount expended hereunder is reimbursed without interest.

The National Capital Park and Planning Commission shall, before purchasing any lands hereunder for playground, recreation center, community center, and similar municipal purposes, request from the Commissioners of the District of Columbia a report thereon. Said commission is authorized to accept the donation to the United States of any lands deemed desirable for inclusion in said park, parkway, and playground system, and the donation of any funds for the acquisition of such lands under this act.

Sec. 5. The right of Congress to alter or amend this Act is hereby reserved.

Sec. 6. Section 4 of Public Act 297 of the Seventieth Congress, entitled "An Act authorizing the Great Falls Bridge Company, its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near Great Falls," approved April 21, 1928, as amended, is hereby amended by adding at the end of said section the following:

"Provided, That after the George Washington Memorial Parkway is established and the lands necessary for such parkway at and near Great Falls have been acquired by the United States, the United States may at any time acquire and take over all right, title, and interest in such bridge, its approaches and approach roads, and any interest in real property necessary therefore, by purchase or by condemnation, paying therefor not more than the cost of said bridge and its approaches and approach roads, as determined by the Secretary of Defense under section 6 of this Act plus 10 per centum."

Appendix B

Consent Decree (Excerpts)



APPENDIX B

Appendix B: Consent Decree (Excerpts)

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>STATE OF MARYLAND,</p> <p>Plaintiff-Intervenor, and</p> <p>ANACOSTIA WATERSHED SOCIETY, AUBUBON NATURALIST SOCIETY OF THE CENTRAL ATLANTIC STATES, INC. FRIENDS OF SLIGO CREEK, and NATURAL RESOURCES DEFENSE COUNCIL,</p> <p>Plaintiff-Intervenors,</p> <p>v.</p> <p>WASHINGTON SUBURBAN SANITARY COMMISSION,</p> <p>Defendant.</p>	<p>Civil Action No. PJM-04-3679</p> <p>Judge Messitte</p>
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CONSENT DECREE

NOTE – the consent decree is a 158 page document. **For the complete consent decree, see:**
<http://www.epa.gov/compliance/resources/decrees/civil/cwa/wssc22707.pdf>

EXCERPTS

(Note that SSD is an initialism for Sanitary Sewage Discharge; synonymous with Overflow).

Article Ten-Pump Stations

A. General Requirements. WSSC shall continue its recent effort to eliminate the occurrence of SSDs from Pump Stations in its Collection System.

B. Specific Requirements.

1. For each Pump Station in its sewer system, WSSC shall continue to implement a Pump Station "Preventive Maintenance Program," appropriate to the type, size and capacity of the Pump Station.
2. For each Pump Station in its sewer system, the WSSC Preventive Maintenance Program for that Pump Station shall provide for: adequate inventory of equipment, pumps and motors; appropriate, necessary and periodic servicing and calibration of Pump Station instrumentation; periodic inspection of the Pump Station, and periodic servicing of all Pump Station equipment.
3. All Preventive Maintenance and repair activities undertaken at any Pump Station shall be documented and tracked in an appropriate automated management tracking program such as the Commission's COMPASS System.
4. WSSC shall maintain and periodically review and update Pump Station standard operating procedures ("SOPs") for each of its Pump Stations, appropriate in detail and format to the type, size and capacity of the particular Pump Station. For purposes of this provision, if any physical or operational changes are made at a Pump Station, the periodic review and update of the SOP shall occur no later than ninety (90) days from completion of the physical change or initial implementation of the operational change in question.
5. Response to the Occurrence of an SSD at a Pump Station. If any SSD occurs at a Pump Station, WSSC shall conduct an analysis to determine the cause of the SSD. WSSC shall report its findings to EPA and MDE within 30 days of the SSD occurrence. If WSSC determines that the SSD was due to equipment failure or malfunction, loss of power, or inadequate maintenance activities, then, within ninety (90) days after the occurrence of the SSD, WSSC shall submit a plan and schedule for the implementation of appropriate corrective measures to EPA and MDE for their review and approval. If WSSC determines that the SSD was due to inadequate capacity or design deficiencies of the Pump Station, then, within 180 days of the SSD occurrence, WSSC shall submit a plan and schedule for the completion of appropriate corrective measures to EPA and MDE for their review and approval. All plans and schedules submitted to and approved by EPA and MDE pursuant to this subsection of the Consent Decree (Section V, Article Ten B.5) shall be incorporated into and become enforceable under this Consent Decree.
6. Every five (5) years WSSC shall re-evaluate its Pump Stations to assure that each Pump Station is of sufficient size and capacity to handle expected waste water flows. The results of the re-evaluation shall be reported to EPA, MDE and the Citizens Groups in the appropriate Annual Report to be submitted under Section VII of this Consent Decree, with the first such re-

evaluation to appear in the Annual Report for the fifth year following the Date of Entry of the Consent Decree.

(7 – Anacostia Pump Station – not applicable)

8. Broad Creek Pump Station. WSSC shall prepare a facility plan for the Broad Creek Pump Station. The Broad Creek Pump Station facility plan will evaluate the capacity of the pump station and, if necessary, make a recommendation for modifications. The Broad Creek Pump Station facility plan shall be completed and submitted to EPA, MDE and the Citizens Groups within two years from the date of Entry of the Consent Decree for review and approval. The performance of this facility plan is in place of the capacity and/or design determinations that otherwise would be required following an SSD under Section V, Article Ten B.5. If the approved Broad Creek Pump Station facility plan demonstrates the need for modifications, then within sixty (60) days of receipt of approval of the facility plan, WSSC shall submit a plan and schedule for the completion of appropriate corrective measures to EPA and MDE for their review and approval. All plans and schedules submitted to and approved by EPA and MDE for the Broad Creek Pump Station pursuant to this subsection and to Section V, Article Ten B.5, shall be incorporated into and become enforceable under this Consent Decree.

C. Quarterly Reporting and Annual Reporting and Statement or Certification Requirements. In the Quarterly Reports and the Annual Reports and Statement or Certifications to be submitted pursuant to this Consent Decree (See Consent Decree Appendix B, Quarterly Report Format, and Consent Decree Appendix A, Annual Report and Statement or Certification), WSSC shall report on its progress towards compliance with, and/or shall provide a Statement or Certification regarding its compliance with the applicable provisions of Article Ten, as set forth in those Appendices.

D. Individual Submission Requirements. For a summary of individual submissions required under Article Ten, see (Consent Decree) Appendix D to this Consent Decree.

Appendix C

Wetland Field Delineation Plates



APPENDIX C

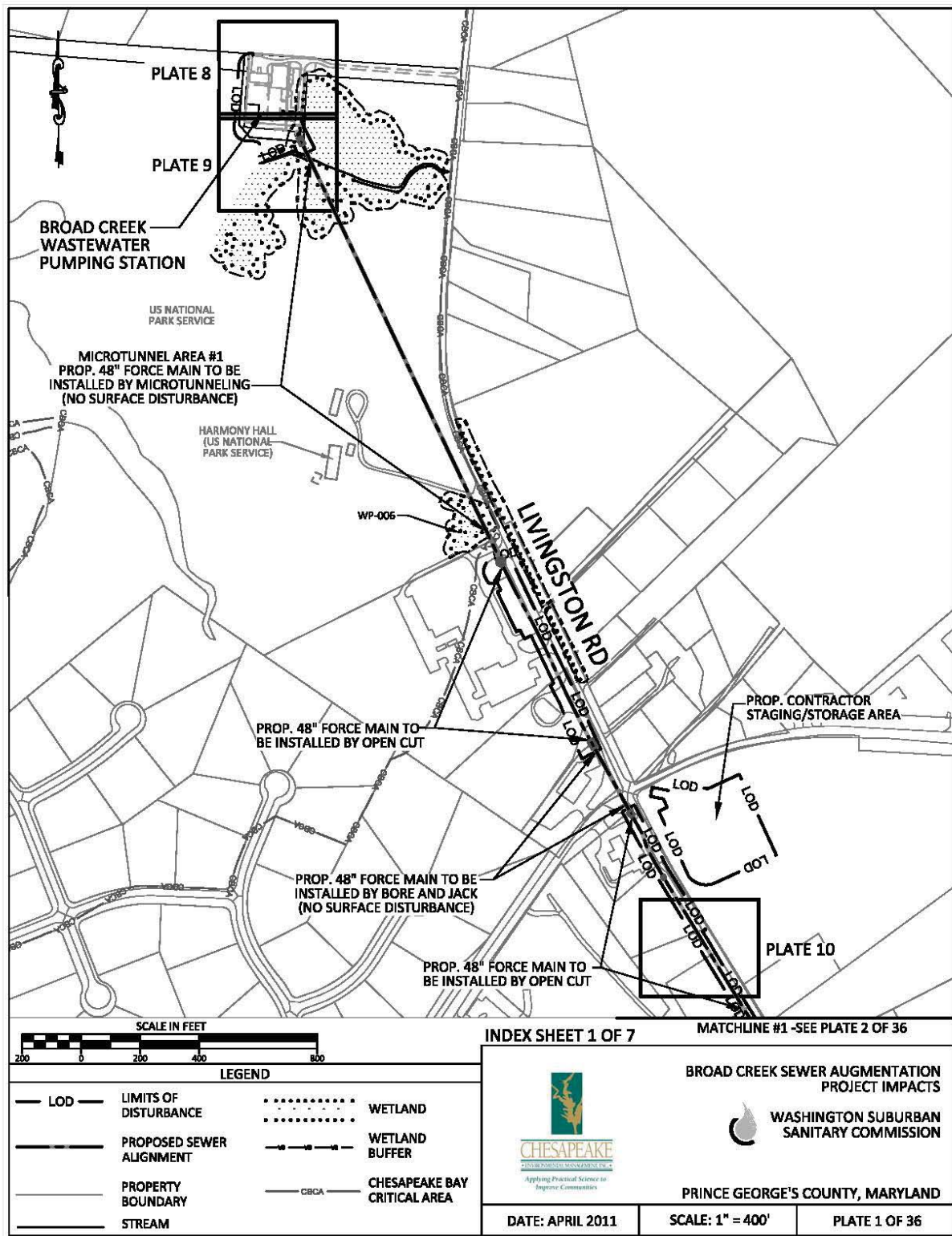
Appendix C: Wetland Field Delineation Plates

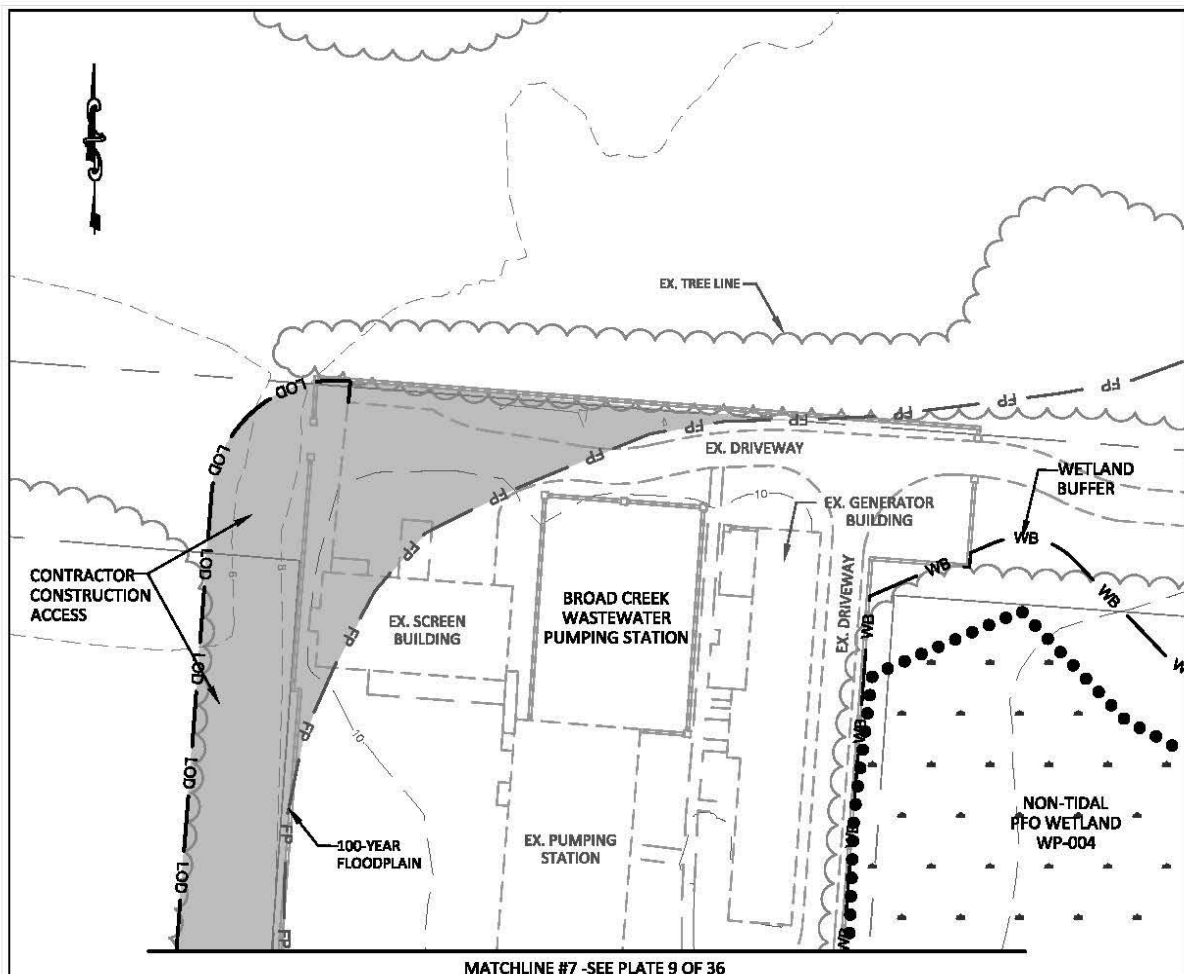
WETLAND FIELD DELINEATION PLATES
BROAD CREEK WASTEWATER PUMPING STATION
CONVEYANCE SYSTEM AUGMENTATION
Prince George's County, Maryland

Contents:

This sheet	
Plate 1	Index Map
Plate 8	Northern Study Area (Proposed Limits of Disturbance)
Plate 9	Southern Study Area (Proposed Limits of Disturbance)

Note that plates 8 and 9 also illustrate 100-year floodplains and wetland buffer areas.





MATCHLINE #7 - SEE PLATE 9 OF 36

LEGEND

	PERMANENT CONVERSION WETLAND IMPACTS		TEMPORARY STREAM IMPACTS		PROPOSED SEWER ALIGNMENT		STREAM
	TEMPORARY WETLAND IMPACTS		TEMPORARY 100-YEAR FLOODPLAIN IMPACTS		WETLAND		CBCA CRITICAL AREA BOUNDARY
	TEMPORARY WETLAND BUFFER IMPACTS		LOD LIMITS OF DISTURBANCE		WB WETLAND BUFFER		FP 100-YEAR FLOODPLAIN

IMPACT DATA

TYPE	UNITS	TYPE OF IMPACT	
		PERMANENT CONVERSION	TEMPORARY
STREAM	LF	-	-
	SF	-	-
PFO WETLAND	SF	-	-
PEM WETLAND	SF	-	-
PSS WETLAND	SF	-	-
WETLAND BUFFER	SF	-	-
100-YEAR FLOODPLAIN	SF	-	11,898
	CY	-	-

NOTES:

1. WETLANDS DELINEATED BY CHESAPEAKE ENVIRONMENTAL MANAGEMENT, INC., APRIL AND MAY 2010.
2. ALL MAPPING DATA PROVIDED BY PRINCE GEORGE'S COUNTY.

