

National Park Service
CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK
Application for Special Use Permit

Please supply the information requested below. Use additional sheets if necessary. Allow at least four (4) business days for processing. A non-refundable processing fee may be required to accompany this application unless the requested use is an exercise of a First Amendment right. You will be notified of the disposition of the application and the necessary steps to secure your final permit. (Note: there may be additional fees charged, and you may be required to provide proof of liability insurance.)

Applicant Name: Whitman, Requardt & Associates, LLP (WR&A) Social Security #
Organization Name (if applicable): same Tax ID #
Street/Address: 801 South Caroline Street
City/State/Zip Code: Baltimore, Maryland 21201
Telephone number: 410.235.3450 ext. 1622 (Aaron Keel, primary point of contact)
Description of Proposed Activities: Detailed studies needed for engineering development of proposed improvements to the existing Frederick County raw water and transmission pipelines located at Nolands Ferry. Work to include: 1) supplemental property boundary and topographic survey and environmental investigations, 2) subsurface investigations for soil corrosivity studies and locating utilities (test pits may be needed), and 3) geotechnical investigation of the study area (in accordance with the approved geotechnical boring plan).
Requested Location: C&O Canal NHP property at Nolands Ferry (mile 44.58).
Date (s): February 1, 2005 through June 30, 2005 Set-up will begin at: February 1, 2005
Event will begin at: February 1, 2005 Removal will be completed by: June 30, 2005
Maximum Number of Participants: approx. 2-8 persons per episode (Please provide best estimate)
Maximum Number of Vehicles: 3 vehicles per event at locations TBD later (attach parking plan)
Support Equipment (generators, amplification, etc.): Standard Survey and Geotechnical Test Equipment
Support Personnel (contractors, etc.): WR&A, Russell Corrosion Consultants and Geomatrix Drilling.
Individual (if other than applicant) in charge of event on site: Dennis Hanson, WR&A
Is this an exercise of First Amendment Rights? Y ☒ N
Are you familiar with/ have you visited the requested area? ☒ Y N
Do you plan to advertise or issue a press release? Y ☒ N
Will you distribute printed material? Y ☒ N
Is there any reason to believe there will be attempts to disrupt, protest or prevent your event?(if yes explain on separate sheet) Y ☒ N

The applicant by his or her signature certifies that all the information given is complete and correct, and that no false or misleading information or false statements have been given.

Signature

Aaron M. Keel
Aaron M. Keel, WR&A

Date December 22, 2004

Note that this is an application only, and does not serve as permission to conduct a special event or any other use of a National Park. If your request is approved, a permit containing applicable conditions and regulations will be sent to the person designated on the application. The permit must be signed and returned to the park prior to the event.

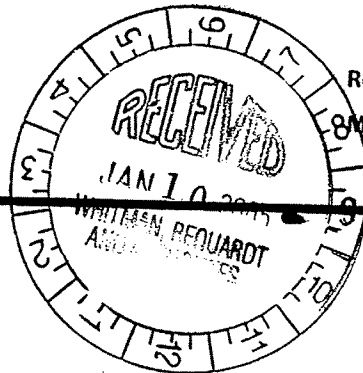
Return this application to: Lynne Wigfield, Compliance Officer
National Park Service
Chesapeake and Ohio Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, MD 21740

Phone (301) 745-5802

Fax (301) 714-2209

Paperwork Reduction Act Statement: This information is being collected to allow the park manager to make a valued judgement on whether or not to allow the requested use. All the applicable parts of the form must be completed.

Estimated Burden Statement: Public reporting burden for this form is estimated to average 30 minutes per response including the time it takes to read, review instructions and complete the form. Direct comments regarding this burden estimate or any aspects of this form to the National Park Service Program Manager, Special Park Uses, Ranger Activities Division, 1849 C Street, NW., Washington, D.C. 20240 and to the Information Collection Clearance Officer, Washington Administrative Program Center, 1849 C Street, NW., Washington, D.C. 20240. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor
C. Ronald Franks, Secretary

January 5, 2005

Ms. Kelly Moore
Whitman, Requardt and Associates, LLP
801 South Caroline Street
Baltimore, MD 21231

RE: Update of Environmental Review for McKinney Wastewater Treatment Plant, Treated Effluent Outfall and Raw Water, Transmission Main Project, WR&A WO #13550, Frederick County, Maryland.

Dear Ms. Moore:

As an update to our environmental review letter of June 6, 2003, we offer the following comments. 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. Please note however that the utilization of state funds, the need to obtain a state-authorized permit, or changes to the plan might warrant additional evaluations that could lead to protection or survey recommendations by the Wildlife and Heritage Service. Please contact us again for further coordination if this project falls into one of those categories.

Based on the project site boundaries as shown on the map submitted with this request, the following records for species of interest are known to occur within the vicinity of the project site:

<u>Scientific Name</u>	<u>Common Name</u>	<u>State Status</u>
<i>Carex davisii</i>	Davis' Sedge	Endangered
<i>Agalinis auriculata</i>	Auricled Gerardia	Endangered
<i>Smilacina stellata</i>	Star-flowered False Solomon's-seal	Endangered
<i>Bartramia longicauda</i>	Upland Sandpiper	Endangered
<i>Quercus shumardii</i>	Shumard's Oak	Threatened

These species could potentially occur on the project site itself, in areas of appropriate habitat. Habitat for Davis' Sedge is described as: Rich, mature bottomland hardwood forests along major rivers (MDNHP); rich calcareous woods, meadows and shores (Fernald 1950). Habitat for Auricled Gerardia is described as: Prairies, open woods, and fields (Fernald 1950); prairies or open, upland woods (Gleason & Cronquist 1963). Habitat for Star-flowered False Solomon's-seal is described as: Gravelly or alluvial shores, bluffs, thickets, open meadows (Fernald 1950); moist, especially sandy soil of woods, shores, and prairies (Gleason & Cronquist 1991); sandy floodplain forests (MDNHP). Habitat for Shumard's Oak is described as: Rich woods and bottom lands (Radford et al 1968); calcareous slopes (Fernald 1950); rich deciduous floodplain forests (MDNHP).

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January 5, 2005

Breeding habitat for the Upland Sandpiper is described as: contiguous grasslands or other undisturbed hayfields or pastures.

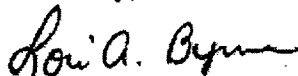
Please note that these additional records may reflect new data not available to us as of the June 6, 2003 letter. Also, the Soft Fox Sedge (*Carex conjuncta*) record has been omitted, as this species has been recently de-listed in Maryland.

Our analysis of the information provided also suggests that the forested area on or adjacent to the project site contains Forest Interior Dwelling Bird habitat. Populations of many Forest Interior Dwelling Bird Species (FIDS) are declining in Maryland and throughout the eastern United States. The conservation of FIDS habitat is strongly encouraged by the Department of Natural Resources. The following guidelines will help minimize the project's impacts on FIDS and other native forest plants and wildlife:

1. Avoid placement of new transmission mains or related construction in the forest interior. If forest loss or disturbance is absolutely unavoidable, restrict development to the perimeter of the forest (i.e., within 300 feet of the existing forest edge), and avoid main placement in areas of high quality FIDS habitat (e.g., old-growth forest). Maximize the amount of remaining contiguous forested habitat.
2. Do not remove or disturb forest habitat during May-August, the breeding season for most FIDS. This seasonal restriction may be expanded to February-August if certain early nesting FIDS (e.g., Barred Owl) are present.
3. Maintain forest habitat as close as possible to the transmission main, and maintain canopy closure where possible.
4. Maintain grass height at least 10" during the breeding season (May-August).

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 #2004.2308.fr
Cc: E.L. Thompson, DNR
R. Wiegand, DNR
G. Golden, DNR



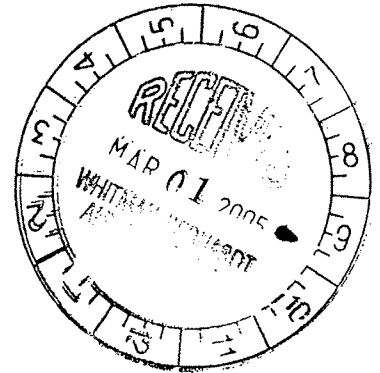
United States Department of the Interior

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

IN REPLY REFER TO:

L30 (CHOH)

February 17, 2005



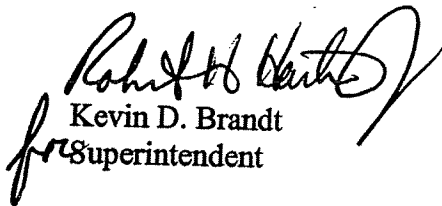
Mr. Aaron Keel
Whitman, Requardt and Associates, LLP
801 South Carolina Street
Baltimore, MD 21231

Dear Mr. Keel:

Enclosed is Special Use Permit number NCR3100-5700-05.017 authorizing Whitman, Requardt and Associates, LLP to conduct survey work and baseline data collection within C&O Canal National Historical Park.

If you have any questions concerning this permit or the processing procedures, please contact Donna Swauger, Special Park Use Coordinator, at (301) 745-5817.

Sincerely,


Kevin D. Brandt
for Superintendent

Enclosure

UNITED STATES DEPARTMENT OF THE INTERIOR
National Park Service

Page 1 of 7

Special Use Permit

Name of Use: Survey

Date Permit Reviewed 2005

Reviewed 20

Reviewed 20

Expires: June 30, 2005

Long Term ☐

Permit # NCR 3100-5700-05.017

Region Park Type No. #

Short Term ☒

Chesapeake and Ohio Canal National Historical Park

Name of Area

Aaron Keel, Whitman, Reguardt & Associates, LLP, 801 South Caroline Street, Baltimore, Maryland 21231, (410) 235-3450, extension 1622, is hereby authorized during the period from (Time 0001 day 01 Month February, 2005), through (Time 2359 day 30 Month June, 2005), to use the following described land or facilities in the above named area:

C&O Canal NHP property at Nolands Ferry (mile 44.58)

For the purpose(s) of:

Survey efforts and baseline data collection needed for engineering development of the proposed improvements to the existing Frederick County Water Intake and pipelines located at Nolands Ferry.

Work to include:

1. placement of aerial targets for orthophotography and associated supplemental traditional survey work
2. property boundary and corner survey work
3. environmental survey of wetlands/trees
4. geotechnical soil boring

Authorizing legislation or other authority (RE NPS-53 Appendix 1)

Title 36 CFR 1.6, 2.1, 4.10, 4.11, 4.13, 4.20, 4.21, 5.6, 5.7

NEPA Compliance: CATEGORICALLY EXCLUDED 3.4 E (6) EA/FONSI ☐ EIS ☐ OTHER APPROVED PLANS ☐

PERFORMANCE BOND: Required ☐ Not Required ☒ Amount \$ N/A

LIABILITY INSURANCE: Required ☒ Not Required ☐ Amount \$1,000,000

ISSUANCE of this permit is subject to the conditions on the reverse hereof and appended pages and when appropriate to the payment to the U.S. Dept. of the Interior, National Park Service of the sum of \$waived

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied herein.

PERMITTEE

Signature

Date

Authorizing Official

Superintendent

Date

CONDITIONS OF THIS PERMIT

- 1. The permittee shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with all applicable laws and regulations of the area.**
- 2. Damages - The permittee shall pay the United States for any damage resulting from this use, which would not reasonably be inherent in the use, which the permittee is authorized to make of the land described in this permit.**
- 3. Benefit - Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefits to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the benefit of such corporation.**
- 4. Assignment - This permit may not be transferred or assigned without the consent of the Superintendent, in writing.**
- 5. Revocation - This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Superintendent.**
- 6. The permittee is prohibited from giving false information; to do so will be considered a breach of conditions and be grounds for revocation [Re: 36 CFR 2.32(a)(4)].**
- 7. Permittee will comply with applicable public health and sanitation standards and codes.**
- 8. The permittee and all participants authorized herein must comply with all of the conditions of this permit and with all reasonable directions of the Park Rangers or U.S. Park Police.**
- 9. The area shall be left in substantially the same condition as it was prior to the activities authorized herein, and all litter shall be removed from the park.**
- 10. All precautions will be taken to protect the Park's natural, cultural, and historical resources.**
- 11. All walkways, roadways, and avenues of egress must remain unobstructed at all times by people, equipment, and vehicles so as not to hamper in any way the normal travel and use of the park by visitors.**
- 12. The National Park Service cannot authorize the closing of a park area to the public or permit the hampering of normal travel and use by the public. Restriction of public access may only be entertained for the security and protection of dignitaries and special guests.**
- 13. The permittee must, at all times, conduct his activities so as to insure the safety of the park visitor and the protection of park resources.**

14. INDEMNIFICATION. This agreement is made upon the express condition that the United States, its agents, and employees shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury, or death to any person or property of the Permittee, its agents or employees, or third parties, from any cause or causes whatsoever while in or upon said premises or any part thereof during the term of this agreement or occasioned by any occupancy or use of said premises or any activity carries on by the Permittee in connection herewith, and the Permittee hereby covenants and agrees to indemnify, defend, save and hold harmless the United States, its agents and employees from all liabilities, charges, expenses, and costs on account of or by reason of any such injuries, deaths, liabilities, claims, suits or losses however occurring or damages growing out of the same.

A. The permittee shall purchase a minimum the types and amounts of insurance coverage as stated herein and agrees to comply with any revised insurance limits the Superintendent may require during the period of this permit.

B. The permittee shall provide the Superintendent with a Statement of Insurance and Certificate of Insurance at the inception of this permit, and shall provide the Superintendent thirty (30) days advance written notice of any material change in the permittee's insurance program hereunder.

The Superintendent will not be responsible for any omissions or inadequacies of insurance coverage and amounts if such prove to be inadequate

15. PUBLIC LIABILITY. The permittee shall provide comprehensive general liability insurance against claims occasioned by actions or omissions of the permittee in carrying out the activities and operations authorized hereunder. Such insurance shall be in the amount commensurate with the degree of risk and the scope and size of such activities authorized herein, but in any event, the limits of liability shall not be less than \$1,000,000 per occurrence covering both bodily injury and property damage. If claims reduce available insurance below the required per occurrence limits, an umbrella or excess liability policy, in addition to a comprehensive general liability policy, may be used to achieve the required limits.

A. All liability policies shall specify that the insurance company shall have no right of subrogation against the United States of America or shall provide that the United States of America is named an additional insured.

ACTIVITY DETAIL

1. Area of permitted work will be on U.S. Government owned land administered by the C&O Canal National Historical Park, Monocacy District at Nolands Ferry, near Point of Rocks, Maryland. Permitted work will be comprised of data collection through survey work and geotechnical soil boring.
2. The Permittee must submit a written safety plan prior to the issuing of this permit. The safety plan must show how all OSHA requirements will be met. The C&O Canal NHP vigorously adheres to required safety procedures and practices.

