Appendix A
Relevant Laws and Regulations

The Navy has prepared this Environmental Assessment (EA) based upon federal and state laws, statutes, regulations, and policies pertinent to the implementation of the Proposed Action, including the following:

- National Environmental Policy Act (NEPA; 42 United States Code [U.S.C.] sections 4321–4370h), which requires an environmental analysis for major federal actions that have the potential to significantly affect the quality of the human environment
- CEQ Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] parts 1500–1508)
- Navy's Procedures for Implementing NEPA (32 CFR part 775), which provides Navy policy for implementing CEQ regulations and NEPA
- Clean Air Act (42 U.S.C. section 7401 et seq.)
- Clean Water Act (33 U.S.C. section 1251 et seq.)
- Rivers and Harbors Act (33 U.S.C. section 407)
- Coastal Zone Management Act (16 U.S.C. section 1451 et seq.)
- National Historic Preservation Act (54 U.S.C. section 306108 et seq.)
- Endangered Species Act (16 U.S.C. section 1531 et seq.)
- Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (16 U.S.C. section 1801 et seq.)
- Marine Mammal Protection Act (16 U.S.C. section 1361 et seq.)
- Migratory Bird Treaty Act (16 U.S.C. section 703–712)
- Bald and Golden Eagle Protection Act (16 U.S.C. section 668–668d)
- Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. section 9601 et seq.)
- Emergency Planning and Community Right-to-Know Act (42 U.S.C. sections 11001–11050)
- Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. section 136 et seq.)
- Resource Conservation and Recovery Act (42 U.S.C. section 6901 et seq.)
- Toxic Substances Control Act (15 U.S.C. sections 2601–2629)
- Farmland Protection Policy Act (7 U.S.C. 4201 et seq.)
- Executive Order (EO) 11988, *Floodplain Management*
- EO 11990, *Protection of Wetlands*
- EO 12088, *Federal Compliance with Pollution Control Standards*
- EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*
- EO 13045, *Protection of Children from Environmental Health Risks and Safety Risks*
- EO 13175, *Consultation and Coordination with Indian Tribal Governments*
- EO 13834, *Efficient Federal Operations*

The following describes the regulatory setting pursuant to relevant laws according to the resource areas analyzed in detail in Chapter 3 of the EA.

Regulatory Setting

Air Quality

Criteria Pollutants and National Ambient Air Quality Standards

The principal pollutants defining air quality, called "criteria pollutants," include carbon monoxide (CO), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), ozone, suspended particulate matter less than or equal to 10 micrometers in diameter (PM_{10}), fine particulate matter less than or equal to 2.5 micrometers in diameter ($PM_{2.5}$), and lead (Pb). CO, SO_2, Pb, and some particulates are emitted directly into the atmosphere from emissions sources. Ozone, NO_2, and some particulates are formed through atmospheric chemical reactions that are influenced by weather, ultraviolet light, and other atmospheric processes.

Under the Clean Air Act (CAA), the U.S. Environmental Protection Agency (USEPA) has established National Ambient Air Quality Standards (NAAQS) (40 CFR part 50) for these pollutants. NAAQS are classified as primary or secondary. Primary standards protect against adverse health effects; secondary standards protect against welfare effects, such as damage to farm crops and vegetation and damage to buildings. Some pollutants have long-term and short-term standards. Short-term standards are designed to protect against acute, or short-term, health effects, while long-term standards were established to protect against chronic health effects.

Areas that are and have historically been in compliance with the NAAQS are designated as attainment areas. Areas that violate a federal air quality standard are designated as nonattainment areas. Areas that have transitioned from nonattainment to attainment are designated as maintenance areas and are required to adhere to maintenance plans to ensure continued attainment.

The CAA requires states to develop a general plan to attain and maintain the NAAQS in all areas of the country and a specific plan to attain the standards for each area designated nonattainment for a NAAQS. These plans, known as State Implementation Plans (SIPs), are developed by state and local air quality management agencies and submitted to USEPA for approval.

In addition to the NAAQS for criteria pollutants, national standards exist for hazardous air pollutants (HAPs), which are regulated under Section 112(b) of the 1990 CAA Amendments. The *National Emission Standards for Hazardous Air Pollutants* regulate HAP emissions from stationary sources (40 CFR part 61).

Mobile Sources

HAPs emitted from mobile sources are called Mobile Source Air Toxics (MSATs). MSATs are compounds emitted from highway vehicles and non-road equipment that are known or suspected to cause cancer or other serious health and environmental effects. In 2001, USEPA issued its first MSAT Rule, which identified 201 compounds as being HAPs that require regulation. A subset of six of the MSAT compounds was identified as having the greatest influence on health and included benzene, butadiene, formaldehyde, acrolein, acetaldehyde, and diesel particulate matter. More recently, USEPA issued a second MSAT Rule in February 2007, which generally supported the findings in the first rule and provided additional recommendations of compounds having the greatest impact on health. The rule also identified several engine emission certification standards that must be implemented (40 CFR parts 59, 80, 85, and 86; *Federal Register* Volume 72, No. 37, pp. 8427–8570, 2007). Unlike the criteria pollutants,

there are no NAAQS for benzene and other HAPs. The primary control methodologies for these pollutants for mobile sources involves reducing their content in fuel and altering the engine operating characteristics to reduce the volume of pollutant generated during combustion.

General Conformity

The USEPA General Conformity Rule applies to federal actions occurring in nonattainment or maintenance areas when the total direct and indirect emissions of nonattainment pollutants (or their precursors) exceed specified thresholds. The emissions thresholds that trigger requirements for a conformity analysis are called *de minimis* levels. *De minimis* levels (in tons per year [tpy]) vary by pollutant and also depend on the severity of the nonattainment status for the air quality management area in question.

A conformity applicability analysis is the first step of a conformity evaluation and assesses if a federal action must be supported by a conformity determination. This is typically done by quantifying applicable direct and indirect emissions that are projected to result due to implementation of the federal action. Indirect emissions are those emissions caused by the federal action and originating in the region of interest, but which can occur at a later time or in a different location from the action itself and are reasonably foreseeable. The federal agency can control and will maintain control over the indirect action due to a continuing program responsibility of the federal agency. Reasonably foreseeable emissions are projected future direct and indirect emissions that are identified at the time the conformity evaluation is performed. The location of such emissions is known, and the emissions are quantifiable, as described and documented by the federal agency based on its own information and after reviewing any information presented to the federal agency. If the results of the applicability analysis indicate that the total emissions would not exceed the *de minimis* emissions thresholds, then the conformity evaluation process is completed. *De minimis* threshold emissions are presented in Table A-1.

Permitting: New Source Review (Preconstruction Permit)

New major stationary sources and major modifications at existing major stationary sources are required by the CAA to obtain an air pollution permit before commencing construction. This permitting process for major stationary sources is called New Source Review and is required whether the major source or major modification is planned for nonattainment areas or attainment and unclassifiable areas. In general, permits for sources in attainment areas and for other pollutants regulated under the major source program are referred to as Prevention of Significant Deterioration (PSD) permits, while permits for major sources emitting nonattainment pollutants and located in nonattainment areas are referred to as nonattainment new source review permits. In addition, a proposed project may have to meet the requirements of nonattainment new source review for the pollutants for which the area is designated as nonattainment and PSD for the pollutants for which the area is attainment. Additional PSD permitting thresholds apply to increases in stationary source greenhouse gas (GHG) emissions. PSD permitting can also apply to a new major stationary source (or any net emissions increase associated with a modification to an existing major stationary source) that is constructed within 6.2 miles of a Class I area, and which would increase the 24-hour average concentration of any regulated pollutant in the Class I area by 1 microgram per cubic meter ($\mu g/m^3$) or more. Navy installations shall comply with applicable permit requirements under the PSD program per 40 CFR section 51.166.

Table A-1 General Conformity *de minimis* levels

Pollutant	*Area Type*	*tpy*
Ozone (VOC or NO_x)	Serious nonattainment	50
	Severe nonattainment	25
	Extreme nonattainment	10
	Other areas outside an ozone transport region	100
Ozone (NO_x)	Marginal and moderate nonattainment within an ozone transport region	100
	Maintenance	100
Ozone (VOC)	Marginal and moderate nonattainment within an ozone transport region	50
	Maintenance within an ozone transport region	50
	Maintenance outside an ozone transport region	100
Carbon monoxide, sulfur dioxide, and nitrogen dioxide	All nonattainment and maintenance	100
PM_{10}	Serious nonattainment	70
	Moderate nonattainment and maintenance	100
$PM_{2.5}$ Direct emissions of $PM_{2.5}$, sulfur dioxide, NO_x (unless determined not to be a significant precursor), VOC or ammonia (if determined to be significant precursors)	All nonattainment and maintenance	100
Lead	All nonattainment and maintenance	25

Key: tpy = tons per year; VOC = volatile organic compound; NO_x = nitrogen oxides; CO = carbon monoxide; SO_2 = sulfur dioxide; NO_2 = nitrogen dioxide; PM_{10} = suspended particulate matter less than or equal to 10 micrometers in diameter; $PM_{2.5}$ = fine particulate matter less than or equal to 2.5 micrometers on diameter.

Permitting: Title V (Operating Permit)

The Title V Operating Permit Program consolidates all CAA requirements applicable to the operation of a source, including requirements from the SIP, preconstruction permits, and the air toxics program. It applies to stationary sources of air pollution that exceed the major stationary source emission thresholds, as well as other non-major sources specified in a particular regulation. The program includes a requirement for payment of permit fees to finance the operating permit program whether implemented by USEPA or a state or local regulator. Navy installations subject to Title V permitting shall comply with the requirements of the Title V Operating Permit Program, which are detailed in 40 CFR Part 70 and all specific requirements contained in their individual permits.

Greenhouse Gases

GHGs are gas emissions that trap heat in the atmosphere. These emissions occur from natural processes and human activities. Scientific evidence indicates a trend of increasing global temperature over the past century due in part to an increase in GHG emissions from human activities. The climate change associated with this global warming is predicted to produce negative economic and social consequences across the globe. CEQ's most recent draft guidance on the consideration of GHGs states that a projection of a proposed action's direct and reasonably foreseeable indirect GHG emissions may be used as a proxy for assessing potential climate effects (*Federal Register* Vol 84, No 123, June 26, 2019, pp 30097–30099). GHG emissions are standardized to carbon dioxide, which has a value of one. The carbon dioxide equivalent (CO_2e) rate is calculated by multiplying the emissions of each GHG by its

global warming potential and adding the results together to produce a single, combined emissions rate representing all GHGs.

Water Resources

The Safe Drinking Water Act is the federal law that protects public drinking water supplies throughout the nation. Under the Safe Drinking Water Act, USEPA sets standards for drinking water quality. Groundwater quality and quantity are regulated under several statutes and regulations, including the Safe Drinking Water Act.

EO 13508, *Chesapeake Bay Protection and Restoration*, was signed on May 12, 2009, to renew efforts by the federal government to restore and protect the Chesapeake Bay watershed. In addition, the Chesapeake Bay Watershed Agreement was signed on June 16, 2014, which sets goals for a partnership of states (Delaware, District of Columbia, Maryland, Pennsylvania, New York, Virginia, and West Virginia) in ten areas: sustainable fisheries, vital habitats, water quality, toxic contaminants, healthy watersheds, stewardship, land conservation, public access, environmental literacy, and climate resiliency.

The CWA establishes federal limits, through the National Pollutant Discharge Elimination System (NPDES) program, on the amounts of specific pollutants that can be discharged into surface waters to restore and maintain the chemical, physical, and biological integrity of the water. The NPDES program regulates the discharge of point (i.e., end of pipe) and nonpoint sources (i.e., stormwater) of water pollution. Within Maryland, Maryland Department of the Environment (MDE) is the administrative authority for water quality under the Clean Water Act.

The Maryland NPDES stormwater program requires construction site operators engaged in clearing, grading, and excavating activities that disturb one acre or more to obtain coverage under an NPDES Construction General Permit for stormwater discharges. Construction or demolition that necessitates an individual permit also requires preparation of a Notice of Intent to discharge stormwater and a Stormwater Pollution Prevention Plan that is implemented during construction. As part of the 2014 Final Rule for the Clean Water Act, titled *Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category*, activities covered by this permit must implement non-numeric erosion and sediment controls and pollution prevention measures.

Wetlands are currently regulated by the U.S. Army Corps of Engineers (USACE) under Section 404 of the CWA as a subset of all "Waters of the United States." Waters of the United States are defined as (1) traditional navigable waters, (2) wetlands adjacent to navigable waters, (3) nonnavigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow perennially or have continuous flow at least seasonally (e.g., typically 3 months), and (4) wetlands that directly abut such tributaries under Section 404 of the CWA, as amended, and are regulated by USEPA and the USACE. The CWA requires that Maryland establish a Section 303(d) list to identify impaired waters and establish TMDLs for the sources causing the impairment.

Section 404 of the CWA authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the discharge of dredge or fill into wetlands and other Waters of the United States. Any discharge of dredge or fill into Waters of the United States requires a permit from the USACE.

Freshwater wetlands in Maryland are protected by the Nontidal Wetlands Protection Program, which sets a state goal of no overall net-loss of nontidal wetlands acreage and functions. Activities in nontidal wetlands require a nontidal wetland permit or a letter of exemption, unless the activity is exempt by regulation. Any activity that involves excavating, filling, changing drainage patterns, disturbing the water

level or water table, grading, and removing vegetation in a nontidal wetland or within a 25-foot buffer, requires a permit.

Section 438 of the Energy Independence and Security Act establishes stormwater design requirements for development and redevelopment projects. Under these requirements, federal facility projects larger than 5,000 square feet must "maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow."

Section 10 of the Rivers and Harbors Act provides for USACE permit requirements for any in-water construction. USACE and some states require a permit for any in-water construction. Permits are required for construction of piers, wharfs, bulkheads, pilings, marinas, docks, ramps, floats, moorings, and like structures; construction of wires and cables over the water, and pipes, cables, or tunnels under the water; dredging and excavation; any obstruction or alteration of navigable waters; depositing fill and dredged material; filling of wetlands adjacent or contiguous to waters of the U.S.; construction of riprap, revetments, groins, breakwaters, and levees; and transportation of dredged material for dumping into ocean waters.

The National Wild and Scenic Rivers System was created by Congress in 1968 to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection.

The Coastal Zone Management Act of 1972 (CZMA) provides assistance to states, in cooperation with federal and local agencies, for developing land and water use programs in coastal zones. Actions occurring within the coastal zone commonly have several resource areas that may be relevant to the CZMA. The CZMA regulatory setting discussion is discussed in Water Resources.

Executive Order 11990, *Protection of Wetlands*, requires that federal agencies adopt a policy to avoid, to the extent possible, long- and short-term adverse impacts associated with destruction and modification of wetlands and to avoid the direct and indirect support of new construction in wetlands whenever there is a practicable alternative.

Executive Order 11988, *Floodplain Management*, requires federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development unless it is the only practicable alternative. Flood potential of a site is usually determined by the 100-year floodplain, which is defined as the area that has a one percent chance of inundation by a flood event in a given year.

Geological Resources

Consideration of geologic resources extends to prime or unique farmlands. The Farmland Protection Policy Act was enacted in 1981 to minimize the loss of prime farmland and unique farmlands because of federal actions. The implementing procedures of the Farmland Protection Policy Act require federal agencies to evaluate the adverse effects of their activities on farmland, which includes prime and unique farmland and farmland of statewide and local importance, and to consider alternative actions that could avoid adverse effects.

Cultural Resources

Cultural resources are governed by other federal laws and regulations, including the National Historic Preservation Act (NHPA), Archeological and Historic Preservation Act (AHPA), American Indian Religious Freedom Act (AIRFA), Archaeological Resources Protection Act of 1979 (ARPA), and the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). Federal agencies' responsibilities for protecting historic properties are defined primarily by Sections 106 and 110 of the NHPA. Section 106 requires federal agencies to take into account the effects of their undertakings on historic properties. Section 110 of the NHPA requires federal agencies to establish—in conjunction with the Secretary of the Interior—historic preservation programs for the identification, evaluation, and protection of historic properties. Cultural resources also may be covered by state, local, and territorial laws.

Biological Resources

Special-status species, for the purposes of this assessment, are those species listed as threatened or endangered under the Endangered Species Act and species afforded federal protection under the Marine Mammal Protection Act or the Migratory Bird Treaty Act.

The purpose of the Endangered Species Act is to conserve the ecosystems upon which threatened and endangered species depend and to conserve and recover listed species. Section 7 of the Endangered Species Act requires action proponents to consult with the U.S. Fish and Wildlife Service (USFWS) or National Oceanic and Atmospheric Administration National Marine Fisheries Service to ensure that their actions are not likely to jeopardize the continued existence of federally listed threatened and endangered species or result in the destruction or adverse modification of designated critical habitat. Critical habitat cannot be designated on any areas owned, controlled, or designated for use by the Department of Defense (DoD) where an Integrated Natural Resources Management Plan has been developed that, as determined by the Department of the Interior or Department of Commerce Secretary, provides a benefit to the species subject to critical habitat designation.