SCALE IN FEET



BROAD CREEK SEWER AUGMENTATION PROJECT IMPACTS



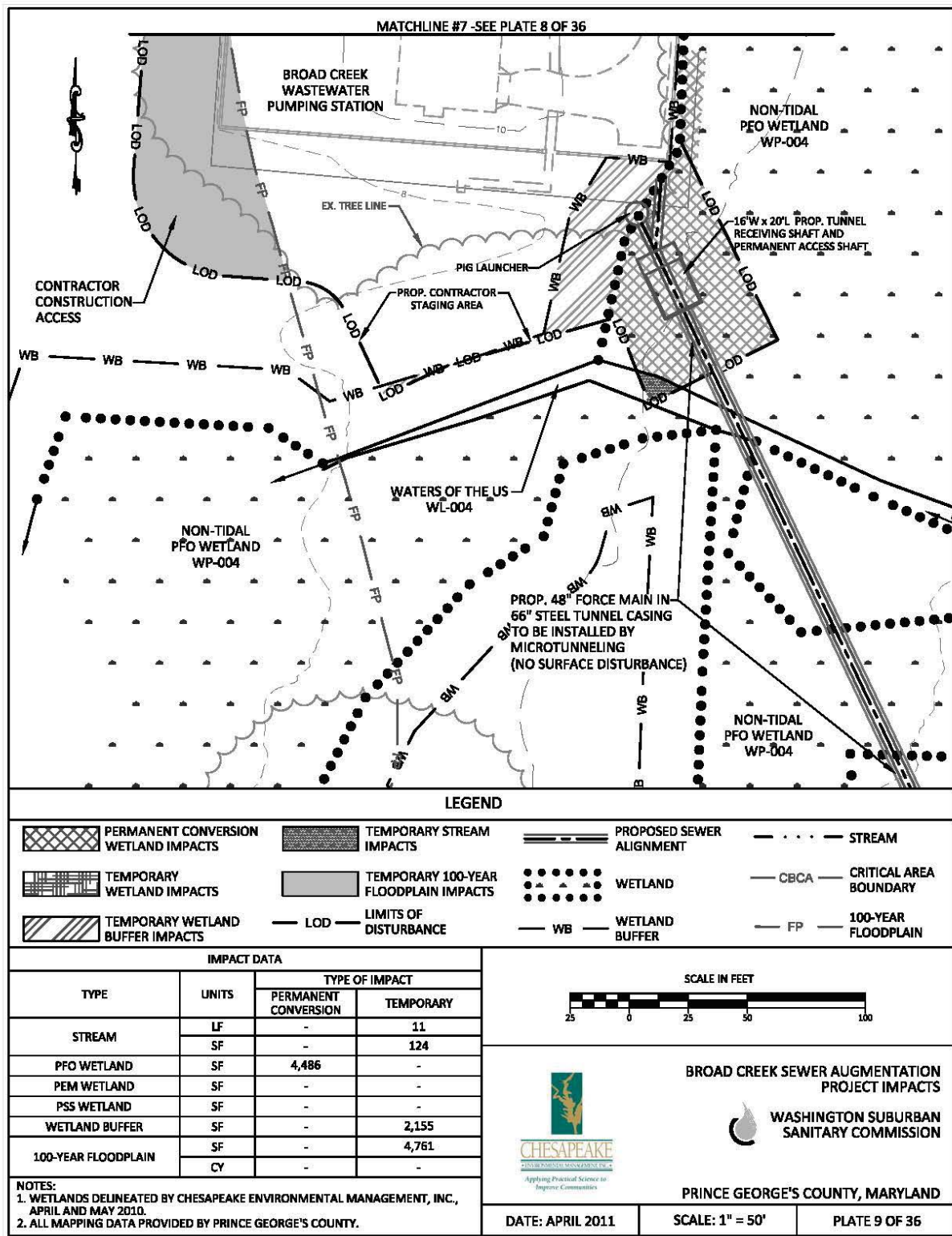
WASHINGTON SUBURBAN
SANITARY COMMISSION

PRINCE GEORGE'S COUNTY, MARYLAND

DATE: APRIL 2011

SCALE: 1" = 50'

PLATE 8 OF 36



Appendix D

Statement of Findings for Wetlands and Floodplains



APPENDIX D

Appendix D: Statement of Findings for Wetlands and Floodplains

Statement of Findings for Floodplains and Wetlands

Washington Suburban Sanitary Commission Broad Creek Wastewater Pumping Station Conveyance System Augmentation Proposed Force Main Addition

**Harmony Hall
National Capital Parks - East
Fort Washington, Maryland**

Recommended: _____
Superintendent, Harmony Hall, National Park Service Date

Certified for Technical Adequacy
and Service-wide Consistency: _____
Water Resources Division, National Park Service Date

Approved: _____
National Capital Regional Director, National Park Service Date

Introduction

INTRODUCTION/SITE DESCRIPTION:

The Washington Suburban Sanitary Commission (WSSC) provides wastewater collection and treatment for Montgomery and Prince George's Counties in Maryland. WSSC operates the Broad Creek Wastewater Pumping Station (WWPS) located at 10315 Livingston Road, adjacent to Harmony Hall in Fort Washington, Prince George's County, Maryland. The Broad Creek WWPS services about 31 square miles of the Broad Creek sewer basin (See Figure 1).

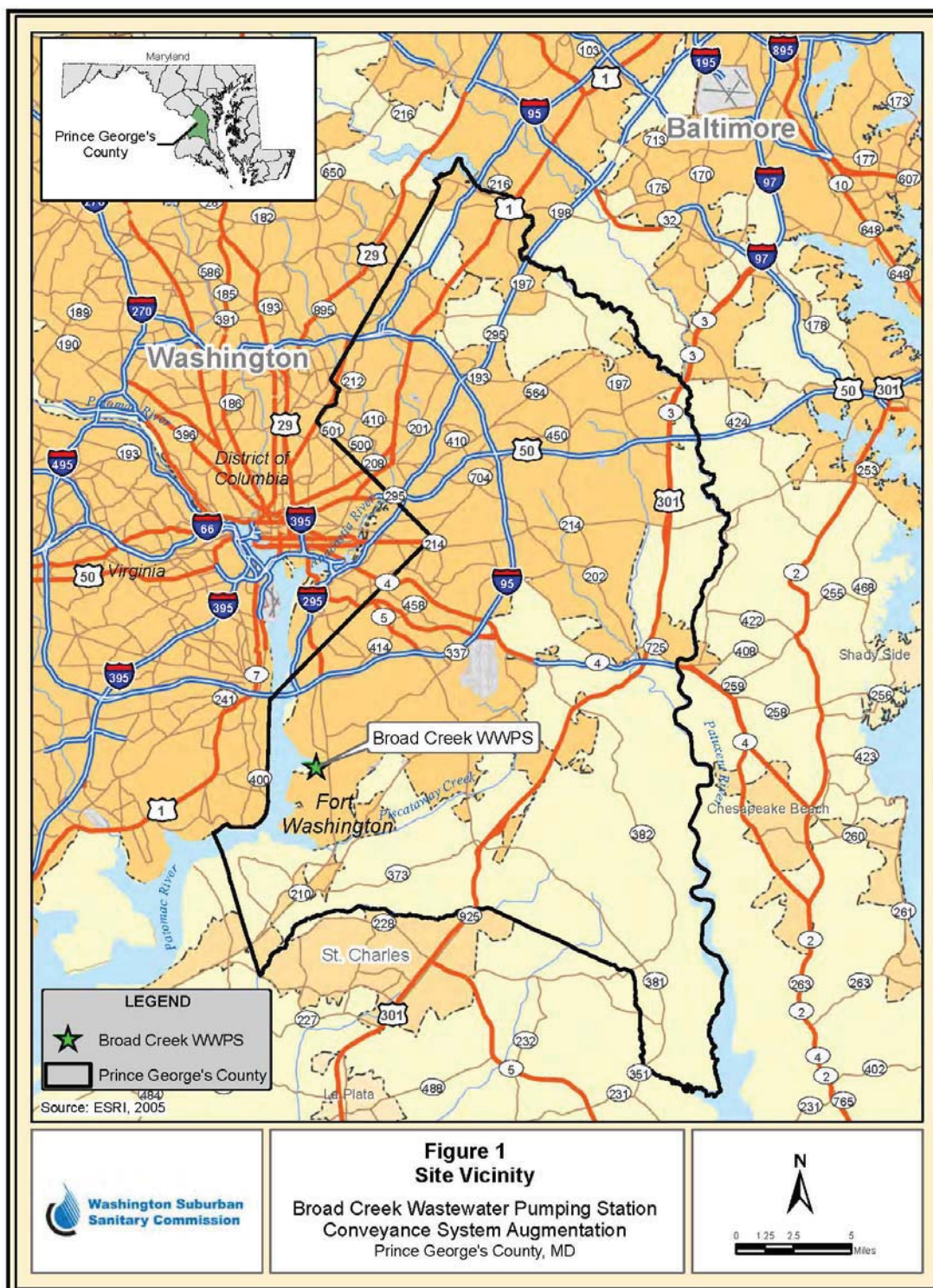
Harmony Hall is a historic site owned and maintained by National Capital Parks - East (NACE) to protect the scenic eastern shore of the Potomac River opposite the George Washington Memorial Parkway. The site contains portions of the village of Aire, later called Silesia, one of the oldest settlements in Prince George's County, Maryland. The 65-acre property includes Harmony Hall manor, the ruins of Want Water (an older settlement), and remnants of a canal from the early 1700s. The site is adjacent to the Broad Creek inlet, an embayment of the Potomac River (Upper Tidal Potomac River subbasin) and near the mouth of Broad Creek (See Figure 2).

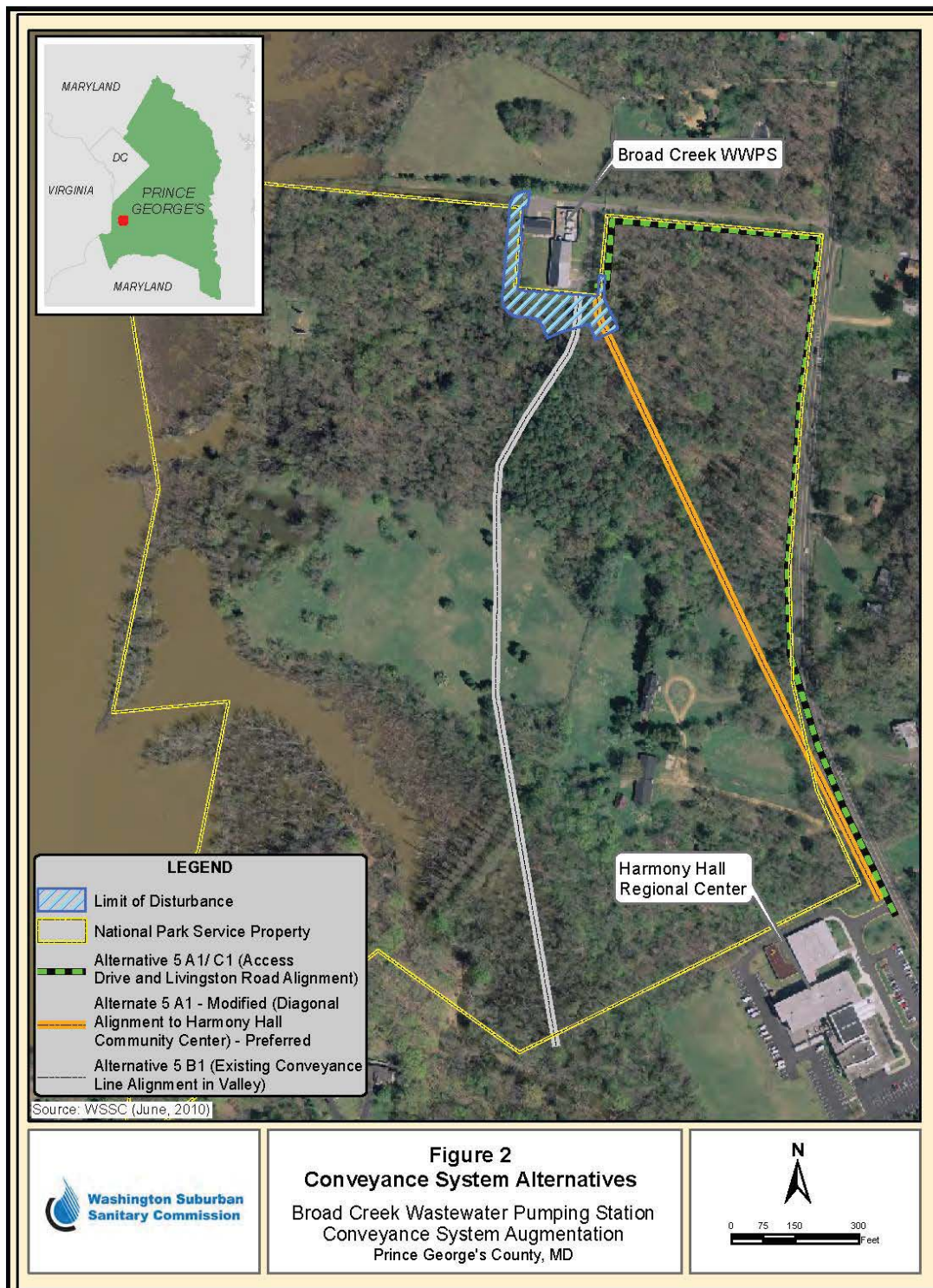
During extreme wet weather events the pumping station is susceptible to sanitary sewer overflows (SSOs) as a result of insufficient conveyance capacity, resulting in the release of untreated sanitary wastewater into Broad Creek and the Potomac River. NPS and WSSC have prepared an Environmental Assessment (EA) in accordance with the National Environmental Policy Act to evaluate the impacts of improving the conveyance capacity of the Broad Creek WWPS.

PROPOSED ACTION: WSSC proposes to increase the conveyance capacity of the Broad Creek WWPS by installing a 48-inch diameter forcemain in parallel with an existing 42-inch diameter forcemain. The additional conveyance capacity would eliminate SSOs at the facility.

Because the Broad Creek WWPS property does not contain available and developable land, and does not allow for access through the property to the south where the force main is located, a construction work area would be necessary to provide an area to construct any conveyance system augmentation alternatives. Floodplains are adjacent to the WWPS to the north and west. Wetlands are adjacent to the WWPS to the east and south.

Executive Orders 11990 (Protection of Wetlands) and 11988 (Floodplain Management) require the NPS and other federal agencies to evaluate the likely impacts of actions in floodplains and wetlands. NPS Director's Order #77-1: Wetland Protection provides NPS policies and procedures for complying with E.O. 11990. Director's Order 77-2: Floodplain Management provides NPS procedures for complying with E.O. 11988. This Statement of Findings (SOF) documents compliance with the NPS wetland protection and floodplain management procedures.





Purpose of Proposed Action

The Broad Creek WWPS has a single 42-inch diameter force main/gravity/pressure sewer line delivering effluent to the Piscataway Creek Wastewater Treatment Plant (WWTP) with a pumping capacity of 38.3 million gallons per day. The pumping capacity is not sufficient to prevent SSOs under wet weather conditions, which occurs on average one to two times per year. When an SSO event occurs, WSSC notifies the Prince George's County Health Department and Maryland Department of Health for issuance of an order to ban water contact recreation in the vicinity downstream of the Broad Creek WWPS to prevent threats to public health. This resulted in a 2005 court-ordered Consent Decree that mandates a minimum design capacity of 55.0 million gallons per day for the upgraded pump and conveyance system to eliminate SSO occurrences.

The purpose of the proposed Broad Creek WWPS Conveyance System Augmentation project is to provide adequate conveyance capacity from the Broad Creek WWPS to the Piscataway Creek WWTP to eliminate SSOs at the Broad Creek WWPS. The improvements will fulfill the requirements of the Consent Decree.

Alternatives Considered

The NPS and WSSC considered a broad range of alternatives when examining potential solutions for meeting the project needs. The range of alternatives included source and inflow controls, collection sewer optimization, and storage technologies. The NPS and WSSC also considered various conveyance system improvements between Broad Creek WWPS and Piscataway Creek WWTP, alone and in combination. Alternatives evaluated but dismissed for not meeting the purpose and need are outlined in the EA prepared for this project and are not addressed in this SOF. The remaining viable alternatives involve adding new pump and flow capacity by installing additional pumps and forcemain sewer pipes along alternative alignments.

Alternative 5 Option A1-modified: Conveyance System Augmentation – Traverse a Direct Diagonal Alignment (A1 – modified): The Alternative 5A1-modified is the preferred alternative, and was developed to minimize impacts to wetlands and forest associated with Alternative 5A1/C1. This Alternative would involve upgrades to the pumping station pumps and improvements to the conveyance system. A second, 48-inch diameter conveyance system line would be installed from the Broad Creek WWPS southeast about 1,500 feet.

Microtunneling construction would be used to install the proposed new line, which would be at depths generally greater than 20 feet below the surface, to minimize impacts to Park property and the environment. A microtunnel boring machine would advance the borehole while casing pipe is simultaneously jacked into place behind it. Surface disturbance would be limited to a tunnel drilling shaft insertion entrance in a grass lawn and parking lot at the Harmony Hall Regional Center, and a drill recovery area on Park property immediately south of Broad Creek WWPS. Construction of this Alternative is anticipated to require six months to complete, beginning winter 2013.

Alternative 5A1-modified would require construction easements from the NPS property to construct a boring machine retrieval shaft and permanent access vault. This Alternative would involve an access easement between the Broad Creek WWPS and the permanent access vault as well as a right-of-way agreement between WSSC and NPS for all facilities on NPS property including the tunnel alignment.

Alternative 5A1-modified would require removal of trees both west and south of the Broad Creek WWPS compound on NPS property and would impact surface water. Total wetland impacts on NPS property would equal approximately 0.106 acres (including open waters) due to Alternative 5A1-modified, impacted during construction (within the Limits of Disturbance). It would not affect public roadways such as Livingston Road.

Alternative 5 Options A1 or C1: Conveyance System Augmentation – Follow Access Drive and Livingston Road Alignment (A1/C1): The Alternative 5A1/C1 would involve upgrades to the pumping station pumps and improvements to the conveyance system. A second, 48-inch diameter conveyance system line would be installed from the Broad Creek WWPS to the east along the Broad Creek WWPS access drive, then south along the west side of Livingston Road along the NPS property frontage (see Figure 2, p. D6). Alternative 5A1/C1 would require access easements from the NPS for potential impacts to parkland south of the Broad Creek WWPS access drive and along the west side of Livingston Road.

To limit impacts to traffic, pipe installation would be conducted from the shoulder and adjacent property and not within the travel lane of the access drive or of Livingston Road. Alternative 5A1/C1 would require clearing of trees on NPS property along both the Broad Creek WWPS access drive and Livingston Road, and impacts to wetlands east of the pumping station compound. Total wetland impacts on NPS property would equal an estimated 0.159 acres due to Alternative 5A1/C1, impacted at several locations needed for tunnel construction along the eastern edge of the WWPS compound, access road, and Livingston Road. A combination of jack-and-bore drilling and microtunneling construction techniques would be used to limit soil disturbance. Construction would take about three months to complete.

Alternative 5 Option B1: Conveyance System Augmentation – Follow Existing Force Main Alignment (B1): The Alternative 5B1 would involve upgrades to the pumping station pumps and improvements to the conveyance system. A second, 48-inch diameter conveyance system line would be installed from the Broad Creek WWPS south about 1,700 feet along the right-of-way of the existing 42-inch diameter conveyance line that crosses the Harmony Hall park property roughly from north to south. Due to the proximity to the existing force main, jack-and-bore drilling and microtunneling construction techniques would not be available. Instead, cut and cover excavation would be used to install the new line roughly parallel to the existing line. Access during construction would occur within existing WSSC right-of-way. Environmental impacts would include disturbance of wetlands, surface water, and tree removal along the alignment. Total wetland impacts on NPS property would equal approximately 0.400 acres due to Alternative 5B1, impacted by open trench construction directly south of the WWPS compound for a distance of roughly 100 yards through wetlands. Construction of this segment would be completed from both directions simultaneously and require up to three months to complete.

The Project and the National Park Service Boundary

The NPS Harmony Hall property is comprised of about 65 wooded and open acres bound on the east by Livingston Road; to the west by the Broad Creek inlet; to the south by a wooded valley containing an unnamed tributary to Broad Creek and the Harmony Hall Regional Center; and to the north by the Broad Creek WWPS, its access drive, and an effluent overflow channel excavated from the WWPS west to Broad Creek.