3. The permittee and park Compliance Officer, Lynne Wigfield, will meet to discuss work activities, boring locations, etc. prior to start of any on site activities. The permittee shall contact Ms. Wigfield at (301) 745-5802 to schedule this meeting.
4. A copy of this permit must accompany all work groups, associated with this project, when conducting work on C&O Canal property.
5. All work shall proceed during daylight hours between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday excluding Federal holidays
6. Traffic on NPS properties is limited to company-owned vehicles. Vehicles must display Whitman, Requardt, & Associates identification.
7. Speed limits on park roads are as posted. Speed limit on the towpath is 15 mph. Towpath weight restrictions are 12 tons or less. Only single-axle vehicles are permitted on the towpath. Right-of-way shall be given to park visitors, park, and emergency vehicles.
8. Any deviations from the work described herein will be reviewed by Park staff. Work shall not proceed without official approval from Park staff.
9. Park visitors shall not be detained from travel for more than five minutes. It shall be the responsibility of the permittee to provide flaggers and appropriate signage to ensure safe passage of visitors through work zones that interfere with an open roadways, parking lots, towpath, sidewalks, or hiking trails.
10. Weather conditions may prohibit access to the park. Occurrence of rain or windstorms within 24 hours of designated work date may make the area inaccessible to vehicular travel. Potomac River level may also impact accessibility of designated worksite. Whitman, Requardt & Associates, LLP shall contact Lynne Wigfield, Compliance Officer at (301) 714-5802 to verify park conditions in that area prior to scheduling of work activities.
11. Permittee is responsible for the removal of all trash and debris resulting from above listed work projects. The work site shall be kept free of trash and construction debris at all times. All foreign debris is to be cleaned and removed from the park grounds each day.
12. Work sites shall be secured at all times.
13. The Permittee shall be responsible for the cost and repairs to any structures, facilities, installation, sod, soils, or landscape vegetation on park land damaged by the work authorized under this permit and shall, at the direction of the National Park Service, submit detailed plans for the repair, restoration, and/or replacement of such.
 - a. The Permittee shall be responsible for the procurement of seed-free straw, silt fencing, park-approved grass seed mix, clean topsoil, and park-specified towpath material.
14. Any deviations of work, or in the event the National Park Service should need additional information, the point of contact will be Aaron Keel at (410) 235-3450.

15. The Permittee shall notify Lynne Wigfield, C&O Canal NHP Compliance Officer, at (301) 745-5802, a minimum of two business days prior to commencement of construction activities and two days prior to completion of construction activities.
16. Permittee is responsible for any hazardous material cleanup as a result of spills from equipment or work activity. Hazardous material debris shall be removed from the park to an approved landfill for hazardous materials.
17. Refueling of vehicles and equipment on Park property is prohibited.
18. The Contractor shall have a Spill Response Kit onsite and available at all times.
19. Each vehicle shall be equipped with a fire extinguisher.
20. All spills, accidents, or property damage must be reported immediately to Park staff at 866-677-6677. This includes damage to public or private property, and any personal injuries incurred by the public, the Permittee staff, other project staff, or government officials.
21. The National Park Service reserves the right to conduct inspections.
22. The National Park Service reserves the right to immediately revoke this permit at any time should it appear that the activity of this permit presents a clear and present danger to the public safety or if any conditions of this permit are violated. The Park staff shall be notified immediately should archeological artifacts be encountered. Point of contact will be Lynne Wigfield, Compliance Officer, (301) 745-5802. Work shall cease until Whitman, Requardt, & Associates has received appropriate clearances. Any unreported archeological discoveries will be considered a violation of the Archeological Resources Protection Act.
23. Any trees located on NPS property, greater than 6" DBH, to be removed for this project will need prior approval by the Park natural resources staff.
24. Permission granted by this permit does not constitute a release by the National Park Service of any rights, title, or interest in the C&O Canal National Historical Park.
25. Work or activities in the park other than those described herein are prohibited.

Survey Work

- A. Permitted work will allow the surveying on park property associated with the proposed utility up-grade, as submitted by Frederick County Maryland Division of Utilities and Solid Waste Management's "New Design Raw Water Intake Main and McKinney Treated Effluent Project." This proposed project would increase water intake from Potomac River to serve Frederick County and Frederick City residents. Treated effluent outfall is proposed as a part of the project. Survey work is necessary to develop engineering concepts for the proposed project. The proposed project is currently being processed through environmental and cultural compliance reviews.

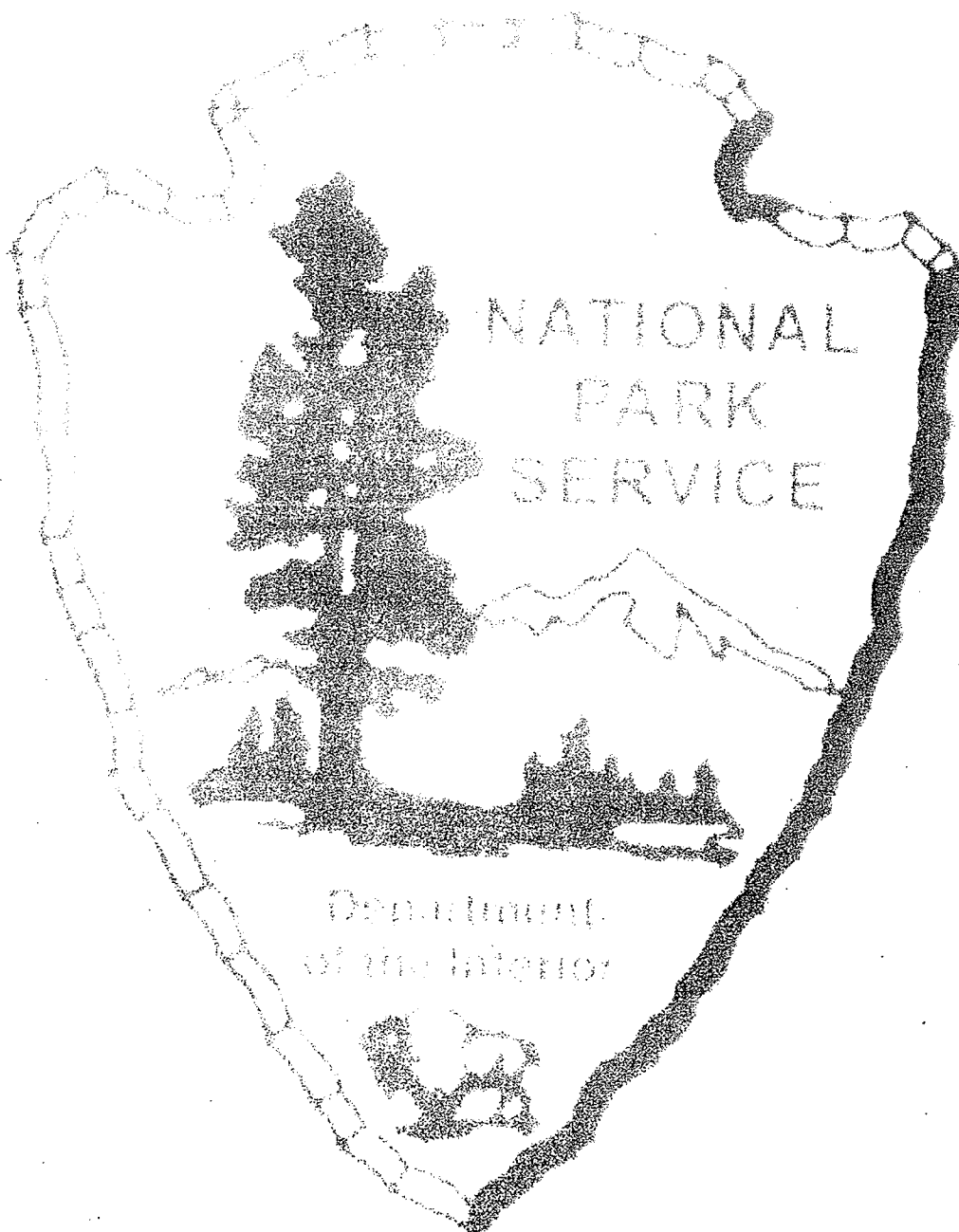
B. Surveying work shall not include any permanent markings on any historic structures (i.e., buildings, locks, prism walls, flumes, etc.) or natural features. If permanent marking is undertaken, use of permanent Type G monuments will be permitted. Installation of these monuments will be done with hand tools. Provide recovery information for all monuments to include Maryland State Plane Coordinates and Vertical Data on NGVD 88. Preapproval for installation of permanent monuments must be received from the NPS. All temporary survey marking will be removed upon completion of the survey activity. Wetland delineation needs to be surveyed and geo-referenced to the Maryland State Plane Coordinate System or North American Datum 83, Feet. All panels used for aerial surveying needs shall be removed at the end of the survey project. **NO BLAZING OF TREES OR PAINT WILL BE USED FOR SURVEY WORK OR PROPERTY/BOUNDARY LINE IDENTIFICATION.** Digital files showing wetland delineation and other survey information shall be provided to the park in AutoCad 2000 .dwg and ArcView Project format.

C. Minor tree/shrub trimming shall be allowed for the survey activity. However, if vegetation must be removed at the main trunk, the vegetation shall be marked with survey tape and permission for removal must be obtained from one of the park's natural resources specialists.

Geotechnical Soil Boring:

- A. Permitted activity: access to and from the designated soil boring sites for the expressed purpose of soil boring activities as identified in *New Design Water Transmission Main, Frederick County Contract Number 41045-W, Part 5, December 2004 (30% Submitted)*
- B. Location: Area of permitted work is within the boundaries of Chesapeake and Ohio Canal National Historical Park in the Noland's Ferry area (mile 44.6).
- C. Permittee shall contact Miss Utility prior to any work. If a conflict occurs between the designated drilling locations and any utilities, the Permittee shall notify Lynne Wigfield, Compliance Officer, (301) 714-5802 for relocation sites.
- D. Excavation of earth is prohibited. Minimal soil disturbances (less than 3" in depth) from equipment movement to and from drill sites will be tolerated. Should weather and soil conditions indicate deeper disturbances could occur; the Permittee shall notify Lynne Wigfield, Compliance Officer, (301) 714-5802 for evaluation. The Park staff retains the right to halt work temporarily until soil conditions return to a tolerable condition.
- E. The Permittee shall use cribbing to provide a leveling method for equipment placement. No soil excavation will be permitted.
- F. Any vegetation trimming or removal and subsequent mitigation will be discussed and agreed upon in the pre-construction meeting.
- G. Cuttings from the drilling procedure may be temporarily stockpiled at each boring site location. These cuttings are to be used to backfill each boring. Any excess material shall be removed from the park by the end of this permitted activity. Should the boring sites settle, the Permittee is required to return and add additional material to each area affected.

- H. Straw bales and silt fencing will be installed by Permittee at drilling locations. These items will remain on site at conclusion of work. The Permittee shall remove these items once ground treatments, listed in Activity Detail 13, have become established and stable.



Partners:

C. Richard Lortz
John S. Maynes
Joseph S. Makar
David B. McCormick

Senior Associates:

James O. Amacost, III
Louis W. Klinefelter
Thomas J. Hannan, Jr.
John P. Maddox
William P. Wagner
Walter P. Miller
Dennis J. Hasson

WHITMAN, REQUARDT AND ASSOCIATES, LLP

Engineers, Architects and Planners

801 South Caroline Street
Baltimore, Maryland 21231

(410) 235-3450

Fax: (410) 243-5716

www.wrallp.com

February 23, 2005

Associates:

Richard J. Kane
Earl L. Swartzendruber, Jr.
William E. Bingley
Herbert W. Lew
Luther E. Bathurst
John D. Emerson
Gary B. Bush
William W. Fitchett, Jr.
Daniel J. Seli
Anthony U. Olsen
Gregory D. Muoci
Joseph C. Sowinski
William A. Geschrei
Robert J. Krallinger
J. Mark Parker
Douglas A. Kelso
Amitava Podder
Neil M. Leary
Gregory King
Jeffrey F. Giza
Jeffrey R. Riegner

Ms. Andi Cunabaugh
Permit Service Center
Maryland Department of the Environment
1800 Washington Boulevard
Suite 430
Baltimore, MD 21230

RE: Frederick County, New Design
Raw Water Main and McKinney
Treated Effluent Outfall Pipe
Joint Permit Application Submittal

Dear Ms. Cunabaugh:

Whitman, Requardt & Associates, LLP (WR&A), on behalf of the Frederick County Department of Utilities & Solid Waste Management (DUSWM), respectfully submits this Joint Federal State Permit Application for the proposed construction of the New Design Raw Water Main and McKinney Treated Effluent Outfall Pipe, in Frederick County, MD. The New Design Raw Water Main and McKinney Treated Effluent Outfall Pipe projects provide infrastructure to support programmed improvements to the Frederick County water and wastewater infrastructure system [e.g., expansion of New Design WTP and future construction of the McKinney WWTP]. Both these projects occur partially within the limits of the C&O Canal National Historical Park.

The proposed project involves the construction of a 42" raw water main and a 42" treated effluent outfall pipe in response to near-term demand and to serve long-term planned regional growth. The purpose of the New Design raw water main is to increase raw water conveyance capacity from the existing raw water intake pumping station to the existing New Design WTP and to increase the production capacity of the expanded New Design WTP. The proposed underground electrical and communications duct bank parallels an existing underground duct bank and provides the control and communications infrastructure required for improved operation of the raw water intake facility infrastructure. The McKinney Treated Effluent Outfall Pipe will provide a means to transport anticipated future increased treated effluent volumes from the programmed future McKinney WWTP to the existing East Alcoa Potomac River Diffuser. When complete, the project may also facilitate improvements to water quality of the Monocacy River by redirecting treated effluent from the Ballenger Creek WWTP (currently discharged into the Monocacy) into the Potomac River.

The proposed action will not result in permanent impacts to wetlands, streams, or the 100-year floodplain. The project will result in temporary impacts to 392 linear feet and 2,729 square feet of riverine Waters of the U.S.; and to 1,798 square feet of wetlands and 7,597 square feet to 25' wetland buffers.

Attached are 5 copies (incl. 1 original) of the permit application. Contained within this package are: plan sheets of the entire work area; detailed impact plates (8.5"x11") of the regulated impacts; summary of regulated impacts table, and supporting documentation. If you have questions or require additional information, please contact me at (410) 235-3450, ext. 1684, or Dennis Hasson at extension 1531.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Moore".

Kelly Moore
Environmental Scientist

Enclosures

cc: Kevin Demosky, Fr DUSWM
Dennis Hasson, WR&A
Andy Cooper, WR&A
Aaron Keel, WR&A

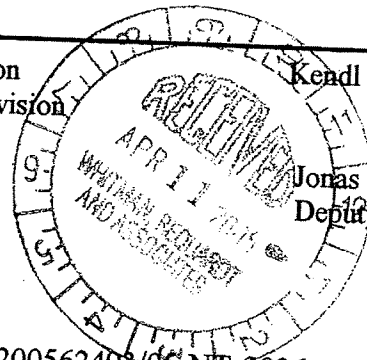


MARYLAND DEPARTMENT OF THE ENVIRONMENT
1800 Washington Boulevard • Baltimore MD 21230
410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Water Management Administration
Nontidal Wetlands & Waterways Division
160 South Water Street
Frostburg, MD 21532
Fax: 301-689-6543



Kendall P. Philbrick
Secretary

Jonas A. Jacobson
Deputy Secretary

Tracking # 200562493/05-NT-3036
Project: New Design Raw Water &
Effluent Outfall
County: Frederick
Date: April 8, 2005

Kelly Moore
Whitman, Requardt & Associates
801 South Caroline Street
Baltimore, MD 21231

Dear Ms. Moore:

The U. S. Army Corps of Engineers (ACOE) and the Maryland Department of the Environment (MDE) are reviewing your application for an activity in a floodplain, nontidal wetland, wetland buffer and/or other Waters of the U.S. Comments and/or final authorizations from these agencies are attached, as indicated below:

- ☒ U. S. Army Corps of Engineers is reviewing the application according to MDSPGP Category III procedures.
- ☒ MDE Nontidal Wetlands & Waterways Division
 - ☒ Waterway/Floodplain Review
 - ☐ Wetland Review

You will note that each agency identifies the person reviewing your application. Any questions you may have relative to specific requests or statements should be addressed to the individual that made the comment.