All marine mammals are protected under the provisions of the Marine Mammal Protection Act. This act prohibits any person or vessel from "taking" marine mammals in the United States or the high seas without authorization. The Marine Mammal Protection Act defines "take" to mean "to harass, hunt, capture, or kill or attempt to harass, hunt, capture, or kill any marine mammal."

Birds, including migratory and most native-resident bird species, are protected under the Migratory Bird Treaty Act, and their conservation by federal agencies is mandated by EO 13186, *Migratory Bird Conservation*. Under the Migratory Bird Treaty Act, it is unlawful by any means or in any manner to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, [or] possess migratory birds or their nests or eggs at any time, unless permitted by regulation.

Bald and golden eagles are protected by the Bald and Golden Eagle Protection Act. This act prohibits anyone, without a permit issued by the Secretary of the Interior, from taking these 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 Magnuson-Stevens Fishery Conservation and Management Act provides for the conservation and management of fisheries. Under the Act, essential fish habitat (EFH) consists of the waters and substrate needed by fish to spawn, breed, feed, or grow to maturity.

Noise

Noise is defined as unwanted or annoying sound that interferes with or disrupts normal human activities. Although continuous and extended exposure to high noise levels (e.g., through occupational exposure) can cause hearing loss, the principal human response to noise is annoyance. The response of different individuals to similar noise events is diverse and is influenced by the type of noise; perceived importance of the noise; its appropriateness in the setting, time of day, and type of activity during which the noise occurs; and sensitivity of the individual.

Noise Effects

An extensive amount of research has been conducted regarding noise effects including annoyance, speech interference, sleep disturbance, noise-induced hearing impairment, nonauditory health effects, performance effects, noise effects on children, effects on domestic animals and wildlife, property values, structures, terrain, and archaeological sites.

Potential Hearing Loss

People living in high-noise environments for an extended period (40 years) can be at risk for hearing loss called noise-induced permanent threshold shift. Noise-induced permanent threshold shift defines a permanent change in hearing level, or threshold, caused by exposure to noise (USEPA, 1982). According to USEPA (1974), changes in hearing level of less than 5 dB are generally not considered noticeable. There is no known evidence that a noise-induced permanent threshold shift of less than 5 dB is perceptible or has any practical significance for the individual affected. Furthermore, the variability in audiometric testing is generally assumed to be plus or minus 5 dB. The preponderance of available information on hearing loss risk is from the workplace with continuous exposure throughout the day for many years.

Based on a report by Ludlow and Sixsmith (1999), there were no major differences in audiometric test results between military personnel who, as children, had lived in or near installations where fast jet operations were based, and a similar group who had no such exposure as children. Hence, for the purposes of this EA, the limited data are considered applicable to the general population, including children, and are used to provide a conservative estimate of the risk of potential hearing loss.

Speech Interference

Speech interference can cause disruption of routine activities, such as enjoyment of radio or television programs, telephone use, or family conversation, giving rise to frustration or irritation. In extreme cases, speech interference can cause fatigue and vocal strain to individuals who try to communicate over the noise.

Classroom Criteria and Noise Effects on Children

Research suggests that environments with sustained high background noise can have variable effects, including effects on learning and cognitive abilities and various noise-related physiological changes. Research on the impacts of noise in general on the cognitive abilities of school-aged children has received more attention in recent years.

Workplace Noise

In 1972, the National Institute for Occupational Safety and Health (NIOSH) published a criteria document with a recommended exposure limit of 85 dBA as an eight-hour time-weighted average. This exposure limit was reevaluated in 1998 when NIOSH made recommendations that went beyond conserving hearing by focusing on the prevention of occupational hearing loss. Following the reevaluation using a

new risk assessment technique, NIOSH published another criteria document in 1998, which reaffirmed the 85-dB recommended exposure limit (NIOSH, 1998).

Regulatory Setting

Under the Noise Control Act of 1972, the Occupational Safety and Health Administration established workplace standards for noise. The minimum requirement states that constant noise exposure must not exceed 90 dBA over eight hours. The highest allowable sound level to which workers can be constantly exposed is 115 dBA and exposure to this level must not exceed 15 minutes within an eight-hour period. The standards limit instantaneous exposure, such as impact noise, to 140 dBA. If noise levels exceed these standards, employers are required to provide hearing protection equipment to reduce sound levels to acceptable limits.

Infrastructure

Executive Order 13834, *Efficient Federal Operations*, requires federal departments and agencies to meet statutory requirements related to energy and environmental performance in a manner that increases efficiency, optimizes performance, eliminates unnecessary use of resources, and protects the environment. Agencies are directed to ensure that new construction conforms to applicable energy efficiency requirements and sustainable design principles, to implement space utilization and optimization practices, and to annually assess and report on building conformance to sustainability metrics.

Chief of Naval Operation Instruction 4100.5E outlines the Secretary of the Navy's vision for shore energy management. The focus of this instruction is establishing the energy goals and implementing strategy to achieve energy efficiency.

DoD Instruction (DoDI) 2000.12 governs DoD's antiterrorism program generally. DoDI O-2000.16, Volumes 1 and 2 provide the minimum construction standards to mitigate antiterrorism vulnerabilities and terrorist threats.

Public Health and Safety

EO 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, requires federal agencies to "make it a high priority to identify and assess environmental health and safety risks that may disproportionately affect children and shall ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks."

Hazardous Materials and Wastes

Hazardous materials are defined by 49 CFR section 171.8 as "hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table, and materials that meet the defining criteria for hazard classes and divisions in 49 CFR part 173." Transportation of hazardous materials is regulated by the U.S. Department of Transportation.

Hazardous wastes are defined by the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments, as "a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may (A) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed." Certain types of hazardous wastes are subject to special management provisions intended to ease the management burden and facilitate the recycling of such materials. These are called universal

wastes and their associated regulatory requirements are specified in 40 CFR part 273. Four types of waste are currently covered under the universal waste regulations: hazardous waste batteries, hazardous waste pesticides that are either recalled or collected in waste pesticide collection programs, hazardous waste thermostats, and hazardous waste lamps, such as fluorescent light bulbs.

Special hazards are those substances that might pose a risk to human health and are addressed separately from other hazardous substances. Special hazards include asbestos-containing material (ACM), lead-based paint (LBP), and PCBs. USEPA is given authority to regulate special hazard substances by the Toxic Substances Control Act. Asbestos is also regulated by USEPA under the Clean Air Act, and the Comprehensive Environmental Response, Compensation, and Liability Act.

DoD established the Defense Environmental Restoration Program (DERP) to facilitate thorough investigation and cleanup of contaminated sites on military installations (active installations, installations subject to Base Realignment and Closure, and formerly used defense sites). The Installation Restoration Program (IRP) and the Military Munitions Response Program are components of the DERP. The IRP requires each DoD installation to identify, investigate, and clean up hazardous waste disposal or release sites. The Military Munitions Response Program addresses nonoperational rangelands that are suspected or known to contain unexploded ordnance, discarded military munitions, or munitions constituent contamination. The Environmental Restoration Program is the Navy's initiative to address DERP.

Consistency of this Proposed Action with Federal, State, and Local Laws, Plans, Policies, and Regulation

In accordance with 40 CFR section 1502.16(c), analysis of environmental consequences shall include discussion of possible conflicts between the Proposed Action and the objectives of federal, regional, state and local land use plans, policies, and controls. Table A-2 identifies the principal federal and state laws and regulations that are applicable to the Proposed Action and describes briefly how compliance with these laws and regulations would be accomplished.

Table A-2 Principal Federal and State Laws Applicable to the Proposed Action

Federal, State, Local, and Regional Land Use Plans, Policies, and Controls	***Status of Compliance***
NEPA; CEQ NEPA-implementing regulations; Navy procedures for implementing NEPA	This Environmental Assessment has been prepared in accordance with NEPA, as implemented by the CEQ and Navy regulations.
Clean Air Act	The Proposed Action would comply with applicable federal and state air quality regulations. The project area is in an eight-hour ozone and a sulfur dioxide nonattainment area. Estimated emissions would not exceed applicable *de minimis* thresholds. A general conformity applicability analysis and Record of Non-Applicability are in Appendix C.
Clean Water Act	All of the action alternatives would require a joint permit from USACE and MDE. No jurisdictional wetlands are within or near any of the project areas. See letter on page B-102.
Rivers and Harbors Act	A permit for bridge construction under Section 9 would be not required from the U.S. Coast Guard. The Proposed Action is under the Advance Approval category per 33 CFR 115.70. See letter beginning on page B-88, which includes conditions of construction for Advance Approval.
Coastal Zone Management Act	A Federal Consistency Determination finding that the Proposed Action is consistent with Maryland's enforceable policies to the maximum extent practicable was submitted to the MDE. The Critical Area Commission only noted that any trees removed must be replaced on a one-to-one basis (emails on page B-79 and B-82). No additional comments were received. In accordance with the 60-day timeframe established pursuant to the Coastal Zone Management Act, concurrence is presumed. See correspondences beginning on page B-69.
National Historic Preservation Act	Possibility of encountering unknown terrestrial and submerged archaeological deposits. A Phase I survey will be conducted on the southeast shoreline of College Creek. If the bridge design would extend into a previously undisturbed area, a Phase I survey within the Creek would also be conducted. Copies of detailed design plans and any future surveys will be coordinated with SHPO. SHPO concurred that a precast concrete bridge design at the Alternative 1 location would have no adverse effect on historic properties. See correspondences beginning on page B-103.

Federal, State, Local, and Regional Land Use Plans, Policies, and Controls	***Status of Compliance***
Endangered Species Act	No effect on threatened or endangered species would be expected. No consultation with the U.S. Fish and Wildlife Service or National Marine Fisheries Service under section 7 is required. See correspondences beginning on page B-9.
Magnuson-Stevens Fishery Conservation and Management Act	The Navy prepared an Essential Fish Habitat Assessment (see Appendix D). The Navy will implement conservation measures to minimize adverse effects on essential fish habitat, including in-water noise reduction measures during construction and removing piles to a depth of two feet below the mudline. See correspondences with National Marine Fisheries Service beginning on page B-24.
Marine Mammal Protection Act	Marine mammals are unlikely to occur at NSA Annapolis. Takes of marine mammals are not reasonably foreseeable.
Migratory Bird Treaty Act	No impacts on migratory birds would be expected. College Creek is considered a historic waterfowl concentration area by the MDNR Wildlife and Heritage Service, who recommended that no work potentially affecting waterfowl take place between November 15 and March 1 in any year to protect overwintering waterfowl. See letters on page B-9 and B-97.
Bald and Golden Eagle Protection Act	No impacts on eagles would be expected.
Comprehensive Environmental Response, Compensation, and Liability Act	Not applicable. The Proposed Action does not involve using or storing hazardous or toxic chemicals, beyond minimal quantities associated with construction.
Emergency Planning and Community Right-to-Know Act	Not applicable. Chemical substances would remain the same; reporting requirements would continue.
Federal Insecticide, Fungicide, and Rodenticide Act	Not applicable. The Navy would continue to use any pesticides or pesticide-treated products in accordance with applicable labeling.
Resource Conservation and Recovery Act	No changes would occur in the way that hazardous wastes are handled, stored, or disposed of.
Toxic Substances Control Act	Not applicable. Chemical substances would remain the same; reporting requirements would continue.
Farmland Protection Policy Act	The project area is water surrounded by urban uses and not considered available for use as farmland; no effects would occur.
EO 11988, *Floodplain Management*	All of College Creek and the immediately adjacent banks encompassing the projects areas would be within the 100-year floodplain. No long-term increases in impervious surface or changes in the floodplain would occur.
EO 11990, *Protection of Wetlands*	There are no jurisdictional wetlands located within or near the project areas.
EO 12088, *Federal Compliance with Pollution Control Standards*	The Proposed Action would comply with applicable pollution controls required by construction permits.
EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations*	No disproportionately high or adverse effects on minority or low-income populations would occur.

Federal, State, Local, and Regional Land Use Plans, Policies, and Controls	***Status of Compliance***
EO 13045, *Protection of Children from Environmental Health Risks and Safety Risks*	No disproportionate effects on children would occur.
EO 13089, *Coral Reef Protection*	Not applicable.
EO 13175, *Consultation and Coordination with Indian Tribal Governments*	No traditional cultural properties are known to be located within or near the project reaches.
EO 13834, *Efficient Federal Operations*	The Proposed Action does not include changes in operations.

Key: CEQ=Council on Environmental Quality; EO = Executive Order; NEPA=National Environmental Policy Act; NSA = Naval Support Activity; SHPO=State Historic Preservation Office; USACE=U.S. Army Corps of Engineers.

Appendix A References

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National Institute for Occupational Health and Safety. (1998). *Criteria for a Recommended Standard Occupational Noise Exposure, Revised Criteria*. Cincinnati: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

NAVFAC Washington. (2016, March). Navy District Washington Resource Area Standard Language.

United States Environmental Protection Agency. (1974). *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with and Adequate Margin of Safety*. EPA 550/9-74-004. Washington, DC: Office of Noise Abatement and Control.

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General Public and Agency Involvement

Draft EA Agency Mailing Letter (May 6, 2020)

The following letter was sent to the agencies list beginning on page B-6.

DEPARTMENT OF THE NAVY
NAVAL SUPPORT ACTIVITY ANNAPOLIS
58 BENNION ROAD
ANNAPOLIS, MARYLAND 21402

IN REPLY REFER TO:
5090
Ser ENV-048
06 May 2020

Ms. Kathy Anderson
Chief, Maryland Section Southern
U.S. Army Corps of Engineers
2 Hopkins Plaza
Baltimore, MD 21201

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT FOR A UTILITY BRIDGE REPLACEMENT AT NAVAL SUPPORT ACTIVITY ANNAPOLIS, MARYLAND

Dear Ms. Anderson:

The Department of the Navy is preparing an Environmental Assessment (EA) in compliance with the National Environmental Policy Act of 1969 (NEPA) to evaluate the potential effects associated with replacing the utility bridge over College Creek at Naval Support Activity (NSA) Annapolis, Annapolis, Maryland. The utility bridge carries utility lines over College Creek between the Upper Yard to the Lower Yard of the U.S. Naval Academy (USNA). The existing bridge is in a severely deteriorated state and would require extensive repair to address the multiple failed and failing components.

The Proposed Action includes constructing a new bridge structure, replacing the utilities that are attached to the existing utility bridge, and then demolishing and removing the existing bridge. The new bridge would be similar in size, elevation, and materials to the existing bridge. No long-term changes in services or capacity are included with this action. Construction of the new bridge is expected to occur in fiscal year 2023.

The Navy is considering three alternative areas where the new bridge could be constructed between the King George Street Bridge and the Decatur Avenue Bridge, in addition to the No Action Alternative. Under all action alternatives, the existing bridge would be demolished following construction of the new

5090
Ser ENV-048
06 May 2020

bridge. The Navy is also considering the option of locating the utilities underground. With this option, all of the utilities would be situated underground except for one utility line which cannot be bored underground; therefore, it would remain aboveground and attached to the proposed utility bridge structure. Directional drilling techniques would be used to avoid direct impacts on aquatic resources. The bore location under this option would occur along the banks of College Creek in the general vicinity of the existing bridge, with the bore starting on the northern bank and running towards the southern bank. The three bridge location alternatives and the optional underground bore location are shown on the enclosed map.

Under Alternative 1, the proposed utility bridge would be constructed within 50 feet of the existing utility bridge alignment, which is adjacent to the King George Street Bridge.

Under Alternative 2, the proposed utility bridge would be constructed within 115 feet of the Decatur Avenue Bridge.

Under Alternative 3, the proposed utility bridge would be constructed in the area between Alternatives 1 and 2 while also avoiding Hubbard Hall (Building 260) and its associated docks.

Under the No Action Alternative, the Navy would not replace the utility bridge; the existing bridge would continue to deteriorate until failure occurs. If the bridge fails, utility services would be interrupted.

The Navy would like to invite your organization and other consulting parties to review the Draft EA, which is available for a 30-day review period online at: https://www.cnic.navy.mil/regions/ndw/installations/nsa_annapolis/om/environmental-/environmental-assessment.html. Comments on the Draft EA may be submitted via email to navfacwashnepa@navy.mil, or via U.S. mail, no later than 30 days from receipt of this letter, to Naval Facilities Engineering Command Washington, ATTN: Ms. Shelbi Pullen, 1314 Harwood Street SE, Building 212, Washington Navy Yard, DC 20374.

2

5090
Ser ENV-048
06 May 2020

If you have any questions, comments or need additional information, please contact Ms. Shelbi Pullen at navfacwashnepa@navy.mil.

