

HC 841-06 Winter's Run
Site Plan

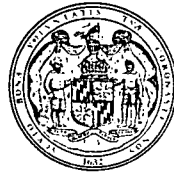
MSA. S. 1829-5819

LT
Consult
1/18/07

LT
Consult
10/2/07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

www.dnr.state.md.us/criticalarea/

October 24, 2007

Ms. Michele Bynum
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

Re: Winter's Run 16" Main Project
Critical Area Consistency Report

Dear Ms. Bynum:

Thank you for forwarding the final information requested for the above-referenced utility project. Per the requirements of the Code of Maryland Regulations 27.02.02- State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions, Commission staff has reviewed the materials provided and concur with your office's determination that the project is consistent with the Harford County Critical Area Program due to the following factors:

- The project crosses two Habitat Protection Areas (HPA), the 100-foot Buffer to Winter's Run and adjacent nontidal wetlands; however, the County Critical Area program permits utilities to cross an HPA if no feasible alternative exists. Since this is an existing sewer line that is being repaired, there is no feasible alternative.
- Some clearing of natural vegetation will be required; however, the County will provide mitigation for the area cleared at the site through a fee-in-lieu.
- The Department of Natural Resources is satisfied that no threatened or endangered species or Forest Interior Dwelling Bird habitat will be impacted by the construction.
- The Department of Natural Resources has recommended that the Use I instream prohibition period of March 1 through June 15 be observed, and this is noted on the plans.

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Ms. Bynum
October 24, 2007
Page Two

- Appropriate stormwater management and sediment and erosion control measures are proposed during construction.
- The County has secured a permit from the Maryland Department of the Environment for necessary impacts to nontidal wetlands, the 100-year floodplain and Winters Run.

Since the project was found to be consistent with the Harford County Critical Area Program, no formal approval is required by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays. If any aspect of the project changes, please contact this office for further coordination.

Thank you for your cooperation in reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: HC 841-06



STATE OF MARYLAND
CRITICAL AREA COMMISSION
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January 18, 2007

Ms. Michele Bynum
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

Re: Winter's Run 16" Main Project
Critical Area Consistency Report

Dear Ms. Bynum:

I have received the Consistency Report for the above-referenced project. Before this office can complete its review per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions, we need the following:

- The information outlined in your December 26, 2006 letter
- Follow-up with the Department of Natural Resources concerning anadromous fish and submerged aquatic vegetation (see letter from DNR to Jeffrey Stamm 11/24/06)
- The final permit from the Maryland Department of the Environment
- Mitigation figures and a mitigation plan once all buffers are shown

Once these items are fully addressed, please resubmit this project for a final consistency review. Thank you for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger, Chief
Project Evaluation Division

cc: HC 841-06

Hoerger, Lisa

From: bynum, michele [mbynum@harfordcountymd.gov]
Sent: Wednesday, December 27, 2006 10:24 AM
To: Hoerger, Lisa
Subject: RE: Water Transmission Main Relocation at Winters Run

Hi Lisa,

I'm just waiting for our secretary to polish the cover letter. The documents will be in the mail shortly after. Holiday was great but short! Hope yours was restful!

Michele

From: Hoerger, Lisa [mailto:LHOERGER@dnr.state.md.us]
Sent: Wednesday, December 27, 2006 10:15 AM
To: bynum, michele
Subject: Water Transmission Main Relocation at Winters Run

Michele,

We were carbon copied on a memorandum from DNR about FIDs. I don't seem to have a project file on this one. We have three project files in the past for various Winters Run projects, but not this one. Let me know what the status is please. Thanks!

I hope you had a good holiday!

Lisa Hoerger

Hoerger, Lisa

From: bynum, michele [mbynum@harfordcountymd.gov]
Sent: Monday, October 22, 2007 3:17 PM
To: Hoerger, Lisa
Subject: RE: Winter's Run

Not at this point. We are having difficulty finding areas to mitigate with fee-in-lieu funds within the Critical Area; we hope that Swan Harbor will offer an immediate solution. I should know more by Wednesday afternoon. Unfortunately, property owners are reluctant to place their lands in easements because they will need to repay or convey the easement in the event of selling. And of course, no one on the water wants to ruin their 'view' by planting more trees.

There are some other options, but we need to wait for a post dredge fill site to stabilize for planting. Fortunately, we are fairly successful in getting on-site mitigation for the majority of development.

One area we are certain of planting is Smith Park on Route 40 at Otter Point. The State Highway Administration has been cleaning and refurbishing the park area (eliminating non-natives, repaving, installing garden areas, filling sink holes, etc.). Last April we had a State-County cooperative clean up of garbage in the woods and along the water, and a landscaping plan has been designed and is waiting for SHA approval. This spring we will restore the native 100 foot buffer along the 1,000+ foot stretch using existing fees-in-lieu. The park currently abuts forested property owned by Harford County.

Michele

Michele Bynum
Critical Area Planner
Harford County Department of Planning and Zoning
220 South Main Street
BelAir, Maryland 21014

410-638-3103 ext. 1378

"Never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it is the only thing that ever has" ~ Margaret Mead

From: Hoerger, Lisa [mailto:LHOERGER@dnr.state.md.us]
Sent: Monday, October 22, 2007 1:59 PM
To: bynum, michele
Subject: RE: Winter's Run

10/24/2007

Michele,

Thank you for the update as well. Is it certain that the fees will be used at Swan Harbor?

Lisa

-----Original Message-----

From: bynum, michele [mailto:mbynum@harfordcountymd.gov]

Sent: Monday, October 22, 2007 1:37 PM

To: Hoerger, Lisa

Cc: pudelkewicz, pat

Subject: RE: Winter's Run

Hi Lisa,

Thanks for the Marshall and family update!

Re: Winter's Run; the area that they are working in is not FIDS, per letter from Lori Byrne dated December 18, 2006, so DPW will be paying a fee-in-lieu. The work area is fairly denuded of trees, abutting Route 40 near Edgewood, and the pipe is a replacement. The fee-in-lieu is listed on the revised Consistency Report under Project Data, Planting location & species, which was included with the latest plan.

MDE's letter of authorization was delivered to the Commission (in person!) on Thursday, October 18th along with the remaining Aberdeen map to Marshall's attention. If you need a copy faxed, just let me know.

Regarding future mitigation sites; I'm meeting with Arden McClune at Swan Harbor Farm on Wednesday, October 24th to see what areas are available to put our fees-in-lieu. I'll keep you posted!

Thanks for reviewing the Winter's Run plan so quickly. DPW is anxious to start.

Michele

Michele Bynum
Critical Area Planner
Harford County Department of Planning and Zoning
220 South Main Street
BelAir, Maryland 21014

410-638-3103 ext. 1378

"Never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it is the only thing that ever has" ~ Margaret Mead

From: Hoerger, Lisa [mailto:LHOERGER@dnr.state.md.us]

Sent: Monday, October 22, 2007 12:42 PM

To: bynum, michele

Subject: Winter's Run

Hello Michele!

Marshall is officially out on paternity leave! We have not heard from him since Friday morning, when his wife was still in labor so I cannot give you any specifics yet except we know it was going to be a boy and

10/24/2007

his name is Lachlan. Once I hear any more news on the Marshall front I will pass it along. He plans to be off for about two weeks.

In looking through his in-box I found this project and have reviewed it this weekend. My remaining question is where is the mitigation going and how much. The plan set we received did not include this info. Do you have something you can send me?

Thanks!