If additional information/plans have been requested, you should send three (3) copies to my attention at the address listed below. You must respond within:

X Four (4) months from the date of this letter

 One (1) month from the date of this letter

I will distribute the information to the other reviewers.

Sincerely,


Bill Seiger
Project Manager

Maryland Department of the Environment
WMA Nontidal Wetlands & Waterways Division
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, MD 21230-1708

cc: Joseph P. DaVia/ACOE w/attachments
Sean McKewen/M2/w/attachments
Michael Marschner/Frederick County Department of Utilities & Solid Waste
Management/Applicant



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230
410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.
Governor

Kendl P. Philbrick
Secretary

Michael S. Steele
Lt. Governor

Jonas A. Jacobson
Deputy Secretary

TRACKING #: 200562493/05-NT-3036

PROJECT: New Design Raw Water and Effluent Outfall; Frederick County

SUBJECT: Initial Waterway/Floodplain Review Comments

DATE: April 7, 2005

I have reviewed the above listed applications for impacts to regulated areas. As a result of this review and my site visit of April 1, 2005, I offer the following comments:

1. In an effort to avoid and minimize impacts to regulated areas please investigate the following: the feasibility of combining all three utilities in one impact area, continuing the jack and bore operation under the railroad until it passes the wetland & buffer and directionally drilling the duct bank under the wetlands and Tuscarora Creek.
2. Please indicate the location of any temporary access culverts. I noticed a detail for them on the plans.
3. Please provide a profile view of the utility crossings at Tuscarora Creek and if rip rap stream bank protection is specified, provide the calculations justifying the class of rip rap to be used.
4. Please move the limit of disturbance out of the tributary on the west side of New Design Road at Nolan's Ferry Road.
5. Please provide the amount of 100-year floodplain impact (in square feet) resulting from the project.
6. Please provide any correspondence you have from the C&O Canal NHP regarding the project or at least, a narrative explaining their involvement to date.

If you have any questions regarding the waterway/floodplain review, please contact me at (410) 537-3821 or wseiger@mde.state.md.us.

Sincerely,

Bill Seiger

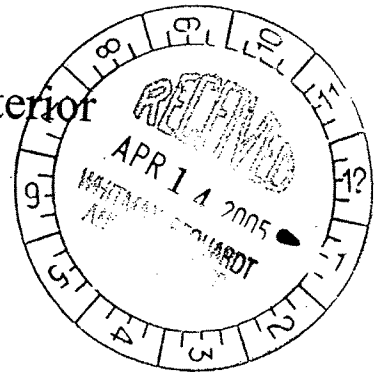
Bill Seiger
Project Manager
Nontidal Wetlands and Waterways Division

Cc: Sean McKewen, MDE
Joe DaVia, U.S. Army Corps of Engineers
Michael Marschner, Frederick Co./Applicant



United States Department of the Interior

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



IN REPLY REFER TO:

L30 (CHOH)

April 13, 2005


Mr. Aaron Keel
Whitman, Requardt and Associates, LLP
801 South Carolina Street
Baltimore, MD 21231

Dear Mr. Keel:

Enclosed is the amendment to Special Use Permit number NCR3100-5700-05.017 authorizing Whitman, Requardt and Associates, LLP to perform vacuum extraction testing within C&O Canal National Historical Park.

If you have any questions, please contact Donna Swauger, Special Park Use Coordinator, at (301) 745-5817.

Sincerely,


Kevin D. Brandt
Superintendent

Enclosure

UNITED STATES DEPARTMENT OF THE INTERIOR
National Park Service

Page 1 of 2

Special Use Permit - AMENDMENT A

Name of Use: Survey

Date Permit Reviewed 2005
Reviewed 20
Reviewed 20
Expires: June 30, 2005

Long Term

Short Term X

Permit # NCR 3100-5700-05.017
Region Park Type No. #

Chesapeake and Ohio Canal National Historical Park
Name of Area

Aaron Keel, Whitman, Requardt & Associates, 11130 South Caroline Street, Baltimore, Maryland 21231, (410) 235-3450, extension 1622, is hereby authorized during the period from (Time 0001 day 01 Month February, 2005) through (Time 2359 day 30 Month June, 2005), to use the following described land or facilities in the above named area:

C&O Canal NHP property at Nolands Ferry (mile 44.58)

For the purpose(s) of:

Survey efforts and baseline data collection needed for engineering development of the proposed improvements to the existing Frederick County Water Intake and pipelines located at Nolands Ferry.

Work to include:

1. vacuum extraction test pits

Authorizing legislation or other authority (RE NPS or Appendix 1)

Title 36 CFR 1.6, 2.1, 4.10, 4.11, 4.13, 4.20, 4.21, 5.6, 5.7

NEPA Compliance: CATEGORICALLY EXCLUDED (36 CFR 1.101) EA/FONSI EIS OTHER APPROVED PLANS

PERFORMANCE BOND: Required Not Required X Amount \$ N/A

LIABILITY INSURANCE: Required X Not Required Amount \$1,000,000

ISSUANCE of this permit is subject to the conditions on the reverse hereof and appended pages and when appropriate to the payment to the U.S. Dept. of the Interior, National Park Service of the sum of \$ waived

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied herein.

PERMITTEE

Aaron Keel
Signature

4/8/15
Date

Authorizing Official

K O Brant
Superintendent

4/12/15
Date

Vacuum Extraction Test Pits:

- A. The Permittee shall adhere to all conditions on Special Use Permit number NCR 3100-5700-05.017.
- B. Permitted activity: access to and from the designated test pit sites for the expressed purpose of soil boring activities and utility location as identified in *New Design Water Transmission Main, Frederick County Contract Number 110A5-W, Part 5, December 2004 (30% Submittal)*
- C. Location: Area of permitted work is within the boundaries of Chesapeake and Ohio Canal National Historical Park in the Solands Ferry area (mile 44.6).
- D. Permittee shall contact Miss [redacted] prior to any work. If a conflict occurs between the designated test pit locations and utilities, the Permittee shall notify Lynne Wigfield, Compliance Officer, (301) 714-5802 for location sites.
- E. Excavation of earth is prohibited. Minimal soil disturbances (less than 3" in depth) from equipment movement to and from test sites will be tolerated. Should weather and soil conditions indicate deeper disturbances could occur, the Permittee shall notify Lynne Wigfield, Compliance Officer, (301) 714-5802 for evaluation. The Park staff retains the right to halt work temporarily until soil conditions return to a tolerable condition.
- F. Equipment leveling shall be accomplished without soil extraction. If necessary, the Permittee shall use cribbing to provide a leveling method for equipment placement.
- G. Any vegetation trimming or removal and subsequent mitigation will be discussed and agreed upon in the pre-construction meeting.
- H. The Permittee shall use industry standard non-invasive methods to determine line locations prior to confirming the locations with vacuum extraction test pits.
- I. If necessary, the Permittee shall use straw bales and silt fencing to contain water run-off at test pit locations. These items will remain on site at conclusion of work. The Permittee shall remove these items once ground treatments listed in Activity Detail 13, have become established and stable.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

Operations Division

APR 29 2005

Ms. Kelly Moore
Whitman, Requardt & Associates
801 South Caroline Street
Baltimore, Maryland 21231

Dear Ms. Moore:

I am replying to your application, **CENAB-OP-RMN(FR UTILITIES & SOLID WASTE/NEW DESIGN WTP/UTILITY LINE)2005-62493**, requesting Department of the Army (DA) authorization to discharge dredged or fill material into waters of the U.S. associated with construction of utility lines (raw water main, electrical ductbank, and treated effluent main), in Tuscarora Creek and unnamed tributaries, and adjacent wetlands, Frederick County, Maryland.

As background, a fundamental precept of the Clean Water Act Section 404 regulatory program is that impacts to wetlands and other waters of the U.S. will be avoided and minimized, where it is practicable to do so. Under Section 404, only the least environmentally damaging practicable alternative can receive DA authorization. Note that an alternative is practicable if it is available and capable of being done after taking into consideration cost, logistics, and existing technology in light of overall project purposes. In addition, general condition VI.C.1. of the Maryland State Programmatic General Permit-2 (MDSPGP-2) requires that discharges of dredged or fill material into waters of the U.S. shall be minimized to the maximum extent practicable on-site.

Based on the information submitted, the applicant has not demonstrated to the Corps' satisfaction that impacts to waters of the U.S. have been avoided and minimized to the maximum extent practicable on-site, as required by applicable regulations. Therefore, in order to be fully consistent with the requirements of the Clean Water Act and the MDSPGP-2, the following information must be incorporated into the application and/or plans and returned to this office.

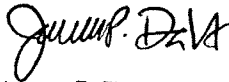
1. It is unclear to the Corps why the utility lines are located in three separate utility alignments. Please discuss and investigate the practicability of constructing the three utility lines within one utility alignment to minimize impacts to aquatic resources.
2. Discuss the practicability of directional drilling or using jack and bore construction techniques beneath the streams (e.g., Tuscarora Creek) and wetland areas.
3. Describe the practicability of constructing the utility line alignment within New Design Road, as is proposed for the 42" force main in the northern section of the alignment.
4. Sheet C-1 shows a "Future 42" FM and Diffuser" extending into the Potomac River. Please describe the anticipated construction date of this utility segment and explain why this section is not part of this proposed project.

5. On Sheet G-2, under General Note 2, please add "US Army Corps of Engineers, Joseph DaVia, 410.962.4527" to the contact list.
6. Please submit any letters to, or correspondence from, the National Park Service, C & O Canal National Historic Park and the Maryland Historical Trust concerning the proposed project.

As currently proposed, the project will require a Corps 30-day agency coordination notice to request comments from the Federal and State resource agencies. However, prior to placing the project on agency notice, we strongly recommend that we conduct a field meeting with you, the Maryland Department of the Environment, and National Park Service, to discuss agency concerns, this letter, and practicable measures to avoid and minimize impacts to aquatic resources. Please feel free to contact this office to arrange a date and time for a field meeting.

Should you have any questions concerning this matter or if you wish to schedule a meeting, please contact Mr. Joseph P. DaVia of this office at (410) 962-4527.

Sincerely,



FOR Steven S. Harman
Acting Chief, Maryland Section Northern

Copy Furnished:

Ms. Lynne Wigfield, National Park Service, C & O Canal NHP
Ms. Elizabeth Cole, MHT
Mr. William Seiger, MDE, Baltimore, Maryland



Robert L. Ehrlich, Jr.
GOVERNOR

Michael S. Steele
LT. GOVERNOR

Victor L. Hoskins
SECRETARY

Shawn S. Karimian
DEPUTY SECRETARY

May 6, 2005

Ms. Janet Vine
Acting Chief, Regulatory Branch
Baltimore District
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715

Re: Joint Federal/State Application for the Alteration of any Floodplain, Waterway, Tidal, or Nontidal Wetland in Maryland – New Design Raw Water Main and McKinney Treated Effluent Outfall, Frederick County, Maryland – 200562493

Dear Ms. Vine:

In response to a request from MDE, the Maryland Historical Trust (MHT) has reviewed the above-referenced undertaking with respect to effects on historic properties in accordance with Section 106 of the National Historic Preservation Act and Article 83B, Sections 5-617 and 5-618 of the Annotated Code of Maryland. We understand that the proposed water transmission main will require permits from both the Corps and MDE.

MHT files indicate that several archeological sites, both prehistoric and historic, have been identified within and in the vicinity of the project area. A portion of the proposed water main, as currently designed, will, in fact, pass through the National Register listed archeological site known as Nolands Ferry. Diagnostic artifacts indicate that this site was almost continuously occupied from the Paleo-Indian period (ca. 8500 B.C.) to the Historic period (A.D. 1800), with the most intensive occupation occurring during the Late Woodland period. The major component of the site represents a relatively undisturbed Late Woodland village containing a circular pattern of burials and refuse pits. According to the site plans submitted with the permit application, the proposed water main will also be impacting a portion of the C & O Canal National Historical Park.

We understand that much of the proposed water main alignment is following an existing road (New Design Road) and an ROW area that has been previously disturbed by road and utility construction activities. However, due to the significant nature of both the Nolands Ferry site and the C & O Canal, we would strongly recommend that a Phase I archeological investigation take place in planned disturbance areas prior to construction to determine if any significant archeological resources

DIVISION OF HISTORICAL AND
CULTURAL PROGRAMS

100 Community Place
Crownsville, MD 21032

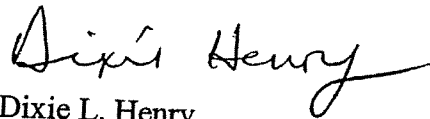
PHONE 410-514-7600
TOLL FREE 1-800-756-0119
FAX 410-987-4071
TTY/RELAY 711 or 1-800-735-2258
WEB www.mdhousing.org



associated with these properties may be impacted by the proposed undertaking. MHT staff have contacted the National Park Service regarding this recommendation, and we understand that a Phase I archeological survey is already being carried out by R. Christopher Goodwin & Associates, Inc. We would like to request that we be provided with a copy of the draft Phase I report that will be produced in accordance with the *Standards and Guidelines for Archeological Resources in Maryland* (Shaffer and Cole 1994), when it becomes available. Upon our review of the results, we will be able to determine whether or not the project will impact significant archeological resources and make appropriate recommendations regarding measures to avoid, reduce, or mitigate any effects.

We are writing to the Corps, as the responsible federal agency under Section 106 of the National Historic Preservation Act, to request that the Corps determine the extent of federal involvement in this project and continue to coordinate with MHT. We look forward to hearing from you at your earliest opportunity according to 36 CFR 800 and 33 CFR 325, Appendix C, and we also look forward to receiving a copy of the draft report detailing the Phase I archeological investigations that are taking place. If you have any questions or require any additional information, please do not hesitate to contact me at 410-514-7638 or henry@dhcd.state.md.us.

Sincerely,



Dixie L. Henry
Preservation Officer
Project Review and Compliance

DLH/200500607

cc: Joe DaVia (COE)
Amanda Sigillito (MDE)
Lynne Wigfield (NPS C&O Canal)
Stephen Potter (NPS)
Christopher Polglase (Goodwin & Associates)
Colby Child (Goodwin & Associates)
Kelly Moore (Whitman, Requardt & Associates)



Engineers
Architects
and
Planners

WHITMAN, REQUARDT AND ASSOCIATES, LLP

801 South Caroline Street
Baltimore, MD 21231

Phone: (410) 235-3450
Fax: (410) 243-5716

C O V E R

S H E E T

TRANSMITTAL

Date: June 3, 2005

To: Lynn Wigfield

NPS, C&O Canal

1850 Dual Highway

Suite 100

Hagerstown, Maryland 21740

Project: Frederick County

New Design Raw Water Main &
McKinney Effluent Outfall

DRAFT NPS CHOH NEPA EA

WR&A W.O.: 13550

We Are Sending:

☒ Herewith

The Following Items:

☐ Specifications

☒ REPORTS

For Your:

☒ Approval

☒ Review

# Copies	Date	Description / Remarks	Action To Be Taken
1	06/05	Draft C&O Canal NHP NEPA EA	USE

Remarks:

Enclosed is the C&O Canal National Historical Park NEPA Draft EA Report for your review. We will develop the SF 299 form based on your feedback. Thanks you for your assistance in the development of this document. Please feel free to call with any questions.