Sincerely,

ALHARAZIM.MADINA.M.1362686136
Digitally signed by ALHARAZIM.MADINA.M.1362686136
Date: 2020.05.07 23:43:25 -04'00'

M. M. Alharazim
By direction

Enclosure: Location of NSA Annapolis and Alternatives for Proposed Utility Bridge

Copy to: Shelbi Pullen, NAVFAC Washington NEPA Project Manager

3

Agency Distribution List for the Draft EA

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U.S. Army Corps of Engineers
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Dave Barker, President
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Annapolis, MD 21401

Affidavit of Publication for the Draft EA (June 26, 27, and 28, 2020)

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Was published in "The Capital", "Daily", a newspaper printed and published in Anne Arundel County on the following dates:

Jun 26, 2020; Jun 27, 2020; Jun 28, 2020

Naval Support Activity Annapolis
Notice of Availability for a Draft Environmental Assessment for Utility Bridge Replacement at NSA Annapolis, Annapolis, Maryland

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality's regulations implementing the procedural provisions of NEPA (40 CFR Parts 1500-1508), the Department of the Navy gives notice that a Draft Environmental Assessment (EA) has been prepared to evaluate the potential impacts on the human and natural environment of constructing a new utility bridge structure, replacing the utilities that are attached to the existing utility bridge, and then demolishing and removing the existing bridge across College Creek at Naval Support Activity (NSA) Annapolis. The existing bridge is aging with multiple failed components and other components in need of repair related to the piles, support beams, reinforcements, and surface coatings.

The Navy is considering three sites for the new bridge between the existing bridge, adjacent to the King George Street Bridge, and the Decatur Avenue Bridge. In addition, an underground utility option is analyzed where all of the utilities would be bored under College Creek, except for one utility that cannot be underground.

The Draft EA is available for review at the following web site: https://www.cnic.navy.mil/regions/ndw/installations/nsa_annapolis/om/environmental/environmental_assessment.html. Comments on the EA may be made no later than July 26, 2020, to: Ms. Sheldi Pullen, Naval Facilities Engineering Command Washington, 1314 Harwood Street SE, Building 212, Washington Navy Yard, DC 20374, or by email to navfacwashnepa@navy.mil.

6/26; 6/27; 6/28/2020 6704457

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Endangered Species Act Coordination (Including State Agencies)

Maryland Department of Natural Resources Wildlife and Heritage Service Letter (August 4, 2020)

MARYLAND DEPARTMENT OF NATURAL RESOURCES

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

August 4, 2020

Ms. Shelbi Pullen
Naval Facilities Engineering Command Washington
1314 Harwood Street SE
Building 212
Washington Navy Yard, DC 20374

RE: Environmental Review for Draft EA - Utility Bridge Replacement at Naval Support Activity Annapolis, Anne Arundel County, Maryland

Dear Ms. Pullen:

For all of the proposed alternates shown in your submittal, 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. However, we would like to point out that the open waters that are adjacent to or part of the site are known historic waterfowl concentration areas. If there is to be any construction of water-dependent facilities please contact Josh Homyack of the Wildlife and Heritage Service at (410) 827-8612 x100 or josh.homyack@maryland.gov for further technical assistance regarding waterfowl.

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

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

ER# 2020.1074.aa
Cc: J. Homyack, DNR
C. Jones, CAC

Tawes State Office Building – 580 Taylor Avenue – Annapolis, Maryland 21401
410-260-8DNR or toll free in Maryland 877-620-8DNR – *dnr.maryland.gov* – TTY Users Call via the Maryland Relay

U.S. Fish and Wildlife Service List of Threatened and Endangered Species (IPaC; November 9, 2021)

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127
http://www.fws.gov/chesapeakebay/
http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html

In Reply Refer To:
Consultation Code: 05E2CB00-2022-SLI-0277
Event Code: 05E2CB00-2022-E-00739
Project Name: Utility Bridge 269

November 09, 2021

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
(410) 573-4599

Project Summary

Consultation Code: 05E2CB00-2022-SLI-0277
Event Code: Some(05E2CB00-2022-E-00739)
Project Name: Utility Bridge 269
Project Type: BRIDGE CONSTRUCTION / MAINTENANCE
Project Description: This project involves the replacement of the utility bridge 269 at College Creek at Naval Support Activity Annapolis (USNA). The project with be roughly 18 feet wide and 474 feet long, and will provide utilities between the lower and upper yards of USNA. All utilities beside [redacted] will be situated under ground through boring techniques. The project is expected start fiscal year 2026.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@38.98430995,-76.4964151253971,14z

Counties: Anne Arundel County, Maryland

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis*	Threatened

No critical habitat has been designated for this species.
This species only needs to be considered under the following conditions:

- Projects with a federal nexus that have tree clearing = to or > 15 acres: 1. REQUEST A SPECIES LIST 2. NEXT STEP: EVALUATE DETERMINATION KEYS 3. SELECT EVALUATE under the Northern Long-Eared Bat (NLEB) Consultation and 4(d) Rule Consistency key

Species profile: https://ecos.fws.gov/ecp/species/9045

Insects

NAME	STATUS
Monarch Butterfly *Danaus plexippus*	Candidate

No critical habitat has been designated for this species.
This species only needs to be considered under the following conditions:

- The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: https://www.fws.gov/savethemonarch/FAQ-Section7.html).

Species profile: https://ecos.fws.gov/ecp/species/9743

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R5UBH

ESTUARINE AND MARINE DEEPWATER

- E1UBL

U.S. Fish and Wildlife Service Verification Letter for Proposed Action Under the 4(d) Rule for Northern Long-eared Bat (November 9, 2021)

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127
http://www.fws.gov/chesapeakebay/
http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html

In Reply Refer To:
Consultation code: 05E2CB00-2022-TA-0277
Event Code: 05E2CB00-2022-E-00748
Project Name: Utility Bridge 269

November 09, 2021

Subject: Verification letter for the 'Utility Bridge 269' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Shelbi Pullen:

The U.S. Fish and Wildlife Service (Service) received on November 09, 2021 your effects determination for the 'Utility Bridge 269' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Monarch Butterfly *Danaus plexippus* Candidate

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

---

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description
You provided to IPaC the following name and description for the subject Action.

1. Name

Utility Bridge 269

2. Description

The following description was provided for the project 'Utility Bridge 269':

> This project involves the replacement of the utility bridge 269 at College Creek at Naval Support Activity Annapolis (USNA). The project with be roughly 18 feet wide and 474 feet long, and will provide utilities between the lower and upper yards of USNA. All utilities beside [redacted] will be situated under ground through boring techniques. The project is expected start fiscal year 2026.

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@38.98430995,-76.4964151253971,14z

Determination Key Result

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

   Yes

2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")

   No

3. Will your activity purposefully **Take** northern long-eared bats?

   No

4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

   Automatically answered

   No

5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

   Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

   Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

   No

7. Will the action involve Tree Removal?

   Yes

8. Will the action only remove hazardous trees for the protection of human life or property?

   No

9. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

   No

10. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

    No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

Magnuson–Stevens Fishery Conservation and Management Act Coordination

National Marine Fisheries Service Essential Fish Habitat Letter (April 30, 2020)

DEPARTMENT OF THE NAVY
NAVAL SUPPORT ACTIVITY ANNAPOLIS
58 BENNION ROAD
ANNAPOLIS, MARYLAND 21402

IN REPLY REFER TO:
5090
Ser ENV-059
April 30, 2020

Ms. Jennifer Anderson
Assistant Regional Administrator
for Protected Resources
NOAA Fisheries Service
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930-2276

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT FOR A UTILITY BRIDGE REPLACEMENT AT NAVAL SUPPORT ACTIVITY ANNAPOLIS, MARYLAND

Dear Ms. Anderson:

The Department of the Navy (Navy) is preparing an Environmental Assessment (EA) in compliance with the National Environmental Policy Act of 1969 (NEPA) to evaluate the potential effects associated with replacing the utility bridge over College Creek at Naval Support Activity (NSA) Annapolis, located in Annapolis, Maryland (Figure 1). This letter is to initiate consultation with NOAA Fisheries on the Essential Fish Habitat (EFH) present within College Creek and the area analyzed within the EA.

The Proposed Action includes constructing a new bridge structure, replacing the utilities that are attached to the existing utility bridge, and then demolishing and removing the existing bridge. The utility bridge over College Creek is approximately 18 feet wide and 474 feet long. The new bridge would be similar in size, elevation, and materials to the existing bridge. No long-term changes in services or capacity are included within the Proposed Action. The existing bridge is in a severely deteriorated state and would require extensive repair to address the multiple failed and failing components. Construction of the new bridge would be expected to occur in fiscal year 2023.

5090
Ser ENV-059
April 30, 2020

The Navy is considering three action alternatives where the new bridge could be constructed over College Creek between the King George Street Bridge and the Decatur Avenue Bridge (Figure 2), as well as a No Action Alternative. Under all action alternatives, the existing bridge would be demolished following construction of the new bridge. Construction work for any of the alternatives would be completed from land, in-water, or a combination of the two, depending on the land and water constraints in the various work areas. The Navy has not yet begun the design phase for this Proposed Action, so preliminary designs are not available at this time.

Under Alternative 1, the proposed utility bridge would be constructed within 50 feet of the existing utility bridge, which is adjacent to the King George Street Bridge. Given that the King George Street Bridge and the NSA Annapolis boundary are directly south of the current utility bridge, the proposed bridge must be located northeast of the current utility bridge. Therefore, under Alternative 1, the bridge could be constructed in any location between the current utility bridge and 50 feet to the northeast.

Under Alternative 2, the proposed utility bridge would be constructed within 115 feet of the Decatur Avenue Bridge (Hill Bridge).

Under Alternative 3, the proposed utility bridge would be constructed between the locations of Alternatives 1 and 2 (the approximate 250-foot width between Alternatives 1 and 2 while also avoiding Hubbard Hall and its associated docks along College Creek).

The Navy is also considering the option of locating the utilities underground. With this option, all of the utilities would be situated underground except for one utility line which cannot be bored underground; therefore, it would remain aboveground and attached to the proposed utility bridge structure. Directional drilling techniques would be used to avoid direct impacts on aquatic resources. The bore location under this option would occur along the banks of College Creek in the general vicinity of the existing bridge, with the bore starting on the northern bank and running towards the southern bank.

Under the No Action Alternative, the Navy would not replace the utility bridge; the existing bridge would continue to

2

5090
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April 30, 2020

deteriorate until failure occurs. If the bridge fails, utility services would be interrupted.

EFH has been designated for 11 fish species in College Creek: bluefish (*Pomatomus saltatrix*), scup (*Stenotomus chrysops*), summer flounder (*Paralichthys dentatus*), black sea bass (*Centropristis striata*), Atlantic butterfish (*Peprilus triacanthus*), little skate (*Leucoraja erinacea*), Atlantic herring (*Clupea harengus*), red hake (*Urophycis chuss*), windowpane flounder (*Scophthalmus aquosus*), winter skate (*Leucoraja ocellata*), and clearnose skate (*Raja eglanteria*). The salinity of College Creek ranges from approximately 6 to 11 parts per thousand (ppt). Of the species with EFH in the vicinity of College Creek, little skate, Atlantic herring, red hake, winter skate, and clearnose skate would not be expected to occur in the mixing salinity zone of College Creek, as these species are found in high salinity zones. A more detailed analysis of the EFH within the project area and impacts are included within the EA.

The Navy has determined that the replacement of the utility bridge and associated utility lines at NSA Annapolis may adversely affect EFH due to a reduction in quality from suspended sediments and noise resulting from bridge demolition and pile driving for new bridge construction. However, no long-term effects on EFH are expected.

The potential environmental impacts of the three action alternatives and the No Action Alternative are analyzed in a Draft EA. The Navy would like to invite your organization and other consulting parties to review the Draft EA, which is available for a 30-day review period online at: https://www.cnic.navy.mil/regions/ndw/installations/nsa_annapolis/om/environmental-/environmental-assessment.html. Advanced notification of significant concerns would be greatly appreciated. Please direct all written correspondence to:

Naval Facilities Engineering Command Washington
ATTN: Ms. Shelbi Pullen
1314 Harwood Street SE, Building 212
Washington Navy Yard, DC 20374

3

5090
Ser ENV-059
April 30, 2020

If you have any questions, comments or need additional information, please contact Ms. Shelbi Pullen at navfacwashnepa@navy.mil.

Sincerely,

ALHARAZIM.MADINA.M.1362686136 Digitally signed by ALHARAZIM.MADINA.M.1362686136 Date: 2020.04.30 15:29:07 -04'00'

M. M. Alharazim
By direction

Enclosures: 1. Figure 1 Naval Support Activity Annapolis Location Map
2. Figure 2 Proposed Utility Bridge Location of Alternatives

Copy to: Shelbi Pullen, NAVFAC Washington NEPA Project Manager
Karen Green, Mid-Atlantic Field Office Supervisor and EFH Coordinator

4

National Marine Fisheries Service Essential Fish Habitat Letter (July 9, 2020)

DEPARTMENT OF THE NAVY
NAVAL SUPPORT ACTIVITY ANNAPOLIS
58 BENNION ROAD
ANNAPOLIS, MARYLAND 21402

IN REPLY REFER TO:
5090
Ser ENV-094
09 July 2020

Ms. Karen Green
Mid-Atlantic Field Office Supervisor and
EFH Coordinator
Greater Atlantic Regional Fisheries Office
NOAA Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930-2276

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT FOR A UTILITY BRIDGE REPLACEMENT AT NAVAL SUPPORT ACTIVITY ANNAPOLIS, MARYLAND

Dear Ms. Green:

The Department of the Navy (Navy) is preparing an Environmental Assessment (EA) in compliance with the National Environmental Policy Act of 1969 (NEPA) to evaluate the potential effects associated with replacing the utility bridge over College Creek at Naval Support Activity (NSA) Annapolis, located in Annapolis, Maryland (Figure 1). This letter is to initiate consultation with NOAA Fisheries on the Essential Fish Habitat (EFH) present within College Creek and the area analyzed within the EA.

The Proposed Action includes constructing a new bridge structure, replacing the utilities that are attached to the existing utility bridge, and then demolishing and removing the existing bridge. The utility bridge over College Creek is approximately 18 feet wide and 474 feet long. The new bridge would be similar in size, elevation, and materials to the existing bridge. No long-term changes in services or capacity are included within the Proposed Action. The existing bridge is in a severely deteriorated state and would require extensive repair to address the multiple failed and failing components. Construction of the new bridge would be expected to occur in fiscal year 2023.

The Navy is considering three action alternatives where the new bridge could be constructed over College Creek between the King George Street Bridge and the Decatur Avenue Bridge (Figure 2 and Enclosure 3), as well as a No Action Alternative. Under all action alternatives, the existing bridge would be demolished following construction of the new bridge. Construction work for any of the alternatives would be completed from land, in-water, or a combination of the two, depending on the land and water constraints in the various work areas. The Navy has not yet begun the design phase for this Proposed Action, so preliminary designs are not available at this time.

5090
Ser ENV-094
09 July 2020

Under Alternative 1, the proposed utility bridge would be constructed within 50 feet of the existing utility bridge, which is adjacent to the King George Street Bridge. Given that the King George Street Bridge and the NSA Annapolis boundary are directly south of the current utility bridge, the proposed bridge must be located northeast of the current utility bridge. Therefore, under Alternative 1, the bridge could be constructed in any location between the current utility bridge and 50 feet to the northeast.

Under Alternative 2, the proposed utility bridge would be constructed within 115 feet of the Decatur Avenue Bridge (Hill Bridge).

Under Alternative 3, the proposed utility bridge would be constructed between the locations of Alternatives 1 and 2 (the approximate 250-foot width between Alternatives 1 and 2 while also avoiding Hubbard Hall and its associated docks along College Creek).

The Navy is also considering the option of locating the utilities underground. With this option, all of the utilities would be situated underground except for one utility line which cannot be bored underground; therefore, it would remain aboveground and attached to the proposed utility bridge structure. Directional drilling techniques would be used to avoid direct impacts on aquatic resources. The bore location under this option would occur along the banks of College Creek in the general vicinity of the existing bridge, with the bore starting on the northern bank and running towards the southern bank.

Under the No Action Alternative, the Navy would not replace the utility bridge; the existing bridge would continue to deteriorate until failure occurs. If the bridge fails, utility services would be interrupted.

EFH has been designated for 11 fish species in College Creek: bluefish (*Pomatomus saltatrix*), scup (*Stenotomus chrysops*), summer flounder (*Paralichthys dentatus*), black sea bass (*Centropristis striata*), Atlantic butterfish (*Peprilus triacanthus*), little skate (*Leucoraja erinacea*), Atlantic herring (*Clupea harengus*), red hake (*Urophycis chuss),* windowpane flounder (*Scophthalmus aquosus*), winter skate (*Leucoraja ocellata*), and clearnose skate (*Raja eglanteria*). The salinity of College Creek ranges from approximately 6 to 11 parts per thousand (ppt). Of the species with EFH in the vicinity of College Creek, little skate, Atlantic herring, red hake, winter skate, and clearnose skate would not be expected to occur in the mixing salinity zone of College Creek, as these species are found in high salinity zones. There are no sensitive habitats or HAPC located at the proposed project locations.