The Harmony Hall park property is part of NPS NACE, and is the site of the Harmony Hall manor. The manor is located near the southeast corner of the property, about 300 feet west of Livingston Road and 900 feet south of the WWPS. The NPS has not developed a General Management Plan for Harmony Hall and the manor is closed for planned renovations and public access is restricted.

The Broad Creek WWPS is situated on WSSC property consisting of a one acre rectangular notch of land abutting NPS property to the east, west, and south. The Broad Creek WWPS has a dedicated, gated entrance driveway from Livingston Road which restricts public access. The parkland adjacent the Broad Creek WWPS to the east, west, and south functions primarily as a natural area and a wooded floodplain of the Potomac River.

The NPS *Management Policies* (NPS, DOI, 2001) states that the enjoyment of park resources by the people of the U.S. is part of the fundamental purpose of all parks and that the NPS is committed to providing appropriate, high-quality opportunities for visitors to enjoy the parks. The proposed project would not result in any negative long-term changes to park environments or visitor experiences. The only aboveground structure on NPS property, the permanent access vault, would be a 16-foot wide by 20-foot long concrete pad with manhole access. Once complete, the proposed project would have no adverse effect on visitor experiences.

The NPS Management Policies also state that NPS must consider the potential effects of any proposed action within parkland on the operation and management of the park, including ensuring the continued health and integrity of the park environment and preserving the values of the park resource. The proposed project would not require modifications to existing park operations and would not contribute to the impairment or degradation of the park environment. The proposed project would help preserve and restore the existing natural environment by improving water quality in Broad Creek, potentially enhancing the long-term health of the park areas and the local ecosystem.

Site Conditions

Uplands, Wetlands, and Floodplains within the Project Area

As stipulated in Procedural Manual #77-1: Wetland Protection (NPS, 2008), the NPS uses *Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin et al. 1979) as the standard for defining, classifying, and inventorying wetlands. A wetland delineation was conducted on April 27, 2010, by Chesapeake Environmental Management, Inc, on behalf of

WSSC (WSSC, 2010). Based on this study, WSSC found a 3.53 acre wetland adjacent to the Broad Creek WWPS to the east and south. The wetland complex is characterized as a palustrine, forested, broad-leaved deciduous, needle-leaved evergreen, temporarily-flooded wetland (PFO1A/4A). Portions of the wetland were characterized as an abandoned pine plantation transitioning into a mixed deciduous forest. Dominant tree species in the wetland include pin oak (*Quercus palustris*), red maple (*Acer rubrum*), green ash (*Fraxinus pennsylvanica*), and loblolly pine (*Pinus taeda*). Contained in this wetland is an intermittent, relatively straight waterway characterized as a palustrine, unconsolidated bottom with sand, temporarily flooded wetland (PUB2A). The stream has stable, vegetated banks with a sand and silt substrate. The delineated wetlands are illustrated on Figure 3.

As indicated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the project area (Panel 245208 0075 D, effective September 6, 1996), the Broad Creek WWPS is on the fringe of the 100-year floodplain, predominantly in a shaded Zone B, an area of moderate flood hazard usually between the limit of the 100- and 500-year floodplains (see Figure 4). Base Flood Elevation (BFE) in the vicinity of the Broad Creek WWPS is 10 feet North American Vertical Datum 1988 (NAVD88). According to topographic surveys prepared for the project, parkland adjacent to the Broad Creek WWPS lies at elevations between 6 and 10 feet NAVD88. Although these areas are not mapped on the floodplain, they are susceptible to flooding because they lie below BFE. The source of flooding in the project area is backwater from the Potomac River and floodwaters from Broad Creek.

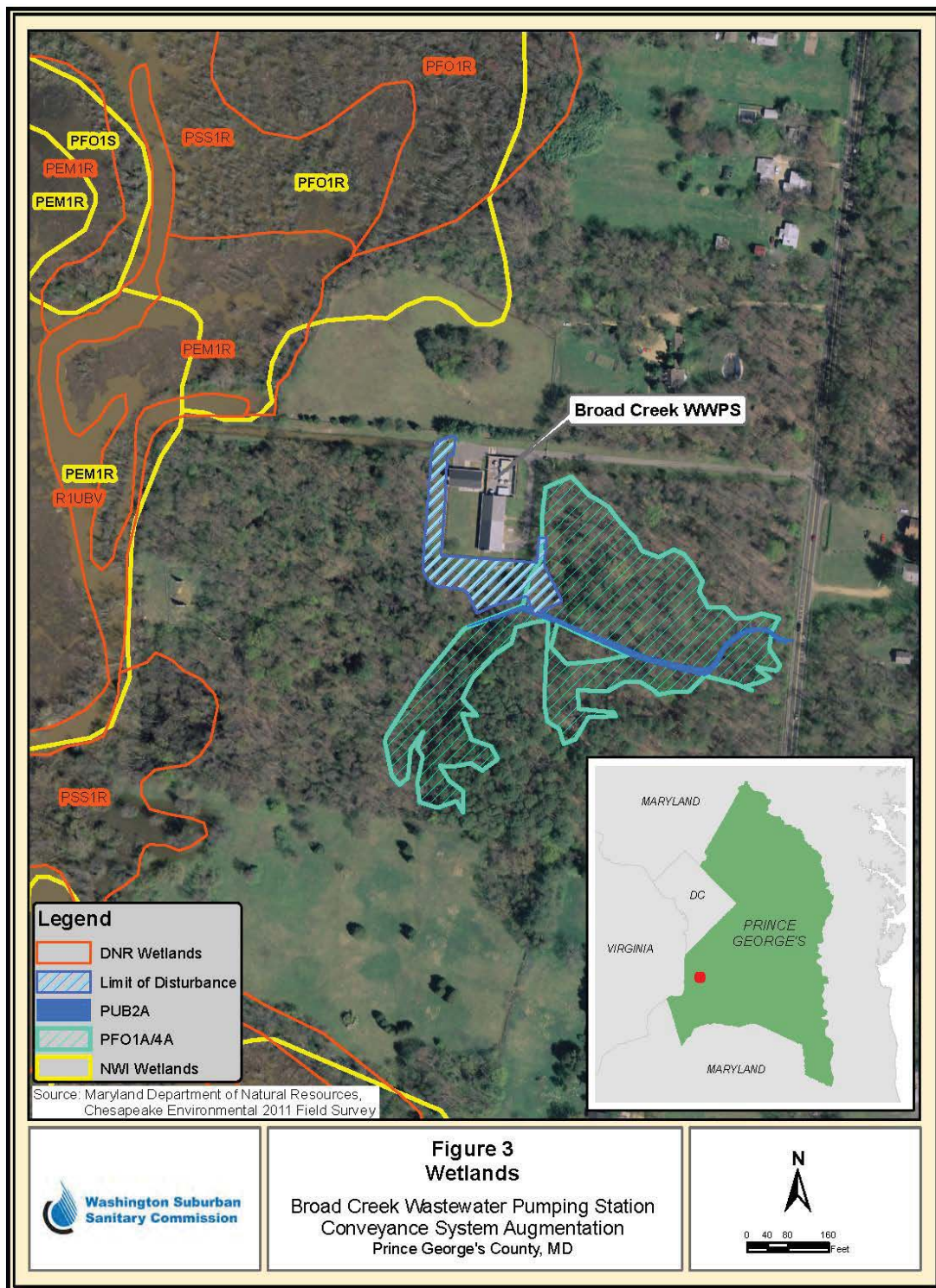
Functions Provided by Wetlands within the Project Area

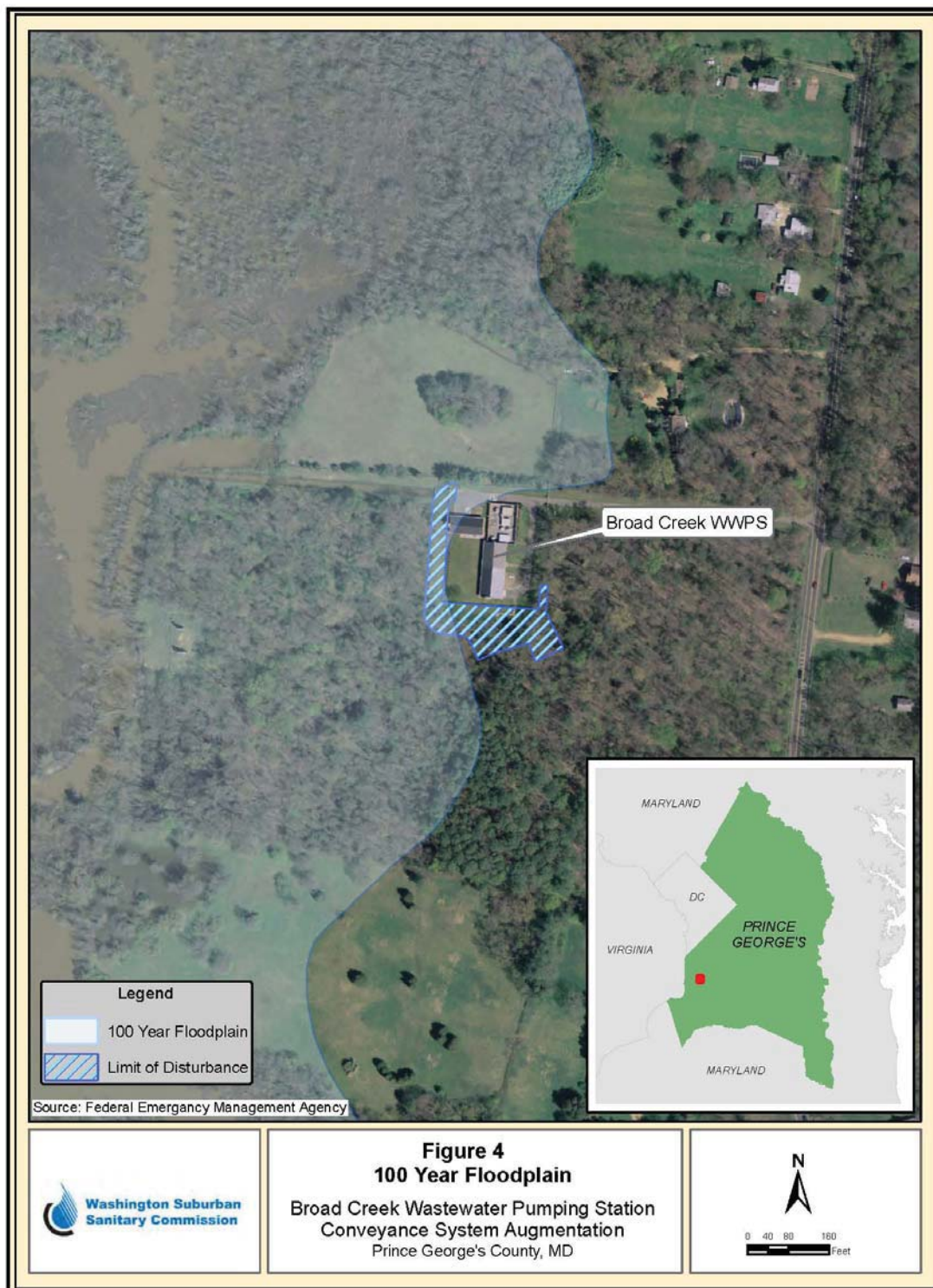
A function and value assessment of the wetland incorporated the following primary factors: the wetlands geographic position near the down gradient extent of the subwatershed; the presence of an intermittent stream in the wetland; the proximity of the floodplain, open water habitat, and large forested tracts; the presence of nearby historic properties; and the presence of NPS owned property. Based on these factors and others, the wetland is suitable for groundwater recharge and discharge; floodflow attenuation; sediment retention; nutrient removal; wildlife habitat; and uniqueness or heritage. Although suitable for these functions and values, the principal functions and values for the wetland are assessed as floodflow attenuation, sediment retention, and uniqueness and heritage.

General Characterization of Floodplain Values within the Project Area

The floodplain in the vicinity of the Broad Creek WWPS stretches about 2.5 miles west from the pump station, across Broad Creek and the Potomac River, into Virginia. The Potomac River floodplain south of Washington, D.C. drains an estimated 80 percent of the total Potomac River watershed, or about 11,700 square miles (FEMA, 2010). Although flooding at the Broad Creek WWPS is influenced by the Potomac River, its location inland at the head of the Broad Creek inlet shelters it from high velocity flood flow of the main channel of the river. The lower portions of the Harmony Hall property, to the west of the Broad Creek WWPS, receive backwater from the river, as well as flood flow from Broad Creek.

In the immediate vicinity of the Broad Creek WWPS, the floodplain is characterized as broad and nearly flat, and predominantly maintained as undeveloped open space with or without forest. In the





immediate vicinity of the Broad Creek WWPS, much of the floodplain is owned by either the federal government (NPS) or Prince George's County, or is designated as protected lands by the Maryland Department of Natural Resources.

Federally Listed Threatened and Endangered Species

In consultation dated May 20, 2010, the USFWS indicated there were no known federally proposed or listed endangered or threatened species within the project impact area and no further consultation with the USFWS was required (See Attachments). In consultation dated July 19, 2010, the Maryland Department of Natural Resources, Natural Heritage Division indicated there were no State or Federal records for rare, threatened, or endangered species within the boundaries of the project site (See Attachments).

Essential Fish Habitat

The closest aquatic environment to the project site, Broad Creek, is about 600 feet away. No adverse effects to aquatic habitat, water quality, or water chemistry are expected. In consultation dated June 14, 2010, the National Marine Fisheries Service did not express concern or offer comment or recommendations on the project in the vicinity of NPS property (See Attachments). A portion of an intermittent stream (PUB2A wetland) would be temporarily impacted within the proposed limits of disturbance of the proposed project, but due to the intermittent nature and low channel profile (about 3-inches deep), it is not expected to support spawning habitat for shortnose sturgeon or other candidate species of anadromous fish.

Wetland Impacts

Under the preferred alternative, WSSC would construct a temporary access road along the western and southern edges of the existing Broad Creek WWPS and install a 16-foot wide by 20-foot long concrete vault for accessing the force main on the southeastern corner of the Broad Creek WWPS. The installation of the concrete vault would result in the permanent conversion of about 0.103 acres of the 3.53-acre forested wetland to emergent wetland or upland representing about a three percent reduction in the overall size of the forested wetland. Of the 0.103 acres disturbed, about 0.077 acres would be permanently occupied by concrete vault and about 0.026 acres would be restored to emergent wetland after construction activities are concluded. Construction activities would also temporarily impact about 124 square feet of the intermittent stream. Although adverse impacts are both short-term and long-term, they are considered minor: the impact area is detectable but relatively small, and the wetland processes, functions, and overall integrity would remain unaffected. Eliminating SSOs could improve the overall health of other nearby wetlands and may include long-term beneficial impacts by reducing nutrient pollution.

Table 1: Summary of Wetland Impacts			
Wetland Location	Cowardin Wetland Classification [†]	Long-term Impact Area	Short-term Impact Area
South of Broad Creek WWPS	PFO1A/4A	4,486 square feet (0.103 acres)	0 square feet (0 acres)
South of Broad Creek WWPS	PUB2A	0 square feet (0 acres)	124 square feet (0.003 acres)

[†] Cowardin, et al., 1979

No practicable non-wetland alternatives are available at the site given the presence of the Broad Creek WWPS as an investment at its current location, and the proximity of wetlands to the east and south. Various alternatives were investigated, and no practicable and feasible wetland avoidance alternative is available.

Floodplain Impacts Analysis and Justification for Use of the Floodplain

The preferred alternative would be constructed partially within the floodplain, and permanent sanitary sewer facilities would remain within an area susceptible to flooding. During construction there would be some temporary fill (about 330 cubic yards) in the 100-year floodplain to create a level access road which would be removed after construction is completed. Short-term impacts are expected to be minor to negligible.

Although the proposed tunnel receiving shaft and permanent access vault would be installed at a grade elevation of about 9 feet NAVD88, an elevation below the BFE, long-term impacts to floodplains are expected to be negligible. The proposed shaft and vault would occupy an estimated 0.03 percent of the floodplain cross-section.

The Broad Creek WWPS is located in a forested area on the floodplain fringe where flood velocities are the lowest. Given the minimal volume of floodplain loss and the location of the proposed project on the floodplain fringe, increased flood elevations or velocities are not expected to be detectable.

Upgrading the Broad Creek WWPS is not expected to promote floodplain development or otherwise promote floodplain occupancy. Improving the pump station capacity would not increase or reduce the risk of flooding in the area and would not lead in itself to further floodplain occupancy or development.

Construction of capital improvements in the floodplain is typically in conformance with the minimum criteria outlined by the National Flood Insurance Program to minimize flood damage susceptibility during a flood event. These criteria include elevating critical functions above BFE, flood-proofing facilities that will remain below BFE, and potentially anchoring facilities at risk of movement during flood.

The negligible to minor floodplains impacts of the preferred alternative would not constitute impairment of the Harmony Hall NPS historic site's values, purposes, natural or cultural

integrity, opportunity for enjoyment of the park, or goals of the NPS in general management of the park property.

Table 2: Summary of Floodplain Impacts			
Floodplain Location	Flood Zone	Long-term Impact (floodplain occupancy)	Short-term Impact (floodplain occupancy)
Mostly west of the Broad Creek WWPS	Zone A7 and Zone B	27 cubic yards	330 cubic yards

No feasible and practicable floodplain avoidance alternatives are available at the site given the presence of the Broad Creek WWPS as an investment at its current location (elevated on fill inside the floodplain), and the presence of floodplains.