WHITMAN, REQUARDT AND ASSOCIATES, LLP

Aaron M. Keel, AICP, Project Planner

Enclosures

cc: Kevin Demosky, Frederick County
Andy Cooper, WR&A

H:\10000\13550\C&OENV\Corres\trans01.NEPA.doc

Partners:

C. Richard Lortz
John S. Maynes
Joseph S. Makar
David B. McCormick

Senior Associates:

James O. Armacost, III
Louis W. Klinefelter
Thomas J. Hannan, Jr.
John P. Maddox
William P. Wagner
Walter P. Miller
Dennis J. Hasson

WHITMAN, REQUARDT AND ASSOCIATES, LLP
Engineers, Architects and Planners

801 South Caroline Street
Baltimore, Maryland 21231

(410) 235-3450

Fax: (410) 243-5716

www.wrallp.com

August 15, 2005

Associates:

Richard J. Kane
Earl L. Swartzendruber, Jr.
William E. Bingley
Herbert W. Lew
Luther E. Bathurst
John D. Emerson
Gary B. Bush
William W. Fitchett, Jr.
Daniel J. Seli
Anthony U. Olsen
Gregory D. Mucci
Joseph C. Sowinski
William A. Geschrei
Robert J. Krallinger
J. Mark Parker
Douglas A. Kelso
Amitava Podder
Neil M. Leary
Gregory King
Jeffrey F. Giza
Jeffrey R. Riegner

Department of the Army
Baltimore District
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715
Attn: Joe DaVia

Maryland Department of the Environment
WMA Nontidal Wetlands & Waterways Division
Montgomery Park Business Center, Suite 430
1800 Washington Boulevard
Baltimore, MD 21230-1708
Attn: Bill Seiger

Re: Frederick County, New Design Raw Water Main and
McKinney Treated Effluent Outfall Pipe
Responses for pending Joint Permit Application
WR&A WO #13550

Dear Gentlemen:

Whitman, Requardt & Associates, LLP (WR&A), on behalf of the Frederick County Department of Utilities & Solid Waste Management (DUSWM), respectfully submits responses to comments received from the Army Corps of Engineers (CENAB-OP-RMN 2005-62493) and the Maryland Department of the Environment (#200562493/05-NT-3036) on the JPA submittal for the above mentioned project. The following is a summary of the comments and WR&A's response to each comment:

Army Corps of Engineers Comments:

COMMENT 1: It is unclear to the Corps why the utility lines are located in three separate utility alignments. Please discuss and investigate the practicability of constructing the three utility lines within one utility alignment to minimize impacts to aquatic resources.

RESPONSE 1: The utility lines (raw water main, treated effluent force main and underground electric/comm.) were placed in what appears to be three separate alignments because of the following:

- Raw water main and treated effluent force main were kept at least 10 feet apart where possible to provide maximum separation between a pipe carrying water to be treated for consumption and effluent from a sewage treatment plant.
- The electric/communications duct bank was placed parallel to the existing underground electric service to the river pump station.

The duct bank could be moved closer to the pipe alignments, but until MDE provides guidance on the pipe separation, the raw water and treated effluent pipes must remain where they are.

COMMENT 2: Discuss the practicability of directional drilling or using jack and bore construction techniques beneath the streams (e.g., Tuscarora Creek) and wetlands areas.

RESPONSE 2: Trenchless installation of these utilities adds to the complexity and cost of the project, increases the time of construction, and adds an element of uncertainty (should rock be encountered, the drill/bore could be abandoned). In addition, the size carrier pipes could be as large as 72 inches in diameter. A tunneling operation would require significant depth in order to clear the bottom of features (canal, creek) with minimum cover, which again adds to complexity and increases disturbed area.

COMMENT 3: Describe the practicability of constructing the utility alignment within New Design Road, as is proposed for the 42" force main in the northern section of the alignment.

RESPONSE 3: The proposed raw water main and treated effluent force main are within the existing 75' New Design Road easement for a majority of the alignment. The only exceptions are at the tunnel crossing of the CSX and the Tuscarora Creek crossing (needed extra space to clear bridge structures), and the duct bank which parallels the existing underground electric service.

COMMENT 4: Sheet C-1 shows a "Future 42" FM and Diffuser" extending into the Potomac River. Please describe the anticipated construction date of this utility segment and explain why this section is not part of this proposed project.

RESPONSE 4: The anticipated construction date of the future diffuser is 2025 (assumes 14 MGD to Monocacy River, and remainder to Potomac River) and could be longer pending decisions for the Ballenger Wastewater Treatment Plant upgrade. This was not included in this project due to not being needed until after 2025.

COMMENT 5: On sheet G-2, under General Note 2, please add "US Army Corps of Engineers, Joseph DaVia, 410.962.4527" to the contact list

RESPONSE 5: The plans have been updated to reflect this change.

COMMENT 6: Please submit any letters to, or correspondence from, the National Park Service, C&O Canal National Historic Park and the Maryland Historical Trust concerning the proposed project.

RESPONSE 6: Coordination with the C&O Canal NHP (CHOH) is ongoing. The NEPA EA document was submitted on June 3, 2005. Transmittal letter is attached. Also attached is correspondence from CHOH dated June 8, 2005 regarding the JPA submission and the EA. Please note that the June 8 letter was written prior to the CHOH receiving the EA. A copy of the EA can be provided to MDE and the Corps if requested.

Maryland Department of Environment Comments:

COMMENT 7: In an effort to avoid and minimize impacts to regulated areas, please investigate the following: the feasibility of combining all three utilities in one impact area, continuing the jack and bore operation under the railroad until it passes the wetland & buffer and directionally drilling the duct bank under the wetlands and Tuscarora Creek

RESPONSE 7: Please see Responses 1 and 2, above.

COMMENT 8: Please indicate the location of any temporary access culverts.

RESPONSE 8: The temporary access culvert detail is used at raw water main Station 14+00 on a SCE, and is provided to the Contractor to use wherever necessary.

COMMENT 9: Please provide a profile view of the utility crossings at Tuscarora Creek and if rip rap stream bank protection is specified, provide calculations justifying the class of rip rap to be used.

RESPONSE 9: A profile view will be included on the 60% submittal. Class I rip rap is required, will be specified on the 60% drawings, and calculations justifying the Class are attached.

COMMENT 10: Please move the limit of disturbance out of the tributary on the west side of New Design Road at Noland's Ferry Road.

RESPONSE 10: The LOD has been moved (on the 60% plans) to avoid the portion of the tributary at raw water main Station 17+00 on Sheet C-2. The crossing of this same tributary by the LOD and the raw water main (Station 14+00) on Sheet C-1 can not be avoided.

COMMENT 11: Please provide the amount of 100-year floodplain impact (in square feet) resulting from the project.

RESPONSE 11: 201,468 SF of floodplain impact will result from the project.

COMMENT 12: Please provide any correspondence you have from the C&O Canal NHP regarding the project or at least, a narrative explaining their involvement to date.

RESPONSE 12: Please see Response 6, above.

The proposed action will not result in permanent impacts to wetlands, streams, or the 100-year floodplain. The project will result in temporary impacts to 287 linear feet and 2,519 square feet of riverine Waters of the U.S.; and to 1,798 square feet of wetlands and 7,597 square feet to 25' wetland buffers.

Contained within this package are: plan sheets of the entire work area; detailed impact plates (8.5"x11") of the regulated impacts; summary of regulated impacts table, and supporting documentation. If you have questions or require additional information, please contact me at (410) 235-3450, ext. 1684, or Dennis Hasson at extension 1531.

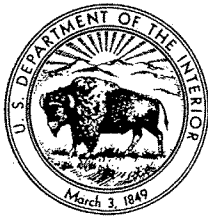
Very truly yours,
WHITMAN, REQUARDT AND ASSOCIATES, LLP



Kelly Moore
Environmental Scientist

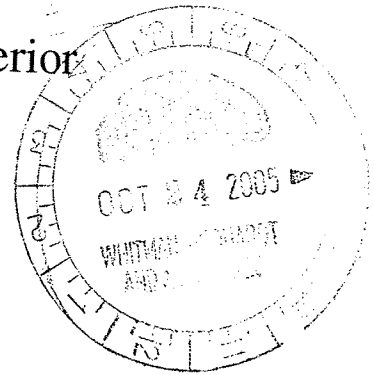
Enclosures

cc: Kevin Demosky, Fr DUSWM
Dennis Hasson, WR&A
Andy Cooper, WR&A
Aaron Keel, WR&A



United States Department of the Interior

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



IN REPLY REFER TO:

A90 (CHOH)

October 20, 2005

Mr. Aaron Keel
Whitman, Requardt and Associates, LLP
801 South Carolina Street
Baltimore, MD 21231

Dear Mr. Keel:

We have reviewed the Draft Environmental Assessment for Frederick County Water and Wastewater Improvements, New Design Raw Water Main and McKinney Treated Effluent Outfall, June 2005. We offer the following information for your consideration.

Since the issuance of this document, several outstanding items pertaining to the project have been determined. Specifically, the archeological investigations have determined a relocation for the proposed electric duct bank line will be necessary. Also, we have been informed that a ruling has been received regarding the final placement of water and wastewater conduits. This ruling will have impacts on the additional land requirements for the right-of-way. This information will complete several sections of the environmental assessment (EA).

In accordance with the National Park Service's Director's Order #12 – National Environmental Policy Act (NEPA) guidelines, we will be required to consult with all jurisdictional agencies, including local, county, state and federal entities, during the course of the EA process. We suggest that a meeting be convened to discuss the project status and invite all affected jurisdictions to comment on the upcoming revised draft. It would be beneficial to conduct this meeting prior to the issuance of the EA for public review. A preliminary agency meeting would ensure that the document covers all jurisdictional concerns.

The EA contains copies of agency correspondence. We ask that an additional appendix be included. This appendix should be a listing of all persons who have had a project review opportunity to date. This listing will be a permanent record of our collective efforts to involve as many jurisdictional entities within our decision making process as possible.

With the project will be within the 100 year floodplain, we will need to include a Statement of Findings for Executive Order 11988 (Floodplain Management). This section needs to include information pertaining to the proposed action, project site, floodplain determinations plus the use of the floodplain (both historical and proposed), flood risks, mitigation measures, summary, peak flow charts, etc. This Statement will need to be signed by the superintendent of the park, the

NPS chief of water resources division, and the regional director of the National Capital Region.

We may need to discuss the opening paragraph on page 7, Section 3.0 which discusses actions that may need to occur beyond 2020. The project should state that the project is addressing projected needs through 2020 and leave the future speculation out of this EA. To place 2020+ predictions in this EA, there may be a call to include information about additional infrastructure work.

The EA will need to contain the Environmentally Preferred Alternative and a Statement of Impairment to park resources.

If you have any questions, please contact Lynne Wigfield, Compliance Officer, at (301) 745-5802.

Sincerely,

A handwritten signature in black ink, appearing to read "K. D. Brandt", with a stylized flourish at the end.

Kevin D. Brandt
Superintendent

Enclosure

DATE: October 18, 2005
REVIEWER: Lynne Wigfield, Marie Sauter
RESPONDER:
DATE:

Comment No.	Report Page/Section	Comment	Response
1	Page 2, Section 2.1	Electrical service - It does not indicate whether or not the existing overhead lines can be eliminated as a result of this project. It would enhance the area if the existing lines could be placed underground in conjunction with the new electric lines.	
2	Page 7, Alternative 2	This is somewhat confusing as uses the work "replacement" within the description of existing raw water main and outfall pipe. It is our understanding that additional pipes are to be added with the existing pipes being converted to other uses. We need a clearer description of Alternative 2 for the total number of pipes that will become part of the upgrades and their anticipated locations within or outside of the existing right of way.	
3	Page 10, Section 4.4	This states the project area will not affect interior forested areas of the C&O Canal NHP. It does need to list that a new 75' wide area will be cleared adjacent to the access road (New Design Road/Nolands Ferry Access Road) which will involve the removal of trees. We suggest that the EA list the total number of trees larger than 6" dbh be listed to illustrate the amount of vegetation impacts anticipated with the project.	
4	Page 10, Section 4.4	The historic towpath and canal are not to be considered disturbed areas that would be discounted from further concerns. While some of the area was impacted upon the initial construction of the water lines, unless we are certain that new impacts will be retained within the original limits of disturbance (LOD), then we must assume that the canal and towpath are not "recent" human disturbances. Additionally, as the archeology investigations yielded, the towpath's construction probably did not disturb other pre-existing cultural resources within the area.	
5	Page 11, Section 4.7	<p>The canal and towpath features are historic features and would not qualify as previous ground disturbing events in modern times. Please change 1934 to 1924. Please add "The C&O Canal is the only 19th Century canal to remain intact today ..."</p> <p>Para 1. "in 1961 the C&O Canal was listed" - change listed to 'designated by presidential proclamation' ...</p> <p>Change the sentence "The value of the Canal was limited under this status" to "Under the proclamation the monument was not authorized funding, expansion or develop opportunities with regard to park</p>	

		activities".	
		There is little mention of archeological resources which should be captured under Cultural Resources. The content of this section does not discuss pre-history and archeological resources must be addressed in this section, beyond the work that R. Christopher Goodwin and Associates are performing. Louis Berger Group has completed the Part 1 study Archeological Identification and Evaluation of the park from Mile 0-69.	
6	Page 14, Section 4.17	Please spell out Maryland Department of Natural Resources (MD DNR).	
7	Page 15, Section 5.0	We will need to see a re-write of Section 5.0, Environmental Consequences – paragraph 3, now that a ruling has been received about pipe distances.	
8	Page 15, Section 5.1	What does "impacts to resources are measured within the area of affect of the proposed alternative use ArcView" mean? There is a discrepancy with later information regarding trenching and tunneling. This section states that trenching would be used to cross the C&O Canal. Subsequent information indicates that tunneling is the preferred method of installation. The EA will need to be clear on which method is preferred.	
9	Page 17, Section 5.5	Forests: The impacts to the forest need to be discussed in detail, ie the number, type and dbh of tree species and other plants that might be removed in the ROW during construction. Describe acres of proposed forest disturbance.	
10	Page 17, Section 5.7	This section indicates that invasive species may enter the disturbed zones. This is a topic of concern for the NPS. We would like to see a mitigation plan to reduce or prevent this possibility. A new underground vault is listed to be a new feature. We will need to have further information regarding this feature as it may affect the cultural setting of the park. Additionally, the EA says there will be a 16 foot high vent pipe. Where will that be located, what is its diameter? Again, we have concerns that this project feature, which had not been disclosed to us prior to this draft EA, will become a negative element for the cultural setting of the park. This discussion should reference diagrams. Diagram 2 does not show all the features that are being mentioned throughout the document. Provide more diagrams and drawings to which the text can be related.	
11	Page 18, Section 5.11	This discusses the worst-case scenario for impacts to C&O Canal property during the construction would be 2.3 acres. Include	

12	Page 19, Section 5.12	<p>diagram graphics throughout the EA to illustrate items such as this and show the anticipated limits of disturbance.</p> <p>All future work would not be on NPS property; therefore the current proposed work would not contribute to quantifiable secondary effects to the C&O Canal NHP. We disagree with this statement. As we understand the projected work, there will be a need to address the current intake station structure. And while it may be on lands separate from NPS ownership, we would be very much involved with project aspects due to the potential impacts from construction and scenic easements of those improvements. Those improvements would not be likely to be undertaken if the current infrastructure remains status quo. So we argue that we see a direct connection of future upgrades with the proposed upgrades.</p> <p>Please revise statement on cumulative impacts: Public Law 184 authorizes and directs the Department of the Interior to grant easements, for rights-of-way through the C&O Canal for various utility purposes as long as the easements are designed to protect federal interests, which includes the park. The park is responsible for determining the impacts to park resources with each action undertaken and therefore will evaluate the cumulative effects of these types of actions taken in order to continue protecting federal interests.</p>	
13	Page 19, Section 5.13	, please change "...recreation trail..." to "towpath"	
14	General comment	All proposed dates within the EA will need to be reviewed to ensure they are still accurate.	
15	Page 23 Section 6.0	Please add Marie Sauter, Natural Resources Specialist, William Spinrad, Lands Coordinator, and Robert Hartman, Deputy Superintendent to the list of Preparers. Please change Kevin Brandt from Assistant Superintendent to Superintendent.	
16	P 9 Section 4.1	Wetlands section: add with the figure number "Appendix C". Also, the Whitman, Requaardt and Assoc. wetlands survey report and mapping is missing from the EA. Wetlands were identified as being found in the canal, but no map or report is included in EA.	
17	P 9 Section 4.2	Waterways Section mentions the Potomac River but does not discuss the river and the relationship of the river and the canal operation. A better discussion would include a statement that the canal could not have existed without river. This section is currently written as a history section.	
18	P12 Section 4.11 Socioeconomic	"The study area is zoned as resource conservation ..." Zoned by whom? The county?	
19	P 15 5.0	The section of Environmental Consequences omits discussion	

	Environmental Consequences	of wetlands. In Section 4.1 wetlands were noted to be identified within the bed of the canal. This needs to be discussed in 5.0 in a separate section. Also if the trenching that is discussed in 5.1 Alt 2 leaves the existing ROW, will the existing wetlands be impacted? If the potential is there, does a Jurisdictional Determination need to be made of the newly identified wetlands? What will be the mitigation?	
20	P18 5.8 ROW	The project footprint has not been defined. Have all resources studies included this potential additional ROW possibility? If not then this area needs to be studied.	
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WHITMAN, REQUARDT AND ASSOCIATES, LLP

801 South Caroline Street
Baltimore, Maryland 21231

*Engineers,
Architects
and Planners*

Phone: (410) 235-3450
Fax: (410) 243-5716

MEMORANDUM OF MEETING

Date: November 29, 2005

Date of Meeting: November 8, 2005

Time: 10:30 am

Location: C&O Canal National Historic Park

Project: New Design Raw Water Transmission Main & McKinney Treated Effluent Outfall
WR&A W.O.: 13550

Attendees: Joe DaVia – ACOE
Bill Seiger - MDE
Sean McKewen – MDE
Andy Cooper – WR&A
Aaron Keel – WR&A
Kelly Moore – WR&A

This meeting was held to discuss topics related to the August 15, 2005 submission of the revised Joint Permit Application and corresponding construction plans for the above mentioned project.