The Navy has determined that the replacement of the utility bridge and associated utility lines at NSA Annapolis may adversely affect EFH due to a reduction in quality from suspended sediments and noise resulting from bridge demolition and pile driving for new bridge construction. However, no long-term effects on EFH are expected.

The potential environmental impacts of the three action alternatives and the No Action Alternative are analyzed in a Draft EA. The Navy would like to invite your organization and other consulting parties to review the Draft EA, which is available for a 30-day review period

2

5090
Ser ENV-094
09 July 2020

online at: https://www.cnic.navy.mil/regions/ndw/installations/nsa_annapolis/om/environmental-/environmental-assessment.html.

The proposed project locations, as well as site photographs, are included as attachments to this letter. In addition, the NOAA Fisheries Greater Atlantic Regional Fisheries Office EFH Assessment Worksheet has been completed and is attached (Enclosure 4). As the project design phase has not yet begun, there are no design plans available; however, the Navy would like to initiate consultation with your office regarding the EFH at the proposed project site. A more detailed analysis of the EFH within the project area and impacts are included within the EA.

Advanced notification of significant concerns would be greatly appreciated. Please direct all written correspondence to:

Naval Facilities Engineering Command Washington
ATTN: Ms. Shelbi Pullen
1314 Harwood Street SE, Building 212
Washington Navy Yard, DC 20374

If you have any questions or comments, or need additional information, please contact Ms. Shelbi Pullen at navfacwashnepa@navy.mil.

Sincerely,

NESS.JOHN.R.1229113107 Digitally signed by NESS.JOHN.R.1229113107 Date: 2020.07.09 13:15:46 -04'00'

J. R. Ness
By direction

Enclosures: 1. Figure 1 Naval Support Activity Annapolis Location Map
2. Figure 2 Proposed Utility Bridge Location of Alternatives
3. Photos of Existing Utility Bridge and King George Street Bridge
4. NOAA Fisheries Greater Atlantic Regional Fisheries Office EFH Assessment Worksheet

Copy to: Shelbi Pullen, NAVFAC Washington NEPA Project Manager

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National Marine Fisheries Service Habitat Conservation Division Letter (July 23, 2020)

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

July 23, 2020

Shelbi Pullen
NEPA Project Manager
NAFAC Washington
1314 Harwood Street SE
Washington Navy Yard, D.C. 20374

Dear Ms. Pullen:

We have received your May 6, 2020, letter (Reference: 5090 Ser ENV-050) requesting comments on the June 26, 2020, Draft Environmental Assessment (DEA) for Utility Bridge Replacement located at the Naval Support Activity Annapolis, Maryland. The DEA describes the potential impacts of constructing an approximately 470-foot-long bridge to support utility infrastructure across College Creek. This document includes consideration of impacts for the preferred action (i.e., Alternative 1), three potential alternative actions that have been carried forward for this analysis (i.e., Alternative 2, Alternative 3, Underground Utility Option), and the no-build alternative. This document also briefly considers impacts associated with demolition of the existing utility bridge following the construction of a new structure. In the DEA, the Department of the Navy concludes that the proposed project would not have a substantial adverse effect on essential fish habitat (EFH) or federally managed fishery species.

Based upon the information provided to us, we cannot concur with your determination regarding the project's effects on EFH. There are a number of outstanding issues that need to be addressed before the project's impacts can be fully evaluated, including more thorough assessment of the direct, indirect, individual, and cumulative impacts of the project on aquatic resources and a description of the measures taken to avoid and minimize impacts to aquatic biota and their habitats. Also, a more clearly defined description of all components of the project including detailed plans, a project timeline, additional information regarding the area of aquatic habitat to be directly and indirectly impacted, the existing condition of the proposed impact areas, and an analysis of the alternatives considered to minimize these impacts should be provided. Based upon the limited information in the DEA, we are unable to conclude that the project as currently proposed would not have a substantial adverse effect on EFH, federally managed species, or their prey.

As you are aware, the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and Fish and Wildlife Coordination Act (FWCA) both require consultation with us on actions such as those proposed as part of this project. Our comments below are intended to assist your staff in completing these consultations

The Magnuson Stevens Fishery Conservation and Management Act (MSA)
College Creek has been designated EFH for a variety of federally managed species including summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), bluefish (*Pomatomus saltatrix*), windowpane flounder (*Scopthalmus aquosus*), black sea bass (*Centropristis striata*), Atlantic butterfish (*Peprilus triacanthus*), and little skate (*Leucoraja erinacea*). College Creek has also been designated EFH for several species that are briefly described in the DEA document - Atlantic herring (*Clupea harengus*), red hake (*Urophycis chuss*), winter skate (*Leucoraja ocellata*), and clearnose skate (*Raja eglanteria*).

The MSA requires federal agencies to consult us on any action or proposed action authorized, funded, or undertaken by the agency that may adversely affect. The consultation process is guided by the EFH regulatory requirements under 50 CFR 600.920, which mandates the preparation of EFH assessments and generally outlines each agency's obligations in this consultation procedure. If an EFH assessment is contained in another document, it must be clearly identified as an EFH assessment in a separate section of the document and it must include all of the following mandatory elements: (i) a description of the action, (ii) an analysis of the potential adverse effects of the action on EFH and the managed species, (iii) the federal agency's conclusions regarding the effects of the action on EFH, and (iv) proposed mitigation, if applicable. If appropriate, the assessment should also include additional information, such as: (i) the results of an on-site inspection to evaluate the habitat and the site-specific effects of the project, (ii) the view of recognized experts on the habitat or species that may be affected, (iii) a review of pertinent literature and related information, (iv) an analysis of alternatives to the action – such an analysis should include alternatives that could avoid or minimize adverse effects on EFH. The level of detail in an EFH assessment should be commensurate with the complexity and magnitude of the potential adverse effects of the action. For required information that is presented in the greater EA document and is not directly included in the designated EFH assessment section (e.g., description of action), hyperlinks or appropriate citation can be used to allow us to efficiently locate the aforementioned information.

The EFH final rule published in the Federal Register on January 17, 2002 defines an adverse effect as: "any impact which reduces the quality and/or quantity of EFH." The rule further states that:

> An adverse effect may include direct or indirect physical, chemical or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat and other ecosystems components, if such modifications reduce the quality and/or quantity of EFH. Adverse effects to EFH may result from the action occurring within EFH or outside EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

To fulfill the requirements of the MSA, a revised EFH assessment should be developed which evaluates the direct, indirect, individual, cumulative, and synergistic effects of bridge construction and demolition on EFH, federally managed species, and important prey species. This assessment should then be provided to us for review. The assessment should include additional information regarding the existing conditions of the proposed construction areas (e.g.,

bottom contours, substrate types), the extent of excavation necessary for construction/demolition, the area of in-water fill (e.g., bridge pilings, piling caps), the timing and duration of the work, and the equipment to be used. A description of measures to avoid or minimize impacts to federally managed species and their prey associated with this proposed activity should also be fully described in the EFH assessment. The revised EFH assessment can be provided to us as a stand-alone document or as part of a revised EA.

The Fish and Wildlife Coordination Act (FWCA)

The Fish and Wildlife Coordination Act (FWCA) requires consultation with us on activities that impact fish and wildlife resources, including those that affect, control, or modify waters of any stream or body of water. FWCA also requires federal agencies to provide for improvement of these resources. Under this authority, we work to protect, conserve and enhance species and habitats for a wide range of aquatic resources such as shellfish, baitfish species, diadromous species, and other commercially and recreationally important species that are not managed by the federal fishery management councils and do not have designated EFH.

College Creek supports a number of important living marine resources that provide for valuable recreational and commercial fisheries, as well as species and habitats that are critical to a healthy estuarine ecosystem. In addition to being designated as EFH for federally managed species, the project area also serves as important habitat for many other NOAA trust resources including Atlantic croaker (*Micropogonias undulatus*), spot (*Leiostomis xanthurus*), and blue crab (*Calinectes sapidus*). Important forage species such as mummichog (*Fundulus heteroclitus*), Atlantic silverside (*Menidia menidia*), inland silverside (*Menidia beryllina*), striped killifish (*Fundulus majalis*), and bay anchovy (*Anchoa mitchilli*) also use this area. These baitfishes and other small fish and benthic organisms found in estuarine creeks provide a valuable food source for many of the commercially and recreationally valuable species mentioned above including scup, striped bass (*Morone saxatilis*), summer flounder, weakfish (*Cynoscion regalis*), and windowpane flounder. Due to the variety of aquatic resources likely present in College Creek and the complexity of their food web interactions with the greater mid-Chesapeake Bay ecosystem, the final EFH assessment should place a greater emphasis on temporary (e.g., turbidity, in-water noise) and permanent (e.g., piers, pier caps) impacts to habitats present in the site, rather than simply describing the federally managed species that could potentially be present based on generalized site characteristics (e.g., salinity).

Resources, Potential Impacts, and Avoidance/Minimization Measures

Submerged Aquatic Vegetation

Submerged aquatic vegetation (SAV) has been designated as a habitat area of particular concern (HAPC) for summer flounder by the Mid-Atlantic Fishery Management Council. HAPCs are subsets of EFH identified based on one or more of the following considerations: 1) the importance of the ecological function; 2) extent to which the habitat is sensitive to human-induced degradation; 3) whether and to what extent, development activities are stressing the habitat type; and/or 4) rarity of habitat type (50 CFR 600.815(a)(8)). In addition, the U.S. Environmental Protection Agency has designated SAV as a special aquatic site under Section 404(b)(1) of the federal Clean Water Act (CWA) because of its important role in the marine

ecosystem for nesting, spawning, nursery cover, and forage areas for fish and wildlife. It is a priority habitat for us for the same reasons.

The draft EA document relies on a variety of localized surveys to identify potential SAV in the proposed project areas. However, the consensus approach to identifying potential SAV habitat in Maryland (i.e., areas mapped by VIMS in the last five years of available data; see: http://web.vims.edu/bio/sav/savwabmap/) was not used in the drafting of this document. This approach should be added to the presented data to ensure data quality and consistency across projects. Furthermore, SAV should be correctly described as HAPC for summer flounder in the revised EFH assessment and EA.

Anadromous Fish Species

Anadromous species such as alewife (*Alosa pseudoharengus*), blueback herring (*A. aestivalis*), American shad (*A. sapidissima*), hickory shad (*A. mediocris*), and striped bass (*Morone saxatilis*) annually migrate from the ocean into the coastal tributaries of the Chesapeake Bay to spawn. This includes the Severn River watershed. Because landing statistics and the number of fish observed on annual spawning runs indicate a drastic decline in alewife and blueback herring populations throughout much of their range since the turn of the 20th century and especially since the mid-1960s, river herring (i.e., alewife and blueback herring, collectively) have been designated as Species of Concern by NOAA. Species of Concern are those about which we have concerns regarding their status and threats, but for which insufficient information is available to indicate a need to list the species under the Endangered Species Act (ESA). We wish to draw proactive attention and conservation action to these species.

Both adult and juvenile alosines are energy-dense and are important prey species for federally managed fish species. For example, Buckel and Conover (1997) in Fahey et al. (1999) report that diet items of juvenile bluefish include *Alosa* species. Additionally, juvenile alosines have all been identified as prey species for summer flounder, and windowpane flounder in Steimle et al. (2000). The EFH final rule states that prey species are an important component of EFH and that loss of prey may be an adverse effect on EFH and managed species. As a result, actions that reduce the availability of prey species, either through direct harm, or through adverse impacts to their habitat, including their ability to access suitable spawning habitat, may also be considered adverse effects on EFH.

Because spawning migrations and the associated physiological changes (e.g., gamete development) are among the most energetically demanding events in the life history of anadromous fishes, we recommend that they are protected from disturbance and allowed to reach their spawning habitats without disturbance to the extent practicable. One of the most effective approaches to achieve this protection is to restrict in-water work during the spawning season (i.e., February 15 – June 15). We recommend that the EA include description of a time of year restriction for in-water activities associated with this proposed project.

Underwater Noise

Noise from construction activities, such as bridge demolition and pile installation, may result in adverse effects to various fish species, including migratory alosines. High-intensity sounds have the potential to adversely impact aquatic vertebrates (Fletcher and Busnel, 1978; Kryter, 1985;

Popper, 2003; Popper et al., 2004). Effects may include (a) lethal and non-lethal damage to body tissues, (b) physiological effects including changes in stress hormones, hearing capabilities, or sensing and navigation abilities, or (c) changes in behavior (Popper at al., 2004). These effects are particularly pronounced in fishes that possess a gas bladder, such as striped bass and migratory alosines. We are concerned due to the lack of consideration for the potential impacts of underwater noise associated with this project. Simply stating that fish can avoid the project area when construction is occurring does not adequately address potential impacts to these species nor does it demonstrate any effort to avoid or minimize these impacts. We recommend using the Acoustic Tool provided by the NOAA Fisheries Protected Resources Division (see: https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultation-technical-guidance-greater-atlantic) to estimate the area of insonficiation associated with the proposed activities. This tool can also assist you in evaluating the efficacy of different noise-related best management practices (BMPs). The EA should include a discussion of proposed BMPs to minimize/avoid impact to aquatic resources associated with underwater noise. These BMPs could include (i) soft start protocols, (ii) use of vibratory hammers to the extent practicable, and (iii) use of cushion blocks and/or contained bubble curtains with impact hammers. Each of these measures reduces the probability of injuring/killing fish in the project area and should be considered further in a complete EFH assessment.

Suggested Changes to Draft EA

Several changes should be made to the DEA or included in a stand-alone EFH assessment to provide sufficient information for the EFH consultation to be initiated. We recommend the following topics be addressed, based on the information and justifications provided above:

- This document should include a clear description of the action, including:
  - Map indicating benthic contours and proposed locations of the new bridge pilings and piling caps should be clearly presented
  - The in-water footprint (i.e., square feet of bottom converted to pilings, areas to be excavated for new pile caps) should be adequately described and depicted.
  - Methods proposed to demolish the existing structure, proposed final conditions, and associated impact minimization techniques (e.g., turbidity curtains) should be included
  - Equipment used to install new piles and pile materials proposed.
  - Best management practices (e.g., soft start protocol, cushion blocks, vibratory hammers, contained bubble curtains, time of year restrictions) proposed to minimize underwater noise associated with the proposed activities
  - Area of insonification associated with proposed pile-driving activities based upon their construction materials and acoustic mitigation BMPs employed
- Include discussion of any impacts to potential prey species that may be found in the project area (e.g., spot, Atlantic croaker, spot) and associated avoidance and minimization measures.
- Include discussion of migratory fish and methods to avoid/minimize impacts to those resources (e.g., time of year restriction during spawning season).

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- Compensatory mitigation should be considered as an option in the event that the existing bridge structure is not completely removed and/or bottom contours are not restored following demolition/construction activities.

Conclusion

We look forward to continuing to work with you and your staff as the development of the final EA moves forward. The recommendations and information provide above are intended to assist you in revising this document to providing us with a separate EFH assessment to meet our joint responsibilities of the MSA and FWCA by protecting, conserving and enhancing EFH and fish and wildlife resources. If you have questions or would like to discuss this further, please contact Jonathan Watson in our Annapolis field office at Jonathan.Watson@noaa.gov or (410) 295-3152.

Sincerely,

GREENE.KAREN.M.1365830785 Digitally signed by GREENE.KAREN.M.1365830785 Date: 2020.07.23 12:58:44 -04'00'

Karen M. Greene
Mid-Atlantic Field Offices Supervisor
Habitat Conservation Division

cc:
B. Hopper (NMFS - PRD)
A. Blair (EPA)
C. Guy (USFWS)
M. Spindler (MDE)
J. Stewart (MDE)

6

References

Buckel, J.A. and D.O. Conover. 1997. Movements, feeding periods, and daily ration of piscivorous young-of-the-year bluefish, *Pomatomus saltatrix*, in the Hudson River estuary. Fisheries Bulletin, 95:665-679.

Fahey, M.P., P.L. Berrien, D.L. Johnson and W.W. Morse. 1999. Essential Fish Habitat Source Document: Bluefish, *Pomatomus saltatrix* life history and habitat characteristics. U.S. Dep. Commerce, NOAA Technical Memorandum NMFS-NE-144.

Fletcher, J.L. and R.G. Busnel. 1978. Effects of Noise on Wildlife. Academic Press, New York.

Kryter, K.D. 1985. The handbook of hearing and the effects of noise (2nd ed.) Academic Press, Orlando, Florida.

Popper, A.N. 2003. Effects of anthropogenic sound on fishes. Fisheries 28:24 –31.

Popper, A.N., J. Fewtrell, M.E. Smith, and R.D. McCauley. 2004. Anthropogenic sound: Effects on the behavior and physiology of fishes. MTS J. 37:35 –40

Steimle, F.W., R.A. Pikanowski, D.G. McMillan, C.A. Zetlin, and S.J. Wilk. 2000. Demersal fish and American lobster diets in the Lower Hudson-Raritan Estuary. NOAA Technical Memorandum NMFS-NE-161. Woods Hole, MA. 106 p.