Mitigation

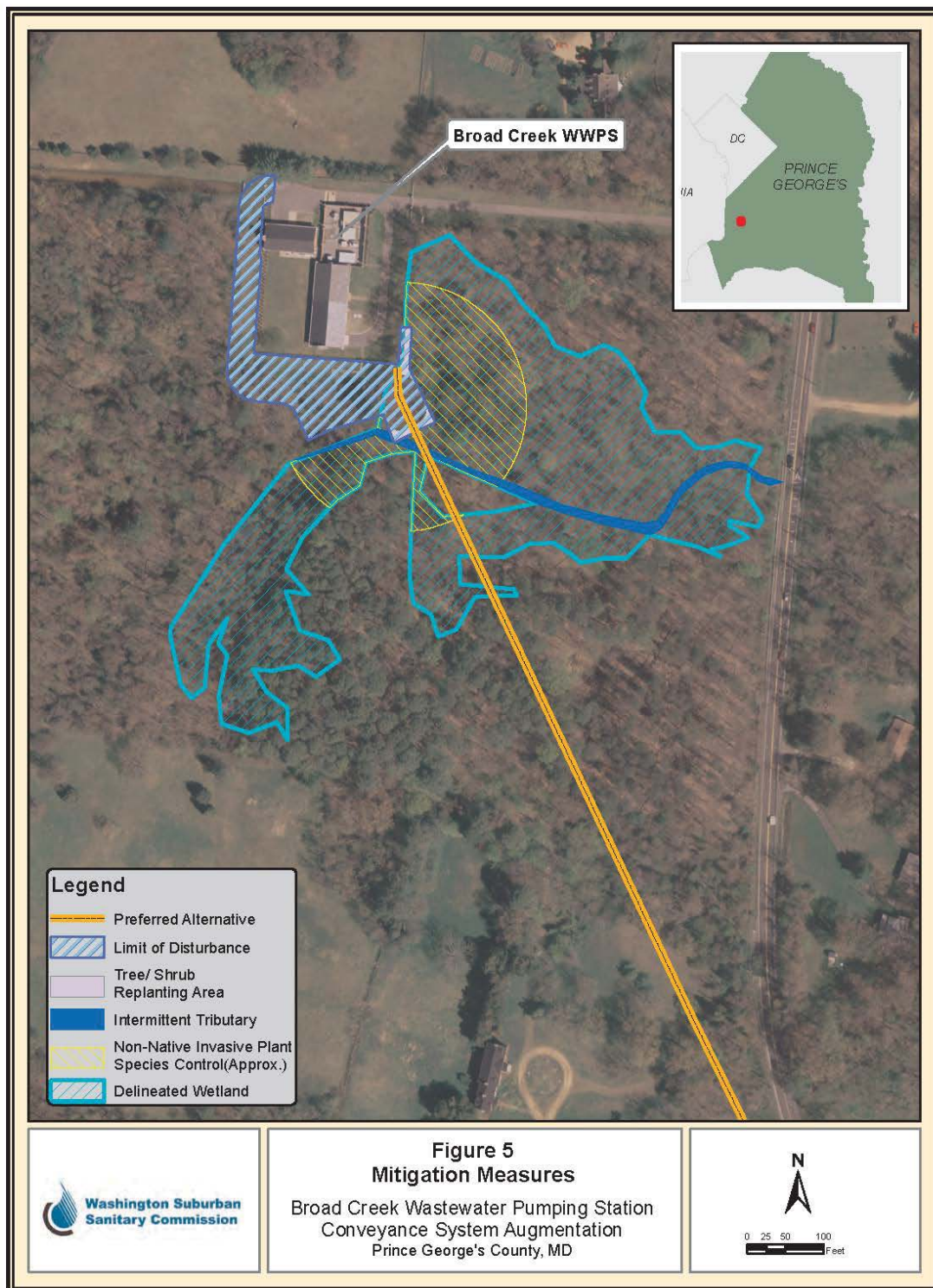
Wetland Mitigation

The proposed activity would result in 4,486 square feet (0.103 acres) of long-term impacts to a palustrine forested (PFO1A/4A) wetland and 124 square feet (0.003 acres) of short-term impacts to a perennial unconsolidated bottom (PUB2A) wetland on the Harmony Hall Park property. As Per D.O. #77-1, WSSC would compensate for unavoidable impacts to wetlands through a mitigation project to account for lost functions and values. Note that the open water channel (0.003 acres of impact to PUB2A) would be restored to its original condition prior to completion of construction, as part of the mitigation strategy (1:1).

The NPS and WSSC developed a conceptual wetland mitigation strategy, which consists of two additional activities – direct restoration as well as non-native invasive species management. The agencies would conduct direct restoration of a portion of the disturbed palustrine wetlands (approximately 0.030 acres within the LOD). In addition, the agencies would compensate where impacts are irreversible, [i.e., where restoration of the LOD would not be possible due to permanent structure (access vault) and maintenance access requirements (0.073 acres)].

Beyond a 20 foot setback from the permanent access vault, within the wetland areas and within the LOD, approximately 0.03 acres of wetland would be restored to natural grade and replanted/reseeded. Trees/shrubs would only be planted in areas that have been tested and proven negative for archeological resources; otherwise, the revegetation would consist of reseeding with tree and shrub species. Direct restoration area is illustrated on Figure 5.

To mitigate the 0.073 acres of impact remaining, a strategy for restoration would involve non-native invasive plant species eradication in the forested wetlands surrounding the impacted wetlands on the Harmony Hall property. The estimated area for this activity is illustrated on Figure 5. Invasive species to be removed from the forested wetlands include *Ailanthus* (“Tree-of-heaven”), *Microstegium* (“Japanese stiltgrass” or “Nepalese browntop”), *Persicaria perfoliata* a.k.a. *Polygonum perfoliatum* L. (“Mile-a-minute”), *Lonicera japonica* (“Honeysuckle”), *Rosa multiflora* (“Multiflora Rose”), *Fallopia japonica* a.k.a. *Polygonum cuspidatum* (“Japanese Knotweed” Polygonum).



Based on an assessment of invasive species to be conducted by WSSC, a non-native invasive species control plan will be developed to define a specific area where the controls would be most beneficial, and to assess the size of the “removal” area.

NPS rangers will initially be onsite to instruct workers which plants to remove by hand methods (heavy machinery would not be used), and conversely in which areas to instead employ chemical herbicide treatments. Several manual/mechanical cuttings may be done, as would targeted seasonal herbicide treatments for the specific undesirable species. A strategy for assuring successful regeneration of desired beneficial wetland plants may include broad-scale native successional plant reseeding, but would not likely include replanting due to the archeologically sensitive nature of the surrounding area unless further archeological testing were conducted prior to development of a planting plan.

It is anticipated at the time of the Draft EA that the area for invasives control could equal roughly an acre; and that portions of the removal area would be treated for invasive species for 5 years and/or until certain measures of success are achieved (e.g., achieving a certain size area of native species dominance). It is likely that the initial removal area would be larger than the ultimate area to be achieved, as NPS believes this would be the most effective strategy for mitigating an equal value for the wetland impacts on its property.

Floodplain Mitigation

The proposed project would not raise flood elevations or velocities, and decreasing the Potomac River floodplain by 27 cubic yards is negligible. Therefore, no mitigation is needed.

Compliance

Clean Water Act Section 404

The proposed actions would impact waters of the U.S., as defined by the Clean Water Act (CWA), and are therefore subject to review by the U.S. Army Corps of Engineers (COE). Section 404 of the CWA regulates the discharge of dredged or fill material into waters of the U.S.

Non-tidal Wetlands Protection Act

The Maryland Department of the Environment (MDE) regulates activities conducted in tidal waters, non-tidal waters and their 100-year floodplains, and non-tidal wetlands. Regulated activities include draining, dredging, excavating, filling, grading, shaping, flooding, changing the hydrology, or removing vegetation in water bodies, watercourses, floodplains, and wetlands.

Rivers and Harbors Act Section 10

Section 10 of the Rivers and Harbors Act is also administered by the COE and regulates construction, filling, dredging, or excavation in navigable waters of the U.S.

National Environmental Policy Act

The Environmental Assessment, National Historic Preservation Act Section 106 Compliance Review, this Statement of Findings for E.O. 11990 and E.O. 11988, and the Findings of No Significant Impact would complete the requirements for the National Environmental Policy Act for this project.

Conclusion

The project would ultimately enhance water quality by eliminating SSO discharges from the Broad Creek WWPS into Broad Creek and the Potomac River. The proposed project would adversely impact approximately 0.103 acres of wetlands. There is no practicable and feasible wetland avoidance alternative. A wetland mitigation project would be determined through future coordination with NPS to account for the lost functions and values associated with the project.

The proposed project would temporarily occupy 330 cubic yards of floodplain during construction, and permanently occupy approximately 27 cubic yards of the floodplain. The proposed project would not raise flood elevations or velocities; and therefore, no mitigation is proposed. There is no practicable and feasible floodplain avoidance alternative, and floodplain impacts are minimized to the extent possible.

References

- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. *Classification of Wetlands and Deepwater Habitats of the United States*. U.S. Fish and Wildlife Service, Office of Biological Services, Washington, D.C.
- Federal Emergency Management Agency (FEMA). 1996. *Digital Flood Insurance Rate Map Database, Maryland*. Washington, DC.
- Federal Emergency Management Agency (FEMA). 2010. *Flood Insurance Study: District of Columbia Washington, D.C.* Washington, DC.
- National Park Service. 2011. National Park Service Procedural Manual #77-1: Wetland Protection (Director's Order [D.O.] #77-1)
- National Park Service. 2008. National Park Service Procedural Manual #77-2: Floodplain Management (Director's Order [D.O.] #77-2)
- National Park Service. 2001. National Park Service Management Policies. Washington, D.C. <http://concessions.nps.gov/document/policies.pdf>
- Washington Suburban Sanitary Commission. 2010. *Broad Creek Proposed Sewer Line and Pump Station Upgrades Wetland Delineation Report*. Prepared by Chesapeake Environmental Management, Inc., for Washington Sanitary Sewer Commission. Laurel, Maryland.



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*Applying Practical Science to
Improve Communities*

May 10, 2010

Ms. Lori Byrne
DNR Wildlife & Heritage Service
580 Taylor Avenue
Tawes State Office Building, E-1
Annapolis, Maryland 21401

Re: WSSC Sewer Improvements in Fort Washington, MD
Prince George's County, Maryland
CEM Project Number: 09-040.000

Dear Ms. Byrne:

The Washington Suburban Sanitary Commission (WSSC) is proposing the installation of approximately 24,400 lf of 48-inch force main and 42-inch pressure sewer from the Broad Creek Pumping Station (PS) to the Piscataway Wastewater Treatment Plant (WWTP) in Fort Washington, Maryland (See Figure 1, Site Vicinity Map). The sewer alignment will proceed from the Broad Creek PS to Livingston Road, and then follow Cornett Street to MD 210. The alignment will border MD 210 for several miles and then connect to the Piscataway WWTP.

On behalf of the WSSC, Chesapeake Environmental Management, Inc. (CEM) is requesting an environmental review for possible rare, threatened or endangered species that could potentially be affected by the proposed project.

Please contact me at (410) 893-9016 or by email at trubin@cemscience.com if you have any questions pertaining to the project. Thank you in advance for your assistance.

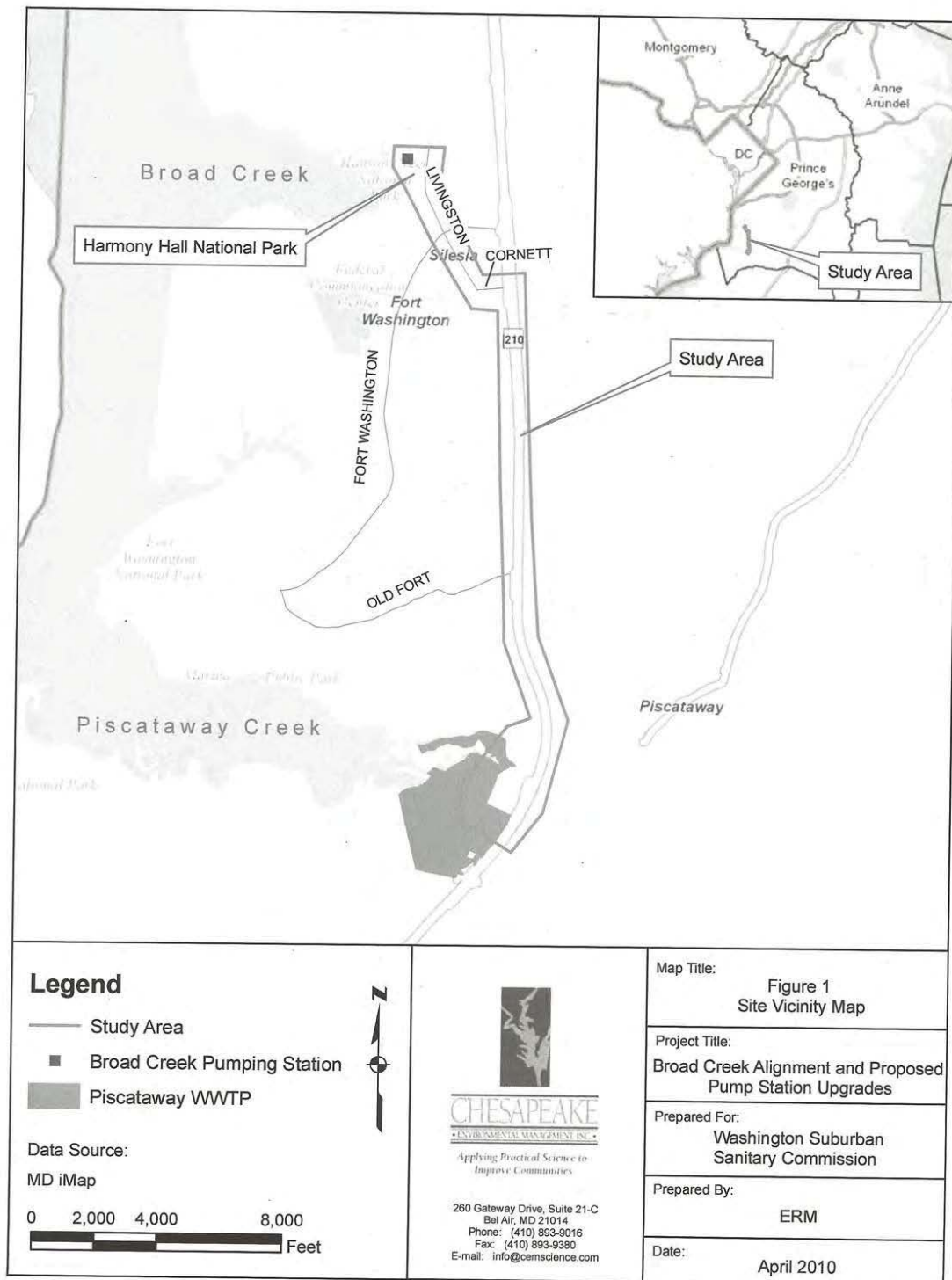
Respectfully,

Tennile Rubin
Project Leader I
Chesapeake Environmental Management, Inc.

cc: Austin Freeman – WSSC
Dennis Funk – Gannet Fleming

Attachment: Figure 1, Site Vicinity Map

D19





MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

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

July 19, 2010

Tennile Rubin
Chesapeake Environmental Management, Inc.
260 Gateway Dr., Suite 21-C
Bel Air, MD 21014

RE: Environmental Review for WSSC Sewer Improvements in Fort Washington, CEM Project No. 09-040.000, Washington Suburban Sanitary Commission proposed installation of 24000 If of 48-in force main and 42-in pressure sewer from Broad Creek Pumping Station to Piscataway WWTP, Prince George's County, MD.

Dear Ms. Rubin:

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 comments or 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.

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

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*Applying Practical Science to
Improve Communities*

May 10, 2010

Ms. Charisa Morris
U.S. Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

Re: WSSC Sewer Improvements in Fort Washington, MD
Prince George's County, Maryland
CEM Project Number: 09-040.000

Dear Ms. Morris:

The Washington Suburban Sanitary Commission (WSSC) is proposing the installation of approximately 24,400 lf of 48-inch force main and 42-inch pressure sewer from the Broad Creek Pumping Station (PS) to the Piscataway Wastewater Treatment Plant (WWTP) in Fort Washington, Maryland (See Figure 1, Site Vicinity Map). The sewer alignment will proceed from the Broad Creek PS to Livingston Road, and then follow Cornett Street to MD 210. The alignment will border MD 210 for several miles and then connect to the Piscataway WWTP.

On behalf of the WSSC, Chesapeake Environmental Management, Inc. (CEM) is requesting an environmental review for possible rare, threatened or endangered species that could potentially be affected by the proposed project.

Please contact me at (410) 893-9016 or by email at trubin@cemscience.com if you have any questions pertaining to the project. Thank you in advance for your assistance.

Respectfully,

Tennile Rubin
Project Leader I
Chesapeake Environmental Management, Inc.

cc: Austin Freeman – WSSC
Dennis Funk – Gannet Fleming

Attachment: Figure 1, Site Vicinity Map

D22



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>



May 20, 2010

Chesapeake Environmental Management Inc.
260 Gateway Drive, Suite 21-C
Bel Air, MD 21014

RE: WSSC Sewer Improvements Fort Washington MD Prince George's County MD

Dear: Tennile Rubin

This responds to your letter, received, May 10, 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
Field Supervisor



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*Applying Practical Science to
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May 10, 2010

John Nichols
NOAA/NMFS Habitat Conservation Division
Chesapeake Bay Program Office
410 Severn Ave. Suite 107A
Annapolis, MD 21403

Re: WSSC Sewer Improvements in Fort Washington, MD
Prince George's County, Maryland
CEM Project Number: 09-040.000

Dear Mr. Cook:

The Washington Suburban Sanitary Commission (WSSC) is proposing the installation of approximately 24,400 lf of 48-inch force main and 42-inch pressure sewer from the Broad Creek Pumping Station (PS) to the Piscataway Wastewater Treatment Plant (WWTP) in Fort Washington, Maryland (See Figure 1, Site Vicinity Map). The sewer alignment will proceed from the Broad Creek PS to Livingston Road, and then follow Cornett Street to MD 210. The alignment will border MD 210 for several miles and then connect to the Piscataway WWTP.

On behalf of the WSSC, Chesapeake Environmental Management, Inc. (CEM) is requesting an environmental review for possible sensitive natural resources or related subjects that could potentially be affected by the proposed project.

Please contact me at (410) 893-9016 or by email at trubin@cemscience.com if you have any questions pertaining to the project. Thank you in advance for your assistance.