The following issues/concerns were discussed:

Tunneling versus open-cut construction under C&O Canal and Tuscarora Creek

ACOE and MDE requested trenchless tunneling under the C&O Canal and Tuscarora Creek instead of open-cut construction. WR&A noted that tunneling may be infeasible if bedrock were encountered. WR&A will soon conduct geotechnical borings to determine the feasibility of trenchless construction. Justification will be required if open-cut construction is proposed through the jurisdictional Waters of the US. The justification must include cost estimates (both for the added cost per linear foot and the difference in total project construction costs) and geotechnical boring results.

COE/MDE noted that tunneling of the railroad will occur in the immediate vicinity of Tuscarora Creek & C&O Canal, therefore justifications for trenching will be scrutinized.

WR&A demonstrated that it is not possible to extend the proposed underground utilities over the top of the existing Tuscarora Creek road culvert.

Installation of all lines (raw water, treated effluent, and ductbank) within the existing roadbed

ACOE requested that all lines be installed within the existing roadbed when feasible. WR&A noted that the Limits of Disturbance (LOD) will be reevaluated to pull activities as close to the road as

possible. However, there is a minimum separation requirement of 10-foot between potable and effluent waste lines.

McKinney Effluent Junction Box

WR&A answered questions about the proposed McKinney Effluent Junction Box and demonstrated that impacts within the Potomac River channel are neither proposed nor required for the foreseeable future.

Reduction of impacts to the intermittent stream channel

The ACOE/MDE noted that the New Design Road drainage ditch is an intermittent channel, located upstream of the Tuscarora Creek crossing. To reduce impacts to the intermittent stream channel, ACOE and MDE requested revising the proposed 42" raw water main alignment to cross the intermittent channel perpendicularly and avoid parallel alignments.

Restoring degraded unstable systems

When impacting unstable channels (such as the New Design Road drainage channel), the impacted resource must be replaced with a stabilized channel. Simply restoring pre-existing grades and conditions may not be sufficient. Furthermore, lining the channel with riprap would change the character of the project from a temporary to a permanent impact, thereby elevating the permit and mitigation requirements. In this case, realigning the proposed lines to cross the channel perpendicularly instead of parallel is acceptable.

Best Management Practices

ACOE and MDE requested that BMP's for wetlands be extended on the western side of New Design Road from the toe of slope at the CSX railroad crossing to Tuscarora Creek. A note will be added the the "**Best Management Practices for Working in Wetlands**" notations.

Wetland Delineation Verification

ACOE and MDE generally accepted the wetland and Waters of the US delineation as shown on the permit application.

General construction plan comments

- Joe DaVia's name and contact number to be added to sheet G-2.
- The stream crossing detail shows rip-rap placement within the Tuscarora Creek streambed. Eliminated riprap from stream beds.
- Plan sheets must show concrete encasement of pipes when proposed.
- All temporary stream/wetland crossings must be shown on the plans.
- Plan sets submitted for the permitting must be current versions (last permit plan submittal did not match the current plan set at the time).

ACTION ITEMS/NEXT STEPS

- WR&A will perform borings to determine whether tunneling under the C&O Canal and Tuscarora Creek is feasible. If tunnelling is infeasible, WR&A will provide the geotechnical results and a tunneling cost estimates to ACOE and MDE. WR&A will revise plans, as appropriate to show tunneling of streams/wetlands.

- WR&A will revise the plans to show the realigned ductbank and New Design Road pipelines, stream crossing details will eliminate in-streambed riprap, all temporary wetland/stream crossings will be shown on the plans.
- WR&A will continue to revise the plans for 95% submission based upon comments at this field meeting and comments provided by the National Park Service on the NEPA EA.
- Per NPS NEPA comments, WR&A will arrange a joint USACOE, MDE, NPS meeting to present the results of the realignment and geotechnical tunneling evaluation. The timing the ACOE/MDE joint permit resubmittal and NPS NEPA EA revision is based upon these revisions.

The above is a memorandum of understanding between the parties regarding the topics discussed and the decisions reached. Any participants desiring to add to, or otherwise amend the minutes, are requested to put their comments in writing to the writer within seven (7) days; otherwise, the minutes will stand as written.

Kelly Moore

Enclosures

cc: Attendees
Dennis Hasson – WR&A

UNITED STATES DEPARTMENT OF THE INTERIOR
National Park Service

Page 1 of 2

Special Use Permit - AMENDMENT A

Name of Use: Survey

Date Permit Reviewed 2005

Reviewed 20

Reviewed 20

Expires: June 30, 2005 *2006 LAD*

12/13/2005

Long Term ☐

Short Term ☒

Permit # NCR 3100-5700-05.017

Region Park Type No. #

Chesapeake and Ohio Canal National Historical Park
Name of Area

Aaron Keel, Whitman, Reguardt & Associates, LLP, 801 South Caroline Street, Baltimore, Maryland 21231, (410) 235-3450, extension 1622, is hereby authorized during the period from (Time 0001 day 01 Month February, 2005) through (Time 2359 day 30 Month June, 2006), to use the following described land or facilities in the above named area:

2006 LAD
C&O Canal NHP property at Noland's Ferry (mile 44.58)

For the purpose(s) of:

Survey efforts and baseline data collection needed for engineering development of the proposed improvements to the existing Frederick County Water Intake and pipelines located at Noland's Ferry.

Work to include:

1. vacuum extraction test pits

Authorizing legislation or other authority (RE NPS-53 Appendix 1)

Title 36 CFR 1.6, 2.1, 4.10, 4.11, 4.13, 4.20, 4.21, 5.6, 5.7

NEPA Compliance: CATEGORICALLY EXCLUDED 3.4 E(6) EA/FONSI EIS OTHER APPROVED PLANS

PERFORMANCE BOND: Required ☐ Not Required ☒ Amount \$ N/A

LIABILITY INSURANCE: Required ☒ Not Required ☐ Amount \$1,000,000

ISSUANCE of this permit is subject to the conditions on the reverse hereof and appended pages and when appropriate to the payment to the U.S. Dept. of the Interior, National Park Service of the sum of \$waived

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied herein.

PERMITTEE

Aaron Keel
Signature

4/8/5
Date

Authorizing Official

K.O. Brand
Superintendent

4/10/5
Date

*Changes approved by
Superintendent
Brandt
12/13/2005
LAD*

UNITED STATES DEPARTMENT OF THE INTERIOR
National Park Service

Page 1 of 5

Special Use Permit

Name of Use: Survey

Long Term ☐

Short Term ☒

Permit # NCR 3100-5700-023
Region Park Type No. #

Date Permit Reviewed 2004
Reviewed 20
Reviewed 20
Expires: July 31, 2004

JUNE 30, 2006
LAWFIELD
12/13/05

Chesapeake and Ohio Canal National Historical Park
Name of Area

Aaron Keel, Whitman, Reguardt & Associates, LLP, 801 South Caroline Street, Baltimore, Maryland 21231, (410) 235-3450,
extension 1622, is hereby authorized during the period from (Time 0001 day 01 Month March, 2004), through (Time 2359 day 31
Month July, 2004), to use the following described land or facilities in the above named area:
JUNE 2005 LAW

C&O Canal NHP property at Nolands Ferry (mile 44.58)

For the purpose(s) of:

Survey efforts and baseline data collection needed for engineering development of the proposed improvements to the existing Frederick County Water intake and pipelines located at Nolands Ferry.

Work to include:

1. placement of aerial targets for orthophotography and associated supplemental traditional survey work
2. property boundary and corner survey work
3. environmental survey of wetlands/trees
4. survey and stake-out for geotechnical soil boring locations

Authorizing legislation or other authority (RE NPS-53 Appendix 1)

Title 36 CFR 1.6, 2.1, 4.10, 4.11, 4.13, 4.20, 4.21, 5.6, 5.7

NEPA Compliance: CATEGORICALLY EXCLUDED 3.4 E(6) EA/FONSI ☐ EIS ☐ OTHER APPROVED PLANS ☐

PERFORMANCE BOND: Required ☐ Not Required ☒ Amount \$ N/A

LIABILITY INSURANCE: Required ☒ Not Required ☐ Amount \$1,000,000

ISSUANCE of this permit is subject to the conditions on the reverse hereof and appended pages and when appropriate to the payment to the U.S. Dept. of the Interior, National Park Service of the sum of \$waived

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied herein.

PERMITTEE

Aaron Keel
Signature

3/3/04
Date

Authorizing Official

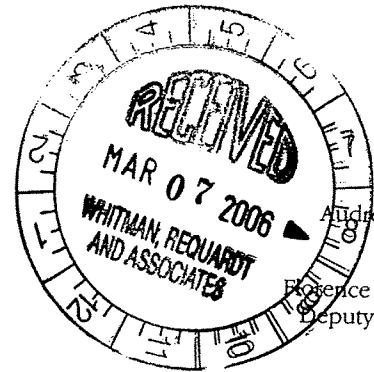
John M. Orcutt
Superintendent

3-11-04
Date

*Changes
approved by
Superintendent
Branat
12/13/2005
John M. Orcutt
W. J. W. J.*



Maryland Department of Planning
Maryland Historical Trust



Audrey E. Scott
Secretary

Roseanne B. Burian
Deputy Secretary

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

March 1, 2006

Ms. Janet Vine
Chief, Regulatory Branch
Baltimore District
US Army Corps of Engineers
P.O. Box 1715
Baltimore, Maryland 21203-1715

Re: New Design Raw Water Intake / McKinney Treated Effluent Outfall - 200562493
Frederick County, Maryland

Dear Ms. Vine:

On 30 January 2006, the Maryland Historical Trust (Trust) received a copy of the draft report on the archeological investigations conducted for the above-referenced project. R. Christopher Goodwin & Associates prepared and submitted the report on behalf of the permit applicant. The Trust is reviewing the proposed undertaking to assess its effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act of 1966 and the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland. We offer the comments presented below and in the attachment to this letter.

The project entails construction and installation of two 42" pipelines between the Frederick County Raw Water Treatment Plant and the Potomac River, along with construction of an underground electrical duct bank between the treatment plant and the pump station. The pipelines will provide raw water intake and effluent outfall. The project is related to but independent of the New Design Water Transmission Main project previously coordinated with our office in 2002 - 2004. Portions of the proposed alignment are located within two properties that are listed in the National Register of Historic Places - the C&O Canal National Historical Park (F-2-011) and the Noland's Ferry I Archeological Site (18FR17).

Trust staff reviewed the following draft report produced for this undertaking: *Cultural Resources Investigations for the Proposed New Design Raw Water Intake / McKinney Effluent Outfall Project, Including Archeological Excavations within the Noland's Ferry Site (18FR0017) and the C&O Canal National Historical Park, Frederick County, Maryland* (Goodwin et al. 2006). The report provides detailed documentation on the goals, methods, results and recommendations of the archeological investigations conducted for the current project. The draft meets the reporting requirements of the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). The attachment lists the Trust's specific comments on the draft itself. We ask the consultant to address these issues in the preparation of the final report and look forward to receiving two copies for our library, when available.

The investigations verified that those portions of the project alignments within the two National Register listed properties contain significant archeological resources that may be impacted by the undertaking. Testing within the Noland's Ferry Site (18FR17) uncovered artifacts and intact cultural deposits dating from the Late Archaic and Late Woodland periods in the project area. The study results document the site's survival and enhance our knowledge and understanding derived from prior investigations of this important multi-component historic property. Testing within the C&O Canal National Historical Park resulted in the discovery of site 18FR839, a multi-component, stratified site dating from the Terminal Archaic through Early Woodland prehistoric periods. The investigations identified three distinct cultural components located in buried deposits ranging in depth from two to five feet below the current ground surface. The study revealed

Janet Vine
New Design Raw Water Intake /
McKinney Effluent Outfall
March 1, 2006
Page 2

two intact features, a dark pit feature and a rock lined/filled hearth, associated with two of the components. The site appears to represent multiple uses as a short term camp for resource procurement and processing activities and it retains excellent subsurface integrity. Based on the study results, we concur that site 18FR839 is eligible for inclusion in the National Register of Historic Places under Criterion D, for its demonstrated potential to yield important information regarding subsistence, settlement, and environmental adaptation during the Terminal Archaic and Early Woodland periods.

The project, as currently planned, would have an adverse effect on historic properties – including the Noland's Ferry Site 18FR17 and site 18FR839. The project sponsor, Frederick County, should develop and consider alternatives that would avoid or minimize the adverse effects to historic properties through redesign of the alignments in the site areas. Avoidance is particularly critical given the potential for the presence of human burials within the Noland's Ferry Site. Additional protective measures are necessary as part of project design and implementation, in order to avoid and minimize impacts to the C&O Canal National Historical Park. If avoidance is not feasible, the County must provide sufficient justification for the currently proposed alignments and develop an appropriate mitigation plan for the affected properties. We await the County's response to this issue. Further consultation between the Corps, Frederick County, the National Park Service, the Trust, and involved parties is warranted in order to resolve the project's adverse effect on historic properties and complete the Section 106 consultation pursuant to 36 CFR § 800.6.

If you have questions or require further assistance, please contact Beth Cole at 410-514-7631 or bcole@mdp.state.md.us. Thank you for your cooperation.