Continuing Consultation Letter to National Marine Fisheries Service Habitat Conservation Division Letter (December 17, 2021)

DEPARTMENT OF THE NAVY
NAVAL SUPPORT ACTIVITY ANNAPOLIS
58 BENNION ROAD
ANNAPOLIS, MARYLAND 21402

IN REPLY REFER TO:
5090
Ser ENV-102
17 Dec 2021

Mr. Jonathan Watson
Marine Habitat Resource Specialist for Maryland
Greater Atlantic Regional Fisheries Office
NOAA Fisheries
55 Great Republic Drive
Gloucester, MA 01930-2276

SUBJECT: REQUEST FOR CONTINUED CONSULTATION - UTILITY BRIDGE REPLACEMENT AT NAVAL SUPPORT ACTIVITY ANNAPOLIS, ANNAPOLIS, MARYLAND

Dear Mr. Watson:

This letter requests Essential Fish Habitat (EFH) continued consultation pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) for replacement of a utility bridge at Naval Support Activity (NSA) Annapolis in Annapolis, Maryland. In accordance with the initial response received from your office, the Navy is continuing consultation for EFH. Your office's initial response regarding this project is enclosed.

The Navy proposes to replace the utility bridge at College Creek at NSA Annapolis. The utility bridge carries utilities over College Creek between the Upper Yard and the Lower Yard of the U.S. Naval Academy. If the bridge fails, utilities would be interrupted. The utility bridge is currently in a severely deteriorated state and requires extensive repair. The Navy is considering three alternative locations for the new bridge. The alternative locations for the Proposed Action are shown on the figures in the enclosed EFH assessment. As shown in the EFH assessment, these locations are within the alternative areas that were analyzed in the Draft EA.

Under Alternative 1, the proposed utility bridge would be constructed within 50 feet of the existing utility bridge alignment, which is adjacent to the King George Street Bridge.

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Under Alternative 2, the proposed utility bridge would be located within 115 feet of the Decatur Avenue Bridge (Hill Bridge).

Under Alternative 3, the proposed utility bridge would be constructed between the locations of Alternatives 1 and 2 while also avoiding Hubbard Hall (Building 260) and its associated docks.

The Navy is also considering the option of locating the utilities underground. With this option, all of the utilities would be situated underground except for one utility line which cannot be bored underground; therefore, it would remain aboveground and attached to the proposed utility bridge structure. The bore location under this option would occur along the banks of College Creek in the general vicinity of the existing bridge, with the bore starting on the northern bank and running towards the southern bank.

Under the No Action Alternative, the Navy would not replace the utility bridge; the existing bridge would continue to deteriorate until failure occurs. If the bridge fails, utility services will be interrupted.

Under all three action alternatives, upon completion of the new bridge, the existing bridge would be demolished, and the pile caps would be removed and hauled off-site. Additional information regarding construction methods is provided in the enclosed EFH assessment.

As requested in the NOAA response letter dated 23 July 2020 and in accordance with the Magnuson-Stevens Act, the Navy has prepared the enclosed EFH assessment. College Creek has been identified as EFH under the Magnuson-Stevens Act for 11 federally managed species, 24 life stages, and one Habitat Area of Particular Concern (HAPC) for summer flounder. Two prior studies of College Creek observed no submerged aquatic vegetation beds and only one record of horned pondweed. Therefore, designated HAPC is not anticipated to exist in College Creek or anticipated to be affected by the Proposed Action.

The enclosed EFH assessment documents impacts that may adversely affect EFH and managed species; however, impacts would

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be minor, localized, and would cease upon completion of construction and demolition activities. Once the existing bridge is demolished, following construction, a net gain of benthic habitat will occur due to smaller proposed support structures allowing for greater natural benthic availability under the Proposed Action.

Based on fish life histories for species likely to occur in the area, the duration and extent of the Proposed Action, and the magnitude of potential permanent and temporary impacts associated with construction and demolition activities, no adverse effect on EFH will occur under any of the alternatives. Therefore, the Navy does not anticipate the need for the potential mitigation measures outlined in the enclosed EFH assessment.

Based on the above information and the information provided in the enclosed EFH assessment, it is expected that the effect of this utility bridge replacement, under any alternative, to species of concern would be minor and temporary. The Navy has accordingly made the determination that the Proposed Action will have no adverse effect on the managed species or EFH occurring in the action areas. We seek NMFS concurrence with this determination.

If you have any questions, comments, or need additional information, please do not hesitate to contact Shelbi Pullen, NEPA Project Manager, via email at navfacwashnepa@navy.mil. Thank you for your assistance with this request.

Sincerely,

J. J. BARLOW
Installation Environmental Program Director
By direction
of the Commanding Officer

Enclosures: 1. Letter from National Marine Fisheries Service Greater Atlantic Regional Fisheries Office, dated 23 Jul 2020
2. *Final Essential Fish Habitat Assessment for the*

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King George Street Utility Bridge Replacement Project, Annapolis, Maryland, dated June 2021

3. NOAA Fisheries Greater Atlantic Regional Fisheries Office EFH Assessment & Fish and Wildlife Coordination Act Worksheet

Copy to: Shelbi Pullen, NAVFAC Washington NEPA Project Manager

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NOAA FISHERIES GREATER ATLANTIC REGIONAL FISHERIES OFFICE EFH ASSESSMENT & FISH AND WILDLIFE COORDINATION ACT WORKSHEET

Enclosure (3)

NOAA Fisheries Greater Atlantic Regional Fisheries Office Essential Fish Habitat (EFH) Assessment & Fish and Wildlife Coordination Act (FWCA) Consultation Worksheet

August 2021 rev.

Authorities

The Magnuson Stevens Fishery Conservation and Management Act (MSA) requires federal agencies to consult with NOAA Fisheries on any action or proposed action authorized, funded, or undertaken by such agency that may adversely affect essential fish habitat (EFH) identified under the MSA. This process is guided by the requirements of our EFH regulation at 50 CFR 600.905, which mandates the preparation of EFH assessments and generally outlines each agency's obligations in the consultation process.

The Fish and Wildlife Coordination Act (FWCA) requires that all federal agencies consult with NOAA Fisheries when proposed actions might result in modifications to a natural stream or body of water. The FWCA also requires that federal agencies consider the effects that these projects would have on fish and wildlife and must also provide for improvement of these resources. Under the FWCA, we work to protect, conserve and enhance species and habitats for a wide range of aquatic resources such as shellfish, diadromous species, and other commercially and recreationally important species that are not federally managed and do not have designated EFH.

It is important to note that these consultations take place between NOAA Fisheries and federal action agencies. **As a result, EFH assessments, including this worksheet, must be provided to us by the federal agency, not by permit applicants or consultants.**

Use of the Worksheet

This worksheet can serve as an EFH assessment for **Abbreviated EFH Consultations**, and as a means to provide information on potential effects to other NOAA trust resources considered under the FWCA. An abbreviated consultation allows us to determine quickly whether, and to what degree, a federal action may adversely affect EFH. Abbreviated consultation procedures can be used when federal actions do not have the potential to cause substantial adverse effects on EFH and when adverse effects could be alleviated through minor modifications.

The intent of the EFH worksheet is to provide a guide for determining the information needed to fully assess the effects of a proposed action on EFH. In addition, the worksheet may be used as a tool to assist you in developing a more comprehensive EFH assessment for larger projects that may have more substantial adverse effects to EFH. However, for large, complex projects that have the potential for significant adverse effects, an **Expanded EFH Consultation** may be warranted and the use of this worksheet alone is not appropriate as your EFH assessment.

An **adverse effect** is any impact that reduces the quality and/or quantity of EFH. Adverse effects may include direct or indirect physical, chemical, or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat, and other ecosystem components. Adverse effects to EFH may result from actions occurring within EFH or outside of EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

Consultation under the MSA is not required if there is no adverse effect on EFH or if no EFH has been designated in the project area. However, because the definition of "adverse effect" is very broad, most in-water work will result in some level of adverse effect requiring consultation with us, even if the impact is temporary or the overall result of the project is habitat restoration or enhancement. It is important to remember that an adverse effect determination is a trigger to consult with us. It does not mean that a project cannot proceed as proposed, or that project modifications are necessary. An adverse effect determination under the EFH provisions of the MSA simply means that the effects of the proposed action on EFH must be evaluated to determine if there are ways to avoid, minimize, or offset adverse effects. Additional details on EFH consultations, tools, and resources, including frequently asked questions can be found on our website.

Instructions

This worksheet should be used as your EFH assessment for **Abbreviated EFH Consultations** or as a guide to develop your EFH assessment. It is not appropriate to use this worksheet as your EFH assessment for large, complex projects, or those requiring an Expanded EFH Consultation.

When completed fully and with sufficient information to clearly describe the activities proposed, habitats affected, and project impacts, as well as the measures taken to avoid, minimize or offset any unavoidable adverse effects, this worksheet provides us with required components of an EFH assessment including:

1. A description of the proposed action.
2. An analysis of the potential adverse effects on EFH and the federally managed species.
3. The federal agency's conclusions regarding the effects of the action on EFH.
4. Proposed mitigation, if applicable.

When completing this worksheet and submitting information to us, it is important to ensure that sufficient information is provided to clearly describe the proposed project and the activities proposed. At a minimum, this should include the public notice (if applicable) or project application and project plans showing:

- location map of the project site with area of impact.
- existing and proposed conditions.
- all in-water work and the location of all proposed structures and/or fill.
- all waters of the U.S. on the project site with mean low water (MLW), mean high water (MHW), high tide line (HTL), and water depths clearly marked.
- Habitat Areas of Particular Concern (HAPCs).
- sensitive habitats mapped, including special aquatic sites (submerged aquatic vegetation, saltmarsh, mudflats, riffles and pools, coral reefs, and sanctuaries and refuges), hard bottom or natural rocky habitat areas, and shellfish beds.
- site photographs, if available.

Your analysis of effects **should focus on impacts that reduce the quality and/or quantity of the habitat or result in conversion to a different habitat type** for all life stages of species with designated EFH within the action area. Simply stating that fish will move away or that the project

will only affect a small percentage of the overall population is not a sufficient analysis of the effects of an action on EFH. Also, since the intent of the EFH consultation is to evaluate the direct, indirect, individual and cumulative effects of a particular federal action on EFH and to identify options to avoid, minimize or offset the adverse effects of that action, is it not appropriate to conclude that an impact is minimal just because the area affected is a small percentage of the total area of EFH designated. The focus of the consultation is to reduce impacts resulting from the activities evaluated in the assessment. Similarly, a large area of distribution or range of the fish species is also not appropriate rationale for concluding the impacts of a particular project are minimal.

Use the information on the our EFH consultation website and NOAA's EFH Mapper to complete this worksheet. The mapper is a useful tool for viewing the spatial distribution of designated EFH and HAPCs. Because summer flounder HAPC (defined as: " all native species of macroalgae, seagrasses, and freshwater and tidal macrophytes in any size bed, as well as loose aggregations, within adult and juvenile summer flounder EFH") does not have region-wide mapping, local sources and on-site surveys may be needed to identify submerged aquatic vegetation beds within the project area. The full designations for each species may be viewed as PDF links provided for each species within the Mapper, or via our website links to the New England Fishery Management Councils Omnibus Habitat Amendment 2 (Omnibus EFH Amendment), the Mid-Atlantic Fishery Management Councils FMPs (MAMFC - Fish Habitat), or the Highly Migratory Species website. Additional information on species specific life histories can be found in the EFH source documents accessible through the Habitat and Ecosystem Services Division website. This information can be useful in evaluating the effects of a proposed action. Habitat and Ecosystem Services Division (HESD) staff have also developed a technical memorandum *Impacts to Marine Fisheries Habitat from Non-fishing Activities in the Northeastern United States,* NOAA Technical Memorandum NMFS-NE-209 to assist in evaluating the effects of non-fishing activities on EFH. If you have questions, please contact the HESD staff member in your area to assist you.

Federal agencies or their non-federal designated lead agency should email the completed worksheet and necessary attachments to the HESD New England (ME, NH, MA, CT, RI) or Mid- Atlantic (NY, NJ, PA, DE, MD, VA) Branch Chief and the regional biologist listed on the Contact Regional Office Staff section on our EFH consultation website and listed below.

We will provide our EFH conservation recommendations under the MSA, and recommendations under the FWCA, as appropriate, within 30 days of receipt of a **complete** EFH assessment for an abbreviated consultation. Please ensure that the EFH worksheet is completed in full and includes detail to minimize delays in completing the consultation. If we are unable to assess potential impacts based on the information provided, we may request additional information necessary to assess the effects of the proposed action on our trust resources before we can begin a consultation. If the worksheet is not completely filled out, it may be returned to you for completion. **The EFH consultation and our response clock does not begin until we have sufficient information upon which to consult**.

If this worksheet is not used, you should include all the information required to complete this worksheet in your EFH assessment. The level of detail that you provide should be commensurate with the magnitude of impacts associated with the proposed project. You may need to prepare a more detailed EFH assessment for more substantial or complex projects to fully characterize the effects of the project and the avoidance and minimization of impacts to EFH. The format of the EFH worksheet may not be sufficient to incorporate the extent of detail required for large-scale projects, and a separate EFH assessment may be required.

Regardless of the format, you should include an analysis as outlined in this worksheet for an expanded EFH assessment, along with any additional necessary information including:

- the results of on-site inspections to evaluate habitat and site-specific effects.
- the views of recognized experts on habitat or the species that may be affected.
- a review of pertinent literature and related information.
- an analysis of alternatives that could avoid or minimize adverse effects on EFH.

For these larger scale projects, interagency coordination meetings should be scheduled to discuss the contents of the EFH consultation and the site-specific information that may be needed in order to initiate the consultation.

Please contact our Greater Atlantic Regional Fisheries Office, Protected Resources Division regarding potential impacts to marine mammals or threatened and endangered species and the appropriate consultation procedures.

HESD Contacts*

New England - ME, NH, MA, RI, CT	
Chris Boelke, Branch Chief	christopher.boelke@noaa.gov
Mike Johnson - ME, NH	mike.r.johnson@noaa.gov
Kaitlyn Shaw - ME, NH, MA	kaitlyn.shaw@noaa.gov
Sabrina Pereira -RI, CT	sabrina.pereira@noaa
Mid-Atlantic - NY, NJ, PA, MD, VA	
Karen Greene, Branch Chief	karen.greene@noaa.gov
Jessie Murray - NY, Northern NJ (Monmouth Co. and north)	jessie.murray@noaa.gov
Keith Hanson - NJ (Ocean Co. and south), DE and PA, Mid-Altantic wind	keith.hanson@noaa.gov
Maggie Sager - NJ (Ocean Co. and south), DE and PA	lauren.m.sager@noaa.gov
Jonathan Watson - MD, DC	jonathan.watson@noaa.gov
David O'Brien - VA	david.l.obrien@noaa.gov
Ecosystem Management (Wind/Aquaculture)	
Peter Burns, Branch Chief	peter.burns@noaa.gov
Alison Verkade (NE Wind)	alison.verkade@noaa.gov
Susan Tuxbury (wind coordinator)	susan.tuxbury@noaa.gov

***Please check for the most current staffing list on our contact us page prior to submitting your assessment.**

EFH Assessment Worksheet rev. August 2021

Please read and follow all of the directions provided when filling out this form.

1. General Project Information

Date Submitted: 12/17/2021

Project/Application Number: N/A

Project Name: Utility Bridge Replacement at Naval Support Activity (NSA) Annapolis

Project Sponsor/Applicant: Naval Facilities Engineering Systems Command Washington

Federal Action Agency (or state agency if the federal agency has provided written notice delegating the authority[1]): Department of the Navy

Fast-41: Yes ☐ No ☑

Action Agency Contact Name: Shelbi Pullen

Contact Phone: (703) 399-6667 Contact Email: navfacwashnepa@navy.mil

Address, City/Town, State:

NAVFAC Washington, 1314 Harwood Street SE, Washington Navy Yard, DC 20374

2. Project Description

[2]Latitude: 38.985294 Longitude: -76.4943885

Body of Water (e.g., HUC 6 name): College Creek, in the Severn Watershed/02060004

Project Purpose:

To replace the current utility bridge, which is in a severely deteriorated state and requires extensive repair.

Project Description:

The Navy proposes to replace the utility bridge at College Creek at NSA Annapolis. The utility bridge carries utilities over College Creek between the Upper Yard and the Lower Yard of the U.S. Naval Academy. The Proposed Action includes constructing a new bridge structure and replacing the utilities that are attached to the bridge, and then demolishing and removing the existing bridge. In addition, an underground utility option will be analyzed. Under this option, all of the utilities would be installed underground via directional boring in the banks of College Creek with the exception of one utility line which cannot be bored underground. Therefore, it would remain aboveground and attached to the proposed utility bridge structure. Construction of the proposed utility bridge is expected to occur in fiscal year 2026.

Anticipated Duration of In-Water Work including planned Start/End Dates and any seasonal restrictions proposed to be included in the schedule:

This project is in the planning stages; construction estimated to occur within FY26.