Respectfully,

Tennile Rubin
Project Leader I
Chesapeake Environmental Management, Inc.

cc: Austin Freeman – WSSC
Dennis Funk – Gannet Fleming

Attachment: Figure 1, Site Vicinity Map

D25



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Habitat Conservation Division
Chesapeake Bay Program Office
410 Severn Ave., Suite 107A
Annapolis, Maryland 21403

June 14, 2010

MEMORANDUM TO: Tennile Rubin
Chesapeake Environmental Management

FROM: John Nichols JSN

SUBJECT: WSSC Sewer Improvements in Fort Washington

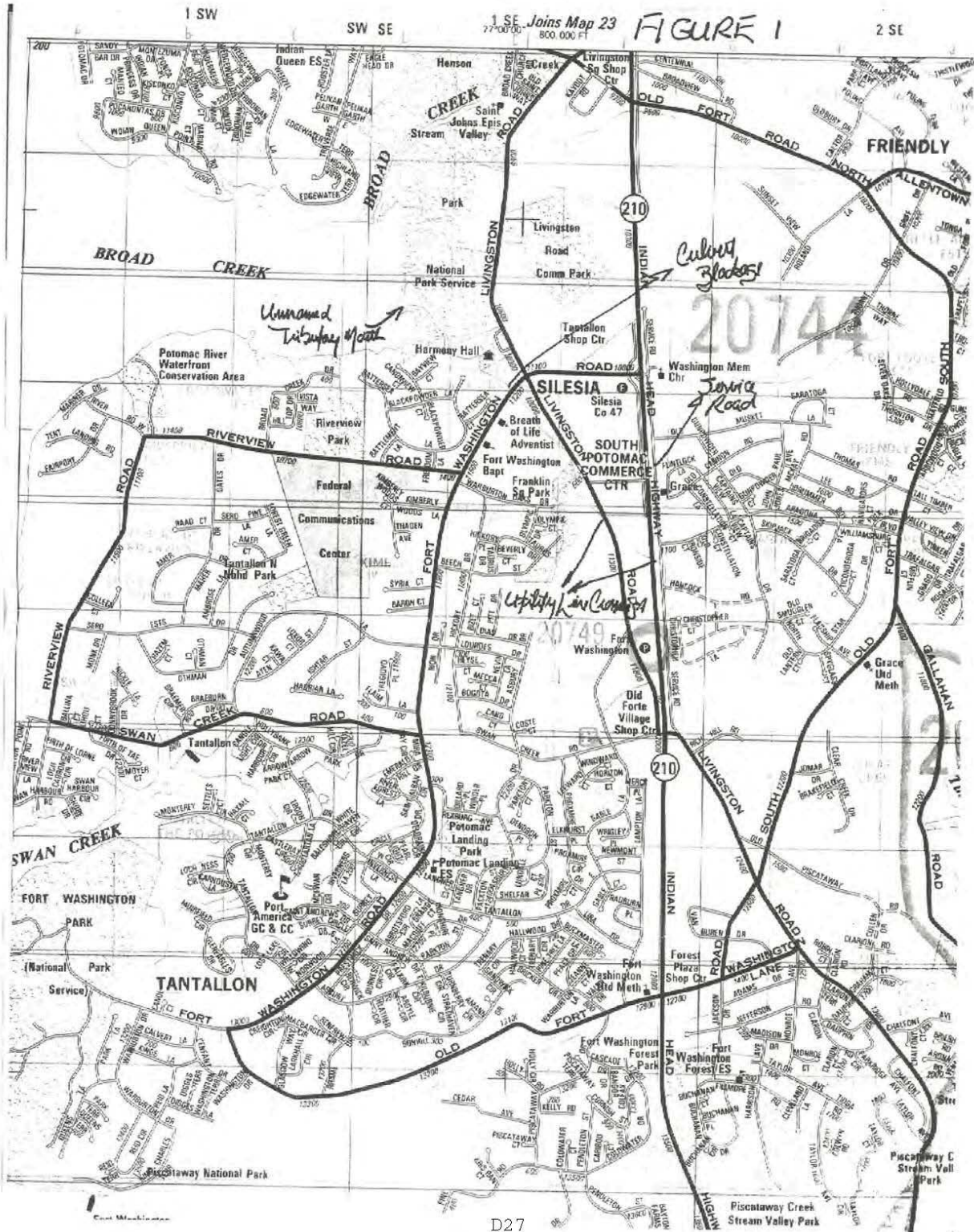
This pertains to your inquiry, dated May 10, 2010, regarding National Marine Fisheries Service trust resources that may be affected by a Washington Suburban Sanitation Commission proposed 48-inch force main, and 42-inch pressure sewer line to be installed from the Broad Creek Pumping Station to the Piscataway Wastewater Treatment Plant in Fort Washington, Maryland. The proposed lines will parallel Livingston Road, Cornett Street, and MD 210.

NMFS is concerned about project impacts to an unnamed tributary to Broad Creek which parallels Livingston Road and MD 210 within the project corridor north of the Swan Creek Road intersection with MD 210 (Figure enclosed). A culvert associated with the Fort Washington Road crossing of this tributary blocks migratory runs of anadromous fish to reaches of the tributary above the crossing. Should anadromous fish passage be restored at the Fort Washington Road crossing, portions of this tributary within the project area will likely support spawning/nursery activities of alewife, blueback herring, white perch, and yellow perch. Therefore, the proposed project should incorporate measures that will protect potential anadromous fish spawning habitat in this tributary. We recommend consideration of the following measures to minimize impacts.

1. Install utility lines along the east side of Livingston Road
2. Install utility lines along the west side of MD 210; or, if lines must be installed along the east side of MD 210, situating them between the Service Road and MD 210 from Cornett Street to the Livingston Road intersection at Old Forte Village Shop Center
3. Using directional bore installation for required crossings of the tributary; e.g., the Livingston Road and MD 210 crossings

If you have any questions, please contact me at (410) 267-5675; or, John.Nichols@NOAA.GOV.





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Appendix E

List of Plant Species Observed On-site



APPENDIX E --

Appendix E: List Of Plant Species Observed Onsite

APPENDIX E
BROAD CREEK WASTEWATER PUMPING STATION / CONVEYANCE SYSTEM AUGMENTATION
 Prince George's County, Maryland
List of Plant Species Onsite (within and surrounding Limits of Disturbance) - recorded 12/20/11

Common Name	Scientific Name
Canopy Species	
American elm	Ulmus americana
black cherry	Prunus serotina
box elder	Acer negundo
cottonwood	Populus deltoides
green ash	Fraxinus pennsylvanica
loblolly pine	Pinus taeda
persimmon	Diospyros virginiana
pin oak	Quercus palustris
red maple	Acer rubrum
sweetgum	Liquidambar styraciflua
American sycamore	Platanus occidentalis
black locust	Robinia pseudoacacia
Understory Species	
American holly	Ilex opaca
American hophornbeam*	Ostrya virginiana
eastern red cedar	Juniperus virginiana
flowering dogwood	Cornus florida
ironwood	Carpinus caroliniana
blackhaw viburnum	Viburnum prunifolium
blackberry	Rubus sp.
poison ivy	Toxicodendron radicans
Herbaceous Species	
Japanese stilt grass	Microstegium vimineum
Japanese knotweed	Polygonum cuspidatum
Japanese honeysuckle	Lonicera japonica
panic grass	Panicum sp.
sedge	Carex sp.
Virginia creeper	Parthenocissus quinquefolia
fourleaf yam	Dioscorea quaternata
bittercress	Cardamine sp.
Leconte's violet	Viola affinis
common greenbrier	Smilax rotundifolia
soft rush	Juncus effusus
curly dock	Rumex crispus

* American hophornbeam is assessed as an NPS Park Tree in terms of impacts/mitigation to trees (it is ecologically categorized as understory in most aspects, but due to height and diameter of the specimen present, NPS would consider it a tree.)

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Appendix F

Natural Resources Agency Coordination



APPENDIX F

Appendix F: Natural Resources Agency Coordination



May 10, 2010

Ms. Beth Cole
Office of Preservation Services Review and Compliance
Maryland Historic Trust
100 Community Place
Crownsville, MD 21032-2023

Re: WSSC Sewer Improvements in Fort Washington, MD
Prince George's County, Maryland
CEM Project Number: 09-040.000

Dear Ms. Cole:

The Washington Suburban Sanitary Commission (WSSC) is proposing the installation of approximately 24,400 lf of 48-inch force main and 42-inch pressure sewer from the Broad Creek Pumping Station (PS) to the Piscataway Wastewater Treatment Plant (WWTP) in Fort Washington, Maryland (See Figure 1, Site Vicinity Map). The sewer alignment will proceed from the Broad Creek PS to Livingston Road, and then follow Cornett Street to MD 210. The alignment will border MD 210 for several miles and then connect to the Piscataway WWTP. A portion of the alignment from the Broad Creek PS to Livingston Road is located within the Harmony Hall National Park Service Property. WSSC is proposing the use of trenchless technology in this area to minimize impacts. Coordination with the National Park Service and the Broad Creek Historic District has already been initiated.

On behalf of the WSSC, Chesapeake Environmental Management, Inc. (CEM) is requesting a review for possible historic resources that could potentially be affected by the proposed project.

Please contact me at (410) 893-9016 or by email at trubin@cemscience.com if you have any questions pertaining to the project. Thank you in advance for your assistance.

Respectfully,

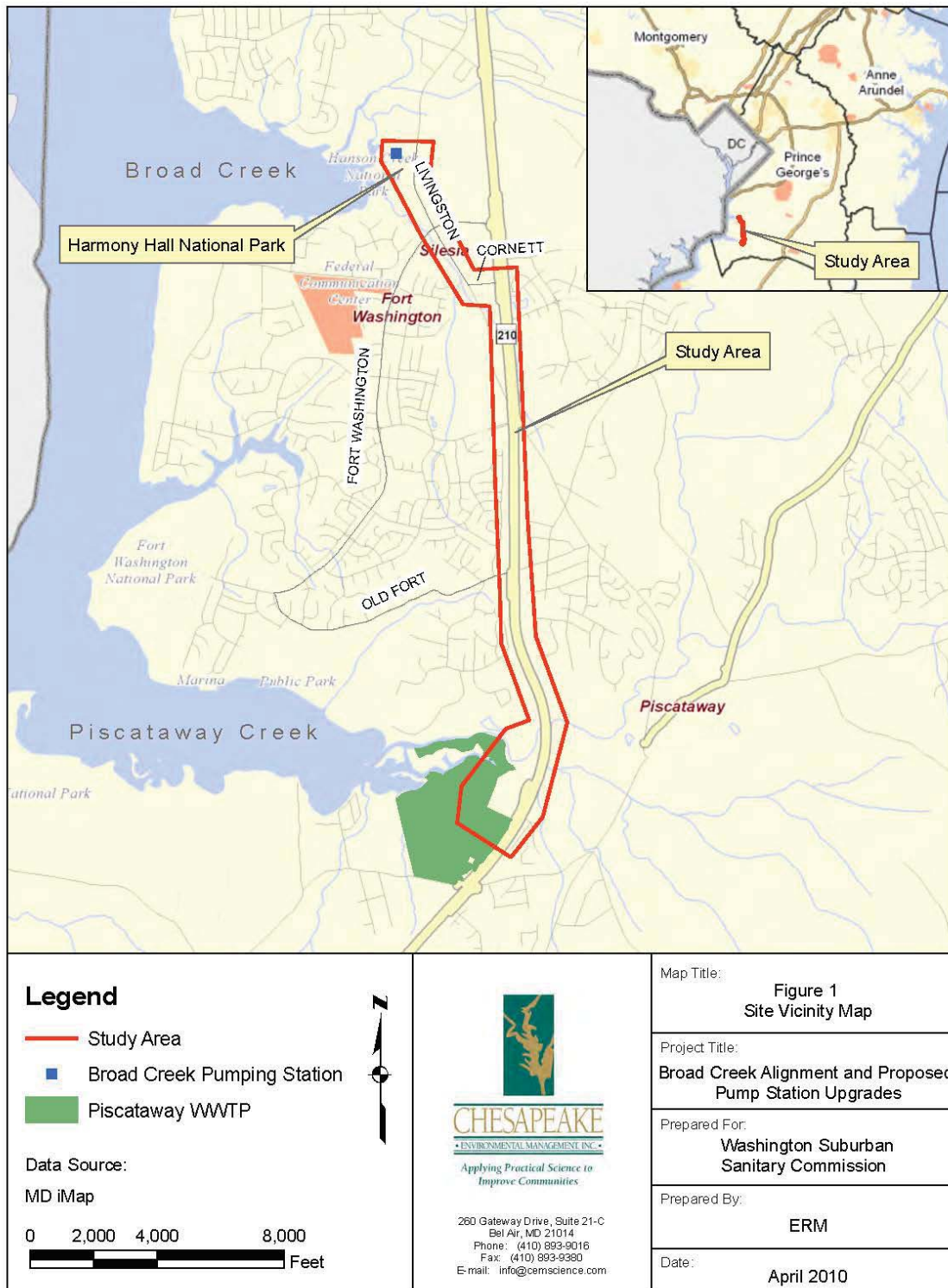
A handwritten signature in blue ink, appearing to read "Tennile Rubin", is written over a light blue horizontal line.

Tennile Rubin
Project Leader I
Chesapeake Environmental Management, Inc.

cc: Austin Freeman – WSSC
Dennis Funk – Gannet Fleming

Attachment: Figure 1, Site Vicinity Map

F3





CHESAPEAKE
• ENVIRONMENTAL MANAGEMENT, INC. •

*Applying Practical Science to
Improve Communities*

May 10, 2010

Ms. Lori Byrne
DNR Wildlife & Heritage Service
580 Taylor Avenue
Tawes State Office Building, E-1
Annapolis, Maryland 21401

Re: WSSC Sewer Improvements in Fort Washington, MD
Prince George's County, Maryland
CEM Project Number: 09-040.000

Dear Ms. Byrne:

The Washington Suburban Sanitary Commission (WSSC) is proposing the installation of approximately 24,400 lf of 48-inch force main and 42-inch pressure sewer from the Broad Creek Pumping Station (PS) to the Piscataway Wastewater Treatment Plant (WWTP) in Fort Washington, Maryland (See Figure 1, Site Vicinity Map). The sewer alignment will proceed from the Broad Creek PS to Livingston Road, and then follow Cornett Street to MD 210. The alignment will border MD 210 for several miles and then connect to the Piscataway WWTP.

On behalf of the WSSC, Chesapeake Environmental Management, Inc. (CEM) is requesting an environmental review for possible rare, threatened or endangered species that could potentially be affected by the proposed project.

Please contact me at (410) 893-9016 or by email at trubin@cemscience.com if you have any questions pertaining to the project. Thank you in advance for your assistance.

Respectfully,

Tennile Rubin
Project Leader I
Chesapeake Environmental Management, Inc.

cc: Austin Freeman – WSSC
Dennis Funk – Gannet Fleming

Attachment: Figure 1, Site Vicinity Map

F5



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

July 19, 2010

Tennile Rubin
Chesapeake Environmental Management, Inc.
260 Gateway Dr., Suite 21-C
Bel Air, MD 21014

RE: Environmental Review for WSSC Sewer Improvements in Fort Washington, CEM Project No. 09-040.000, Washington Suburban Sanitary Commission proposed installation of 24000 If of 48-in force main and 42-in pressure sewer from Broad Creek Pumping Station to Piscataway WWTP, Prince George's County, MD.

Dear Ms. Rubin:

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 comments or 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.

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# 2010.0609.pg



CHESAPEAKE
• ENVIRONMENTAL MANAGEMENT, INC. •

*Applying Practical Science to
Improve Communities*

May 10, 2010

Ms. Charisa Morris
U.S. Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

Re: WSSC Sewer Improvements in Fort Washington, MD
Prince George's County, Maryland
CEM Project Number: 09-040.000

Dear Ms. Morris:

The Washington Suburban Sanitary Commission (WSSC) is proposing the installation of approximately 24,400 lf of 48-inch force main and 42-inch pressure sewer from the Broad Creek Pumping Station (PS) to the Piscataway Wastewater Treatment Plant (WWTP) in Fort Washington, Maryland (See Figure 1, Site Vicinity Map). The sewer alignment will proceed from the Broad Creek PS to Livingston Road, and then follow Cornett Street to MD 210. The alignment will border MD 210 for several miles and then connect to the Piscataway WWTP.

On behalf of the WSSC, Chesapeake Environmental Management, Inc. (CEM) is requesting an environmental review for possible rare, threatened or endangered species that could potentially be affected by the proposed project.

Please contact me at (410) 893-9016 or by email at trubin@cemscience.com if you have any questions pertaining to the project. Thank you in advance for your assistance.

Respectfully,

Tennile Rubin
Project Leader I
Chesapeake Environmental Management, Inc.

cc: Austin Freeman – WSSC
Dennis Funk – Gannet Fleming

Attachment: Figure 1, Site Vicinity Map

F7



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>



May 20, 2010

Chesapeake Environmental Management Inc.
260 Gateway Drive, Suite 21-C
Bel Air, MD 21014

RE: WSSC Sewer Improvements Fort Washington MD Prince George's County MD

Dear: Tennile Rubin

This responds to your letter, received, May 10, 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:

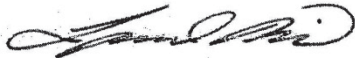
<http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>.

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
Field Supervisor



CHESAPEAKE
• ENVIRONMENTAL MANAGEMENT, INC. •

*Applying Practical Science to
Improve Communities*

May 10, 2010

John Nichols
NOAA/NMFS Habitat Conservation Division
Chesapeake Bay Program Office
410 Severn Ave. Suite 107A
Annapolis, MD 21403

Re: WSSC Sewer Improvements in Fort Washington, MD
Prince George's County, Maryland
CEM Project Number: 09-040.000

Dear Mr. Cook:

The Washington Suburban Sanitary Commission (WSSC) is proposing the installation of approximately 24,400 lf of 48-inch force main and 42-inch pressure sewer from the Broad Creek Pumping Station (PS) to the Piscataway Wastewater Treatment Plant (WWTP) in Fort Washington, Maryland (See Figure 1, Site Vicinity Map). The sewer alignment will proceed from the Broad Creek PS to Livingston Road, and then follow Cornett Street to MD 210. The alignment will border MD 210 for several miles and then connect to the Piscataway WWTP.

