

## A. INTRODUCTION

The Project Team prepared this errata appendix following publication of the Susquehanna River Rail Bridge Project Environmental Assessment (EA). The errata summarize information added to the EA or revised in response to comments received as part of public and agency review or due to other changes that occurred since the public release of the EA. None of the changes noted in this appendix alter the conclusions of the EA in any way. Note that the chapter and page numbers referenced in the following sections are chapters and pages of the EA.

## B. ERRATA

### CHAPTER 4: LAND USE AND COMMUNITY FACILITIES

- Page 4-2 includes the following text, which is revised as shown.

#### *SMART GROWTH INITIATIVE*

~~MDP emphasizes the importance of smart growth throughout the State. Maryland's Smart Growth Initiative has four overarching goals: (1) supporting development in areas where infrastructure already exists, (2) protecting valuable natural resources, (3) avoiding the high costs associated with building new infrastructure, and (4) providing a high quality of life. The 2009 Smart, Green, and Growing Legislation established 12 planning visions for sustainable growth in the State of Maryland. Through these goals and visions, MDP serve as guiding principles for local comprehensive plans and promotes high density, mixed-use developments in locally designated and state-supported growth areas that already have existing infrastructure to discourage avoid urban sprawl and adverse impacts on into-rural and environmentally sensitive areas. The 1997 Priority Funding Areas Law directs emphasize state funding for growth-related infrastructure to Priority Funding Areas, providing a geographic focus for state investment in growth, future growth in locations with existing infrastructure. The project study area is almost entirely within Priority Funding Areas (see Figure 4-2). MDP's Smart Growth Initiative serves as guiding principles for local comprehensive plans.~~

- Page 4-13 includes the following text, which is revised as shown.

#### **PUBLIC POLICY**

The Build Alternatives would be consistent with local, regional, and statewide planning. The Susquehanna River Rail Bridge is generally consistent with Maryland's Smart Growth Initiative, as the Proposed Project would improve rail transportation mobility that addresses the state's multimodal transportation needs as well as supports state's transportation, economic and environmental goals, and minimize adverse land use impacts. As discussed above, the vast majority of the study area is within Priority Funding Areas (PFA). However, any proposed project with greater than five percent located outside of the PFA boundary requires a project exception under the PFA law from MDP. The Project Team met with the

Smart Growth and Neighborhood Conservation Coordinating Committee on March 9, 2016 to request an exception approval for compliance with the PFA law. Based on this meeting, the Committee voted to approve this exception to the PFA requirements due to it being a growth-related project involving a commercial or industrial activity, which, due to its operational or physical characteristic, must be located away from development (per §5-7B-06(a)(iii)3.).

## **CHAPTER 8: CULTURAL RESOURCES**

- Page 8-19, the following text is supplemented as shown.

### *Visual Effects*

The Proposed Project's potential visual effects on the Havre de Grace Historic District were evaluated according to three considerations: the extent to which the Proposed Project would either block or open up views to/from the historic district; the extent to which the view looking at the Susquehanna River Rail Bridge from the historic district would be altered; and the extent to which the views from structures within the historic district would be altered due to the Proposed Project coming in closer proximity to the structures. Amtrak will consider utilizing a 220-foot span(s) in the City of Havre de Grace as part of ongoing efforts to minimize effects to historic properties. The City of Havre de Grace has expressed interest in making the MD 7/Otsego Street and Union underpass a well-designed gateway by way of expanded distance between the piers on the overland portion of the bridge. The Project Team will continue to work with the Concurring Parties to the Programmatic Agreement as the project moves forward. Amtrak will submit design documents, with an explanation of how the proposed design conforms to the Secretary of the Interior's (SOI) *Standards for the Treatment of Historic Properties*, to concurring parties and MD SHPO for review and comment. The Havre de Grace proposed street realignment requires approval from the State Highway Administration.

- Page 8-21, the following text is supplemented as shown.

Several factors were taken into consideration in assessing the adverse effect on the structures on the west side of the tracks. First, the visual effects of the widening of the bridge approach near the intersection of Otsego and Water Streets will be minimized by the fact that the stone bridge abutment and wingwall across from the houses on Otsego Street will be removed and the new abutment will be placed further south near Freedom Lane. In addition, the retaining wall proposed to be built south of Freedom Lane will help to separate the tracks from the adjoining structures, with the tracks placed 16 feet within the retaining walls. As discussed, Amtrak will consider utilizing a 220-foot span(s) in the City of Havre de Grace as part of ongoing efforts to minimize effects to historic properties. The City of Havre de Grace and State Highway Administration have identified MD 7/Otsego Street and Union as the entrance into downtown Havre de Grace. The adverse effect from the widening of the bridge approach can be further minimized by ensuring that the retaining wall is designed in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, in order to ensure compatibility with the historic district. The Advisory Board has recommended that the bridge abutments, underpasses, and retaining walls have a consistent architectural design and appearance.