Sincerely,



J. Rodney Little
Director/State Historic Preservation Officer

JRL/EJC/200600254

Attachment – Trust Comments on Draft Archeology Report

cc: Joe DaVia (COE)
Amanda Sigillito (MDE)
Lynne Wigfield (NPS C&O Canal)
Stephen Potter (NPS)
Michael Marschner (Frederick County)
Kelly Moore (Whitman, Requardt & Assoc.)
Colby Child (Goodwin & Associates)
Becky Morehouse (MHT/JPPM)

**Maryland Historical Trust Comments on
Draft Report - Cultural Resources Investigations
New Design Raw Water Intake / McKinney Effluent Outfall Project**

1. The Abstract and Introduction should update its reference to Maryland historic preservation legislation as follows:
the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland.
2. The report must specify the repository that will curate the artifact collection and associated records generated from the project area outside of NPS owned lands. The report currently states that the materials "will be turned over to the landowner with the recommendation that they be curated with the Maryland Historical Trust." Since the Trust has been curating the rest of the collection from the Noland's Ferry Site (18FR17) at the MAC Lab, it would be appropriate and advisable for all of the materials from that site to remain together as a single collection. The consultant should obtain a Deed of Gift for the collection from the landowner, if possible, and ensure that the collection is transferred to the MAC Lab for permanent curation.
3. Figure 16 should include a label for the "ruins" illustrated on the plans.
4. The report should include plans illustrating the locations of the Noland's Ferry Historic Road and Bridge discussed in the text.
5. If the project's effects on historic properties are successfully resolved before completion of the final report, the concluding chapter should discuss what actions were taken to avoid or minimize adverse effects, with supporting plans and figures, or discuss the proposed mitigation strategy for the resources.
6. The final report should be printed single spaced and double sided.

Partners:

Joseph S. Makar
John S. Maynes
David B. McCormick
Dennis J. Hasson

Senior Associates:

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Louis W. Klinefelter
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May 11, 2006

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Charles E. Henck
Karen L. Moran
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J. Andrew Landrum
William J. Spyhalski
William T. Timberlake
Robert D. Britt

Lynne Wigfield
Compliance Officer
C&O Canal NHP
1850 Dual Highway Suite 100
Hagerstown, MD 21740

Re: New Design Raw Water Main and
McKinney Treated Effluent Outfall

Dear Ms. Wigfield:

Whitman, Requardt & Associates, LLP respectfully submits the revised Environmental Assessment for the above mentioned project. The project design has been modified, partially in response to the environmental resource concerns of the C&O Canal National Historical Park.

The New Design Raw Water Main and McKinney Treated Effluent Outfall Pipe projects provide infrastructure to support programmed improvements to the Frederick County water and wastewater infrastructure system [e.g., expansion of New Design WTP and future construction of the McKinney WWTP]. Both these projects occur partially within the limits of the C&O Canal National Historical Park.

Crossing of C&O Canal would occur in the existing access roadway, which was previously disturbed during construction of the existing 18-inch and 24-inch pipelines. Only the 42-inch raw water and duct bank would cross the C&O Canal. Tunneling options were considered for this crossing. The cost for open cut construction across C&O Canal would be approximately \$42,000. The cost for trenchless construction across C&O Canal would be approximately \$425,000. In addition, tunneling operations would require excavation of receiving and jacking pits on both sides of the canal, sized approximately 15 feet by 15 feet and 15 feet by 30 feet, respectively. During the tunneling operations, New Design Road would likely need to be closed for an extended period of time (7 days or more). Alternatively, installing the pipeline via open cut construction would keep the construction within trench width and the pipeline and duct bank could be constructed in about 20 foot sections. Road closures would be very limited as compared to the trenchless construction method and could be scheduled as night work. The enclosed figure details both the open cut and tunneling options. WR&A recommends open cut construction at the C&O Canal crossing.

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Attached is a table summarizing the comments provided by C&O Canal NHP on October 20, 2005 and our response to each comment. We hope you will have the opportunity to begin review of this document by our May 24, 2006 meeting.

Also included with this submission are the Wetland Delineation Memo, Wetland Delineation Plan, Forest Stand Delineation Plan, Forest Conservation Plan, and a memo addressing the Statement of Findings for Executive Order 11988 (Floodplain Management) for the project.

We look forward to National Park Service approval of the NEPA EA document. If there are any questions or concerns, please contact me, or Aaron Keel, at 410-235-3450. Thank you.

Sincerely,

WHITMAN, REQUARDT AND ASSOCIATES, LLP



Kelly Moore
Environmental Scientist

Enclosures

cc: Kevin Demosky, Fr DUSWM
Dennis Hasson, WR&A
Andy Cooper, WR&A
Aaron Keel, WR&A

RESPONSES TO NATIONAL PARK SERVICE COMMENTS

Comment No.	Report Page/Section	Comment	Response
1	Page 2/Section 2.1	Electrical service – It does not indicate whether or not the existing overhead lines can be eliminated as a result of this project. It would enhance the area if the existing lines could be placed underground in conjunction with the new electric lines.	The design does not include removal of the overhead power lines. The proposed underground power would serve as backup power, therefore the existing overhead power will still be needed.
2	Page 7/Alternative 2	This is somewhat confusing as uses the word “replacement” within the description of existing raw water main and outfall pipe. It is our understanding that additional pipes are to be added with the existing pipes being converted to other uses. We need a clearer description of Alternative 2 for the total number of pipes that will become part of the upgrades and their anticipated locations within or outside of the existing ROW	Section 3.3 is revised to more clearly describe systemic changes and ultimate infrastructure within the Park.
3	Page 10/ Section 4.4	This states the project will not affect interior forested areas of the C&O Canal NHP. It does need to list that a new 75’ wide area will be cleared adjacent to the access road (New Design Road/Nolands Ferry Access Road) which will involve the removal of trees. We suggest that the EA list the total number of trees larger than 6” dbh to illustrate the amount of vegetation impacts anticipated with the project.	Report has been updated to reflect the amount of forested area removed within the park. The forest impacts, as discussed in the EA, are compatible with the requirements of the Maryland Forest Conservation Act, and similar NPS precedents.
4	Page 10/ Section 4.4	The historic towpath and canal are not to be considered disturbed areas that would be discounted from further concerns. While some of the area was impacted upon initial construction of the water lines, unless we are certain that new impacts will be retained within the original limits of disturbance (LOD), then we must assume that the canal and towpath are not “recent” human disturbances. Additionally, as the archeology investigations yielded, the towpath’s construction probably did not disturb other pre-existing cultural resources within the area. The canal and towpath features are historic features and would not qualify as previous ground disturbing events in modern times.	Report has been updated.

5	Page 11/Section 4.7	<p>Please change 1934 to 1924. Please add "The C&O Canal is the only 19th Century canal to remain intact today..."</p> <p>Para 1. "in 1961 the C&O Canal was listed" – change listed to "designated by presidential proclamation..."</p> <p>Change the sentence "The value of the Canal was limited under this status" to "Under the proclamation, the monument was not authorized funding, expansion, or develop opportunities with regard to park activities"</p> <p>There is little mention of archeological resources which should be captured under Cultural Resources. The content of this section does not discuss pre-history and archeological resources must be addressed in this section, beyond the work that R. Christopher Goodwin and Associates are performing. Louis Berger Group has completed the Part 1 study Archaeological Identification and Evaluation of the park from Mil 0-69.</p>	<p>Report has been updated</p> <p>Report has been updated</p> <p>Report has been updated</p> <p>A summary of RCG Cultural Resources report has been included.</p>
6	Page 14/ Section 4.17	Please spell out Maryland Department of Natural Resources (MD DNR).	Report has been updated
7	Page 15/ Section 5.0	<p>We will need to see a re-write of Section 5.0, Environmental Consequences – paragraph 3, now that a ruling has been received about pipe distances.</p> <p>What does "impacts to resources are measured within the areas of affect of the proposed alternative use ArcView" mean?</p>	<p>Section 5.0 has been updated. A detailed discussion of this issue has been added to Section 3.2.1</p> <p>This statement was incorrect and has been removed from the document.</p>
8	Page 15, Section 5.1	<p>There is a discrepancy with later information regarding trenching and tunneling. This section states that trenching would be used to cross the C&O Canal. Subsequent information indicated that tunneling is the preferred method of installation. The EA will need to be clear on which method is preferred.</p>	<p>Trenching has been determined to be the preferred method of installation. A detailed discussion of this issue has been added to Section 3.2.1.</p>

9	Page 17/Section 5.5	<p>Forests: the impacts to the forest need to be discussed in detail, ie the number, type and dbh of tree species and other plants that might be removed in the ROW during construction. Describe acres of proposed forest disturbance.</p> <p>This section indicates that invasive species may enter the disturbed zones. This is a topic of concern for the NPS. We would like to see a mitigation plan to reduce or prevent this possibility.</p>	<p>Report has been updated to reflect the amount of forested area removed within the park. The forest impacts, as discussed in the EA, are compatible with the requirements of the Maryland Forest Conservation Act, and similar NPS precedents. A summary of the forest stand characteristics and the amount of disturbance within the park (in acres) has been included.</p> <p>The LOD has been decreased in areas of forest impact. This concern has been eliminated.</p>
10	Page 17/ Section 5.7	<p>A new underground vault is listed to be a new feature. We will need to have further information regarding this feature as it may affect the cultural setting of the park. Additionally, the EA says there will be a 16 foot high vent pipe. Where will that be located, what is the diameter? Again, we have concerns that this project feature, which had not been disclosed to us prior to this draft EA, will become a negative element for the cultural setting of the park</p>	<p>Sections 3.2.1 and 5.7 are revised to provide more details. The ARV was discussed at previous NPS meetings. The underground vault would house an air release vacuum valve (ARV). This apparatus is needed at this location to function properly. The access to the vault would be provided via a 3-foot by 3-foot access hatch located in the road and flush with ground surface. The ARV vent stack would be a 6-inch diameter pipe. The ARV vent outlet cannot be submerged during flood events and must extend approximately 16 feet above ground elevation. The vent stack is located along the tree line and painted to mitigate visual impacts.</p> <p>Figure 2 has been updated.</p>
11	Page 18/ Section 5.11	<p>This discussion should reference diagrams. Diagram 2 does not show all the features that are being mentioned throughout the document. Provide more diagrams and drawings to which the text can be related</p> <p>This discusses the worst-case scenario for impacts to C&O Canal property during the construction would be 2.3 acres. Include diagram graphics throughout the EA to illustrate items such as this and show the anticipated limits of disturbance.</p>	<p>Section 5.11 is revised. Construction impacts have reduced significantly. Figure 2 shows the structures planned for within the park and the limits of disturbance</p>

12	Page 19/ Section 5.12	<p>All future work would not be on NPS property; therefore the current proposed work would not contribute to quantifiable secondary effects to the C&O Canal NHP. We disagree with this statement. As we understand the projected work, there will be a need to address the current intake station structure. And while it may be on lands separate from NPS ownership, we would be very much involved with project aspects due to the potential impacts from construction and scenic easements of those improvements. Those improvements would not be likely to be undertaken if the current infrastructure remains status quo. So we argue that we see a direct connection of future upgrades with the proposed upgrades.</p> <p>Please revise statement on cumulative impacts: Public Law 184 authorizes and directs the Department of the Interior to grant easements, for rights-of-way through the C&O Canal for various utility purposes as long as the easements are designed to protect federal interests, which includes the park. The park is responsible for determining the impacts to park resources with each action undertaken and therefore will evaluate the cumulative effects of these types of actions taken in order to continue protecting federal interests.</p>	<p>As stated in text, no additional facilities are required on NPS lands. Associated with the project, there will be a need to replace internal pumps and intake screens within the existing intake structure. Proposed modifications to the existing pumps and intake screens are not within the scope of this project.</p> <p>Statement has been revised</p>
13	Page 19/ Section 5.13	Please change "...recreational trail..." to "towpath"	Report has been updated
14	General comment	All proposed dates within the EA will need to be reviewed to ensure they are still accurate.	Dates have been reviewed and updated where needed
15	Page 23/Section 6.0	Please add Marie Sauter, Natural Resources Specialist, William Spinrad, Lands Coordinator, and Robert Hartman, Deputy Superintendent to the list of preparers. Please change Kevin Brandt from Assistant Superintendent to Superintendent	Report has been updated
16	Page 9/ Section 4.1	Wetlands section: add with the figure number "Appendix C". Also, the Whitman, Requardt & Assoc, wetlands survey report and mapping is missing from the EA. Wetlands were identified as being found in the canal but no map or report is included in EA.	Wetland delineation memo and mapping have been provided as a separate document.
17	Page 9/Section 4.2	Waterways Section mentions the Potomac River but does not discuss the river and the relationship of the river and the canal operation. A better discussion would include a statement that the canal could not have existed without the river. This section is currently written as a history section.	Report has been updated

18	Page 12/Section 4.11 Socioeconomic	"The study area is zoned as resource conservation..." Zoned by whom? The county?	Text has been revised to read "According to the Frederick County Zoning Map No. 109 (revised 6/21/02), the area study area is zoned resource conservation."
19	Page 15/ Section 5.0	The section of Environmental Consequences omits discussion of wetlands. In Section 4.1, wetlands were noted to be identified within the bed of the canal. This needs to be discussed in 5.0 in a separate section. Also, if the trenching that is discussed in 5.1 Alt 2 leaves the existing ROW, will the existing wetlands be impacted? If the potential is there, does a Jurisdictional Determination need to be made of the newly identified wetlands? What will be the mitigation?	The Environmental Consequences Section 5.1 has been updated to include wetlands. Wetlands will not be impacted within the C&O Canal.
20	Page 18/ Section 5.8 ROW	The project footprint has not been defined. Have all resources studies included this potential additional ROW possibility? If not then this area needs to be studied.	The project footprint is now defined. The project will remain in the permanent utility easements within the C&O Canal Park. Additional easements are not anticipated at this time.

General comments from cover letter:

1. NPS requests a meeting to discuss the project status
Meeting has been scheduled for May 24, 2006 at 9am. NPS and USACE will be in attendance
2. Additional Appendix requested listing all persons who have had a project review opportunity to date.
Appendix has been included
3. Include a Statement of Findings for Executive Order 11988 (Floodplain Management). Sections needs to include information pertaining to the proposed action, project site, floodplain determinations plus the use of the floodplain (both historical and proposed), flood risks, mitigation measures, summary, peak flow charts, etc. Statement will need to be signed by the park superintendent, NPS chief of water resources division, and the regional director of the National Capital Region.
A separate memo has been provided addressing this issue
4. Opening paragraph on page 7, Section 3.0 needs to be discussed. Any reference to projected needs past 2020 should be eliminated.
References to projected needs past 2020 have been eliminated
5. EA will need to contain the Environmentally Preferred Alternative and a Statement of Impairment to park resources.
Environmentally Preferred Alternative and Statement of Impairment to park resources have been added



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MEMORANDUM OF MEETING

Date: June 6, 2006

Date of Meeting: May 24, 2006

Time: 9:00 a.m.

Location: C&O Canal National Historic Park Headquarters

Project: New Design Raw Water Transmission Main & McKinney Treated Effluent Outfall
WR&A W.O.: 13550

Attendees: Lynne Wigfield – NPS
Sam Tamburro-NPS
William Spinrad, Jr. – NPS
Bill Justice – NPS
Marie Sauter – NPS
Dennis Hasson – WR&A
Andy Cooper – WR&A
Aaron Keel – WR&A
Kelly Moore – WR&A
Kevin Demosky - DUSWM
Colby Child - RCGA
Joe DaVia – USACE

This meeting was held to discuss issues pertaining to the Environmental Assessment and the Joint Permit Application for the above mentioned project.

The following issues/concerns were discussed:

General time frame of construction

The timeframe of construction was estimated to be approximately 2-3 months for construction from the pumping station to the CSX track (NPS parkland). NPS personnel will be invited to attend the Prebid and Preconstruction meetings with potential contractors.