[1] A federal agency may designate a non-Federal representative to conduct an EFH consultation by giving written notice of such designation to NMFS. If a non-federal representative is used, the Federal action agency remains ultimately responsible for compliance with sections 305(b)(2) and 305(b)(4)(B) of the Magnuson-Stevens Act. [2] Provide the decimal, or the degrees, minutes, seconds values for latitude and longitude using the World Geodetic System 1984 (WGS84) and negative degree values where applicable.

1

3. Site Description

EFH includes the biological, chemical, and physical components of the habitat. This includes the substrate and associated biological resources (e.g., benthic organisms, submerged aquatic vegetation, shellfish beds, salt marsh wetlands), the water column, and prey species.

Is the project in designated EFH[3]?	☑ Yes	☐ No	
Is the project in designated HAPC?	☐ Yes	☑ No	[note: project is within mapped summer flounder HAPC, but no SAV is present at the site]
Does the project contain any Special Aquatic Sites[4]?	☑ Yes	☐ No	[note: College Creek is considered a historic waterfowl concentration area by MDNR Wildlife and Heritage Service.]
Is this coordination under FWCA only?	☐ Yes	☑ No	

Total area of impact to EFH (indicate sq ft or acres): 730 sq ft (permanent net gain of 168 sq ft)

Total area of impact to HAPC (indicate sq ft or acres): N/A

Current range of water depths at MLW	Salinity range (PPT):	Water temperature range (°F):
10 ft	6-11 ppt	41-81 °F

[3]Use the tables in Sections 5 and 6 to list species within designated EFH or the type of designated HAPC present. See the worksheet instructions to find out where EFH and HAPC designations can be found. [4] Special aquatic sites (SAS) are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region. They include sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle and pool complexes (40 CFR Subpart E). If the project area contains SAS (i.e. sanctuaries and refuges, wetlands, mudflats, vegetated shallows/SAV, coral reefs, and/or riffle and pool complexes, describe the SAS, species or habitat present, and area of impact.

4. Habitat Types

In the table below, select the location and type(s) for each habitat your project overlaps. For each habitat type selected, indicate the total area of expected impacts, then what portion of the total is expected to be temporary (less than 12 months) and what portion is expected to be permanent (habitat conversion), and if the portion of temporary impacts will be actively restored to pre- construction conditions by the project proponent or not. A project may overlap with multiple habitat types.

Habitat Location	Habitat Type	Total impacts (lf/ft²/ft³)	Temporary impacts (lf/ft²/ft³)	Permanent impacts (lf/ft²/ft³)	Restored to pre-existing conditions?*
Estuarine	Substrate (silt/mud)	730 sqft	730 sqft	+168 sqft	Yes
Select one	Select One				Select one
Select one	Select One				Select one
Select one	Select One				Select one
Select one	Select One				Select one
Select one	Select One				Select one
Select one	Select One				Select one
Select one	Select One				Select one

*Restored to pre-existing conditions means that as part of the project, the temporary impacts will be actively restored,such as restoring the project elevations to pre-existing conditions and replanting. It does not include natural restoration or compensatory mitigation.

2

Submerged Aquatic Vegetation (SAV) Present?:

Yes: ☐ No: ☑

If the project area contains SAV, or has historically contained SAV, list SAV species and provide survey results including plans showing its location, years present and densities if available. Refer to Section 12 below to determine if local SAV mapping resources are available for your project area.

The VIMS interactive SAV mapping tool did not identify any SAV beds in College Creek from 2011 to 2019. Local mapping efforts in May and July of 2007 identified upstream SAV, but only one sparse observation of horned pondweed (Zannichellia palustris) just east of the King George Street Bridge. The presence of bulkhead and riprap shorelines and lack of suitable habitat precludes the presence of SAV in the project area of College Creek.

Sediment Characteristics:

The level of detail required is dependent on your project – e.g., a grain size analysis may be necessary for dredging. In addition, if the project area contains rocky/hard bottom habitat [6](pebble, cobble, boulder, bedrock outcrop/ledge) identified as Rocky (coral/rock), Substrate (cobble/gravel), or Substrate (rock) above, describe the composition of the habitat using the following table.

Substrate Type* (grain size)	Present at Site? (Y/N)	Approximate Percentage of Total Substrate on Site
Silt/Mud (<0.063mm)	Select one	
Sand (0.063-2mm)	Select one	
Rocky: Pebble/Gravel /Cobble(2-256mm)**	Select one	
Rocky: Boulder (256-4096mm)**	Select one	
Rocky: Coral	Select one	
Bedrock**	Select one	

[6]The type(s) of rocky habitat will help you determine if the area is cod HAPC.

* Grain sizes are based on Wentworth grain size classification scale for granules, pebbles, cobbles, and boulders.

** Sediment samples with a content of 10% or more of pebble-gravel-cobble and/or boulder in the top layer (6-12 inches) should be delineated and material with epifauna/macroalgae should be differentiated from bare pebble-gravel-cobble and boulder.

If no grain size analysis has been conducted, please provide a general description of the composition of the sediment. If available please attach images of the substrate.

The majority of the sediment is silty sand or elastic silt.

Diadromous Fish (migratory or spawning habitat- identify species under Section 10 below):

Yes: ☑ No: ☐

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5. EFH and HAPC Designations

Within the Greater Atlantic Region, EFH has been designated by the New England, Mid-Atlantic, and South Atlantic Fisheries Management Councils and NOAA Fisheries. Use the EFH mapper to determine if EFH may be present in the project area and enter all species and life stages that have designated EFH. Optionally, you may review the EFH text descriptions linked to each species in the EFH mapper and use them to determine if the described habitat is present at your project site. If the habitat characteristics described in the text descriptions do not exist at your site, you may be able to exclude some species or life stages from additional consideration. For example, the water depths at your site are shallower that those described in the text description for a particular species or life stage. We recommend this for larger projects to help you determine what your impacts are.

Species Present	EFH is designated/mapped for:				What is the source of the EFH information included?
	EFH: eggs	EFH: larvae	EFH: juvenile	EFH: adults/ spawning adults	
bluefish	☐	☐	☑	☑	Text descriptic
scup	☐	☐	☑	☑	Text descriptic
summer flounder	☐	☑	☑	☑	Text descriptic
Black sea bass	☐	☐	☑	☑	Text descriptic
Atlantic butterfish	☑	☑	☐	☑	Text descriptic
little skate	☐	☐	☐	☑	EFH Mapper c
Atlantic herring	☐	☐	☑	☑	EFH Mapper c
red hake	☑	☑	☑	☑	EFH Mapper c
windowpane flounder	☐	☐	☑	☑	Text descriptic
winter skate	☐	☐	☐	☑	EFH Mapper c
clearnose skate	☐	☐	☑	☑	EFH Mapper c

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6. Habitat Areas of Particular Concern (HAPCs)

HAPCs are subsets of EFH that are important for long-term productivity of federally managed species. HAPCs merit special consideration based their ecological function (current or historic), sensitivity to human-induced degradation, stresses from development, and/or rarity of the habitat. While many HAPC designations have geographic boundaries, there are also habitat specific HAPC designations for certain species, see note below. Use the EFH mapper to identify HAPCs within your project area. Select all that apply.

☐	Summer flounder: SAV[7]	☐	Alvin & Atlantis Canyons
☐	Sandbar shark	☐	Baltimore Canyon
☐	Sand Tiger Shark (Delaware Bay)	☐	Bear Seamount
☐	Sand Tiger Shark (Plymouth-Duxbury-Kingston Bay)	☐	Heezen Canyon
☐	Inshore 20m Juvenile Cod[8]	☐	Hudson Canyon
☐	Great South Channel Juvenile Cod	☐	Hydrographer Canyon
☐	Northern Edge Juvenile Cod	☐	Jeffreys & Stellwagen
☐	Lydonia Canyon	☐	Lydonia, Gilbert & Oceanographer Canyons
☐	Norfolk Canyon (Mid-Atlantic)	☐	Norfolk Canyon (New England)
☐	Oceanographer Canyon	☐	Retriever Seamount
☐	Veatch Canyon (Mid-Atlantic)	☐	Toms, Middle Toms & Hendrickson Canyons
☐	Veatch Canyon (New England)	☐	Washington Canyon
☐	Cashes Ledge	☐	Wilmington Canyon
☐	Atlantic Salmon		

[7] Summer flounder HAPC is defined as all native species of macroalgae, seagrasses, and freshwater and tidal macrophytes in any size bed, as well as loose aggregations, within adult and juvenile summer flounder EFH. In locations where native species have been eliminated from an area, then exotic species are included. Use local information to determine the locations of HAPC.

[8] The purpose of this HAPC is to recognize the importance of inshore areas to juvenile Atlantic cod. The coastal areas of the Gulf of Maine and Southern New England contain structurally complex rocky-bottom habitat that supports a wide variety of emergent epifauna and benthic invertebrates. Although this habitat type is not rare in the coastal Gulf of Maine, it provides two key ecological functions for juvenile cod: protection from predation, and readily available prey. See EFH mapper for links to text descriptions for HAPCs.

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7. Activity Details

Select all that apply	Project Type/Category
☐	Agriculture
☐	Aquaculture - List species here:
☐	Bank/shoreline stabilization (e.g., living shoreline, groin, breakwater, bulkhead)
☐	Beach renourishment
☐	Dredging/excavation
☐	Energy development/use e.g., hydropower, oil and gas, pipeline, transmission line, tidal or wave power, wind
☐	Fill
☐	Forestry
☑	Infrastructure/transportation (e.g., culvert construction, bridge repair, highway, port, railroad)
☐	Intake/outfall
☐	Military (e.g., acoustic testing, training exercises)
☐	Mining (e.g., sand, gravel)
☐	Overboard dredged material placement
☐	Piers, ramps, floats, and other structures
☐	Restoration or fish/wildlife enhancement (e.g., fish passage, wetlands, mitigation bank/ILF creation)
☐	Survey (e.g., geotechnical, geophysical, habitat, fisheries)
☐	Water quality (e.g., storm water drainage, NPDES, TMDL, wastewater, sediment remediation)
☐	Other:

8. Effects Evaluation

Select all that apply	Potential Stressors Caused by the Activity
☑	Underwater noise
☑	Water quality/turbidity/ contaminant release
☐	Vessel traffic/barge grounding
☐	Impingement/entrainment
☐	Prevent fish passage/spawning
☐	Benthic community disturbance
☑	Impacts to prey species

Select all that apply and if temporary[9] or permanent		Habitat alterations caused by the activity
Temp	Perm	
☐	☐	Water depth change
☐	☐	Tidal flow change
☐	☐	Fill
☑	☐	Habitat type conversion
☐	☐	Other:
☐	☐	Other:

[9] Temporary in this instance means during construction. [10] Entrainment is the voluntary or involuntary movement of aquatic organisms from a water body into a surface diversion or through, under, or around screens and results in the loss of the organisms from the population. Impingement is the involuntary contact and entrapment of aquatic organisms on the surface of intake screens caused when the approach velocity exceeds the swimming capability of the organism.

Details - project impacts and mitigation

Briefly describe how the project would impact each of the habitat types selected above and the amount (i.e., acreage or sf) of each habitat impacted. Include temporary and permanent impact descriptions and direct and indirect impacts. For example, dredging has a direct impact on bottom sediments and associated benthic communities. The turbidity generated can result in a temporary impact to water quality which may have an indirect effect on some species and habitats such as winter flounder eggs, SAV or rocky habitats. The level of detail that you provide should be commensurate with the magnitude of impacts associated with the proposed project. Attach supplemental information if necessary.

The enclosed EFH Assessment provides detailed information for this portion of the Worksheet. Total permanent impacts of the new bridge would be 62 square feet. Once the 230-square feet bridge is removed, there will be a net gain of 168 square feet of benthic habitat. No changes in water depth, substrates, water flow, water temperature, or salinity would be expected. After construction is complete, sedimentation and turbidity levels would return to pre-construction levels. Impacts on marine habitats would be short term and minor; no long-term habitat alterations would occur.

Underwater noise associated with pile-driving during construction could temporarily affect prey species and migratory species up to 140 meters (460 feet) from construction activities. Temporary noise may disrupt the normal behaviors of fish but are not expected to result in underwater peak noise levels that would cause physical injury to fish.

Prey species would be temporarily displaced as prey would also be affected by construction & demolition activities, noise, and turbidity. In the long term, prey habitat would minimally increase.

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What specific measures will be used to avoid and minimize impacts, including project design, turbidity controls, acoustic controls, and time of year restrictions? If impacts cannot be avoided or minimized, why not?

The Navy does not anticipate the need for time of year restrictions or the use of noise or turbidity measures for this project to avoid or minimize impacts on EFH. See the EFH Assessment for additional information relating to this section of the Worksheet.

Is compensatory mitigation proposed? Yes ☐ No ☑

If compensatory mitigation is not proposed, why not? If yes, describe plans for compensatory mitigation (e.g. permittee responsible, mitigation bank, in-lieu fee) and how this will offset impacts to EFH and other aquatic resources. Include a proposed compensatory mitigation and monitoring plan as applicable.

Proposed project is in the planning phase; impacts on EFH would be minimal and temporary.

9. Effects of Climate Change

Effects of climate change should be included in the EFH assessment if the effects of climate change may amplify or exacerbate the adverse effects of the proposed action on EFH. Use the Intergovernmental Panel on Climate Change (IPCC) Representative Concentration Pathways (RCP) 8.5/high greenhouse gas emission scenario (IPCC 2014), at a minimum, to evaluate the future effects of climate change on the proposed projections. For sea level rise effects, use the intermediate-high and extreme scenario projections as defined in Sweet et al. (2017). For more information on climate change effects to species and habitats relative to NMFS trust resources, see Guidance for Integrating Climate Change Information in Greater Atlantic Region Habitat Conservation Division Consultation Processes.

1. Could species or habitats be adversely affected by the proposed action due to projected changes in the climate?If yes, please describe how:

A changing climate could increase sea level and storm surge at College Creek, but the Proposed Action would not exacerbate climate effects on species or habitats.

2. Is the expected lifespan of the action greater than 10 years? If yes, please describe project lifespan:

Net gain of benthic habitat following removal of the existing utility bridge would extend beyond 10 years. This is a beneficial effect.

3. Is climate change currently affecting vulnerable species or habitats, and would the effects of a proposed action be amplified by climate change? If yes, please describe how:

The Proposed Action would have temporary impacts on species or habitats and would not amplify climate effects on vulnerable species.

4. Do the results of the assessment indicate the effects of the action on habitats and species will be amplified by climate change? If yes, please describe how:

The Proposed Action would have temporary impacts on species or habitats and would not amplify climate effects on vulnerable species.

5. Can adaptive management strategies (AMS) be integrated into the action to avoid or minimize adverse effects of the proposed action as a result of climate? If yes, please describe how:

No adaptive management strategies have been identified for this project to minimize the effects of a changing climate.

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10. Federal Agency Determination

Federal Action Agency's EFH determination (select one)	
☑	There is no adverse effect[7] on EFH or EFH is not designated at the project site. EFH Consultation is not required. This is a FWCA only request.
☐	The adverse effect[7] on EFH is not substantial. This means that the adverse effects are no more than minimal, temporary, or can be alleviated with minor project modifications or conservation recommendations. This is a request for an abbreviated EFH consultation.
☐	The adverse effect[7] on EFH is substantial. This is a request for an expanded EFH consultation. We will provide more detailed information, including an alternatives analysis and NEPA documents, if applicable.

[7] An adverse effect is any impact that reduces the quality and/or quantity of EFH. Adverse effects may include direct or indirect physical, chemical, or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat, and other ecosystem components. Adverse effects to EFH may result from actions occurring within EFH or outside of EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

11. Fish and Wildlife Coordination Act

Under the FWCA, federal agencies are required to consult with us if actions that the authorize, fund, or undertake will result in modifications to a natural stream or body of water. Federal agencies are required to consider the effects these modifications may have on fish and wildlife resources, as well as provide for the improvement of those resources. Under this authority, we consider the effects of actions on NOAA-trust resources, such as anadromous fish, shellfish, crustaceans, or their habitats, that are not managed under a federal fisheries management plan. Some examples of other NOAA-trust resources are listed below. Some of these species, including diadromous fishes, serve as prey for a number of federally-managed species and are therefore considered a component of EFH pursuant to the MSA. We will be considering the effects of your project on these species and their habitats as part of the EFH/FWCA consultation process and may make recommendations to avoid, minimize or offset and adverse effects concurrently with our EFH conservation recommendations.

Please contact our Greater Atlantic Regional Fisheries Office, Protected Resources Division regarding potential impacts to marine mammals or species listed under the Endangered Species Act and the appropriate consultation procedures.