On behalf of the WSSC, Chesapeake Environmental Management, Inc. (CEM) is requesting an environmental review for possible sensitive natural resources or related subjects that could potentially be affected by the proposed project.

Please contact me at (410) 893-9016 or by email at trubin@cemscience.com if you have any questions pertaining to the project. Thank you in advance for your assistance.

Respectfully,

Tennile Rubin
Project Leader I
Chesapeake Environmental Management, Inc.

cc: Austin Freeman – WSSC
Dennis Funk – Gannet Fleming

Attachment: Figure 1, Site Vicinity Map

F10



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Habitat Conservation Division
Chesapeake Bay Program Office
410 Severn Ave., Suite 107A
Annapolis, Maryland 21403

June 14, 2010

MEMORANDUM TO: Tennile Rubin
Chesapeake Environmental Management

FROM: John Nichols *JN*

SUBJECT: WSSC Sewer Improvements in Fort Washington

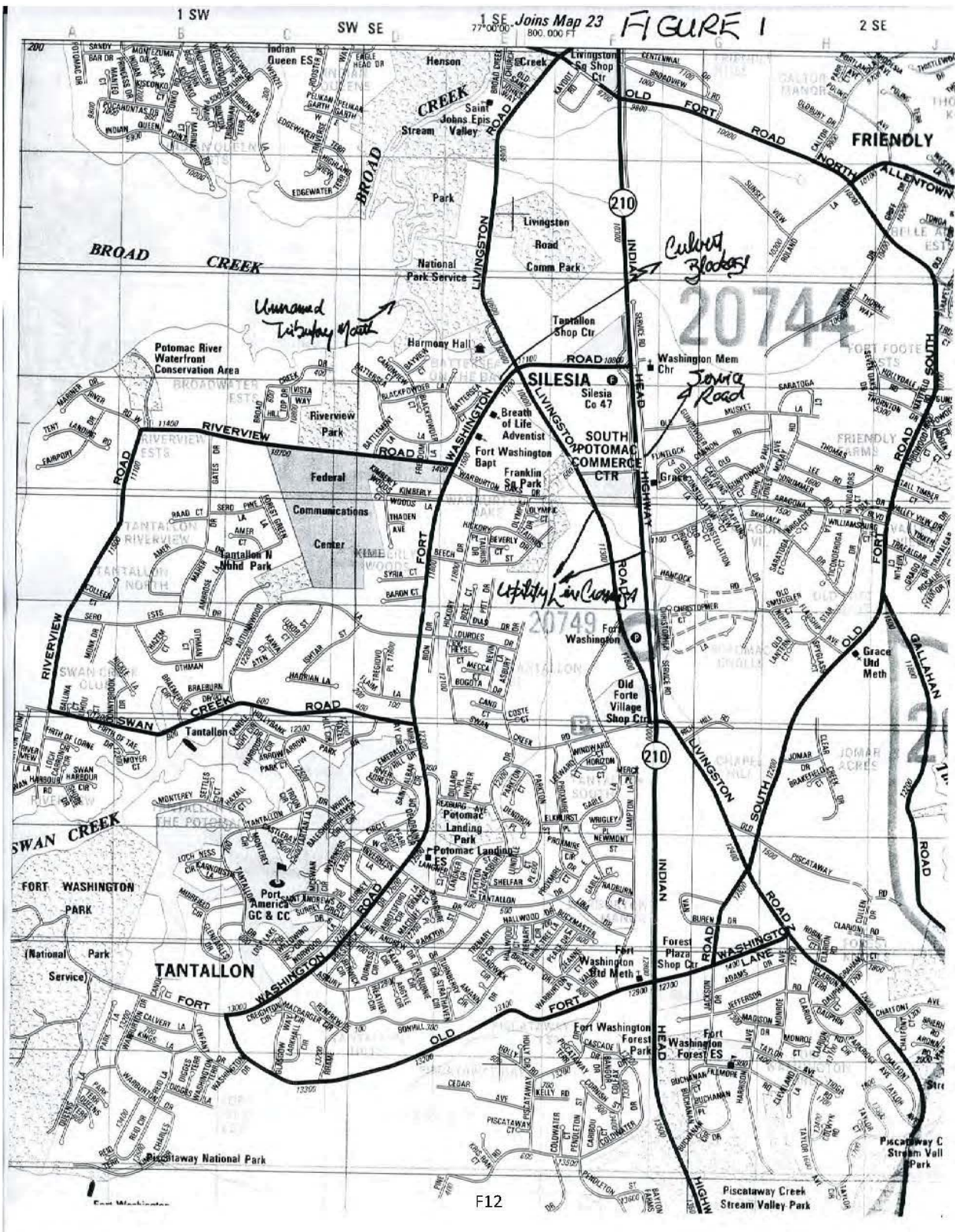
This pertains to your inquiry, dated May 10, 2010, regarding National Marine Fisheries Service trust resources that may be affected by a Washington Suburban Sanitation Commission proposed 48-inch force main, and 42-inch pressure sewer line to be installed from the Broad Creek Pumping Station to the Piscataway Wastewater Treatment Plant in Fort Washington, Maryland. The proposed lines will parallel Livingston Road, Cornett Street, and MD 210.

NMFS is concerned about project impacts to an unnamed tributary to Broad Creek which parallels Livingston Road and MD 210 within the project corridor north of the Swan Creek Road intersection with MD 210 (Figure enclosed). A culvert associated with the Fort Washington Road crossing of this tributary blocks migratory runs of anadromous fish to reaches of the tributary above the crossing. Should anadromous fish passage be restored at the Fort Washington Road crossing, portions of this tributary within the project area will likely support spawning/nursery activities of alewife, blueback herring, white perch, and yellow perch. Therefore, the proposed project should incorporate measures that will protect potential anadromous fish spawning habitat in this tributary. We recommend consideration of the following measures to minimize impacts.

1. Install utility lines along the east side of Livingston Road
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3. Using directional bore installation for required crossings of the tributary; e.g., the Livingston Road and MD 210 crossings

If you have any questions, please contact me at (410) 267-5675; or, John.Nichols@NOAA.GOV.





Appendix G

Cultural Resources Agency Coordination



APPENDIX G

Appendix G: Cultural Resources Agency Coordination



United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Parks-East
1900 Anacostia Drive, S.E.
Washington, D.C. 20020

IN REPLY REFER TO:

H4217 (NCR-NACE/CR)

April 27, 2012

Ms. Beth Cole
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, Maryland 21032

RE: §106 Compliance Determination of Effect: Broad Creek Pumping Station Conveyance System Augmentation

Dear Ms. Cole:

In accordance with Section 106 of the National Historic Preservation Act, National Capital Parks-East (NACE) submits for your review and concurrence this finding of no adverse effect for the Washington Suburban Sanitary Commission (WSSC) construction of the Broad Creek Conveyance System Augmentation project at Harmony Hall within the Broad Creek Historic District. (see attached Figure 1, Historic Structures and Districts).

Management Summary

The Maryland Historical Trust (MHT) reviewed this project submitted by WSSC in October 2010 and concurred with a "No Adverse Effects" determination on effects to historic properties (Attachment A). Due to micro tunneling on federal land the National Park Service (NPS) submits this letter to fulfill our consultation responsibility. The following request for concurrence with a "no adverse effects" is in reference to the portion of the project that has the potential to affect archeological resources at Harmony Hall a National Register listed structure and contributing landscape to the historic district.

Description of the Undertaking Relevant to Section 106 of the National Historic Preservation Act

As a result of the Environmental Assessment (EA) process NPS requested that WSSC take a closer look at the potential for micro tunneling of the force main alignment in the northeastern quadrant of the Harmony Hall property to affect any deeply buried archaeological resources. The EA will be made available on our Planning, Environment and Public Comment (PEPC) website in the spring of 2012.

The proposed action is to construct a second force main that would improve the capacity of the Broad Creek Wastewater Pumping Station (WWPS) and address the sanitary sewer overflows (SSOs) into Broad Creek during wet weather events.

The preferred alternative (Alternative 5, Alignment A1-modified, as it is being presented in the Environmental Assessment) would involve upgrades to the pumping station pumps, and improvements to the conveyance system. A second conveyance system line would be installed, beginning at Broad Creek WWPS, traveling in a straight line between the pumping station and a proposed construction work area located at the Harmony Hall Regional Community Center west of Livingston Road (see Figure 2).

Micro tunneling construction techniques, will not require trenching, and would be used to install the proposed new line at depths greater than 20 feet. Designs include a tunnel drilling shaft insertion entrance in a grass lawn and parking lot at the Harmony Hall Community Center and a drill recovery area immediately south of Broad Creek WWPS, where connection to a vault would be made between the pump station and conveyance system augmentation line. Once construction is complete, an at-grade concrete pad with a manhole cover, which would allow access to the vault for maintenance, would remain in place adjacent to the WWPS within the NPS property. The dimensions of the underground vault are approximately 12 feet by 18 feet, and the at-grade concrete pad dimensions are about 6 feet by 8 feet. This concrete pad is adjacent to the WWPS, a modern intrusion within the Harmony Hall portion of the Broad Creek Historic District, in an area distant and not visible from the standing structures of Harmony Hall or other contributing elements of the Broad Creek Historic District.

Identification and Description of Historic Properties

The Area of Potential Effect (APE) is within the Broad Creek Historic District and Harmony Hall National Register listed sites; significant due to historic structures, views and archeological resources providing insight into colonial era living in Prince George's County (see Figure 1).

Description of Potential Effects to Historic Properties

A portion of the project is located within the Harmony Hall National Register-listed Historic Site, which contains the structures Harmony Hall and the Want Water ruins, which are contributing elements to the Broad Creek Historic District. The NR-eligible Piscataway House is located on the parcel north of the pumping station at 10307 Livingston Road.

An archaeological investigation was completed in June, 2011 in the portion of the archeological APE where the proposed conveyance system line would enter the underground vault. The remainder of the APE was not tested due to previous disturbance from pumping station construction, and because this portion of the APE is only being used as access and staging, and would be protected by a layer of fill and geo-textile fabric.

The Phase I investigation by Applied Archaeology and History Associates identified archeological site 18PR1023, a light scatter of very small historic artifacts believed to have been secondarily deposited via run-off from the surrounding landscape (Attachment B). The low density of artifacts and disturbed provenience led to the investigators' conclusion that the site was unlikely to provide significant information regarding the life ways of past occupants of the area, and no further work was recommended.

More recently to address NPS concerns, WSSC's archaeological consultant (Straughan Environmental, Inc.) undertook a closer look at archaeological potential along the pipeline alignment that would be micro tunneled to the pumping station from Livingston Road, on Harmony Hall property. Archaeological potential along this alignment is considered to be extremely low due to the proposed depth that micro tunneling would occur – 20 feet or more below existing grades. There is no evidence that processes such as extensive alluvial, colluvial, or aeolian deposition, or extensive grading or land reclamation (such as that which occurred along the Potomac and Anacostia Rivers in Washington, D.C.) would have resulted in burial of cultural resources to depths of 20 feet or more. Examination of the geotechnical report prepared for this project in March, 2011 indicated that the types of deposits in which the micro tunneling would occur have no potential to include cultural materials. The archaeological assessment of potential micro tunneling alignments would be as illustrated in Figure 3. Location of stationing and geotechnical boring locations mentioned in the archeological assessment of potential letter are shown in Figure 2.

Consultation with Native American Groups

Based on known information about Native American Groups in the study area, we have determined that consultation with Native American groups is not needed because there are no federally recognized tribes listed. Additionally, it is not believed that this action will affect ethnographic resources.

The project was reviewed by the Prince George's County Historic Preservation Commission under the Historic Area Work Permit process due to the location of the project within the local Broad Creek Historic District.

Maryland-National Capital Park and Planning Commission (M-NCPPC) requested archaeological excavations at the location of the entry and receiving pits for the micro tunneling; M-NCPPC determined that the micro tunneling routes themselves would avoid any impacts for the majority of the property. Their review also found that the project would not substantially alter the exterior features of a historic resource. On August 12, 2011 M-NCPPC concurred with the findings of the archeological survey report that the site (including the micro tunnel drill removal shaft and permanent access vault upon NPS property) represented secondary deposition within a disturbed context, with no further work recommended.

Finding of Effects

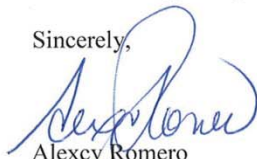
After applying the criteria of adverse effect in accordance with 36 CFR Part 800.5 we have determined that the proposed undertaking would have no adverse effect upon historic structures or archeology. Subsequent NEPA documents may be required to implement specific components of this project and will address Section 106 concerns.

Discoveries

If previously unrecorded and/or buried cultural deposits are encountered during any portion of the project work at that location will immediately cease, and an assessment will be made by a qualified cultural resource specialist. We will notify you of all archeology concerns immediately.

We have enclosed relevant maps and correspondence and ask that you respond to Eola Dance, Cultural Resource Specialist at (202) 692-6038, eola_dance@nps.gov within 30 days with your concurrence with the no adverse effects determination. Please direct technical questions about the project to Sarah Michailof of Straughan Environmental, Inc. at (443) 539-2522 or via email at smichailof@straughanenvironmental.com.

Sincerely,



Alexcy Romero
Superintendent

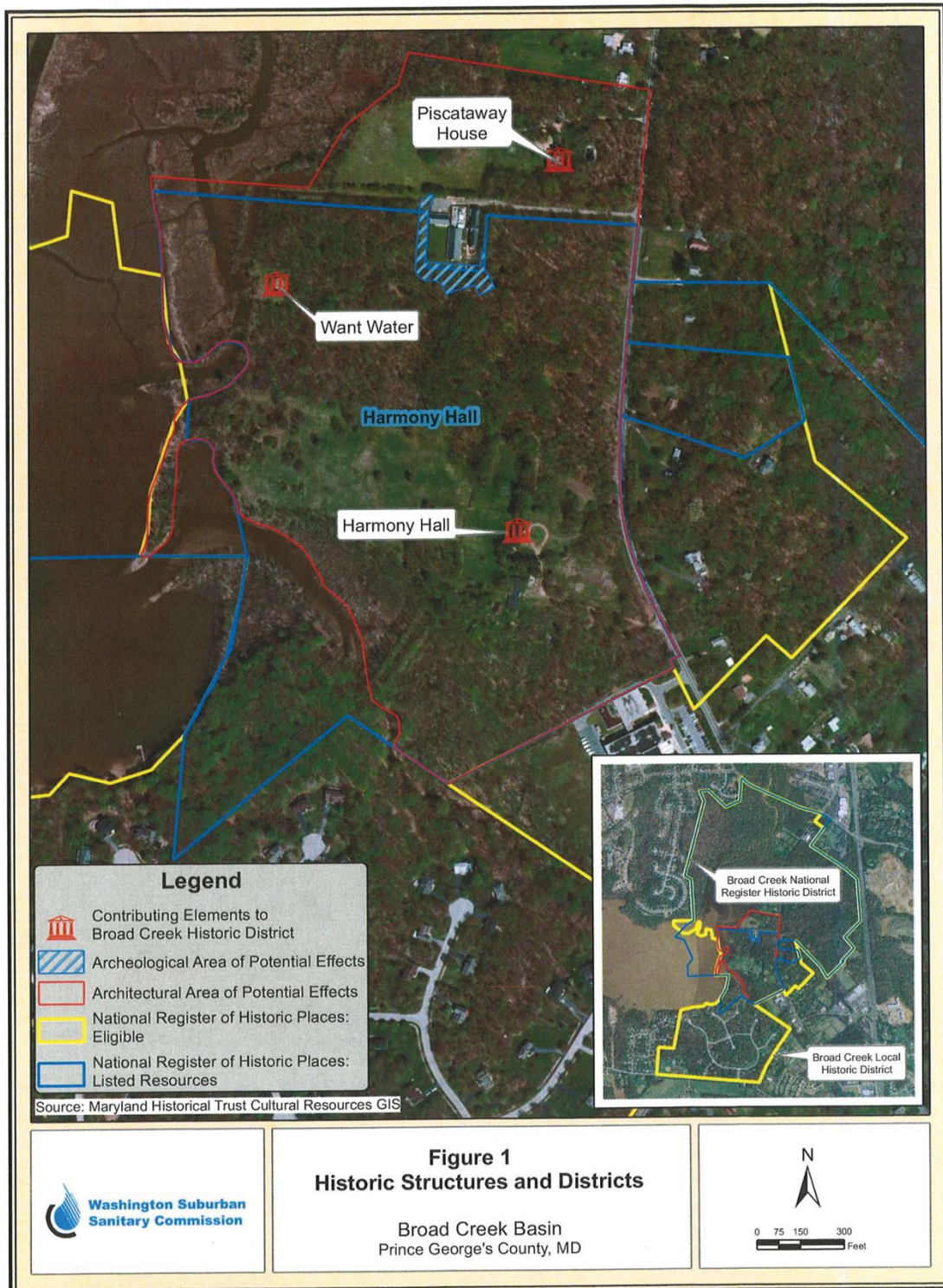
Enclosures

cc:

Washington Suburban Sanitary Commission
Austin Freeman, Project Manager
1405 Sweitzer Land, 5th Floor
Laurel, Maryland 20707

Maryland National Capital Park and Planning Commission
Jennifer Stabler, Planning Coordinator
County Wide Planning Division
14741 Governor Oden Bowie Drive, 4th Floor
Upper Marlboro, Maryland 20772

Straughan Environmental, Inc.
Sarah Michailof, Cultural Resource Specialist
10245 Old Columbia Road
Columbia, Maryland 21046




Gannett Fleming

2010 02 891

follow up

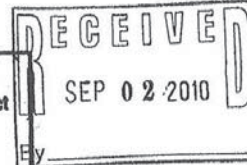
GANNETT FLEMING, INC.
 Atrium I, Suite 300
 1000 Atrium Way
 Mount Laurel, NJ 08054
 Office: (856) 802-9930
 Fax: (856) 802-9937
 www.gannettfleming.com

August 30, 2010

Mr. Michael K. Day
 Chief, Office of Preservation Services
 Maryland Historical Trust
 100 Community Place, 3rd Floor
 Crownsville, MD 21032

The Maryland Historical Trust has determined
 that this undertaking will have no adverse effect
 on historic properties.