Lisa

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



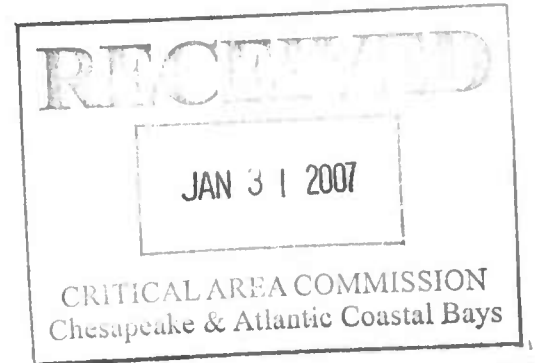
C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

January 30, 2007

Lisa A. Hoerger, Chief
Project Evaluation Division
Critical Area Commission
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland 21401



Re: Winter's Run 16" Water Transmission Main Relocation
Critical Area Consistency Report Resubmission

Dear Ms. Hoerger:

I am resubmitting the above-referenced project for final consistency review. The previous inconsistencies have been addressed and revised; a new set of plans and Critical Area Consistency Report from Gannett Fleming is attached. Thank you for your assistance in reviewing the project again.

Sincerely,

Michele Bynum
Critical Area Planner
Harford County Department of Planning and Zoning
220 South Main Street
BelAir, Maryland 21014

*SAUs? no
permits pending?
waiting*

cc: Pat Pudelkewicz, Chief, GIS and Environmental Planning

Preserving Harford's past; promoting Harford's future

(410) 638-3103

MY DIRECT PHONE NUMBER IS

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

841-06

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

December 26, 2006

Ms. Lisa Hoerger, Chief
Project Evaluation Division
Critical Area Commission
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Winter's Run 16" Main Project

Dear Ms. Hoerger:

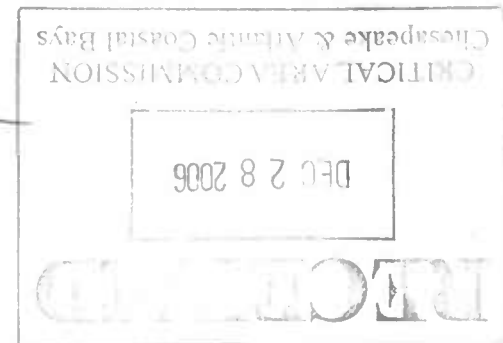
I am submitting the attached Local Government Project with the following caveats:

- The 100' tributary stream buffer should be accurately delineated on the plan, and addressed in the Critical Area Report. Page 1, Section II, item (e) erroneously states "there are no tributary streams". Winter's Run is a tributary stream.
- The 100 foot buffer applies to all areas of all tributary streams within the Chesapeake Bay Critical Area.
- The plan needs to delineate the expansion area of hydric soils (Hatboro) beyond the 100 foot buffer.
- Restoration of the area needs to include reforestation, not mulch and seed, or mitigation by fee-in-lieu for non-FIDS forest.
- Impervious surface increases, if any, have not been addressed.
- MDE has not approved the project in a preliminary review.

Although I have been assured that the above issues are being addressed, I have not received a correction to the plan or Critical Area Report submitted by Gannett Fleming (see attached). If you have any concerns regarding the attached documentation, please don't hesitate to contact me at 410-638-3103 extension 1378.

Sincerely,

Michele Bynum
Critical Area Planner



MB/dl

CC: Patricia Pudelkewicz, Chief, GIS and Environmental Planning

Preserving Harford's past; promoting Harford's future (410) 638-3103

MY DIRECT PHONE NUMBER IS

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.



Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

December 18, 2006

Attn: **Ms. Kimberly Harris**, Gannett Fleming, Inc.
FAX #410-585-1470

Cc: **Ms. Michelle Bynum**, Harford County Critical Area Reviewer
FAX #410-879-8239
Mr. Ray C. Dintaman, Jr., DNR Environmental Review Unit
Ms. Lisa Hoerger, Chesapeake Bay Critical Area Commission

From: **Lori A. Byrne**, DNR Wildlife and Heritage Service
Phone #410-260-8573

RE: Follow-up to Environmental Review for Water Transmission Main Relocation at Winters Run, Water Contract #06-112, Route 40, Harford County, Maryland.

To clarify our previous response letter of November 24, 2006 regarding this project, we have no concerns for adverse impacts to potential Forest Interior Dwelling Birds (FIDS) habitat on the project site as indicated on your map. While there is a contiguously forested area south of US Route 40 which is considered potential FIDS habitat, the proposed work area appears to be on the north side of US Route 40 and therefore not within FIDS habitat. Furthermore, if there is some forested habitat on the north side of Route 40, it is fragmented by this major road and would have little value as FIDS habitat.

Therefore we have no further comments on potential adverse impacts from this proposed project. Thank you for your concern for our natural resources. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

ER #2006.2558.hax



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Eric Schwaab, Deputy Secretary

October 11, 2007

Mr. Ranjith Ravindiran
Gannett Fleming
4701 Mount Hope Drive, Suite A
Baltimore, Maryland 21215

Dear Mr. Ravindiran:


This letter is in response to your request of October 11, 2007 for information on the presence of finfish species in the vicinity of Harford County's proposed **Water Transmission Main Relocation at Winters Run (Water Contract No. 06-112) US Route 40** in Harford County.

Winters Run and all tributaries (Bush River Drainage Area) below Atkisson Reservoir are classified as Use I streams (Water Contact Recreation and Protection of Nontidal Warmwater Aquatic Life). Generally, no instream work is permitted in Use I streams during the period of March 1 through June 15, inclusive, during any year.

Anadromous fish species are not found in Winters Run in the vicinity of your project due to migration barriers located downstream. However, this stream does support many resident fish species. Table X-2 (attached) lists fish species documented by our Fisheries Service in the Bush River Drainage Basin. Many of these species could potentially be found near your project site. These species should be protected by the Use I instream work prohibition period, sediment and erosion control methods, and other Best Management Practices typically used for protection of stream resources.

If you have any questions concerning these comments, you may contact me at 410-260-8331.

Sincerely,


Ray C. Dintaman, Jr., Director
Environmental Review Unit

Attachment

Table X-2. Fish Species Collected in the Rush River Basin, 1974 through 1984.
 (New species collected in 1980 through 1984 study designated by *.)

Cyprinidae	<u>Rhinichthys atratulus</u> (Hermann)
Blacknose dace	<u>Rhinichthys cataractae</u> (Valenciennes)
Longnose dace	<u>Clinostomus funduloides</u> Girard
Rosyside dace	<u>Exoglossum maxillingua</u> (Lesueur)
Cutlips minnow	<u>Semotilus atromaculatus</u> (Mitchill)
Creek chub	<u>Nocomis micropogon</u> (Cope)
River chub	<u>Semotilus corporalis</u> (Mitchill)
Fallfish	<u>Notropis cornutus</u> (Mitchill)
Common shiner	<u>Pimephales notatus</u> (Rafinesque)
Bluntnose minnow	<u>Notropis analostanus</u> (Girard)
Satinfin shiner	<u>Notropis hudsonius</u> (Clinton)
Spottail shiner	<u>Notropis procne</u> (Cope)
Swallowtail shiner	
Centrarchidae	<u>Micropterus dolomieu</u> Lacepede
Smallmouth bass	<u>Lepomis auritis</u> (Linnaeus)
Redbreast sunfish	<u>Lepomis macrochirus</u> Rafinesque
Bluegill sunfish	
Percidae	<u>Etheostoma olmstedii</u> Storer
Tessellated darter	<u>Etheostoma flabellare</u> Rafinesque
Fantail darter	
Catostomidae	<u>Hypentelium nigricans</u> (Lesueur)
Northern hogsucker	<u>Catostomus commersoni</u> (Lacepede)
White sucker	
Ictaluridae	<u>Noturus insignis</u> (Richardson)
Margined madtom	
Cottidae	<u>Cottus bairdi</u> Girard
Mottled sculpin	
Anguillidae	<u>Anguilla rostrata</u> (Lesueur)
American eel	