**CHAPTER 9: DRAFT SECTION 4(f) EVALUATION**

- Page 9-5 includes the following text, which is supplemented as shown.  
 Alternative 9A would result in adverse effects to the NR-listed Havre de Grace Historic District, including the demolition of the Susquehanna River Rail Bridge and the alternation of the undergrade bridges, which are contributing features of the Historic District and other effects described in Chapter 8. Amtrak will consider utilizing a 220-foot span(s) in the City of Havre de Grace as part of ongoing efforts to minimize effects to historic properties. Additionally, due to the Proposed Project’s close proximity to some of the contributing elements within the Historic District, there is the potential for an adverse effect due to construction-related damage. The demolition of the Susquehanna River Rail Bridge and the alternation of the undergrade bridges constitute the use of the Historic District as a Section 4(f) resource.
- Page 9-11 includes the following text, which is supplemented as shown.  
 Additional steps to minimize or mitigate adverse effects to the Havre de Grace Historic District could include:
  - Ensure that the two new bridges over the river use a traditional design for the bridges and piers;
  - Ensure that any new physical structures such as the retaining walls are designed in accordance with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties*; and
  - For the proposed extensions to the four historic undergrade bridges within the Historic District, use a form liner that emulates stone and is stained to be compatible with the color of the existing stone.
  - Amtrak will consider utilizing a 220-foot span(s) in the City of Havre de Grace.

**CHAPTER 11: NATURAL RESOURCES**

- The Floodplain and Wetland/Waters of the U.S. entry in Table 11-1 on page 11-2 is supplemented as shown below.

**Table 11-1  
Regulatory Context Summary Table**

Technical Area	Regulatory Context
Floodplains and Wetlands/Waters of the U.S.	Executive Order 11988
	Executive Order 13690 on “Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input”
	National Flood Insurance Program
	Section 404 of the Clean Water Act and Maryland Wetlands Regulations
	<u>DOT Order 5650.2, DOT Order 5660.1A, FRA’s Procedures for Considering Environmental Impacts (64 FR 28545 and 78 FR 2713)</u>

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- Text on page 11-9 and 11-24 is expanded as shown, in response to Comment 3 from U.S. Coast Guard.

### MIGRATORY BIRD TREATY ACT [50 CFR 10, 20, 21, EXECUTIVE ORDER 13186]

The Migratory Bird Treaty Act makes it unlawful to pursue, hunt, take, capture, kill or sell birds listed therein. Over 800 species are currently protected under the Act. The statute applies equally to both live and dead birds, and grants full protection to any bird parts, including feathers, eggs, and nests.

The majority of the study area is characterized by urban, suburban, commercial, and agricultural land uses with few natural habitat areas remaining. Forests in the study area are generally fragmented by development and/or past and present agricultural use. Terrestrial habitat within the study area consists mostly of smaller patches of low quality deciduous forest that lie between the Amtrak ROW and residential or commercial properties, with several deciduous forests present within the study area along stream corridors. The Preferred Alternative would result in only minor forest impacts on the south side of the existing rail alignment near Havre de Grace Middle School/High School. This forest is relatively narrow and disturbed. Where possible, clearing of this area will be timed to avoid the primary bird breeding period. Additionally, where unavoidable forest impacts occur, the future Project proponent will offset those impacts by planting trees in cleared areas (reforestation) and/or in areas not previously forested (afforestation) in accordance with a DNR-approved Forest Conservation Plan. With these measures, the Preferred Alternative would be in compliance with the Migratory Bird Treaty Act.

### BALD AND GOLDEN EAGLE PROTECTION ACT (16 USC 668-668C)

The Bald and Golden Eagle Protection Act prohibits anyone without a permit issued by the Secretary of the Interior, acting through the USFWS, from taking bald or golden eagles, including their parts, nests, or eggs. The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb."

The lower Susquehanna River is a known breeding, foraging, and roosting area for bald eagles<sup>1</sup>. Twelve nesting sites and 18 communal roosting locations were recorded along the lower Susquehanna River in 2011. In order to ensure proper compliance with the Bald and Golden Eagle Protection Act, prior to construction, the future Project proponent will coordinate with US Fish and Wildlife Service (USFWS) to identify the location of any active nests in proximity to the project site to determine the need to submit an application for a bald eagle permit for non-purposeful take, or an application for a permit to remove or relocate a bald eagle nest. With these measures, the Preferred Alternative would be in compliance with the Bald and Golden Eagle Protection Act.

- Text on page 11-21 and 11-22 regarding floodplains is expanded as shown.  
Based on the current design of the two Build Alternatives and current guidelines, an increase in the base flood elevation (greater than one foot) in the two regulated

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<sup>1</sup> Updated Study Report Study to Identify Habitat use Areas for Bald Eagle Rep 3.23 Conowingo Hydroelectric Project FERC Project Number 405; Center for Conservation Biology College of William and Mary & Virginia Commonwealth University, URS Corporation, Gomez and Sullivan Engineers, P.C. (November 2011)