General comments on EA

NPS requested the following:

- EA must contain calculations of temporary construction easement impacts
- EA must be revised to include calculations of new permanent easement associated with the proposed pipes near the CSX tracks. (Easement plats will include this information)
- EA should contain a sentence that refers to the Special Use Permit conditions for construction.

- EA should contain a discussion regarding the depth of the proposed pipe below the C&O Canal and its relation to Section 10 of the Rivers and Harbors Act.
- EA should contain the open cut crossing graphic of the C&O Canal

Section 106

MHT Section 106 concurrence must be resolved before EA can be finalized. The cover letter that accompanies the EA should address the 106 issues. NPS suggested having an archaeologist on site during construction within the C&O Canal, within all areas that have not been previously disturbed. Colby Child indicated that there was low to no potential for archeological deposits between the CSX tracks and the C&O Canal within the construction area.

Submission schedule of EA

NPS will review the EA and provide additional comments to WR&A within 10 business days from the date of this meeting. Revised EA will then need to be submitted to NPS, MHT, and NPS Regional Office.

The EA will be placed on public notice for 30 days. The EA will be placed on the NPS Planning Environment and Public Comment (PEPC) website to solicit comments from the public. Comments received via mail will be entered into the website manually. Within these 30 days, a public meeting will be held. Usually, the public meeting is held at approximately day 15 of the public notice period. NPS will host this public meeting and WR&A will provide graphics.

After the public notice period is complete, and comments are addressed, the Finding of No Significant Impact (FONSI) will be developed. NPS will provide WR&A with a template to develop the FONSI. NPS will submit the FONSI to the NPS Regional Director for review and signature. The signature process takes approximately 2 weeks. A Special Use Permit (SUP) will be drafted simultaneously to the FONSI and be submitted to NPS for approval. Monocacy National Battlefield SUP will be used as a template and a copy will be provided to Ms. Wigfield.

USACE issues on Joint Permit Application

Joe DaVia requested the following:

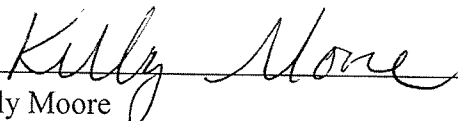
- Specifically evaluate an alternative with one crossing of Tuscarora Creek versus two. Justification for a dual crossing will be required.
- A justification of why Tuscarora Creek cannot be tunneled. Boring results and a discussion comparing the CSX crossing to the Tuscarora Creek crossing must be provided
- Live stakes be placed on the banks of the intermittent channel in addition to soil stabilization matting.
- A permit (Section 10 Rivers and Harbors Act) is required for the crossing of the C&O Canal (previous navigable water)

Action Items/Next Steps

- WR&A will investigate whether or not the two Tuscarora Creek crossings can be reduced to a single crossing and provide justification to USACE

- WR&A will provide USACE boring results and a discussion comparing the CSX crossing to the Tuscarora Creek crossing. A justification for not tunneling Tuscarora Creek will be provided.
- The compatibility of live stakes with Type C soil stabilization matting will be investigated.
- Frederick County will rewrite the easement text for the additional permanent easements needed at the CSX tracks and submit the revised easement text to NPS for approval.
- Colby Child will coordinate with MHT to complete Section 106 coordination.
- NPS will provide WR&A with comments on the EA by June 9, 2006.
 - WR&A will revise the EA based on NPS comments
 - WR&A will submit 6 copies of the EA to Lynne Wigfield for submission to MHT and Regional Office
 - NPS will place the EA on a 30-day public notice
 - After public notice period is complete, NPS will address any comments received and WR&A will prepare a Final EA.
 - During public notice, WR&A will draft a FONSI and submit to NPS for Regional Director's signature
 - During public notice, WR&A will draft the NPS SUP. The SUP will be submitted to NPS for approval concurrent with the FONSI.

The above is a memorandum of understanding between the parties regarding the topics discussed and the decisions reached. Any participants desiring to add to, or otherwise amend the minutes, are requested to put their comments in writing to the writer within seven (7) days; otherwise, the minutes will stand as written.



Kelly Moore
Environmental Scientist

Enclosures

cc: Attendees

Date: August 23, 2006

National Park Service, REVIEW COMMENTS Date: July, 2006 (received August 16, 2006)

PARK: Chesapeake and Ohio Canal National Historical Park

PROJECT: Environmental Assessment for Frederick County Water and Wastewater Improvements, New Design Raw Water Main and McKinney Treated Effluent Outfall (Draft) May 2006

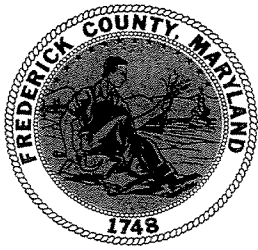
REVIEWER: Wigfield, Tamburro, Spinrad, Justice, Sauter

NO.	PAGE,SECTION	REVIEW COMMENTS	ACTION TAKEN ON COMMENTS
1.	General Comments	<p>The EA needs to address</p> <ul style="list-style-type: none">• Easement boundary changes• Deed description• Temporary Construction Easement• Construction Special Use Permit• Insertion of the drawings that show the pipes at 3' below grade of canal prism – meets Section 10 & 404 concerns of obstruction to navigable waterways.• Insertion of drawing within the project narrative section, that shows pipe alignment and air vent location for the preferred alternative, might be more useful than in the appendix.• Please include some discussion on the impacts of previous flooding to the existing conduits. We need to include a Statement of Findings for Executive Order 11988 (Floodplain Management) since this work will be within the floodplain. This statement will need to have the signature of the Superintendent, Chief, Water Resources Division (NPS), Regional Director. We will need to forward that information on to our water resources folks when we send the copies to region prior to the draft EA's public review. For more info – call Lynne	<p>Changes to existing easements are discussed in Section 5.0.</p> <p>Deed descriptions are discussed in Section 4.11, Right of Way.</p> <p>Temporary construction easements are discussed in Section 5.0</p> <p>Construction Special Use Permit is discussed in Section 1.1</p> <p>Figure 6 added. Rivers and Harbors Act Section 10 compliance is discussed in Section 5.1. Because New Design Road does not include a culvert at the canal, the proposed pipe at this location does not require a CWA Section 404 permit.</p> <p>Drawing has been moved</p> <p>A memo dated May 9, 2006 (delivered May 11, 2006) , titled EO 1198 Statement of Findings Floodplain Management, is included in Appendix B.</p>
2.	Page 1/ Introduction	<p>Please include a brief summary of the project alternatives and identify the preferred alternative within the Introduction. It should stand as an "executive summary."</p>	<p>An Executive Summary has been added.</p>
3.	Page 2/ Section 2.0	<p>Provide more information regarding the two separate electric lines and why both need to be active. Explain the reasoning for retaining the overhead line. Explain that the underground backup duct bank will be hooked to a</p>	<p>Done. This discussion was addressed in Section 2.1 of the EA</p>

NO.	PAGE,SECTION	REVIEW COMMENTS	ACTION TAKEN ON COMMENTS
		generator at the treatment plant so operations will be able to continue even in a large power outage.	
4.	Page 7/ Section 3.2	Please change C&O Canal to C&O Canal NHP (as listed on page 1) "Canal" should be lower case when used as a single noun.	Report has been updated
5.	Page 8/Section 3.2.1	C&O Canal to C&O Canal NHP (Paragraph 2) May need to clarify if the text is referencing the canal prism/towpath or whether it is referencing the park's lands. It is a little confusing within this section. This might be a good place to insert the concept drawing of the pipe location and air vent location.	This paragraph is referring to the actual canal, not the park as a whole. No change required.
6.	Page 11-12/Section 4.6	Might be good include a diagram that illustrates the forest stand locations.	Refer to Figure 2
7.	Page 12/Section 4.7	Again, a general diagram with park feature/roadway information might be helpful.	Refer to Figure 2
8.	Page 13/Section 4.7	In reference to Cultural Resources, we should indicate that consultation with the Maryland Historical Trust, to meet Section 106 concerns, is currently underway. If they are comfortable with the proposed EA, with the mitigations outlined, we need to include an official letter within the EA prior to release for the public review.	This project's impacts to Section 404 Clean Water Act resources extend beyond the C&O NHP boundaries. Therefore, the US Army Corps of Engineers is the lead federal agency for Section 404 CWA and Section 106 NHPA SHPO compliance. The NPS NEPA EA for the C&O NHP encompasses a subset of the Section 106 NHPA study area. Therefore, SHPO (Maryland Historic Trust) is not a contributing agency to the NPS NEPA EA document. MHT Section 106 concurrence of the Phase I 106 study is resolved, pending final MHT sign-off. Agency reviews prevented quicker resolution of the MHT Section 106 concurrence sign-off. If NPS invited MHT (or other agencies) to participate as contributing parties to this EA document, please advise of the status?
9.	Page 16/Section 5.1	Again, a little confusing with the reference to "C&O Canal." Do you mean the canal itself or all the park lands? It may be good to specify that while the project will tunnel under CSX, the entire length of the pipeline project on park lands will be open trench, within the limits of disturbance of the previous water line installation. Again, please mention that the new conduits will be 3' below the bottom of the canal prism elevation to meet Section 10/404.	This paragraph is referencing the C&O Canal itself and not the entire park. Section 5.1 deals specifically with Wetland and Streams. The only wetland/stream resource within the park relevant to this project is the C&O Canal. The crossing of the canal is discussed in this section. Report has been updated.

NO.	PAGE, SECTION	REVIEW COMMENTS	ACTION TAKEN ON COMMENTS
10.	Page 16/Section 5.2	No mention here of the height requirements for the air vent. Need to include this within the floodplain discussion so that there is a justification for the 16-20 stack.	The justification for the ARV vent stack is discussed in Section 5.7, Aesthetics and Visual Resources. The ARV will have no "consequences" upon the floodplain, Section 5.2.
11.	Page 17/Section 5.5	Permanent impacts would be the conversion of 0.11 acres (?) forested areas....	Report has been updated
12.	Page 18/Section 5.6	Please change the description for the location of the archeology site to be more generic, such as Site 18FR839 was identified within the project area.	Report has been updated
13.	Page 18/Section 5.7	Please insert a brief description that the vent pipe is being located as far away from the towpath and canal as possible to reduce visual impacts.	Done. See Section 5.7
14.	Page 19/Section 5.12	Cumulative Effects – Have not seen any information about the extension of the treated effluent line in the future. There needs to be some reference within the document stating that the new treated effluent line will be connecting to the existing 18" line prior to crossing the canal prism area, but that it will need to be extended in the future – 10? Years.	Done. The, as yet unplanned, possibility of a future potential expansion of the 18" treated effluent outfall line is not a cumulative effect of this project. This issue is discussed in Section 2.1, paragraph 10.
15.	Page 20/Section 5.13 & 5.14	It might be good to state that the open trenching will allow for the park roadway to remain open. Daily, the trenching would be backfilled to allow vehicle passage during non-work hours (or something to that affect.)	Done. See Sections 5.13 and 5.14
16.	Page 22/Section 5.17	It might be good to reiterate that the new work will be within the limits of disturbance (for the most part) of the previous work to avoid impacts to park resources.	Report has been updated
17.	Page 24	Please add the following to the NPS list Sam Tamburro, Historian Bill Justice, Acting Chief of Resources	Report has been updated
18.	Appendix D	This list should include names from the Maryland Historical Trust. Additionally, the name of Dr. Stephen Potter, Regional Archeologist, National Capital Regional Office, National Park Service should be added. We may have more names to add once the document is sent to region.	See # 8 above. SHPO (MHT) is not a contributing agency to the NPS NEPA EA. Report has been updated

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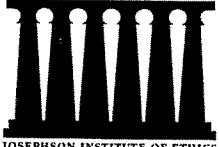
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August 14, 2006

Mr. Kevin Brandt, Superintendent
C&O Canal NHP
1850 Dual Highway, Suite 100
Hagerstown, MD 21740



**Re: New Design Raw Water Main and McKinney Treated Effluent Outfall
Frederick County Contract No. 110A5-W**

Dear Mr. Brandt:

On May 11, 2006, NPS C&O (CHOH) Canal NHP staff was presented with the revised draft NEPA EA for the New Design Water Main and McKinney Treated Effluent Outfall. On May 24, 2006, a meeting was held with Frederick County Division of Utilities and Solid Waste Management (DSUWM) and NPS CHOH staff to define the timeline and advancement of the time frame of the NPS "pre-final" review and the timelines of the NPS NEPA approval process. Below is an excerpt from the minutes of the May 24, 2006 meeting:

Submission schedule of EA

*NPS will review the EA and provide additional comments to WR&A within **10 business days from the date of this meeting** [emphasis added]. Revised EA will then need to be submitted to NPS, MHT, and NPS Regional Office.*

The EA will be placed on public notice for 30 days. The EA will be placed on the NPS Planning Environment and Public Comment (PEPC) website to solicit comments from the public. Comments received via mail will be entered into the website manually. Within these 30 days, a public meeting will be held. ...NPS will host this public meeting...

After the public notice period is complete.... the Finding of No Significant Impact (FONSI) will be developed. NPS will submit the FONSI to the NPS Regional Director for review and signature. The signature process takes approximately 2 weeks. A Special Use Permit (SUP) will be drafted simultaneously to the FONSI and be submitted to NPS for approval. Monocacy National Battlefield SUP will be used as a template and a copy will be provided to Ms. Wigfield.

This portion of the meeting minutes demonstrates that several more "mandatory minimum timeframe" steps are required to complete the NPS NEPA and SUP approval processes.

*Please send all written correspondence to the address shown above
When visiting, our office location is 8 East Second Street, Frederick, Maryland*

The New Design Raw Water Main and McKinney Treated Effluent Outfall project is critical to ongoing Frederick County water infrastructure system improvements. NPS acceptance of the draft EA is a critical step in the completion of this project.

The following summarizes the NPS coordination and timeframes to date:

- o First draft of the EA was submitted to NPS in June 2005.
- o Comments from NPS were received in October 2005.
- o WR&A addressed these comments and re-submitted the EA for final review on May 11, 2006.
- o May 24, 2006, meeting at C&O Canal NHP headquarters, NPS commits that final comments on the EA would be received within 10 working days, by June 9, 2006.

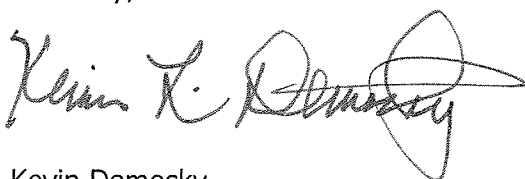
Based on a verbal understanding between NPS staff and Frederick County, public notice was to commence at the beginning of July 2006 with a completion date at the end of July 2006. Obviously, these dates have not been met and we desperately require NPS final comments or acceptance of submitted draft Environmental Assessment as soon as possible.

In addition, Frederick County DUSWM has concerns regarding the schedule for the above-mentioned project and that of the pumping station improvements project being designed by Rummel, Klepper and Kahl, LLP (Contract No. 26F-W). As discussed with NPS staff, the schedule for New Design Raw Water Main project is tightly connected with the schedule for the pumping station improvements, which bids were received on June 2, 2006 and the Board of County Commissioners is considering a bid award recommendation tomorrow (August 15, 2006) of Contract 26F-W.

Frederick County DUSWM staff has and continues to work cooperatively with various C&O Canal staffs, particularly the recently completed effort whereby the cleaning of the Raw Water Intake structure within the Potomac River, which Ms. Lynne Wigfield was quite complementary of our staff's efforts. We certainly want to maintain this level of cooperation. I clearly appreciate the efforts of various NPS staffs and their respective workloads and those efforts by our consultant, Whitman, Requardt and Associates, LLP to move this process along; however, notwithstanding other project permitting requirements not attributed to the NPS, the continued delay in the project schedule for the New Design Raw Water Main also adversely affects the pumping station improvements contract to which we (and our Consultant) are anxiously attempting to advance. I respectfully implore your involvement to enable this process to commence and that it be given an urgent priority so that we do not lose more time on this very important project.