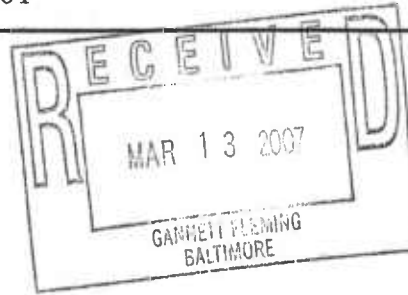
MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Anthony G. Brown
Lieutenant Governor



Shari T. Wilson
Acting Secretary

Robert M. Summers, Ph.D.
Deputy Secretary

March 12, 2007

Mr. Dennis R. Funk
Gannett Fleming, Inc
4701 Mount Hope Drive, Suite A
Baltimore, MD 21215

Application Tracking Number: 200666717/06-NT-0441
Project: HA DPW/Winters Run/Utility Line

Dear Mr. Funk:

The Nontidal Wetlands and Waterways Division of the Water Management Administration (WMA) has completed its review of the *Joint Federal/State Application for the Alteration of any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland* referenced above. The review was done in accordance with COMAR 26.17.04 (Waterway Construction), 26.23.04 (Nontidal Wetlands), and 26.08.02.10 (Water Quality Certification) (1996 Replacement Volume). We are pleased to inform you that your activity conditionally qualifies for a Letter of Authorization (LOA). **Please note this letter does not constitute authorization to proceed with regulated activities.** The project also qualifies for authorization by the U.S. Army Corps of Engineers under Category I of the Maryland State Programmatic General Permit (MDSPGP3). The conditions of the MDSPGP3 will be issued with the LOA.

Please submit two sets of full-size, final, signed construction drawings for the project and one set of 8.5x11 copies of the final plans. Plans must include limits of any nontidal wetlands, the nontidal wetland buffer, and waters of the State (including the 100-year floodplain), limits of disturbance, "Best Management Practices for Working in Nontidal Wetlands" (attached), a sequence of construction, and approved erosion and sediment control plans. Plans should be provided showing how the stream will be protected during



Mr. Dennis R. Funk
March 12, 2007
Page 2 of 2

construction of the crossing. The plans should be sufficiently detailed to instruct the construction contractor and on site inspectors on the proposed limits of disturbance; stream diversion/dewatering practices and procedures; sequencing of activities in the wetland, waterway and floodplain; storage and disposal of excavation and fill materials; and restoration of the site after construction is completed. A construction sequence should also be provided.

Once the above information is provided to the Division, and it is determined to be sufficient, a Letter of Authorization will be promptly issued that authorizes you to conduct the activity provided that the conditions noted on the plans and additional conditions and best management practices which will be a part of the Letter of Authorization are met.

If you have any questions or require any further information, I may be reached at 410-537-3782 or ewakefield@mde.state.md.us

Sincerely,

Elisha Wakefield

Elisha Wakefield, Environmental Specialist
WMA, Nontidal Wetlands and Waterways Division

Enc: Best Management Practices for Working in Nontidal Wetlands

C: Mr. Joel Smith, Gannett Fleming, Inc
Thomas C. Hilton, Harford County department of Public Works



STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION
LETTER OF AUTHORIZATION

AUTHORIZATION NUMBER: 06-NT-0441/200666717

EFFECTIVE DATE: October 15, 2007

EXPIRATION DATE: October 15, 2010

AUTHORIZED PERSON: Harford County
Department of Public Works
Attn: Mr. Thomas C. Hilton, P.E.
220 South Main Street
Bel Air, Maryland 21014



IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND §5-906(b), ANNOTATED CODE OF MARYLAND (2007 REPLACEMENT VOLUME), COMAR 26.17.04 AND 26.23.01 AND 26.08.02, AND THE ATTACHED CONDITIONS OF AUTHORIZATION, Harford County Department of Public Works (AUTHORIZED PERSON), IS HEREBY AUTHORIZED BY THE WATER MANAGEMENT ADMINISTRATION ("ADMINISTRATION") TO CONDUCT A REGULATED ACTIVITY IN A NONTIDAL WETLAND, BUFFER, OR EXPANDED BUFFER, AND/OR TO CHANGE THE COURSE, CURRENT OR CROSS-SECTION OF WATERS OF THE STATE, IN ACCORDANCE WITH THE ATTACHED PLANS APPROVED BY THE ADMINISTRATION ON October 15, 2007 ("APPROVED PLAN") AND PREPARED BY Harford County Department of Public Works AND INCORPORATED HEREIN, AS DESCRIBED BELOW:

Regulated activities associated with the replacement and relocation of a 16" water transmission main. The project will result in temporary impacts to 1,210 square feet of forested nontidal wetlands, 7,990 square feet of 25-foot wetland buffer, 85 linear feet (4,875 square feet) of Winters Run (Use I) and 12,443 square feet of 100-year floodplain. There will also be permanent impacts to approximately 30 linear feet (900 square feet) of Winters Run for riprap streambank stabilization. The project is located on the north side of Pulaski Highway (US 40) at Winters Run in Edgewood, Harford County.

MD Grid Coordinates: N 196887 - E 460167

Amanda L. Sigillite
Division Chief
Nontidal Wetlands & Waterways Division

Attachments: Conditions of Authorization
MDSFGP-3 Authorization

cc: WMA Compliance Program w/file
U.S. Army Corps of Engineers
Gannett Fleming, Inc. - Dennis Funk



JMS/KH

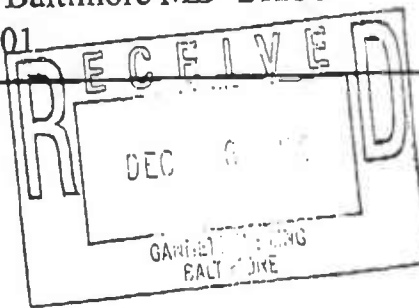


MARYLAND DEPARTMENT OF THE ENVIRONMENT

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

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Kend P. Philbrick
Secretary

Jonas A. Jacobson
Deputy Secretary

December 4, 2006

Mr. Dennis R. Funk
Gannett Fleming, Inc
4701 Mount Hope Drive, Suite A
Baltimore, MD 21215

Application Tracking Number: 200666717/06-NT-0441
Project: HA DPW/Winters Run/Utility Line

Dear Mr. Funk:

The Nontidal Wetlands and Waterways Division of the Water Management Administration (NTWW) has completed its review of the *Joint Federal/State Application for the Alteration of any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland* referenced above. The review was done in accordance with COMAR 26.17.04 (Waterway Construction), 26.23.04 (Nontidal Wetlands), and 26.08.02.10 (Water Quality Certification) (1996 Replacement Volume). We regret to inform you that your joint Federal/State application is incomplete and that the reviewing agencies are unable to continue processing. At this time, the following comments need to be addressed to complete your application:

1. The project activities and dimensions listed on page 2 of the joint application do not adequately differentiate the proposed temporary and permanent impacts of the project. Please provide a revised table of project dimensions and area of impact. The table should separate out proposed impacts to stream (area and linear-feet), wetlands (area), wetland buffers (area) and floodplain (area and volume). The table should also differentiate between permanent and temporary impacts.
2. The project plans propose the utilization of gabions to stabilize the stream banks after the relocation of the water transmission line. NTWW requests that riprap be utilized at this location in place of the proposed gabions. As such, please submit a revised set of plans showing stabilization of the banks with the riprap.
3. Please provide proposed erosion and sediment control plans for the complete and entire project. The plans must show all nontidal wetlands, 25-foot wetland buffers, waterways, 100-year floodplains and the limits of disturbance for all proposed activities. The plans should also include a construction schedule and sequence of construction.