Beth Cole 10/20/10
 Date



Attn: Elizabeth Cole

RE: Washington Suburban Sanitary Commission
 Broad Creek Wastewater Treatment Plant Augmentation Project

Dear Ms. Cole:

On behalf of the Washington Suburban Sanitary Commission (WSSC), I am including plans that you requested via telephone in response to the letter sent June 4, 2010. In that telephone conversation, you expressed a desire to see the proposed plans in detail at the Broad Creek Waste Water Pump Station (WWPS) end adjacent to Harmony Hall and the plans near the Piscataway Waste Water Treatment Plant (WWTP), where archaeological sites have been identified. In addition, you asked about consultation with the National Park Service because of the potential impacts to the Harmony Hall property.

The WSSC is proposing to install a new conveyance system from the Broad Creek WWPS to the Piscataway WWTP in Fort Washington, Maryland. This conveyance system will be made up of a 48-inch force main, 60-inch gravity sewer, and 42-inch pressure sewer. The proposed project includes upgrades to the Broad Creek WWPS, Piscataway WWTP, and a new conveyance system that will include an extension and connection to the existing 24-inch Swan Creek force main. The purpose of this project is to increase the capacity of the Broad Creek sewer system due to a WSSC consent decree.

The project area extends from the Broad Creek WWPS southeast to Livingston Road, following the road to its intersection with Cornett Street. The proposed line follows Cornett Street east to MD 210 which the sewer line will follow until near the crossing of Piscataway Creek. From the north side of the creek the sewer line is to angle southwest to the Piscataway WWTP. There is also proposed to be a 24-inch line from MD 210 under Tantallion Drive that connects an existing force main to the proposed system.

The proposed sewer main will be installed via open-cut and a combination of micro-tunneling and horizontal directional drilling (HDD). Micro-tunneling will be employed for the segment across the Harmony Hall National Park Service property to the Harmony Hall Community Center (plan sheets 1 and 2). It is expected that this method will avoid any impacts for the majority of the property. Test unit excavation is proposed for the locations of the entry and

10/20/10 BC

#2na - no disturbance

A Tradition of Excellence

PG 180-24/18 PR 305 NR listed
 South of PG 180-24 Piscataway Ave.
 near Elbert

Gannett Fleming

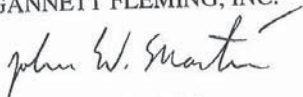
receiving pits for the micro-tunneling. Coordination with the Park Service is on-going and they are expected to oversee any measures needed to protect this resource.

At the southern end of the project, where the proposed line will be run from MD 210 into the Piscataway WWTP, much of the line will be installed through micro-tunneling/directional drilling (plan sheets 16A, 15-17; please note that the orientation of the sheets has changed). The proposed route will cross Piscataway Creek west of MD 210 and pass to the east of 18PR148 (sheet 15). On the south side of Piscataway Creek, the proposed line is to pass north of and avoid the archaeological site locations of 18PR166 and 142. Archaeological sites 18PR2 and 7 have likely been disturbed by the existing treatment plant.

Because the proposed lines will either be excavated through disturbed areas or will be emplaced well below the surface and cultural deposits in sensitive areas, we believe the existing archaeological resources will be preserved.

Please feel free to contact me if you have any questions or require additional information. We will include correspondence from the Park Service when they are satisfied with our proposed approach.

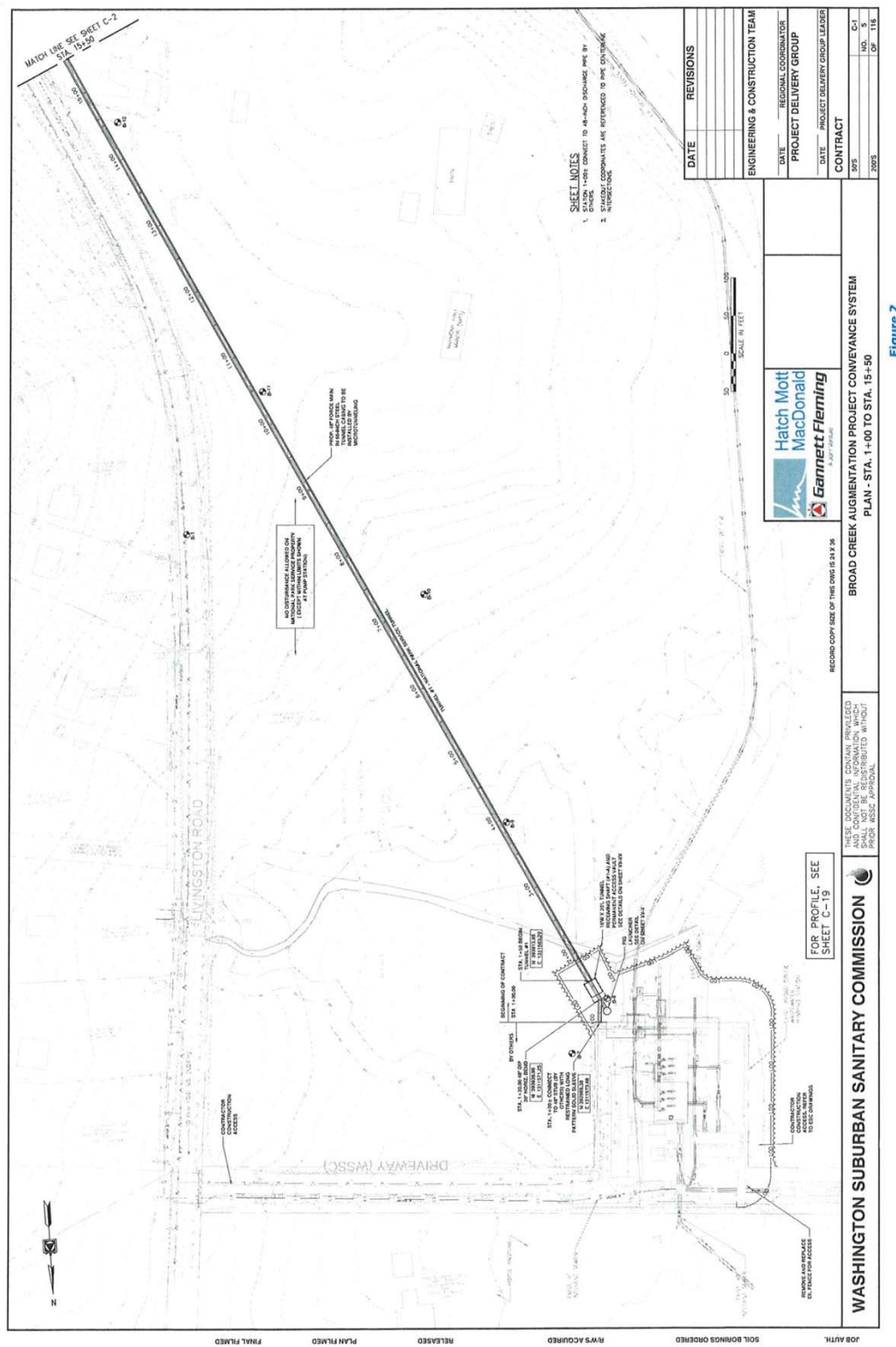
Very truly yours,
GANNETT FLEMING, INC.



John W. Martin, RPA
Cultural Resources Manager

Attachments

c: A. Freeman, WSSC
D. Funk, GF
S. Gerlach, GF
S. Liskovich, GF
J. Havey, HMM



James G. Gibb
2554 Carrollton Road
Annapolis, Maryland 21403
443.482.9593 JamesGGibb@verizon.net www.gibbarchaeology.net

December 30, 2011

Sarah Michailof
Straughan Environmental, Inc.
10245 Old Colombia Road
Columbia, MD 21046
301-362-9200

Re: Broad Creek Soil Borings

Dear Sarah:

I reviewed today the several documents that you sent to me yesterday regarding the Broad Creek Wastewater Pumping Station Augmentation project in Prince George's County. The project involves tunneling between receiving shafts for conduit, the tunnels generally 20 ft below current grade and, except on the T₀ terrace (Borings B-07 through B-09, 0+00 through 9+50), unlikely to disturb the upper portions of the soil columns. The property of concern, approximately 0+00 to 15+00, is owned by the U.S. Government and managed by the National Park Service.

The Phase I archaeological survey report by Applied Archaeology and History Associates (Tyler and Ward 2011) conducted in a 0.16-acre parcel adjoining the current pumping station (~1+00) consisted of 10 shovel tests and two 1m² excavation units. Tyler and Ward interpreted their meager findings (no features, several early 19th-century ceramic and vessel glass sherds, and a couple of brick fragments) as redeposited material in a buried A_p horizon. Despite their characterization of the deposits, they applied for and received an archaeological site inventory number (18PR1023). Their characterization of the Stratum 2 as a buried plowzone lacks supporting data and may not be correct. More in keeping with the geology of the area and their interpretation of their archaeological finds would be a weathered deposit of upland sediment that formed on the floodplain.

Borings B-07 through B-09 encountered clay, sand, and gravel fills on clayey deposits representing the Potomac Group of fluviomarine sediments. Plant and dinosaur fossils have been reported from these underlying deposits. The poor drainage and recent deposition of upland sediments indicate little or no potential for encountering intact near-surface or deeply buried cultural deposits.

Boring B-10 (7+00) is on a slope of the T₁ terrace. The boring exposed clay fill on top of a very thick bed of Potomac Group elastic silt. The proposed tunnel appears to run along the fill/Potomac Group interface. There are no prospects of intact cultural deposits along this portion

of the tunnel route, and little or no prospect of finding intact cultural deposits in the clay fill above.

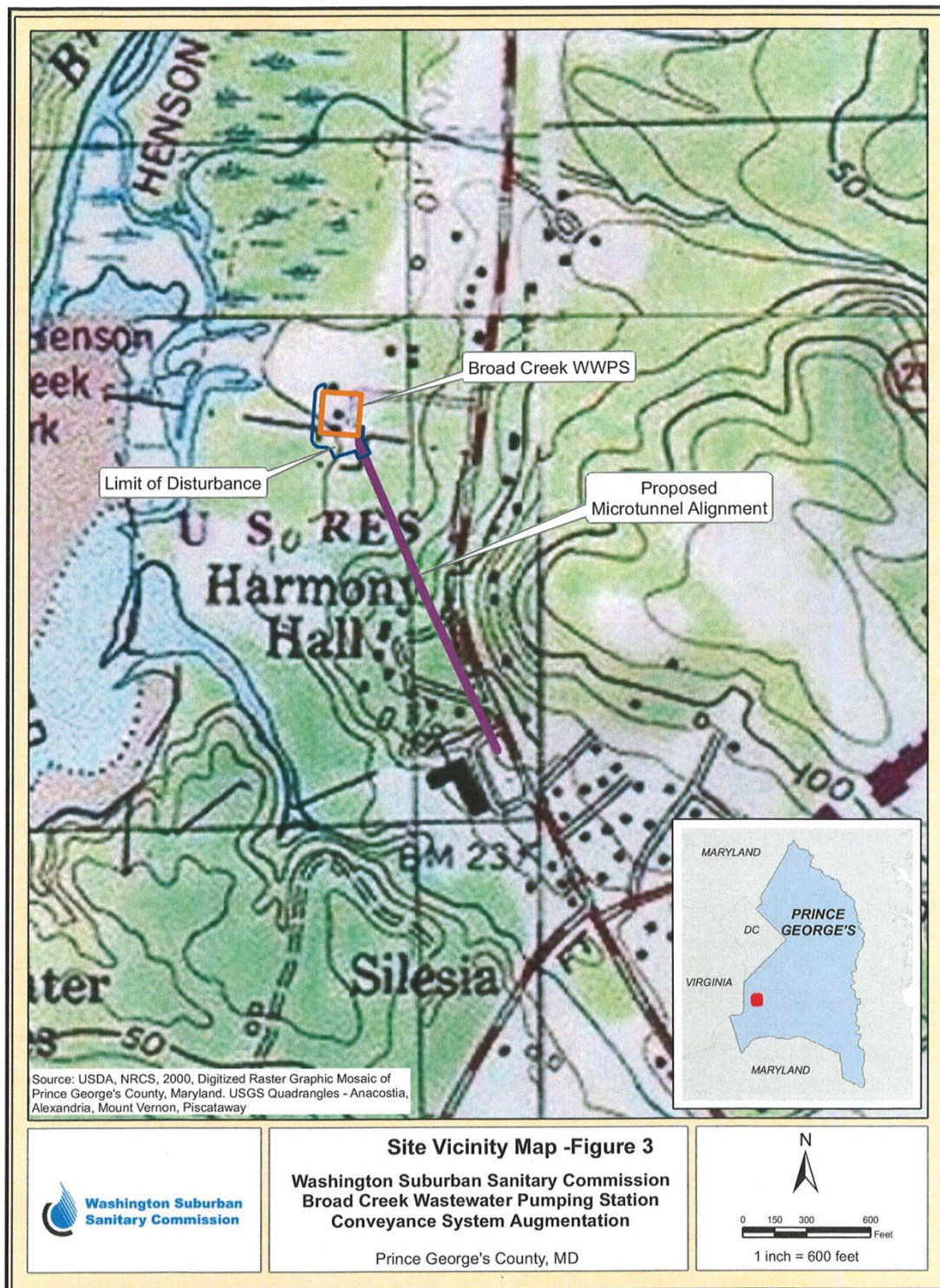
Borings B-11 and B-12 (10+25 and 14+50) are on the T₁ terrace. Such terraces have the potential for retaining near-surface aboriginal deposits of the Late Archaic and Woodland periods, as well as Early to Middle Holocene deposits. The latter deposits are particularly important in the controversy about a pre-Clovis Paleoindian occupation of the New World. B-11 revealed largely clay materials with sand and gravel inclusions that the geotechnical team characterized as possible fill. I suspect redeposited terrace deposits from upslope, but lack the data on which to base a supportable interpretation. The prospects for buried intact archaeological deposits in these sediments seem remote. B-12 exposed 5 ft to 7 ft of mixed sandy materials on top of Calvert Formation clays. Tunneling into the clays is unlikely to significantly alter the upper portion of the soil column, which has potential for yielding deeply buried and near-surface aboriginal deposits.

The proposed tunnel is unlikely to disturb any archaeological deposits directly or through subsidence of overlying deposits, due to the depth of microtunneling and absence of surface disturbance.

Cordially,

A handwritten signature in cursive script, appearing to read "James G. Gibb".

James G. Gibb, PhD





United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Parks-East
1900 Anacostia Drive, S.E.
Washington, D.C. 20020

RECEIVED
MAY 03 2012

BY: _____

received
06/07/12

cwatts

IN REPLY REFER TO:

H4217 (NCR-NACE/CR)

201202511

April 27, 2012

Ms. Beth Cole
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, Maryland 21032



RE: §106 Compliance Determination of Effect: Broad Creek Pumping Station Conveyance System Augmentation

Dear Ms. Cole:

PR G.

In accordance with Section 106 of the National Historic Preservation Act, National Capital Parks-East (NACE) submits for your review and concurrence this finding of no adverse effect for the Washington Suburban Sanitary Commission (WSSC) construction of the Broad Creek Conveyance System Augmentation project at Harmony Hall within the Broad Creek Historic District. (see attached Figure 1, Historic Structures and Districts).

Management Summary

The Maryland Historical Trust (MHT) reviewed this project submitted by WSSC in October 2010 and concurred with a "No Adverse Effects" determination on effects to historic properties (Attachment A). Due to micro tunneling on federal land the National Park Service (NPS) submits this letter to fulfill our consultation responsibility. The following request for concurrence with a "no adverse effects" is in reference to the portion of the project that has the potential to affect archeological resources at Harmony Hall a National Register listed structure and contributing landscape to the historic district.

Description of the Undertaking Relevant to Section 106 of the National Historic Preservation Act

As a result of the Environmental Assessment (EA) process NPS requested that WSSC take a closer look at the potential for micro tunneling of the force main alignment in the northeastern quadrant of the Harmony Hall property to affect any deeply buried archaeological resources. The EA will be made available on our Planning, Environment and Public Comment (PEPC) website in the spring of 2012.

#2na BC 6/14/2012

The proposed action is to construct a second force main that would improve the capacity of the Broad Creek Wastewater Pumping Station (WWPS) and address the sanitary sewer overflows (SSOs) into Broad Creek during wet weather events.

The preferred alternative (Alternative 5, Alignment A1-modified, as it is being presented in the Environmental Assessment) would involve upgrades to the pumping station pumps, and improvements to the conveyance system. A second conveyance system line would be installed, beginning at Broad Creek WWPS, traveling in a straight line between the pumping station and a proposed construction work area located at the Harmony Hall Regional Community Center west of Livingston Road (see Figure 2).

Micro tunneling construction techniques, will not require trenching, and would be used to install the proposed new line at depths greater than 20 feet. Designs include a tunnel drilling shaft insertion entrance in a grass lawn and parking lot at the Harmony Hall Community Center and a drill recovery area immediately south of Broad Creek WWPS, where connection to a vault would be made between the pump station and conveyance system augmentation line. Once construction is complete, an at-grade concrete pad with a manhole cover, which would allow access to the vault for maintenance, would remain in place adjacent to the WWPS within the NPS property. The dimensions of the underground vault are approximately 12 feet by 18 feet, and the at-grade concrete pad dimensions are about 6 feet by 8 feet. This concrete pad is adjacent to the WWPS, a modern intrusion within the Harmony Hall portion of the Broad Creek Historic District, in an area distant and not visible from the standing structures of Harmony Hall or other contributing elements of the Broad Creek Historic District.

Identification and Description of Historic Properties

The Area of Potential Effect (APE) is within the Broad Creek Historic District and Harmony Hall National Register listed sites; significant due to historic structures, views and archeological resources providing insight into colonial era living in Prince George's County (see Figure 1).

Description of Potential Effects to Historic Properties

A portion of the project is located within the Harmony Hall National Register-listed Historic Site, which contains the structures Harmony Hall and the Want Water ruins, which are contributing elements to the Broad Creek Historic District. The NR-eligible Piscataway House is located on the parcel north of the pumping station at 10307 Livingston Road.