We appreciate your involvement and cooperation with this project and look forward to working with you to resolve these issues in a timely manner. If there are any questions about the project timeline requirements or negative consequences of failing to meet project milestones please contact me at (301) 696-2963 or via email at kdemosky@fredco-md.net

Sincerely,



Kevin Demosky
Deputy Director

Mr. Kevin Brandt, Superintendent

**Re: New Design Raw Water Main and McKinney Treated Effluent Outfall
Frederick County Contract No. 110A5-W**

August 14, 2006

Page 3 of 3

KLD:AK:kd

cc: Lynne Wigfield – NPS
Sam Tamburro-NPS
William Spinrad, Jr. – NPS
Bill Justice – NPS
Marie Sauter – NPS
Dennis Hasson – WR&A
Andy Cooper – WR&A
Aaron Keel – WR&A
Honorable Mayor W. Jeffery Holtzinger, City of Frederick
Douglas Browning, County Manager
Michael Marschner, Director, DUSWM
110A5-W(1,5)
026F-W(1)

Partners:

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John S. Maynes
David B. McCormick
Dennis J. Hasson

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August 25, 2006

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Luther E. Bathurst
John D. Emerson
Gary B. Bush
William W. Fitchett, Jr.
Gregory D. Mucci
William A. Geschrei
J. Mark Parker
Douglas A. Kelso
Amitava Podder
Neil M. Leary
Gregory King
Jeffrey F. Giza
Jeffrey R. Riegner
Charles E. Henck
Karen L. Moran
Jason D. Cosler
J. Andrew Landrum
Robert D. Britt

Ms. Lynne Wigfield
Compliance Officer
C&O Canal NHP
1850 Dual Highway Suite 100
Hagerstown, MD 21740

Re: New Design Raw Water Main and
McKinney Treated Effluent Outfall

Dear Ms. Wigfield:

Whitman, Requardt & Associates, LLP respectfully submits three (3) copies of the revised final Draft Environmental Assessment for the above mentioned project. In addition to the 3 hardcopies, a CD is provided that contains the document in pdf format for upload onto the National Park Service PEPC website for public review. The EA has been updated to incorporate NPS comments dated July, 2006. A table detailing each NPS comment and response is in Appendix B of the document.

We look forward to the release of this document for public review. If there are any questions or concerns, please contact me, or Aaron Keel, at 410-235-3450. Thank you.

Sincerely,
WHITMAN, REQUARDT AND ASSOCIATES, LLP

Kelly Moore
Environmental Scientist

Enclosures

cc: Kevin Demosky, Fr DUSWM
Dennis Hasson, WR&A
Andy Cooper, WR&A
Aaron Keel, WR&A



R. CHRISTOPHER GOODWIN & ASSOCIATES, INC.

cultural resource management and preservation planning

August 31, 2006

Mr. Dennis Hasson
Whitman Requardt & Associates, LLP
801 South Caroline Street
Baltimore Maryland, 21231

Re: *Final Technical Report Entitled: Cultural Resources Investigations for the Proposed New Design Raw Water Intake/McKinney Effluent Outfall Project, including Archeological Excavations within the Noland's Ferry Site (18FR0017) and the C & O Canal National Historical Park, Frederick County, Maryland.*

Dear Mr. Hasson:

Enclosed please find a copy of the final report entitled, *Cultural Resources Investigations for the Proposed New Design Raw Water Intake/McKinney Effluent Outfall Project, including Archeological Excavations within the Noland's Ferry Site (18FR0017) and the C & O Canal National Historical Park, Frederick County, Maryland.*

This copy is presented for your files. Another copy is included for you to send to the US Army Corps of Engineers, Baltimore District. In addition, copies have been sent, on your behalf, to the National Park Service, C & O Canal NHP and National Capital Region Archeologist, Dr. Stephen Potter, the Maryland Historical Trust, and others.

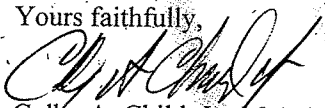
This report details the background, methods and results of the archival and archeological investigation undertaken for this important infrastructure project and includes changes based on comments received from NPS and MHT.

We anticipate that review of this report by the MHT will result in the submittal of a letter to all interested parties providing the opportunity for the NPS to approve the project and release the various permits allowing the project to proceed unencumbered.

We thank you for your efforts regarding this important infrastructure project. If you have any questions regarding this report, please feel free to contact us, we are at your service.

With best regards, I remain

Yours faithfully,



Colby A. Child, Jr., M.A.A.
Project Manager

CAC/sal
enclosure

241 East Fourth Street, Suite 100 Frederick, Maryland. 21701
(301) 694-0428 Fax (301) 695-5237 frederick@rcgoodwin.com www.rcgoodwin.com

Frederick, MD

New Orleans, LA

Tallahassee, FL



IN REPLY REFER TO
D5039 (CHOH)

United States Department of the Interior

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



September 21, 2006

Kevin Demosky, Deputy Director
Utilities and Solid Waste Management Division
12 East Church Street
Frederick, Maryland 21704

Dear Mr. Demosky:

This letter is in reference to the **New Design Raw Water and McKinney Treated Effluent Outfall** project. We are in receipt of the final draft version of the environmental assessment (EA). A copy of the EA has been sent to our regional office for review and approval. This is necessary in order to place the document on public review. Our staff, likewise, has been reviewing the document to ensure that it is ready for public release. Barring any edits, we will need to consult with you and your contractor to set a start date for the public review period. Our compliance officer has been working to update the Planning, Environment, and Public Comment (PEPC) website and has assigned rights to Ms. Kelly Moore of Whitman, Requardt & Associates, to assist with the evaluation of public responses.

Once we have determined that the document is in acceptable form for the public review, we will post it on the National Park Service PEPC website and issue a news release to inform the public of the project review. We will need to coordinate the issuing of media information. The media information needs to announce the public review of the project, including the time and date for the public meeting. The public meeting needs to be scheduled at the mid-point of the public review period. We need to ensure the meeting will allow at least 15 days before and after the meeting for public comment. Since our park does not have a facility in the project area suitable for a public meeting, we are open to suggestions for a location.

While we are encouraging access to the document through the PEPC website, hard copies of the EA will need to be supplied for handout, if requested, during the public review period. We typically have hardcopies available at our Hagerstown headquarters and then issue single hardcopies to libraries and post offices within the project area. Please determine what other locations should be included for hardcopy distribution. Copies will be sent to other review agencies such as the Maryland Historical Trust, the Maryland Department of the Environment, and the Army Corps of Engineers. Courtesy copies may

also be sent to designated public officials. A cover letter from my office will need to be included with all hard copies.

The public meeting format needs to be determined. Typically, the National Park Service leads the meeting. After an informal 15-30 minutes at the beginning of the meeting, I formally welcome attendees, introduce the project and then turn the program over to the project consultants for technical data presentations. My staff or I will conclude the meeting with an explanation of the PEPC website. Upon conclusion of the formal part (approximately 30 minutes) of the meeting, we open the floor to questions and comments. We do not take testimony at the meeting, but encourage attendees to submit all comments in writing. We encourage the use of PEPC as the primary means for written comments; however, hardcopy comments can be submitted to my attention. At these meeting, we like to distribute a project summary and an attached comment sheet that can be completed the night of the meeting or can be mailed at a later date. It is beneficial to have posters displayed in the meeting room that attendees can view and study. We will need assistance from Ms. Moore regarding the preparation of materials involved with the public meeting.

We should get a good sense of the public's viewpoint on this project at the public meeting. As comments are received, they will be coded and we can determine if any substantive comments have been generated.

Today, Compliance Officer Lynne Wigfield, was in contact with Mr. Aaron Keel of Whitman, Requardt & Associates. They discussed that Ms. Wigfield and Ms Moore will begin preparations for the public review items. Please feel free to contact Ms. Wigfield at (301) 745-5802 if you have any questions.

Sincerely,



Kevin D. Brandt
Superintendent

cc:

Dixie Henry, Maryland Historic Trust, 100 Community Place, Crownsville,
MD 21032-2023

✓ Kelly Moore, Whitman, Requardt, & Associates, LLP, 801 South Carolina Street,
Baltimore, MD 21201

Date: September 21, 2006
 Date received: October 13, 2006
REVIEW COMMENTS

PARK: Chesapeake and Ohio Canal National Historical Park
PROJECT: New Design Raw Water Main and McKinney Treated Effluent Outfall

REVIEWERS: Wigfield, Tamburro, Justice, Bell, Spinrad, Seibert

NO.	PAGE,SECTION	REVIEW COMMENTS	ACTION TAKEN ON COMMENTS
1.	Title page	Will need to revise date to reflect the public review period.	Report updated
2.	Executive Summary	Mention some of the forecast timeframes	Report updated
3.	General Comment	Could the document be printed double sided to cut down on the overall volume? Just a thought.	Not feasible at this time.
4.	Page 2, no build alter	Kind of like the cart before the horse. Mentions that infrastructure (existing water dependent facilities) were built before application across C&O was started.	No response required
5.	Page 2	It might be good to mention that since Alternative 2 was almost entirely contained within the existing right-of-way, meets the project needs, and poses little to no impacts to park resources, no other options were studied for build-alternatives.	Report updated
6.	Page 2	Are two alternatives sufficient...how about Monocacy if a third is needed	The proposed alternatives satisfy NPS DO 12 standards.
7.	Page 3	Need to color highlight the PEPC website and identify the website as "Planning, Environment, and Public Comment (PEPC)"	Report updated
8.	Page 5	Text states (paragraph 3) "...and increase its capacity by 2006." Since we are already in late 2006, suggest changing the wording for this sentence.	Report updated
9.	Page 5	There will still be questions as to why all power cannot be placed underground. We had that question among ourselves. Perhaps more explanation needs to be given. It seems logical that if you are installing underground, then the overhead lines could go underground as well.	This issue was previously resolved in the October 20, 2005 EA review comments.
10.	Page 10	Change "near term 2005 to 2006.	Report updated
11.	Page 12	Change C&O Canal National Parkland to C&O Canal National Historical Park land.	Report updated

NO.	PAGE,SECTION	REVIEW COMMENTS	ACTION TAKEN ON COMMENTS
12.	Page 12	Again, it would be good to state the proposed work will be within the established right-of-way and that very little new land will be impacted with this proposed action.	Report updated
13.	Page 14	Will the relocation of the ARV affect any trees or other vegetation? Will trees need to be removed? If so, how many?	No. ARV is located near the woods, not within the woods.
14.	Page 14	Need a break between end of first paragraph and beginning of second paragraph.	Report updated
15.	Page 15	Section 4.2 – the canal is still considered a navigable waterway by the Army Corps of Engineers even though many miles of the canal are not rewetted.	Report updated
16.	Page 15	4.2 Waterways: Canal should be lowercase. ...360 miles from Washington DC to the Ohio River at Pittsburgh.	Report updated
17.	Page 17	Section 4.3 – unable to easily locate the Statement of Findings for Floodplain Management in Appendix B. Suggest that it be placed in its own appendix. We may need to have concurrence signatures by NPS officials. The appendices need to be divided with colored paper for greater ease of document navigation.	Report updated. Statement of Findings EO 1198 has been placed in Appendix C
18.	Page 19	Please list the species cited in paragraph 2 of section 4.6 in a similar manner to the understory species in paragraph 3.	Report updated
19.	Page 19	Only 19 th century canal to remain completely intact.	Report updated
20.	Page 19	Section 4.7 – change “debit” to “debt”.	Report updated
21.	Page 20	Recommend taking out the location of archeological site #18FR839 – a more generic description should be used. We would not want relic hunters to take hold of information for their benefit. To include the information about the findings should be generic, not as specific as what is presented.	Report updated
22.	Page 20	Please add that RCG is also working with C&O Canal NHP regarding compliance with Section 106 issues. The park is the interested Federal Agency.	Report updated
23.	Page 21	Section 4.11 – it would be good to state the mileage references to Frederick City and Urbana from the Noland's Ferry section of the park. It is ambiguous about where within the park the distances are referenced.	Report updated

NO.	PAGE,SECTION	REVIEW COMMENTS	ACTION TAKEN ON COMMENTS
24.	Page 22	Need a line break between the two paragraphs of section 4.14.	Report updated
25.	Page 24	Please reference the towpath as the towpath, rather than path, throughout the document.	Report updated
26.	Page 28	In the discussion pertaining to the forest impacts for Alternative 2, it states the construction will take place within the existing roadway and along existing pathways in the park. This description makes it sound as if the work will impact the canal's historic towpath. Could "established open areas" be substituted for the pathway reference?	Report updated
27.	Page 28/29	In reference to the vent stack pipe, we offer that additional mitigation may be the placement of appropriate plantings to help screen/camouflage the unit.	ARV design and mitigation issues were negotiated with C&O Canal NHP at the May 24, 2006 meeting and through previous comments.
28.	Page 35	For the NPS, some of the staff have relocated to other parks. We ask that you retain their names, but add the following to the list: Sam Tamburro – Historian, P Scott Bell - Acting Natural Resources Program Manager, Bill Justice - Acting Chief of Resources Management, Sharon Cleary – Assistant Superintendent, Bradley Hofe – Acting Chief of Maintenance.	Report updated

Partners:

Joseph S. Makar
John S. Maynes
David B. McCormick
Dennis J. Hasson

Senior Associates:

James O. Armacost, III
Louis W. Klinefelter
Thomas J. Hannan, Jr.
John P. Maddox
William P. Wagner
Walter P. Miller
Daniel J. Seli
Anthony U. Olsen
Robert J. Krallinger

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October 19, 2006

Associates:

Richard J. Kane
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Herbert W. Lew
Luther E. Bathurst
John D. Emerson
Gary B. Bush
William W. Fitchett, Jr.
Gregory D. Mucci
William A. Geschrei
J. Mark Parker
Douglas A. Kelso
Amitava Podder
Neil M. Leary
Gregory King
Jeffrey F. Giza
Jeffrey R. Riegner
Charles E. Henck
Karen L. Moran
Jason D. Cosler
J. Andrew Landrum
Robert D. Britt

Ms. Lynne Wigfield
Compliance Officer
C&O Canal NHP
1850 Dual Highway Suite 100
Hagerstown, MD 21740

Re: New Design Raw Water Main and
McKinney Treated Effluent Outfall

Dear Ms. Wigfield:

Whitman, Requardt & Associates, LLP respectfully submits one (1) copy of the final Environmental Assessment (EA), the EA cover letter, and the press release for the above mentioned project. The EA has been updated to incorporate NPS comments dated September 21, 2006 and received by WR&A on October 13, 2006. A table detailing each NPS comment and response is attached and is also included in Appendix B of the document. In addition to the hardcopies, a CD is provided that contains the EA document in pdf format for upload onto the National Park Service PEPC website for public review. This document must be uploaded onto the PEPC website by November 1, 2006 to facilitate the public review process. The CD also contains digital copies of the EA cover letter and the press release.

We look forward to the release of this document for public review. If there are any questions or concerns, please contact me, or Aaron Keel, at 410-235-3450. Thank you.

Sincerely,

WHITMAN, REQUARDT AND ASSOCIATES, LLP



Kelly Moore
Environmental Scientist

cc: Kevin Demosky, Fr DUSWM
Dennis Hasson, WR&A
Andy Cooper, WR&A
Aaron Keel, WR&A

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