Mr. Funk
December 4, 2006
Page 2 of 2

Please provide the requested information and reference the application tracking number on all correspondence pertaining to this project. As soon as this information is provided, joint review of your application will be promptly continued. If we do not hear from you within 120 days of the date of this letter, it will be assumed that you are no longer pursuing authorization for your project. Processing of your application will be suspended, and the application will be returned to you and considered to be withdrawn. If you then wish to pursue authorization for your project, it will be necessary to submit a new joint State/Federal application to the Regulatory Services Coordination Office. The application will receive a new tracking number, and will be evaluated based on the regulations and policies in effect on the new receipt date.

If you have any questions or require any further information, I may be reached at 410-537-3782 or ewakefield@mde.state.md.us

Sincerely,



Elisha Wakefield, Environmental Specialist
WMA, Nontidal Wetlands and Waterways Division

C: Thomas C Hilton, Harford DPW
Joel Smith, Gannett Fleming, Inc



Gannett Fleming

GANNETT FLEMING, INC.
Seton Business Park
Suite A
4701 Mount Hope Drive
Baltimore, MD 21215
Office: (410) 585-1460
Fax: (410) 585-1470
www.gannettfleming.com

January 26, 2007

Ms. Michele Bynum
Critical Area Planner
Department of Planning and Zoning
Harford County, Maryland
220 S. Main Street
Belair, MD 21014

RE: U.S. Route 40, Winters Run 16" Water Transmission Main Relocation

Dear Ms. Bynum:

Accompanying is our revised Critical Area Consistency Report for the referenced project for your review. The report has been revised to address the issues raised in your letter dated November 17, 2006, to Mr. Thomas Hilton, PE, Harford County DPW. The report also reflects additional design changes made in response to comments from other review agencies.

We are also providing our specific responses to your comments on the initial report. Your comments are identified in bold italic print followed by our response.

1. ***What were the results of the DNR consultation?***

According to the response letter from DNR, (attached), this site does not contain any threatened or endangered species and no protection measures are being requested.

2. ***The site plan indicates that the area is within the Winters Run stream buffer. This minimum 100-foot buffer must be delineated on the plan along with a 75-foot non-tidal wetlands buffer, and the Gannett Fleming report should describe how impacts to the buffer have been minimized.***

The site plan has been revised to show the 100-foot stream buffer and the 75-foot non-tidal wetlands buffer. The Critical Area Consistency Report has been revised to address impacts to these buffer areas.

3. ***Were permits secured from the Army Corp of Engineers/Maryland Department of the Environment for non-tidal wetlands and impacts from stream crossing?***

A joint permit application has been submitted and comments have been received. All comments have been addressed and all necessary revisions have been made to the plans and report in order to secure permits for non-tidal wetlands and impacts from stream crossing. The application tracking number is 200666717/06-NT-0441 and approval is currently being awaited.

4. ***Is there any additional amount of impervious surface associated with this project?***

No additional impervious cover is associated with this project.

5. *Is there a SEC Plan?*

A SEC plan was submitted to the Harford County Soil Conservation District and returned with comments. We have addressed the comments and revised the plan. We have provided a set of plans with the revised Critical Area Consistency Report that includes the revised SEC plans. A copy of the approved plan, once received, will be provided if requested.

6. *What % of the 0.55 acre project area is currently forested? The Gannett Fleming report states that 8,200 ft² will be cleared. A map showing this location would be helpful as a portion of the forest is located within the FIDS boundary on the eastern side of Winters Run. Any clearing of FIDS habitat must be mitigated with FIDS habitat. Mitigation will be 1:1 for the 8,200 ft² forested area, and a landscape plan showing the location and native species for the mitigation would be helpful. Re-seeding of grasses will not be sufficient mitigation for forested areas.*

Approximately 8,615 ft², (32%), of the site area is currently forested. As a result of revisions made to the plans, the revised area for forest clearing is 7,102 ft². A copy of the figures from the JPA showing the forest impacts has been attached for your use. Also, according to the response letter from DNR, (attached), there are no FIDS habitats located within the project boundaries; therefore, no mitigation is required.

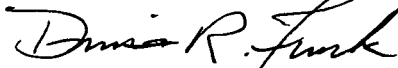
7. *The issue of construction time has not been addressed to protect anadromous fish spawning season of March 1st to June 15th. In stream work is prohibited during this timeframe.*

On Sheet 2 of the plans, in the Sequence of Construction: Stream Crossing notes, # 9 states that "no in-stream work shall be permitted from March 1st to June 15th". (A copy of plan is included with the revised Critical Area Consistency Report.)

If you have any questions, please feel free to contact us at 410-585-1460.

Sincerely,

GANNETT FLEMING, INC.



Dennis R. Funk, P.E.
Project Manager

Encl.

cc: Mr. Thomas C. Hilton, PE, Harford County DPW, Chief Engineer
GF: 45691.02



Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

November 24, 2006

Mr. Jeffrey M. Stamm
Gannett Fleming, Inc.
Seton Business Park, Suite A
4701 Mount Hope Drive
Baltimore, MD 21215-1883

**RE: Environmental Review for Water Transmission Main Relocation at Winters Run,
Water Contract #06-112, Route 40, Harford County, Maryland.**

Dear Mr. Stamm:

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

Please note that our review does not cover anadromous fish spawning waters or submerged aquatic vegetation areas. If you have not already done so, we would recommend that you contact DNR's Environmental Review Unit, Director - Ray C. Dintaman, Jr. - phone 410-260-8330 for information regarding these resources in relation to your project site.

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 #2006.2558.ha
cc: R. Dintaman, ERU



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

December 18, 2006

Attn: Ms. Kimberly Harris, Gannett Fleming, Inc.
FAX #410-585-1470

Cc: Ms. Michelle Bynum, Harford County Critical Area Reviewer
FAX #410-879-8239
Mr. Ray C. Dintaman, Jr., DNR Environmental Review Unit
Ms. Lisa Hoerger, Chesapeake Bay Critical Area Commission