~~floodways-floodplains~~ is not anticipated. However, the Proposed Project will require fill in both of these ~~floodways-floodplains~~. The new crossings of the Susquehanna River will occur with the bridge piers aligned with the river to minimize any change in the flow characteristics. The floodplain encroachment is the minimum practicable and conforms to applicable floodplain standards. As such, more detailed hydrologic and hydraulic studies will be undertaken later in design, allowing for more precise floodplain impacts and scour analyses at that time. In addition, as the Proposed Project moves into the design phase, regulatory guidance issued regarding Executive Order 13690 and/or revisions to Executive Order 11988 will be reviewed and incorporated into the overall design of the Proposed Project (e.g., design standards and specifications for culvert design and bridge and approach heights), as applicable. The Proposed Project would not increase flood-related risk due to encroachment within the floodplain, adversely impact the natural and beneficial values provided by the floodplains being encroached upon, or result in incompatible development within the floodplain. In addition, measures such as aligning piers parallel to river flow and orienting crossings transversely across stream valleys would minimize adverse effects to the floodplain.

- Page 11-31 includes the following text, which is supplemented as shown.

As part of the MDE Waterways Construction Permit application process, hydrologic and hydraulic studies will be performed for the selected alternative to determine the effects of the proposed track bed fill on floodplain elevations during the design and permitting phase. Overall, there are a number of ways to minimize harm from floodplain encroachment. The most appropriate measure or combination of measures will be developed as the Project design moves forward.

## CHAPTER 20: COORDINATION AND CONSULTATION

- Page 20-13 includes the following text, which is revised as shown.

### OTHER AGENCY COORDINATION

The Project Team presented the project to the Smart Growth Coordinating Committee to request an exception approval under the Priority Funding Area (PFA) law in March 2016. The Smart Growth Coordinating Committee is responsible for reviewing and commenting on the compliance of growth-related projects with the PFA law. ~~to be funded under Extraordinary Circumstances that are not within a Priority Funding Area.~~ The purpose of this meeting was to review the project introduction and background, discuss the alternatives retained for detailed study and environmental considerations, and receive an exception to allow the state to fund a project that is partially outside of the Priority Funding Area.

- Page 20-10, **Table 20-2**, “Section 106 Correspondence Summary,” is expanded as shown to reflect additional correspondence prior to the release of the EA. The letters are included in Appendix F to this FONSI, “Additional Correspondence and Outreach.”

**Table 20-2**  
**Section 106 Correspondence Summary**

Letter Date	Recipient/Topic
April 10, 2014	Project Initiation Letter to MHT
June 16, 2014	MHT Response to Project Initiation Letter
September 24, 2014	Section 106 Resources Letter to MHT
November 12, 2014	MHT Response to Section 106 Resources Letter
December 17, 2014	Phase IA Archaeological Study to MHT
January 27, 2015	MHT Response to Phase IA
February 12, 2015	Determination of Eligibility Forms to MHT
April 22, 2015	MHT Response to Determination of Eligibility Forms
May 19, 2016	Effects Assessment submitted to MHT
July 13, 2016	Letter from City of Havre de Grace Regarding Section 106
July 15, 2016	Letter from Town of Perryville Regarding Section 106
July 15, 2016	Letter to Star-Spangled Banner National Historic Trail
July 15, 2016	Letter to Washington-Rochambeau Revolutionary Route National Historic Trail
July 20, 2016	Letter from Lower Susquehanna Heritage Greenway Regarding Effects Assessment
August 5, 2016	NPS Response Regarding Star-Spangled Banner National Historic Trail
August 24, 2016	MHT Response Regarding the Effects Assessment
October 11, 2016	SRRBP Advisory Board Letters Regarding Alterations to Undergrade Bridges and Case for a Longer Span
November 1, 2016	Letter to Lower Susquehanna Heritage Greenway in Response to Comments on the Effects Assessment
November 2, 2016	<u>Letter from Havre de Grace and Attachment Regarding Potential MOA Stipulations</u>
November 3, 2016	<u>Letter from Harford County Regarding Potential MOA Stipulations</u>
November 4, 2016	<u>Letter from Town of Perryville Regarding Potential MOA Stipulations</u>
November 22, 2016	Letter from Lower Susquehanna Heritage Greenway regarding stipulations for agreement on mitigation
January 18, 2017	Correspondence with National Parks Service to transmit the Analysis of Captain John Smith Chesapeake National Historic Trail Resources with Respect to the Susquehanna River Rail Bridge Project.
February 15, 2017	<u>Letter from William T. Martin, Mayor of Havre de Grace, providing an introduction to the engineering report “Proposed Modifications at Havre de Grace End of Bridge” (also listed in Table 20-4)</u>
March 13, 2017	<u>FRA Response to Havre de Grace regarding bridge span length.</u>

**EA APPENDIX A - ALTERNATIVES SCREENING REPORT AND BRIDGE TYPES**

- Page 26 of the “Alternatives Retained for Detailed Study,” the correct identified for the Havre de Grace Historic District is HA-1617.

**EA APPENDIX D – CULTURAL RESOURCES**

- Effects Assessment, page *i*; page 4-5 Table 2; and page 4-9: the correct identifier for the Havre de Grace Historic District is HA-1617. These pages incorrectly identified the historic district as HA-1125.