Fish and Wildlife Coordination Act Resources	
Species known to occur at site (list others that may apply) -alewife -American eel -American shad -Atlantic menhaden -blueback herring -striped bass -hickory shad	**Describe habitat impact type (i.e., physical, chemical, or biological disruption of spawning and/or egg development habitat, juvenile nursery and/or adult feeding or migration habitat). Please note, impacts to federally listed species of fish, sea turtles, and marine mammals must be coordinated with the GARFO Protected Resources Division.**
alewife	Short-term increases in noise, turbidity, and physical disturbance during construction. Migration occurs in March/April for spawning and in autumn when
American eel	Short-term increases in noise, turbidity, and physical disturbance during construction. American eel is most active at night when construction would not
American shad	Short-term increases in noise, turbidity, and physical disturbance during construction. Juveniles may be present through summer before migrating to
Atlantic menhaden	Short-term increases in noise, turbidity, and physical disturbance during construction. Larvae, juveniles, and adults may be present in the project area in
blue crab	
blue mussel	
blueback herring	Short-term increases in noise, turbidity, and physical disturbance during construction. Migration occurs in April/May for spawning and in late summer
Eastern oyster	
horseshoe crab	
quahog	
soft-shell clams	
striped bass	Short-term increases in noise, turbidity, and physical disturbance during construction. Striped bass is semi-anadromous and present year-round in Bay
other species: hickory shad	Short-term increases in noise, turbidity, and physical disturbance during construction. Spawning in the Bay occurs April-June. Juveniles may remain in
other species:	
other species:	

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12. Useful Links

National Wetland Inventory Maps
EPA's National Estuary Program (NEP)
Northeast Regional Ocean Council (NROC) Data Portal
Mid-Atlantic Regional Council on the Ocean (MARCO) Data Portal

Resources by State

Maine
Maine Office of GIS Data Catalog
Town shellfish information including shellfish conservation area maps
State of Maine Shellfish Sanitation and Management
Eelgrass maps
Casco Bay Estuary Partnership
Maine GIS Stream Habitat Viewer

New Hampshire
NH Statewide GIS Clearinghouse, NH GRANIT
NH Coastal Viewer
State of NH Shellfish Program

Massachusetts
MA DMF Shellfish Sanitation and Management Program
MassGIS Data (Including Eelgrass Maps)
MA DMF Recommended TOY Restrictions Document Massachusetts
Bays National Estuary Program
Buzzards Bay National Estuary Program
Massachusetts Division of Marine Fisheries
Massachusetts Office of Coastal Zone Management

Rhode Island
RI Shellfish and Aquaculture
RI Shellfish Management Plan
RI Eelgrass Maps
Narragansett Bay Estuary Program
Rhode Island Division of Marine Fisheries
Rhode Island Coastal Resources Management Council

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Connecticut

CT Bureau of Aquaculture
Natural Shellfish Beds in CT
Eelgrass Maps
Long Island Sound Study
CT GIS Resources
CT DEEP Office of Long Island Sound Programs and Fisheries
CT River Watershed Council

New York

Eelgrass Report
Peconic Estuary Program
NY/NJ Harbor Estuary Program
New York GIS Clearinghouse

New Jersey

Submerged Aquatic Vegetation Mapping
Barnegat Bay Partnership
NJ GeoWeb
NJ DEP Shellfish Maps

Pennsylvania

Delaware River Management Plan
PA DEP Coastal Resources Management Program
PA DEP GIS Mapping Tools

Delaware

Partnership for the Delaware Estuary
Center for Delaware Inland Bays
Delaware FirstMap

Maryland

Submerged Aquatic Vegetation Mapping
MERLIN (Maryland's Environmental Resources and Land Information Network)
Maryland Coastal Atlas
Maryland Coastal Bays Program

Virginia

VMRC Habitat Management Division
Submerged Aquatic Vegetation mapping

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Response from National Marine Fisheries Service Habitat Conservation Division (February 8, 2022)

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

February 8, 2022

Shelbi Pullen
NEPA Project Manager
NAFAC Washington
1314 Harwood Street SE
Washington Navy Yard, D.C. 20374

RE: 5090 Ser ENV-102; Utility Bridge Replacement at Naval Support Activity Annapolis, MD

Dear Ms. Pullen:

We have received your December 17, 2021, letter and associated Essential Fish Habitat (EFH) assessment developed for Utility Bridge Replacement located at the Naval Support Activity Annapolis, Maryland. The EFH assessment describes the potential impacts of constructing an approximately 470-foot-long bridge to support utility infrastructure across College Creek. The assessment includes consideration of impacts for the preferred action (i.e., Alternative 1), three potential alternative actions that have been carried forward for this analysis (i.e., Alternative 2, Alternative 3, Underground Utility Option), and the no-build alternative. It also briefly considers impacts associated with demolition of the existing utility bridge following the construction of a new structure. In the EFH assessment, the Department of the Navy concludes that the proposed project would not have an adverse effect on EFH or federally managed fishery species and has requested our concurrence. Based upon the information provided to us, we cannot concur with your determination regarding the project's effects on EFH and we offer the following information to further avoid, minimize, or otherwise offset impacts to our trust resources.

The Magnuson Stevens Fishery Conservation and Management Act (MSA)
As indicated in your EFH assessment College Creek has been designated EFH for a variety of federally managed species including summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), bluefish (*Pomatomus saltatrix*), windowpane flounder (*Scophthalmus aquosus*), black sea bass (*Centropristis striata*), Atlantic butterfish (*Peprilus triacanthus*), and clearnose skate (*Raja eglanteria*). We appreciate the extent to which life history information was presented in your assessment and the additional information provided regarding prey species and other fisheries resources.

Due to the nature of the action and the definitions in the Magnuson Stevens Fisheries Conservation and Management Act (MSA), we cannot concur with your determination. The EFH final rule published in the Federal Register on January 17, 2002 defines an adverse effect as: "any impact which reduces the quality and/or quantity of EFH." The rule further states that:

> An adverse effect may include direct or indirect physical, chemical or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat and other ecosystems components, if such modifications reduce the quality and/or quantity of EFH. Adverse effects to EFH may result from the action occurring within EFH or outside EFH and may include site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions.

Because this project presents temporary (e.g., underwater noise, turbidity) and permanent (i.e., conversion of benthic habitat) impacts to aquatic habitats, it meets the definition of an adverse effect. This determination under the MSA does not preclude the completion of the proposed action, but rather necessitates the consideration of measures to avoid, minimize, mitigate, or otherwise offset proposed impacts to EFH and other aquatic resources.

Potential Impacts and Avoidance/Minimization Measures

Turbidity

Project activities, including pile driving and the demolition of the existing bridge will impact water quality in College Creek through temporary increases in turbidity, as indicated in your EFH assessment. While the extent of turbidity proposed through this action may not directly harm nektonic species that are able to temporarily leave the project area, it could potentially impact submerged aquatic vegetation (SAV), should it be present in the immediate project vicinity. The EFH assessment contains SAV survey results from local surveys (e.g., Friends of College Creek 2007 survey) and those completed by the Virginia Institute of Marine Sciences to identify potential SAV in the proposed project areas. We appreciate the inclusion of this information, which we previously recommended in our July 23, 2020, letter. Surveys cited in your EFH assessment indicate that areas of horned pondweed (*Zannichellia palustris*) have previously occurred in the project area, although no targeted surveys have been completed in recent years. Because this particular species emerges early in the growing season and has largely senesced when the VIMS survey is completed, we recommend that the project area be surveyed during the horned pondweed growing season (May 15 - June 15) and prior to the selection of an alternative. Should SAV be documented, we recommend that direct impacts (i.e., pile installation, shading from superstructure) in areas of SAV be avoided to the extent practicable through design modifications. We also recommend that indirect impacts associated with turbidity generated from demolition activities within 500 feet of mapped SAV be avoided by restricting in-water work during the SAV growing season (April 15 - October 15). Should horned pondweed be the sole species detected within this buffer, we may be able to adjust this time of year restriction to reflect its truncated growing season.

Underwater Noise

Noise from construction activities, such as bridge demolition and pile installation, will result in adverse effects to various fish species, as described in your EFH assessment. We appreciate that you estimated the area of insonficiation associated with the proposed pile installation activity using data contained in the Acoustic Tool provided by the NOAA Fisheries Protected Resources Division. Based on the results presented, you determined that no additional measures were necessary to avoid/minimize impacts to aquatic habitat associated with pile driving activities. However, the estimates produced by this tool indicate that the proposed impact hammer

operations without additional measures to minimize in-water noise will cause fish injury (i.e., accumulated energy above injury threshold of 187 dB_{cSEL}) and inhibit the movements of fish in/out of College Creek (i.e., energy above behavioral threshold of 150 dB_{RMS}). The information presented in your assessment is based on one study presented in the tool, whereas values measured in other studies of 20-inch pipe piles driven via impact hammer indicate that the peak noise levels can exceed the instantaneous injury threshold (206 dB_{Peak}) and all studies indicate that the cumulative noise levels exceed the injury threshold within a radius of approximately 100m of the activity. Furthermore, chronic underwater noise that elicits a behavioral response (i.e., avoidance) may negatively affect the ability of fish to find suitable habitat for forage, resting, and rearing activities. Therefore, we recommend that the basic measures listed below in our EFH conservation recommendations to minimize the impacts of underwater noise be incorporated into your project plan.

In-water Fill

The introduction/removal of fill (i.e., pile-supported structures) constitutes an adverse effect on EFH, per the above definition. While we support the minimization of new fill to support the proposed structure and agree with your determination that there will be a net increase in habitat following project completion, there is little information regarding the demolition of the existing structure. In your assessment, you indicated that the removal of the existing bridge would be completed mechanically and that it would not include in-water work. While we support the use of mechanical methods (e.g., hoe ram, hydraulic shears), the removal of existing piles should be considered in-water work and the capacity for this work to cause localized increases in turbidity should be considered. While we agree that the impact of these disturbances should be no more than minimal, we are recommending that the pile removal extend at least two (2) feet below the mudline (i.e., benthic substrate immediately adjacent to existing piles) to allow for naturalization of the bottom following removal. The restoration of bottom habitats following project completion using this approach should be adequate to offset the new fill associated with the proposed piles.

EFH Conservation Recommendations

We recommend pursuant to Section 305(b)(4)(A) of the MSA that you adopt the following EFH conservation recommendations to minimize adverse impacts on EFH, including summer flounder HAPC:

1. Conduct an updated SAV survey to describe the full extent of proposed impacts. This survey should be completed during the spring (May 15 – June 15) and summer (July 15 – Sept 15) growing seasons for reasons described above. Should SAV be documented, coordinate with us to develop a work plan that avoids/minimizes impacts to SAV to the maximum extent possible. This should include:
    a. Selecting an alternative design that is not located in areas of documented SAV;
    b. Restricting in-water work that will cause increased turbidity (e.g., pile removal) during the SAV growing season (April 15 – October 15) for activities within 500 feet of documented SAV;
    c. Offsetting unavoidable losses to SAV through the development of a compensatory mitigation plan developed in coordination with NMFS and biologists from the Maryland Department of Natural Resources.

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2. Incorporate the following mitigative measures to minimize impacts associated with underwater noise generated during pile installation:
    a. Use a vibratory hammer to install piles, to the extent practicable. This could include driving piles via vibratory hammer until refusal and then employing an impact hammer to reach target depths/elevations;
    b. Employ cushion blocks during impact hammer operations to limit underwater noise;
    c. When employing an impact hammer, use a soft start each day of pile driving, after a break of 30 minutes or more, and if any increase in pile installation or removal intensity is required. Build up power slowly from a low energy start-up over a 20-minute period to warn fish to leave the vicinity. This buildup shall occur in uniform stages to provide a constant increase in output.
3. To allow for naturalization of benthic habitats, remove existing piers to two (2) feet below mudline via mechanical methods.

Please note that Section 305(b)(4)(B) of the MSA requires you to provide us with a detailed written response to these EFH conservation recommendations, including a description of measures adopted by you for avoiding, mitigating, or offsetting the impact of the project on EFH. In the case of a response that is inconsistent with our recommendations, Section 305(b)(4)(B) of the MSA also indicates that you must explain your reasons for not following the recommendations. Included in such reasoning would be the scientific justification for any disagreements with us over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate, or offset such effects pursuant to 50 CFR 600.920(k). This response must be provided within 30 days after receiving our EFH conservation recommendations and at least 10 days prior to permit issuance.

Endangered Species Act

Threatened or endangered species under our jurisdiction including Atlantic sturgeon (*Acipenser oxyrhynchus*) may be present in the project area. As the lead federal action agency, you are responsible for determining the nature and extent of effects and for coordinating with our Protected Resources Division as appropriate. Our website (https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region) has guidance and tools to assist action agencies with their description of the action and analysis of effects to support their determination. Should you have any questions about the section 7 consultation process, please contact Brian Hopper at 410-573-4592 or brian.d.hopper@noaa.gov.

Conclusion

We appreciate your attention to the requested information in our July 22, 2020, letter and the EFH conservation recommendations we have issued to better protect our trust resources. Please note that a distinct and further EFH consultation must be reinitiated pursuant to 50 CRF 600.920 (j) if new information becomes available, or if the project is revised in such a manner that affects the basis for the EFH determination. If you have questions or would like to discuss this further, please contact Jonathan Watson in our Annapolis field office at Jonathan.Watson@noaa.gov or (410) 295-3152.

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Sincerely,

Louis A. Chiarella
Assistant Regional Administrator
for Habitat Conservation

cc:
K. Seguin, W. Martinko, J. Barlow (NAVFAC)
B. Hopper (NMFS - PRD)
M. Fitzgerald (EPA)
J. Slacum; R. Li (USFWS)
H. Hepburn; T. Roberson (MDE)
J. DaVia (USACE)

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Letter to National Marine Fisheries Service Habitat Conservation Division (March 18, 2022)

DEPARTMENT OF THE NAVY
NAVAL SUPPORT ACTIVITY ANNAPOLIS
58 BENNION ROAD
ANNAPOLIS, MARYLAND 21402

IN REPLY REFER TO:
5090
Ser ENV-043
18 MAR 2022

Mr. Jonathan Watson
Marine Habitat Resource Specialist for Maryland
Greater Atlantic Regional Fisheries Office
NOAA Fisheries
55 Great Republic Drive
Gloucester, MA 01930-2276

SUBJECT: CONSERVATION RECOMMENDATIONS RESPONSES - UTILITY BRIDGE REPLACEMENT AT NAVAL SUPPORT ACTIVITY ANNAPOLIS, ANNAPOLIS, MARYLAND

Dear Mr. Watson:

This letter is being submitted in response to the Essential Fish Habitat (EFH) conservation recommendations that were received in the letter dated February 8, 2022 for the replacement of a utility bridge at Naval Support Activity (NSA) Annapolis in Annapolis, Maryland. Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act responses are being provided for the EFH conservation recommendations. Your office's response letter detailing the EFH conservation recommendations is enclosed.

The Navy proposes to replace the utility bridge at College Creek at NSA Annapolis. Specifically, this includes construction of a new utility bridge, connection of new utility lines, and demolition and removal of the existing bridge. The utility bridge carries utilities over College Creek between the Upper Yard and the Lower Yard of the U.S. Naval Academy. If the bridge fails, utilities would be interrupted. The utility bridge is currently in a severely deteriorated state and requires extensive repair. The Navy is considering three alternative locations for the new bridge. The alternative locations for the Proposed Action are shown on the figures in the EFH assessment submitted in December 2021. As shown in the EFH assessment, these locations are within the alternative areas that were analyzed in the Draft EA.

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Ser ENV-043
18 MAR 2022

The Navy has reviewed the EFH conservation recommendations provided for the Proposed Action. The responses for the EFH conservation recommendations are provided below:

1. Recommendation: An updated submerged aquatic vegetation (SAV) survey needs to be completed during specific growing seasons. If SAV is identified, then develop a work plan.

   Response: The Navy is coordinating with the Maryland Department of Natural Resources and NOAA for an SAV survey. The field work associated with this survey is scheduled to be completed on May 18, 2022. If SAV is identified, then the Navy will coordinate with your office to determine the next steps.

2. Recommendation: During construction activities mitigation measures are to be implemented to minimize potential impacts from underwater noise. Details pertaining to the type of mitigation measures are included in your response letter dated February 8, 2022.

   Response: During construction activities cushion blocks, soft starts, and maximizing the use of vibratory hammers in lieu of impact hammers will be implemented.

3. Recommendation: When demolishing the support structures of the existing utility bridge the piers are to be removed to a depth of two (2) feet below the mudline (i.e., benthic substrate) to allow for naturalization of the mudline following removal.

   Response: The piles will be removed to a depth of two feet below the mudline.

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Ser ENV-043
18 MAR 2022

If you have any questions, comments, or need additional information, please do not hesitate to contact Katharine Seguin, Natural Resources Program Manager, via email at katharine.c.clark3.civ@us.navy.mil.