From: Lori A. Byrne, DNR Wildlife and Heritage Service
Phone #410-260-8573

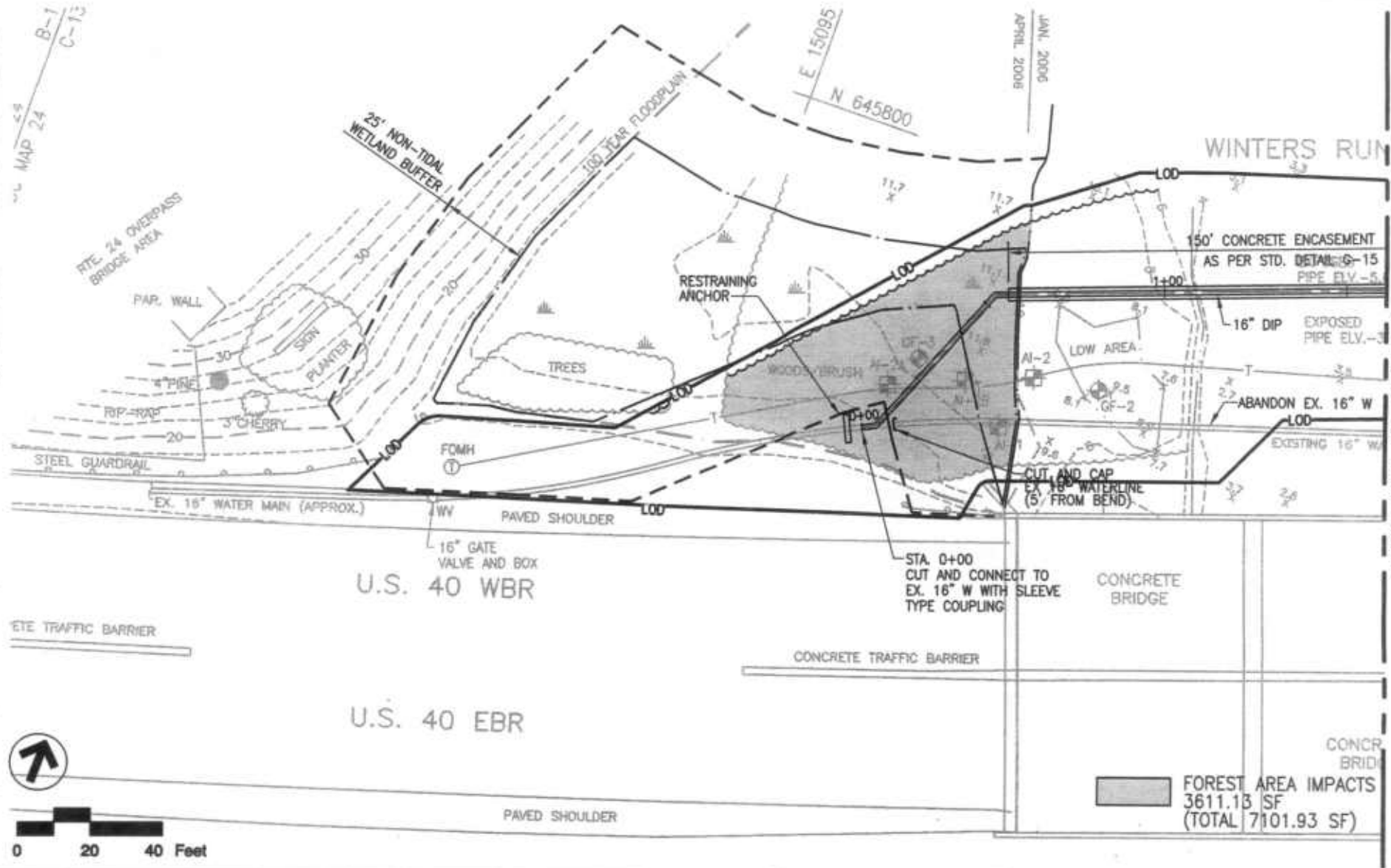
RE: Follow-up to Environmental Review for Water Transmission Main Relocation at
Winters Run, Water Contract #06-112, Route 40, Harford County, Maryland.

To clarify our previous response letter of November 24, 2006 regarding this project, we have no concerns for adverse impacts to potential Forest Interior Dwelling Birds (FIDS) habitat on the project site as indicated on your map. While there is a contiguously forested area south of US Route 40 which is considered potential FIDS habitat, the proposed work area appears to be on the north side of US Route 40 and therefore not within FIDS habitat. Furthermore, if there is some forested habitat on the north side of Route 40, it is fragmented by this major road and would have little value as FIDS habitat.

Therefore we have no further comments on potential adverse impacts from this proposed project. Thank you for your concern for our natural resources. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

ER #2006.2558.hax

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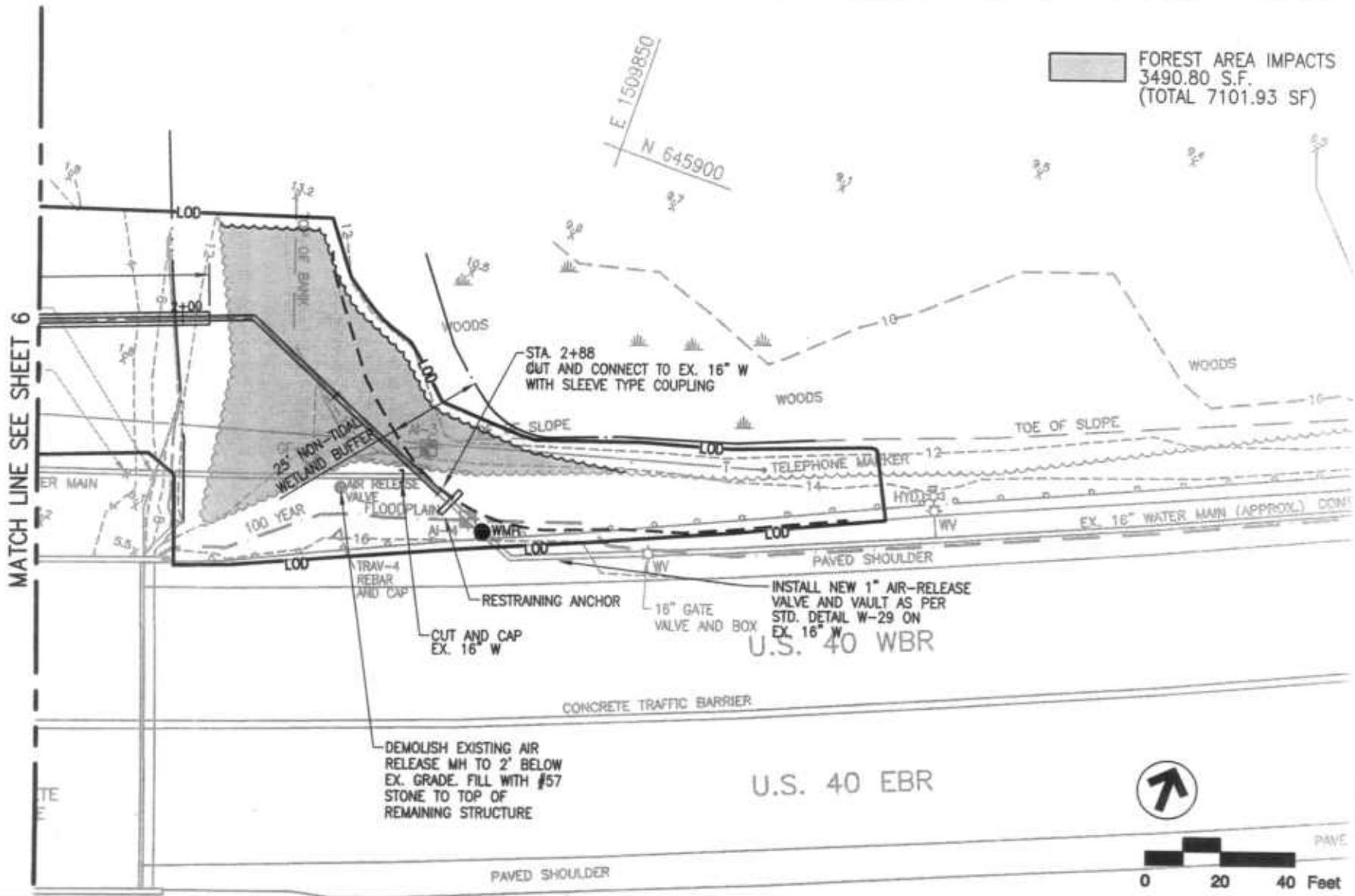

Gannett Fleming
 4701 MT HOPE DRIVE, SUITE A
 BALTIMORE, MARYLAND 21215
 410-585-1460 410-585-1470 FAX

ADJACENT PROPERTY OWNERS:
 MARYLAND STATE HIGHWAY ADMINISTRATION
DATUM: MLW

WINTERS RUN WATER TRANSMISSION MAIN RELOCATION
 WATER CONTRACT NO. 6188 B
SITE PLAN - FOREST IMPACTS
AT: WINTERS RUN
IN: HARFORD COUNTY, MARYLAND
PURPOSE: WATER UTILITY RELOCATION