An archaeological investigation was completed in June, 2011 in the portion of the archeological APE where the proposed conveyance system line would enter the underground vault. The remainder of the APE was not tested due to previous disturbance from pumping station construction, and because this portion of the APE is only being used as access and staging, and would be protected by a layer of fill and geo-textile fabric.

The Phase I investigation by Applied Archaeology and History Associates identified archeological site 18PR1023, a light scatter of very small historic artifacts believed to have been secondarily deposited via run-off from the surrounding landscape (Attachment B). The low density of artifacts and disturbed provenience led to the investigators' conclusion that the site was unlikely to provide significant information regarding the life ways of past occupants of the area, and no further work was recommended.

More recently to address NPS concerns, WSSC's archaeological consultant (Straughan Environmental, Inc.) undertook a closer look at archaeological potential along the pipeline alignment that would be micro tunneled to the pumping station from Livingston Road, on Harmony Hall property. Archaeological potential along this alignment is considered to be extremely low due to the proposed depth that micro tunneling would occur – 20 feet or more below existing grades. There is no evidence that processes such as extensive alluvial, colluvial, or aeolian deposition, or extensive grading or land reclamation (such as that which occurred along the Potomac and Anacostia Rivers in Washington, D.C.) would have resulted in burial of cultural resources to depths of 20 feet or more. Examination of the geotechnical report prepared for this project in March, 2011 indicated that the types of deposits in which the micro tunneling would occur have no potential to include cultural materials. The archaeological assessment of potential micro tunneling alignments would be as illustrated in Figure 3. Location of stationing and geotechnical boring locations mentioned in the archeological assessment of potential letter are shown in Figure 2.

Consultation with Native American Groups

Based on known information about Native American Groups in the study area, we have determined that consultation with Native American groups is not needed because there are no federally recognized tribes listed. Additionally, it is not believed that this action will affect ethnographic resources.

The project was reviewed by the Prince George's County Historic Preservation Commission under the Historic Area Work Permit process due to the location of the project within the local Broad Creek Historic District.

Maryland-National Capital Park and Planning Commission (M-NCPPC) requested archaeological excavations at the location of the entry and receiving pits for the micro tunneling; M-NCPPC determined that the micro tunneling routes themselves would avoid any impacts for the majority of the property. Their review also found that the project would not substantially alter the exterior features of a historic resource. On August 12, 2011 M-NCPPC concurred with the findings of the archeological survey report that the site (including the micro tunnel drill removal shaft and permanent access vault upon NPS property) represented secondary deposition within a disturbed context, with no further work recommended.

Finding of Effects

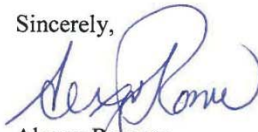
After applying the criteria of adverse effect in accordance with 36 CFR Part 800.5 we have determined that the proposed undertaking would have no adverse effect upon historic structures or archeology. Subsequent NEPA documents may be required to implements specific components of this project and will address Section 106 concerns.

Discoveries

If previously unrecorded and/or buried cultural deposits are encountered during any portion of the project work at that location will immediately cease, and an assessment will be made by a qualified cultural resource specialist. We will notify you of all archeology concerns immediately.

We have enclosed relevant maps and correspondence and ask that you respond to Eola Dance, Cultural Resource Specialist at (202) 692-6038, eola_dance@nps.gov within 30 days with your concurrence with the no adverse effects determination. Please direct technical questions about the project to Sarah Michailof of Straughan Environmental, Inc. at (443) 539-2522 or via email at smichailof@straughanenvironmental.com.

Sincerely,



Alexcy Romero
Superintendent

Enclosures

cc:

Washington Suburban Sanitary Commission
Austin Freeman, Project Manager
1405 Sweitzer Land, 5th Floor
Laurel, Maryland 20707

Maryland National Capital Park and Planning Commission
Jennifer Stabler, Planning Coordinator
County Wide Planning Division
14741 Governor Oden Bowie Drive, 4th Floor
Upper Marlboro, Maryland 20772

Straughan Environmental, Inc .
Sarah Michailof, Cultural Resource Specialist
10245 Old Columbia Road
Columbia, Maryland 21046

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Appendix H

Critical Area Commission CZMA Coordination



APPENDIX H

Appendix H: Critical Area Commission CZMA Coordination

WSSC

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE WASHINGTON SUBURBAN SANITARY COMMISSION
AND
THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE
AND ATLANTIC COASTAL BAYS

AUTHORITY: Natural Resources Article, Section 8-1814, Annotated Code of Maryland; COMAR 27.02.05, etc. and Article 29, Section 1-206, Annotated Code of Maryland

THIS AGREEMENT, entered into this 9th day of June,

2003, memorializes the understanding reached by the Washington Suburban Sanitary Commission (hereafter, "the WSSC") and the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (hereafter, "the CAC"),

WHEREAS, the WSSC is vested with the authority, under Article 29, Annotated Code of Maryland, to provide sanitary sewerage and water supply service within the Washington Suburban Sanitary District; and

WHEREAS, the CAC has established regulations for development undertaken by State and local agencies in the Critical Area which has not been subject to approval by a local jurisdiction with an approved Critical Area Program; and

WHEREAS, the CAC is vested with the authority to approve, deny or request modifications to State agency actions resulting in development on State-owned lands based on assessment of the extent to which the project conforms with COMAR 27.02.05 and to grant General Approval for certain programs, or classes of such activities under 27.02.03.

NOW, THEREFORE, be it resolved that the parties named above here mutually agree to the following:

GENERAL OBJECTIVE: The purpose of this Memorandum of Understanding is to describe the process that the WSSC and the CAC will follow with respect to the submittal and review of projects affecting the Critical Area. The CAC staff will assist, if necessary, WSSC in completing the application and support information for future proposed projects.

PROCESS: The Critical Area (CA) means all land and water defined in Natural Resources Article 8-1807, Annotated Code of Maryland, which includes:

- a. All water of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps and all State and private wetlands designated under Title 16 of the Environment Article; and
- b. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of the Environment Article.

The following process is agreed to by both agencies

WSSC agrees:

- a. To submit projects affecting the CA for review and approval by the CAC under COMAR 27.01 and 27.02.;
- b. To submit to the CAC (When the design is 70% completed) site plans and a request for CAC review and approval and;
- c. To notify the CAC immediately of any substantive changes in the plans as approved, or of changes that occur during construction of the project.
- d. To refer to Appendix A which outlines conditions and Classes of Projects

eligible for General Approval. Under COMAR 27.02.05, State Agency Actions Resulting in Development on State-Owned Lands, the CAC may grant General Approval to State agencies for Programs, activities and classes of development on State-owned lands in the Critical Area. Under COMAR 27.02.03, General Approval of State and Local Agency Programs Which Result in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions, the CAC may grant General Approval to State agencies for Programs, activities and classes of development on private lands or lands owned by local jurisdictions. Granting of general approval by the CAC allows implementation of the approved Program, activity, or projects in accordance with the policies and requirements as set forth in COMAR 27.02.05. (See Appendix A.)

e. To refer to Appendix B which outlines Information Required for Review of Critical Area Projects. Facility and pipeline plans prepared by the WSSC will include the following information to the extent required by the CAC to determine consistency with the Critical Area regulations COMAR 27.02.05.02.- 14 for projects on State-owned lands and COMAR 27.01 for projects on private lands and lands owned by local jurisdictions. This information will be provided commensurate with the project contemplated and subject to acceptance by the CAC (See Appendix B.)

CAC agrees:

- a. To coordinate the review of WSSC projects with the affected local jurisdiction to make sure that the project is consistent with the local governments' Critical Area Program.
- b. To review and approve WSSC projects in a timely fashion in accordance with COMAR 27.02.07.

MODIFICATION TO MEMORANDUM: This Memorandum of Understanding may be amended at any time. Modification must be made in writing and must be agreed upon by both parties.

The Memorandum contains the entire agreement of the parties. There are no promises, terms, conditions, or obligations referring to the subject matter other than those contained herein.

CRITICAL AREA COMMISSION FOR THE
CHESAPEAKE AND ATLANTIC COASTAL BAYS

By: Martin G. Madden
Martin G. Madden
Chairman, Critical Area Commission

Approved as to form and legal sufficiency on 27 May, 2003, by the Office of the Attorney General.

By: Marianne Hawn, Assistant Attorney General.

WASHINGTON SUBURBAN
SANITARY COMMISSION

By: F. Michael Errico
F. Michael Errico
Deputy General Manager

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Ben Bialek
Ben Bialek
General Counsel

RECOMMENDED FOR
APPROVAL

Richard R. Shagogue
Richard R. Shagogue
Engineering and Construction Team
Chief

APPENDIX A

CONDITIONS AND CLASSES OF PROJECTS ELIGIBLE FOR GENERAL APPROVAL

This General Approval is defined as a process whereby minor projects are reviewed and approved by the CBCAC staff. These projects are determined by the CBCAC staff to have minimal impact on the Critical Area. The following activities or projects are granted general approval by the CBCAC.

1) Maintenance Activities:

a) Any pipeline repair, maintenance, or rehabilitation project that does not permanently alter ground or at-grade surfaces, does not cause an increase in impervious surface, does not increase runoff, does not impair the quality of runoff, and does not affect any Habitat Protection Area (HPAs). Pipeline structures are defined as water and sewer pipelines, manholes, valves, fire hydrants, house connections, or other sewer or water appurtenances. Examples of these types of maintenance activities include the following items:

- i) Installation or repair of manholes, valves, fire hydrants or other sewer or water appurtenances;
- ii) Rehabilitation projects associated with repair of leaking water or sewer lines;
- iii) Work related to normal maintenance of rights-of-way including repair of damaged rip-rap or erosion.

b) Any facility repair, maintenance, or rehabilitation project that does not permanently alter ground or at-grade surfaces, does not cause an increase in impervious surfaces, does not increase runoff, does not impair the quality of runoff, does not affect any HPA and does not require land disturbance of more than 10,000 square feet. Facility structures are defined as buildings and stationary equipment such as pump stations, treatment plants, and storage tanks. Land disturbance is defined as any earth movement and land changes which may result in soil erosion from wind and water and the movement of sediment into State waters or onto State lands, including, but not limited to, tilling, clearing, excavating, trenching, stripping, filling, stockpiling of earth materials, root mat or topsoil removal, the covering of land with an impermeable material or any combination of these. Examples of these types of maintenance activities include the following items:

- i) Modifications, renovations and demolition of existing buildings or stationary equipment which do not alter ground or at-grade surfaces or increase or lessen the quality of runoff;

ii) Normal operations of wastewater treatment or pump station facilities, except that spills of toxic substances will be reported to the CAC on the next business day;

iii) Indigenous landscape planting and landscape maintenance.

2) Emergency Situations:

Emergency situations and conditions jeopardize public safety and health and require immediate corrective action. Examples of emergency situations are water main breaks, sewer backups, pump station failures, and sewer overflows. The WSSC may undertake such emergency repairs that jeopardize public safety and health without prior CAC approval. WSSC personnel responsible for the emergency repairs shall notify the CAC of emergency activities no later than the next business day. Notification will include a description of the project and activities undertaken and the mitigation proposed. Adequate sediment controls shall be in place during the repair process and the site shall be vegetatively stabilized as called for by the Utility Erosion and Sediment Control Permit. Restoration of the site shall provide for finished grades that match pre-existing elevations and contours.

3) Other projects determined by staff to be of minor impact to the Critical Area:

New pipeline projects 500 linear feet or less that do not require land disturbance of more than 10,000 square feet, do not permanently alter ground or at grade surfaces, do not increase runoff, and do not impair the quality of runoff, and do not affect any Habitat Protection Areas.

APPENDIX B

Information Required for Review of Critical Area Projects

General Instructions

The following checklist contains a list of items for consideration by the Critical Area Commission during its review of each project affecting the Critical Area. While some items will not apply to each project of concern, the Agency should review and be able to discuss aspects of each relevant item. This checklist should be completed and sent, with all other completed information, to the Critical Area Commission staff contact. Please be aware of the following general guidelines:

- (1) The completed checklist, maps, and all other pertinent project materials must be submitted to Critical Area staff contact.
- (2) All other resource/environmental permits and other release documents must be obtained or must be in their final stages (i.e., public comment period completed, permit conditions in final form) when submitting information to Critical Area staff.

If there are any questions with any aspect of this form or with the Commission's review process, please do not hesitate to call the Commission staff contact at (410) 260-3460.

General Mapping Features

Please include the following features on all site plans:

- | | |
|---|---|
| <input type="checkbox"/> Vicinity map | <input type="checkbox"/> Project boundary/Limits of disturbance |
| <input type="checkbox"/> Scale | <input type="checkbox"/> Orientation |
| <input type="checkbox"/> Project Name and Location | <input type="checkbox"/> Tract or lot lines |
| <input type="checkbox"/> Critical Area boundary | <input type="checkbox"/> Development area boundaries (Intensely Developed Areas - IDAs, Limited Development Areas - LDAs, Resource Conservation Areas - RCAs) |
| <input type="checkbox"/> One hundred-year floodplain boundary | <input type="checkbox"/> Agricultural lands |

- ☐ Dredging activity and spoil site
- ☐ Topography
- ☐ Vegetative cover:
 - ☐ Existing forest
 - ☐ Forest clearing
 - ☐ Afforestation/reforestation areas
 - ☐ Mitigation areas (Buffer impacts)
- ☐ Existing and proposed structures (buildings, roads, other paved or impervious areas, parking lots, lots, storm drains, septic, stormwater management systems, shore erosion control structures).
- ☐ Natural parks
- ☐ Surface mining sites and wash plants
- ☐ Soil:
 - ☐ Type
 - ☐ Area of hydric soils
 - ☐ Area of highly erodible soils

Habitat Protection and other Sensitive Area Mapping Features

Please show the following Habitat Protection Area features on all site plans, if relevant to the particular project site:

- ☐ Buffers:
 - ☐ Minimum 100 ft. from tidal waters, tidal wetlands and tributary streams
 - ☐ Expanded Buffer to include 15% slopes, hydric soils and highly erodible soils
 - ☐ 25 ft. from nontidal wetlands
- ☐ Plant and Wildlife Habitat (Colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forest, forest interior dwelling bird habitat, areas of state or local significance, and natural heritage areas)
- ☐ Tidal Wetlands
- ☐ Nontidal Wetlands
- ☐ Plant and Wildlife Habitats (same as above)
- ☐ Threatened and Endangered Species (including species in need of conservation)
- ☐ Anadromous Fish Propagation Waters

General Project Information

Please include the following text information, if applicable to the site, in the project application materials. This information may be included in the form of letters, reports, or site plan notes.

- | | |
|---|--|
| _____ Project name and location | |
| _____ Project description
(brief narrative including
type, i.e. industrial, port-related, etc.) | _____ Anticipated
timeline (Include
project milestones,
approximate start
and completion
dates) |
| _____ Total acreage in Critical Area | _____ Whether project is
on State-owned
land, locally-owned
land or privately-
owned land (i.e.
within a public ROW
or easement) |
| _____ Total forest area cleared | _____ Method of stormwater
control |
| _____ 10% calculations (Please enclose worksheet)
or impervious surface | _____ Approved soil erosion
and sediment control
measures/plans and
implementation
strategy |
| _____ Mitigation required for clearing of forest area (1:1 ratio outside the 100-foot
Buffer, 1.5:1 if between 20%-30% clearing, and 3:1 ratio inside the 100-foot
Buffer or if above 30% clearing) | |
| _____ Afforested area (site must have a minimum of 15% forest cover if not IDA) | |

Minimum Documentation Requirements

The following permits and documents should be secured or must be in their final stages (i.e., public comment period completed, permit conditions in final form), if applicable to the site, prior to scheduling the project for review by the Project Subcommittee:

- ☐ Maryland Department of the Environment (MDE)
 - ☐ Tidal wetlands permits
 - ☐ Nontidal wetlands permits
 - ☐ Water Quality Certification
- ☐ Army Corps of Engineers (ACOE)
 - ☐ Tidal Wetlands Permit (404)

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

November 29, 2011

Austin Freeman
Washington Suburban Sanitary Commission
14501 Sweitzer Lane
Laurel, MD 20707-5902

Re: Broad Creek Sewer Pipe Replacement

Dear Mr. Freeman:

We have received plans for the proposed Broad Creek sewer pipe replacement project in Fort Washington, MD. The project includes replacement of 26,000 linear feet of existing sewer line for the purpose of handling peak flows and eliminating future sewage overflows at Broad Creek Waste Water Pumping Station.

Based upon review of the submitted materials, this office has determined that the above referenced project qualifies under the Code of Maryland Regulations Title 27.02.03, General Approval of State Agency Programs, and subsequently, the Memorandum of Understanding (MOU) between the Washington Suburban Sanitary Commission and the Critical Area Commission.

Provided that the work is limited to the proposed limit of disturbance, then no further review by this office is necessary. However, should the project change in scope, and thus propose more disturbance to the Critical Area, then additional review by this office will be required.

Thank you again for the opportunity to review this project. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: Tenille Ruben, Chesapeake Environmental Management

TTY for the Deaf
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

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How to comment

The public comment period extends 30 calendar days from the Press Release announcement of the notice of availability of the EA, until the Review Ending date listed on the NPS's Planning, Environment, & Public Comment (PEPC) Website. If you wish to comment on this EA, you may post your comments electronically or you may mail comments within 30 days to the address provided below.

Note to reviewers and respondents: If you wish to comment on the EA, you may mail comments directly via U.S. Post or submit them electronically. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, please be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Mailed comments can be sent to:

Superintendent

Attn: Broad Creek WSSC EA

National Capital Parks-East

1900 Anacostia Drive, S.E.

Washington, DC 20020

Comments can also be submitted on-line by following the appropriate links shown on page “ii”.



Harmony Hall, Prince George's County / Fort Washington, Maryland
National Capital Parks – East, Washington, DC



Washington Suburban Sanitary Commission

Broad Creek Wastewater Pumping Station
Conveyance System Augmentation
Proposed Force Main Addition