APPLICATION BY:
 Harford County Dept. of Public Works
DATE: JANUARY 2007
SHEET 6 OF 8

I:\45601\WintersRun\PlanSet\JPA Permit\WintersRun_JPA-FURES1.dwg, 1/26/2007 1:53:56 PM, KJERNIGAN



MATCH LINE SEE SHEET 6

FOREST AREA IMPACTS
 3490.80 S.F.
 (TOTAL 7101.93 SF)

INSTALL NEW 1" AIR-RELEASE
 VALVE AND VAULT AS PER
 STD. DETAIL W-29 ON
 EX. 16" W
U.S. 40 WBR

U.S. 40 EBR



0 20 40 Feet
 PAVE



Gannett Fleming

4701 MT HOPE DRIVE, SUITE A
 BALTIMORE, MARYLAND 21215
 410-585-1460 410-585-1470 FAX

ADJACENT PROPERTY OWNERS:
 MARYLAND
 STATE HIGHWAY
 ADMINISTRATION

DATUM: MLW

WINTERS RUN WATER TRANSMISSION MAIN RELOCATION
 WATER CONTRACT NO. 6188 B
SITE PLAN - FOREST IMPACTS

AT: WINTERS RUN
IN: HARFORD COUNTY, MARYLAND

PURPOSE: WATER UTILITY RELOCATION

APPLICATION BY:
 Harford County Dept.
 of Public Works

DATE: JANUARY 2007

SHEET 7 OF 8

I. Description of the Project

Harford County Department of Public Works, Division of Water and Sewer, is proposing the reconstruction of a portion of a 16" water transmission main that runs adjacent to Route 40 at Winters Run. The project consists of replacing a segment of the main that has been exposed due to erosion of the stream bank. The replacement of the water main will require construction activities within the Critical Area.

Approximately 300 linear feet of water main is proposed to be placed in a Resource Conservation Area (RCA) of the Critical Area. The water main will be reconstructed using the open cut method. The project will disturb approximately 26,807, (0.62 acres) square feet within the RCA Critical Area. Following completion of construction, the disturbed area will be returned to existing grade elevations and stabilized with seed and mulch where appropriate.

II. Natural Resources Inventory

- a. This project does not affect mean tide shoreline.
- b. No tidal wetlands located within the project site area.
- c. Anadromous fish spawning waters are not located within the site area.
- d. No submerged aquatic vegetation is located within the site area.
- e. Winters Run is a tributary stream to Otter Creek.
- f. The 100-foot tributary stream buffer is shown on the plans on each side of the Winters Run stream bank.
- g. Isolated nontidal wetlands are located on the east side of the U.S. 40 Bridge and on the western bank of Winters Run west to the toe of the slope as shown on the plans.
- h. The 75-foot nontidal wetland buffers are shown on the plan around the wetlands located in the project vicinity.
- i. Soils - The Harford County Soil Survey identified one soil type along the proposed water main line. This soil type is :
 - Hb - Hatboro silt loam. The Hatboro series consists of deep, poorly drained, nearly level soils on flood plains.

- j. There are steep slopes (>15%) along the stream banks within the project site.
- k. No habitats of threatened and endangered are located within the site area. A copy of the response letter from MD DNR is contained in Appendix D.
- l. No forest interior dwelling species are located within the site area.
- m. No colonial waterbird nesting sites area located within the site area.
- n. No waterfowl concentration areas are located within the site area.
- o. As shown in Appendix B, there are no habitats of local significance within the project area.
- p. No natural heritage areas are located within the site area. A copy of the response letter from MD DNR is contained in Appendix D.
- q. Tress and woodland areas:
 - Common tree species found on the east side of the U. S. 40 Bridge included:
Box Elder, Green Ash, and Trumpet Creeper.
 - Common tree species found on the western bank of Winters Run included:
Box Elder, Green Ash, and Giant Reed and High Tide Bush.

III. Description of Proposed Impacts

Hydric Soils

The entire site contains the soil type, Hatboro silt loam, (Hb). Hatboro is a hydric soil.

100-Year Floodplain

Approximately 12,443 square feet of the 100-year floodplain will be disturbed.

Non-tidal Wetlands

The limits of disturbance contain approximately 1,208 square feet of non-tidal wetlands. The majority of the wetlands being disturbed are located on the west side of Winters Run along the riverine border.

75- Foot Non-tidal Wetland Buffer

Approximately 14,646 square feet of the 75-foot non-tidal wetland buffer will be disturbed.

100- Foot Stream Buffer

Approximately 12,548 square feet of the 100-foot Winters Run stream buffer will be disturbed.

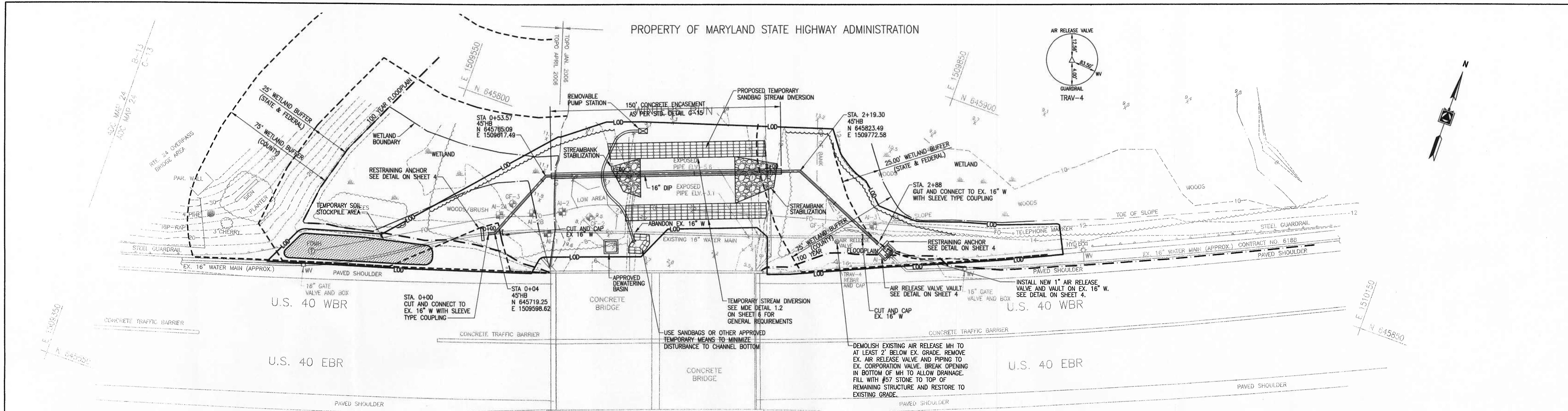
Forest/ Woods

Approximately 7,102 square feet of wooded area will be cleared to relocate the water main. The wooded areas are located on the east and west sides of Winters Run near the riverine borders.

IV. Description of Mitigation Efforts

For this project, the limits of disturbance have been minimized in order to avoid any unnecessary disturbance of wetlands. All proposed disturbance will result in restoring the site back to existing conditions by way of reforestation in all applicable areas. Also, based on discussions with the County, specific mitigation sites are not available for the Fall 2007 construction time. Therefore, the County is requesting fee in lieu of mitigation.

V. Site Plan - See attached plans contained in Appendix E.



PLAN
SCALE: 1"=30'

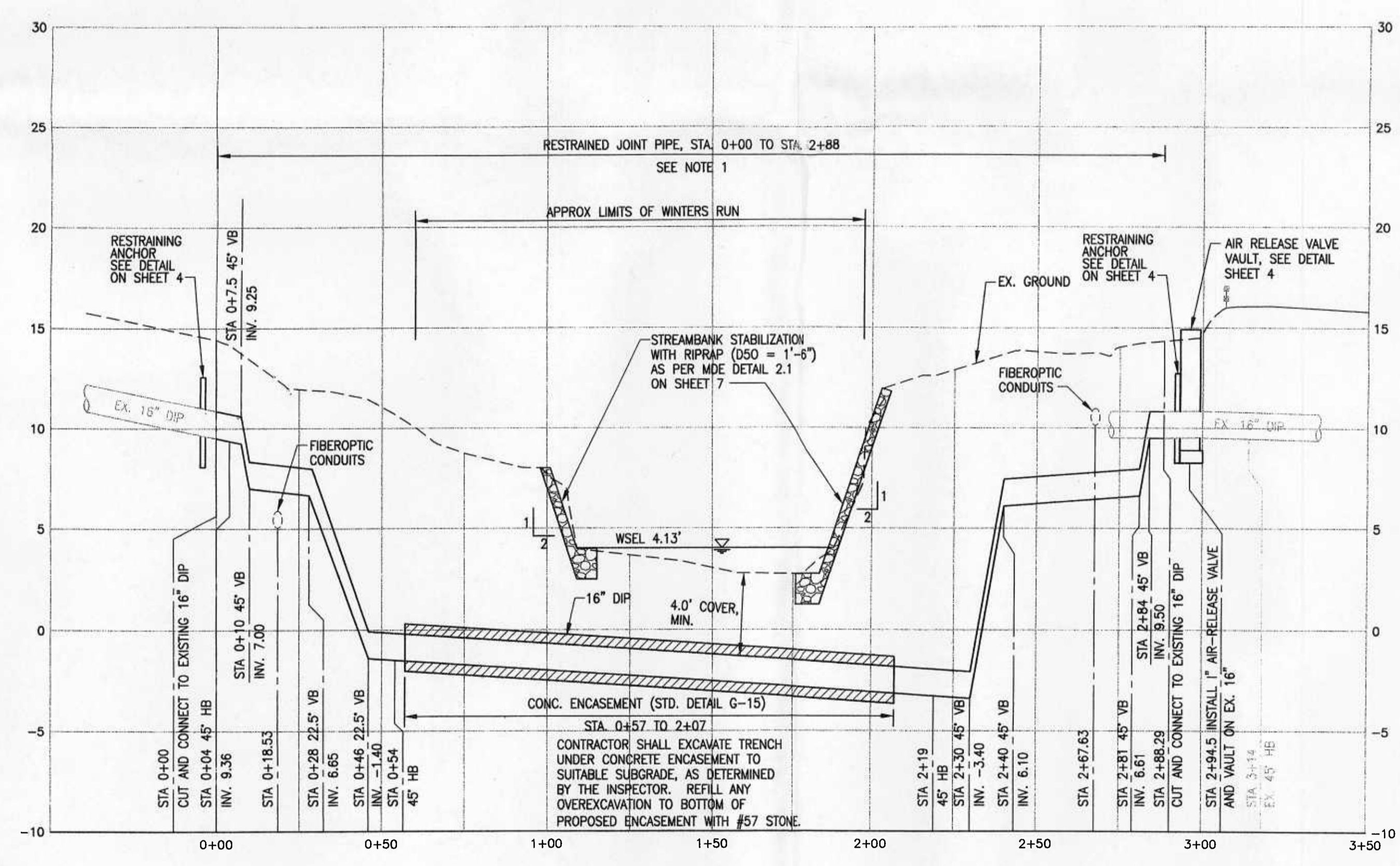
TEST HOLE SUMMARY				
NO.	UTILITY FOUND	COVER	ELEVATION	REMARKS
AI-1	16" DUCTILE IRON WATER	3.76	6.97	
AI-2	NONE FOUND	N/A	N/A	DUG TO DEPTH OF 7.5'
AI-2A	4 PLASTIC FIBER OPTIC COMMUNICATIONS CONDUITS	6.62	5.89	4", 1.5", 1.5", 4"
AI-2B	NONE FOUND	N/A	N/A	DUG TO DEPTH OF 9.95'
AI-3	6 PLASTIC FIBER OPTIC COMMUNICATIONS CONDUITS	4.51	10.98	(2) 4", (4) 1.5"
AI-4	16" DUCTILE IRON WATER	3.67	10.92	GRADE = 14.6"

SEQUENCE OF CONSTRUCTION: STREAM CROSSING

- NOTIFY WATER RESOURCES ADMINISTRATION, WATERWAYS PERMIT DIVISION AT LEAST 48 HOURS BEFORE BEGINNING WORK.
- STREAM DIVERSION SHALL BE INSTALLED IN ACCORDANCE WITH MDE DETAIL 1.2, AND DEWATERING BASIN SHALL BE IN ACCORDANCE WITH MDE DETAIL 1.1. SEE SHEET 6 FOR DETAILS.
- CLEAR ACCESS TO STREAM. PLACE UPSTREAM SANDBAG STREAM DIVERSION, INSTALL REMOVABLE PUMP STATION, CONSTRUCT DEWATERING BASIN, AND THEN INSTALL DOWNSTREAM SANDBAG STREAM DIVERSION.
- WHEN DIVERSION DEVICES HAVE BEEN APPROVED BY SEDIMENT CONTROL INSPECTOR, DEWATER STREAM BETWEEN SANDBAG EMBLEMENCES. ALL DEWATERING DISCHARGES MUST BE DIRECTED TO THE DEWATERING BASIN BEFORE RETURNING TO THE STREAM.
- REMOVE NATIVE STREAM BOTTOM SURFACE MATERIAL TO STOCKPILE FOR REPLACEMENT DURING RESTORATION. EXCAVATE UTILITY TRENCH AND INSTALL WATERMAIN AND REFILL TRENCH TO 25 FEET BEYOND THE TOP OF STREAM BANK. USE NATIVE MATERIAL TO RESTORE STREAM BOTTOM SURFACE.
- REFILL EMBANKMENT AS NECESSARY. STABILIZE STREAMBANK AND PROTECT SLOPE USING RIPRAP IN ACCORDANCE WITH MDE DETAIL 2.1, USING MATERIAL SIZE AS INDICATED.
- ALL IN-STREAM WORK, INCLUDING RESTORATION AND STABILIZATION, SHALL BE COMPLETED WITHIN 14 DAYS OF INITIAL EXCAVATION.
- REMOVE DIVERSION MEASURES AND DEWATERING BASIN AND RESTORE AND STABILIZE ALL DISTURBED AREAS. FINAL STABILIZATION SHALL BE COMPLETED WITHIN 5 DAYS OF REMOVAL OF DIVERSION MEASURES.
- PROPOSED DIVERSION MEASURES ARE SUBJECT TO APPROVAL BY FIELD ENGINEER OR SEDIMENT CONTROL INSPECTOR. IN ACCORDANCE WITH RESTRICTIONS FOR USE 1-P WATERS, NO IN-STREAM WORK SHALL BE PERMITTED FROM MARCH 1 THROUGH JUNE 15, INCLUSIVE.

TEMPORARY STOCKPILES

- TEMPORARY STOCKPILES SHALL BE:
 - LOCATED WITHIN THE LIMIT OF DISTURBANCE (LOD).
 - DRAIN TO A FUNCTIONING SEDIMENT CONTROL DEVICE.
 - POSITIONED TO NOT IMPEDE UPON, OR IMPAIR THE FUNCTION OF SAID DEVICE.
 - POSITIONED TO NOT ALTER DRAINAGE DIVIDES.
- A PROPOSED TEMPORARY STOCKPILE AREA IS SHOWN ABOVE THE 100 YEAR FLOODPLAIN. MATERIALS STORED ELSEWHERE ON SITE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE WATERWAY CONSTRUCTION PERMIT.

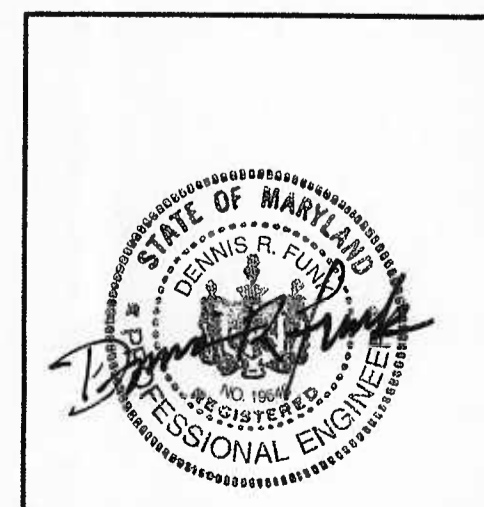
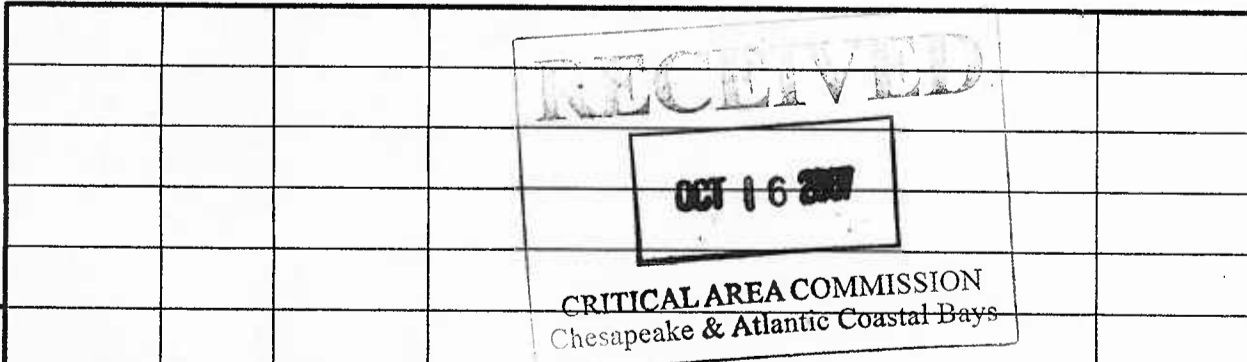


PROFILE
SCALE: HOR. 1"=30'
VERT. 1"=5'

EX. GROUND FROM FIELD SURVEYS
PERFORMED JANUARY 2006 AND APRIL 2006.

NOTES

- CONTRACTOR SHALL CLEAR TREES ONLY TO THE LIMITS NECESSARY FOR WATER MAIN CONSTRUCTION. NO TREES MAY BE CLEARED OUTSIDE OF DESIGNATED LOD. CONTRACTOR SHALL SUBMIT A TREE CLEARING PLAN FOR APPROVAL BY THE COUNTY.
- CONTRACTOR SHALL REMOVE EXISTING GUARDRAIL AND POSTS AS NECESSARY FOR WORK. GUARDRAIL AND POSTS SHALL BE REPLACED IN ACCORDANCE WITH SHA STANDARDS AFTER COMPLETION. OPENINGS IN GUARDRAIL SHALL BE PROTECTED IN ACCORDANCE WITH SHA REQUIREMENTS AT ALL TIMES. REFER TO TRAFFIC CONTROL NOTE #3 FOR APPLICABLE STANDARDS.
- CONTRACTOR SHOULD OPEN ONLY THAT SECTION OF TRENCH THAT CAN BE BACKFILLED AND STABILIZED EACH DAY. IF TRENCH MUST REMAIN OPEN LONGER THAN ONE DAY, SILT FENCE SHALL BE PLACED BELOW (DOWNSLOPE OF) THE TRENCH.
- PLACE ALL EXCAVATED MATERIAL ON UPHILL SIDE OF TRENCH.
- ANY SEDIMENT CONTROLS DISTURBED BY UTILITY CONSTRUCTION ARE TO BE REPAIRED IMMEDIATELY AT THE END OF EACH WORK DAY. ALL SURPLUS EXCAVATED MATERIAL SHALL BE MOVED TO AN APPROVED SOIL STOCKPILE AREA OR REMOVED FROM THE PROJECT FOR DISPOSAL AT AN APPROVED SITE WITH AN OPEN GRADING PERMIT AND AN APPROVED SEDIMENT CONTROL PLAN.
- CONTRACTOR SHALL BE RESPONSIBLE FOR STREAM DIVERSION AND WORK AREA DEWATERING. PROVIDE ADEQUATE PUMPING CAPACITY TO MAINTAIN WORK AREA DEWATERED SUFFICIENT FOR CONSTRUCTION. ALL DEWATERING OPERATIONS SHALL BE PERFORMED IN ACCORDANCE WITH STATE AND LOCAL PERMITS.
- NOTE THAT EXTENSIVE PORTION OF WORK AREA IS BELOW THE 100 YEAR FLOOD ELEVATION. THE CONTRACTOR IS RESPONSIBLE FOR SECURING EQUIPMENT AND MATERIALS TO AVOID DAMAGE OR LOSS DUE TO HIGH STREAM FLOW.
- THE CONTRACT PLAN SHOWS A SUGGESTED APPROACH FOR STREAM DIVERSION AND ESTABLISHING A CONTROLLED WORK AREA. SELECTION OF THE ACTUAL METHOD USED IS THE CONTRACTOR'S SOLE RESPONSIBILITY, EXCEPT THAT ALL WORK IN THE STREAM MUST BE IN ACCORDANCE WITH THE ISSUED PERMITS.
- USE OF JOINT RESTRAINT DOES NOT ELIMINATE THE REQUIREMENT FOR THRUST BLOCKING IN ACCORDANCE WITH COUNTY STANDARDS.
- CONTRACTOR SHALL NOT MAKE FINAL CONNECTIONS TO EXISTING WATER MAIN UNTIL NEW PIPING HAS BEEN PRESSURE TESTED, DISINFECTED AND ACCEPTED BY COUNTY.
- CONNECTION TO EXISTING WATER MAIN CANNOT BE MADE UNTIL RESTRAINING ANCHORS ARE CURED AND APPROVED BY COUNTY.



APPROVED	REV. NO.	DATE	REVISION	BY
PLANNING P.N.J.	8-20-07			
ENGINEERING MAINTENANCE CHIEF E.K.B.	8-20-07			
LAND ACQUISITION N/A				
SEDIMENT CONTROL J.C.C.	9-5-07			
ENGINEERING OPERATIONS CHIEF N/R				
CONST. MGMT. H.M.B.	8-8-07			
TRAFFIC CONTROL N/A				

AS-BUILT
PER INSPECTOR
TRANS. BY: _____
DATE: _____
RESIDENT INSPECTOR: _____

HARFORD COUNTY MARYLAND
DEPUTY DIRECTOR, DIVISION OF WATER AND SEWER
ELECTION DISTRICT 2
DATE 9/1/07

PLAN AND PROFILE
WATER TRANSMISSION MAIN RELOCATION AT WINTERS RUN
WATER CONTRACT NO. 6188-B

HARFORD COUNTY, MARYLAND

ENGINEER
Gannett Fleming
BALTIMORE, MARYLAND

DESIGNED	SCALE	TAX MAP	SHEET
R.S.R.	1"=30'	65	2
TRACED	HORIZ.	ADC MAP NO.	NO.
S.J.M.	1"=5'	24	7
CHECKED	VERT.	ADC GRID	JOB NO.
D.R.F.		C13	45691