Sincerely,

BARLOW.JUSTIN.J.1238878779 Digitally signed by BARLOW.JUSTIN.J.1238878779 Date: 2022.03.18 14:06:54 -04'00'

J. J. BARLOW
Installation Environmental Program Director
By direction
of the Commanding Officer

Enclosure: Letter from National Marine Fisheries Service Greater Atlantic Regional Fisheries Office, dated 08 February 2022

3

Email from National Marine Fisheries Service Habitat Conservation Division (June 30, 2022)

From: Jonathan Watson - NOAA Federal <jonathan.watson@noaa.gov>
Sent: Thursday, June 30, 2022 10:39 AM
To: Clark, Katharine C CIV USN NAVFAC WASHINGTON DC (USA) katharine.c.clark3.civ@us.navy.mil
Cc: Casey, Colin P CIV USN NAVFAC WASHINGTON DC (USA) colin.p.casey.civ@us.navy.mil

Subject: [Non-DoD Source] Re: EFH consultations follow up - Utility bridge and YP basin

Hi Katharine,

For YP basin, we did not receive a request for consultation on the date indicated. The only recent record we have of consultation for the YP basin was for an emergency pier repair on April 22, 2021. We indicated that we had no objection for that particular action. If there is another consultation for YP basin, please send it to me (jonathan.watson@noaa.gov) at your earliest convenience.

For the Utility Bridge draft EA, we recommended that, among other measures, an SAV survey occur prior to the selection of an alternative. Because your agency indicated that this would pose logistical challenges, we agreed to perform this survey for you and this occurred on June 16, 2022. We will send a brief report describing those findings in the near future. While we did observe floating patches of horned pondweed (*Zannichellia palustris*), we did not document any rooted SAV in the project area during this survey. As such, it does not appear that additional measures are necessary to avoid areas of SAV based on that survey. In your letter dated March 18, 2022, you indicated that our other two conservation recommendations (CRs) will be observed. Therefore, we have no further recommendations at this time and we appreciate your attention to our comments. Further coordination with NOAA Fisheries Habitat and Ecosystem Services Division is not necessary unless project plans change that would alter the basis for these comments, in which case the federal action agency should reinitiate consultation.

Please contact me (jonathan.watson@noaa.gov) in our Annapolis field office should you have any further questions.

Best regards,

Jonathan

On Wed, Jun 29, 2022 at 2:28 PM Clark, Katharine C CIV USN NAVFAC WASHINGTON DC (USA) <katharine.c.clark3.civ@us.navy.mil> wrote:

Good afternoon,

I’m following up on the EFH submissions for the Utility Bridge (comment response submitted on: 3/18/2022) and the YP basin (submitted on: 4/28/2022)

Do you have any further comments on these submissions, or can concurrence with the navy assessment be implied?

Thank you,

Kat Seguin

Coastal Zone Management Act Coordination

Federal Consistency Determination (May 7, 2020)

DEPARTMENT OF THE NAVY
NAVAL SUPPORT ACTIVITY ANNAPOLIS
58 BENNION ROAD
ANNAPOLIS, MARYLAND 21402

IN REPLY REFER TO:
5090
Ser ENV-060
07 May 2020

Ms. Denise Keehner
Federal Consistency Coordinator
Maryland Department of the Environment
Wetlands and Waterways Program
1800 Washington Boulevard, Suite 430
Baltimore, MD 21230-1708

SUBJECT: UTILITY BRIDGE REPLACEMENT AT NAVAL SUPPORT ACTIVITY ANNAPOLIS COASTAL CONSISTENCY DETERMINATION CONSULTATION

Dear Ms. Keehner:

The Department of the Navy is preparing an Environmental Assessment (EA) to evaluate the potential effects associated with replacing the utility bridge over College Creek at Naval Support Activity (NSA) Annapolis, Annapolis, Maryland. This letter is intended to initiate early consultation in accordance with the Federal Coastal Zone Management Act of 1972 (CZMA), as amended, and the 2013 CZMA Memorandum of Understanding (MOU) between the state of Maryland and the United States Department of Defense, Naval Facilities Engineering Command (NAVFAC) Washington.

Under the Proposed Action, the Navy would construct a new bridge structure, replace the utilities that are attached to the existing utility bridge, and then demolish and remove the existing bridge. The new bridge would be similar in size, elevation, and materials to the existing bridge. No long-term changes in services or capacity are included with this action. Construction of the new bridge is expected to occur in fiscal year 2023.

As required by the 2013 MOU, enclosures (1) through (3) provide the proposed project description and location, descriptions of alternatives, public and agency participation, and the basis for this Federal Consistency Determination as

5090
Ser ENV-060
07 May 2020

relevant to the enforceable coastal policies. The Navy finds these actions to be consistent, to the maximum extent practicable, with the requirements of the CZMA and will presume concurrence if a response is not received within 60 days.

Please direct all written correspondence to:

Ms. Shelbi Pullen
Project Manager
NAVFAC Washington, EV2
1314 Harwood Street SE, Building 212
Washington Navy Yard, DC 20374.

For more information, please contact Ms. Shelbi Pullen at 202-685-0164 or navfacwashnepa@navy.mil.

Sincerely,

ALHARAZIM.MADINA.M.1362686136 Digitally signed by ALHARAZIM.MADINA.M.1362686136 Date: 2020.05.07 10:27:20 -04'00'

M. M. Alharazim
By direction

Enclosures: 1. Proposed Project Description
2. Site Location
3. Basis of Determination

Copies to:
Joe Abe, Maryland Department of Natural Resources, Coastal Policy Coordination Section Chief
Lisa Hoerger, Department of Natural Resources, Regulations Coordinator
Rick Ayella, Maryland Department of the Environment, Tidal Wetlands Division
Amanda Sigillito, Maryland Department of the Environment, Nontidal Wetlands and Waterways Division
Marian Hozeczy, Maryland Department of Natural Resources Supervisor of Urban Programs & FCA Coordinator
Elizabeth J. Cole, Maryland Historical Trust, Administrator, Review & Compliance
Catherine McCall, Maryland Department of Natural Resources, Coastal & Marine Assessment
Shelbi Pullen, NAVFAC Washington NEPA Project Manager

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ENCLOSURE 1: PROPOSED PROJECT DESCRIPTION

a Project Location

Naval Support Activity (NSA) Annapolis is located in Anne Arundel County, Maryland, along the Severn River and Chesapeake Bay in Annapolis, approximately 30 miles southeast of Baltimore and 33 miles east of Washington, DC. The Upper Yard and Lower Yard are along the southern shore of the Severn River, separated by College Creek. The U.S. Naval Academy (USNA) campus is located within these areas. This EA focuses on the portion of College Creek between the Upper and Lower Yards of the USNA, which is the location of the current utility bridge.

b Project Description

The Department of the Navy proposes to replace the utility bridge over College Creek at NSA Annapolis. The utility bridge carries utility lines over College Creek between the Upper Yard and the Lower Yard of the U.S. Naval Academy (USNA). The existing bridge is in a severely deteriorated state and would require extensive repair to address the multiple failed and failing components.

The Proposed Action includes constructing a new bridge structure, replacing the utilities that are attached to the existing utility bridge, and then demolishing and removing the existing bridge. The new bridge would be similar in size, elevation, and materials to the existing bridge. No long-term changes in services or capacity are included with this action. Construction of the new bridge is expected to occur in fiscal year 2023.

The Navy is considering three alternative areas where the new bridge could be constructed between the King George Street Bridge and the Decatur Avenue Bridge, in addition to the No Action Alternative. Under all action alternatives, the existing bridge would be demolished following construction of the new bridge. The Navy is also considering the option of locating the utilities underground. With this option, all of the utilities would be situated underground except for one utility line which cannot be bored underground; therefore, it would remain aboveground and attached to the proposed utility bridge structure. Directional drilling techniques would be used to avoid direct impacts on aquatic resources. The bore location under this option would occur along the banks of College Creek in the general vicinity of the existing bridge, with the bore

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starting on the northern bank and running towards the southern bank. The three bridge location alternatives and the optional underground bore location are shown on the map in Enclosure 2. Under Alternative 1, the proposed utility bridge would be constructed within 50 feet of the existing utility bridge alignment, which is adjacent to the King George Street Bridge. Under Alternative 2, the proposed utility bridge would be constructed within 115 feet of the Decatur Avenue Bridge. Under Alternative 3, the proposed utility bridge would be constructed in the area between Alternatives 1 and 2 while also avoiding Hubbard Hall (Building 260) and its associated docks. Under the No Action Alternative, the Navy would not replace the utility bridge; the existing bridge would continue to deteriorate until failure occurs. If the bridge fails, utility services would be interrupted.

c Public Participation

The Navy will publish a Notice of Availability for the Draft EA for three consecutive days in a local newspaper. The notice will describe the Proposed Action, solicit public comments on the Draft EA, provide dates of the public comment period, and announce the website[1] where a copy of the EA will be available for review.

d Other Consultations

The Navy will coordinate or consult with the National Marine Fisheries Service, Maryland Department of the Environment, Maryland Department of Natural Resources, Maryland Department of Transportation, Maryland Historical Trust, Maryland Department of Planning (Maryland State Clearinghouse), U.S. Coast Guard, and U.S. Army Corps of Engineers regarding the Proposed Action.

[1] https://www.cnic.navy.mil/regions/ndw/installations/nsa_annapolis/om/environmental-/environmental-assessment.html

ENCLOSURE 3: BASIS OF DETERMINATION FOR PROPOSED ACTION

The Navy finds that the Proposed Action is consistent to the maximum extent practicable with the substantive requirements of Maryland's Enforceable Coastal Policies, as described in the following under General Policies, Coastal Policies, and Coastal Uses.

a General Policies

i Core Policies

The Proposed Action would not create or alter point source air emissions; this action would not affect the existing Title V air permit. Although there would be temporary, minor noise impacts during construction activities, these impacts would not significantly affect noise-sensitive receptors. Visually, the replacement bridge would be similar to the existing bridge, so it would be in character with the affected environment. The Proposed Action would not affect State wild lands, parks, forests, reserves, scenic preserves, parkways, or recreational areas. The Proposed Action would not affect water appropriation or use. Hazardous substances would not be stored, treated, dumped, or discharged at the site.

ii Water Quality

Under the Proposed Action, construction and demolition would occur in College Creek, within the Severn River watershed. In-water construction and demolition activities could temporarily increase sedimentation and turbidity in College Creek and the Severn River. Use of Best Management Practices (BMPs) such as turbidity or silt curtains would minimize underwater sediment transport and minimize the short-term impacts on water quality. Although increases in turbidity would occur, impacts would be localized and temporary, lasting only during the removal and installation of bridge piles and supports. Sediments would resettle to the creek bed following completion of in-water activities.

Impacts on water resources from runoff during land construction activities would be minimized by construction management and planning. The Navy would prepare a soil erosion- and sediment-control plan and a stormwater management plan when proposed earth disturbance is more than 5,000 square feet or 100 cubic yards. These plans would be developed in accordance with Maryland soil erosion and sediment control guidelines. BMPs

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specific to each construction site would be identified in these plans. Examples of such BMPs include silt fences, silt or turbidity curtains, inlet and outlet protection, erosion control matting, sediment logs, construction entrances, temporary and permanent seeding, mulching, check dams, and other measures deemed appropriate for that specific action.

Specific construction methods and designs have not yet been developed for the Proposed Action. It is likely that an individual permit pursuant to Section 404 of the Clean Water Act would be required from U.S. Army Corps of Engineers, and the Navy would comply with any provisions under this permit. The Navy would also coordinate with the U.S. Coast Guard to receive authorization for bridge construction under Section 9 of the Rivers and Harbors Act. College Creek is a non-jurisdictional estuarine and marine deepwater wetland, and work would occur within this tidal wetland. Consequently, a joint federal and state permit for the Alteration of Any Tidal Wetland in Maryland would be required for temporary, construction-related impacts.

iii Flood Hazards

Much of the project area is within the 100-year or 500-year floodplain of College Creek. However, the proposed construction of the new utility bridge, subsequent demolition of the existing utility bridge, and directional drilling would not result in any long-term increases in impervious surfaces within the floodplain or change runoff characteristics.

b Coastal Resources

i Tidal Wetlands

Estuarine and marine deepwater tidal wetlands have been mapped for College Creek, and construction would occur within this area. The existing project area consists of hardened seawalls; therefore, the immediate project area does not have habitat for spawning or nursery grounds for fisheries. Indirect impacts would be minimized through the implementation of a joint federal and state permit for the Alteration of Any Tidal Wetland in Maryland. This permit may require the implementation of BMPs to mitigate adverse effects. In the long term, there would be a reduction in the disturbance of estuarine and marine deepwater wetlands associated with sedimentation during flood and stormwater runoff events with the repair of the seawalls, resulting in long-term beneficial effects.

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Submerged aquatic vegetation is not present along the project area, or downstream to the Severn River. Submerged aquatic vegetation is present in the upstream portions of College Creek, but these communities would not be affected during construction of the Proposed Action.

ii Non-tidal Wetlands

Non-tidal wetlands are not within the project area.

iii Forests

Forests areas greater than 40,000 square feet are not within the project area. Several trees are present on the Upper Yard bank near the existing utility bridge, and it is possible that one or more of these might need to be removed to accommodate construction in the Alternative 1 or Alternative 3 sites. If any trees must be removed, they would be replaced at a 1:1 ratio to retain tree canopy.

iv Historic and Archaeological Sites

USNA is a National Historic Landmark and a National Register Historic District. The Navy identified a buffer of 400 feet around the three alternative sites as the Area of Potential Effect for the Proposed Action. Hubbard Hall (Building 260), a pump station (Building 370), housing units managed under a public-private ventures, and several other facilities have been identified as contributing resources. The view from Halligan Hall (Building 181), which contributes to the district's historical significance, is also within the Area of Potential Effect. A small portion of the Colonial Annapolis Historic District, also a National Historic Landmark and National Register Historic District, is also within the Area of Potential Effect. All alternatives will likely be visible within the Historic Districts, but visual impacts are considered minimal.

No known archaeological sites would be affected under the Proposed Action. In the event of an unanticipated archaeological discovery, standard operating procedures in the Integrated Cultural Resources Management Plan would be followed. The Navy is coordinating with the Maryland State Historic Preservation Office regarding the Proposed Action.

v Living Aquatic Resources

No threatened or endangered species are known to occur within the project area.

Essential Fish Habitat is in College Creek for 11 species of fish. The Navy has determined that the replacement of the utility bridge and associated utility lines at NSA Annapolis may adversely affect Essential Fish Habitat due to a reduction in quality from suspended sediments and noise resulting from bridge demolition and pile driving for new bridge construction. However, no long-term effects on Essential Fish Habitat are expected. All Essential Fish Habitat in the vicinity of the project area is for highly mobile species and life stages. Juvenile and adult fish could avoid the project area during construction. The Navy commits to implementing appropriate avoidance and minimization measures and BMPs in accordance with regulations and ongoing consultations.

The Navy is coordinating with the Maryland Department of Natural Resources and consulting with National Oceanic and Atmospheric Administration Fisheries regarding the Proposed Action.

c Coastal Uses

i Mineral Extraction

The Proposed Action would not involve mineral extraction activities.

ii Electrical Generation and Transmission

All utility work involving electrical lines would be associated with existing lines. No increased electrical generation or transmission would be associated with the Proposed Action.

iii Tidal Shore Erosion Control

The existing shoreline along the project area consists of hardened materials, including bulkhead on the Lower Yard bank and riprap on the Upper Yard bank. Any portions of the existing hardened shoreline that would be affected during construction of the new utility bridge or demolition of the existing bridge would be integrated/avoided during design or repaired as necessary.

iv Oil and Natural Gas Facilities

The Proposed Action would not involve oil or natural gas facilities.

v Dredging and Disposal of Dredged Material

Dredging is not currently anticipated to occur during construction of the proposed bridge in order to place bridge pilings and supports. However, designs and construction plans are not finalized. The Navy would follow all regulations concerning dredging, if required.

Submerged aquatic vegetation is not present along the project area, or downstream to the Severn River. Submerged aquatic vegetation is present in the upstream portions of College Creek, but these communities would not be affected during construction of the Proposed Action.

vi Navigation

The navigability of College Creek would not be affected in the long term, and any short-term closures or safety concerns during in-water construction would be published in Local Notices to Mariners. The portion of the waterway where the bridge is proposed has limitations on vessel navigation given the two low-lying bridges that are adjacent to each other. This includes the utility bridge and Decatur Avenue and King George Street Bridges, which supports vehicular and pedestrian traffic.

vii Transportation

The Proposed Action would not involve transportation facilities. The existing utility bridge is not used for vehicle traffic, and its replacement—including demolition—would not be expected to affect transportation along the nearby Decatur Avenue or King George Street Bridges.

viii Agriculture

The Proposed Action would not involve agricultural land management activities or agricultural operations.

ix Development

The Proposed Action would not involvement new development as it would replace an existing utility bridge.

x **Sewage Treatment**

The Proposed Action would not involve sewage treatment facilities or infrastructure.

Email from Critical Area Commission (July 28, 2020)

From: Lisa Hoerger -DNR

To: NAVFAC Wash NEPA

Subject: [Non-DoD Source] Draft Environmental Assessment for Utility Bridge Replacement at Naval Support Activity Annapolis, Maryland

Date: Tuesday, July 28, 2020 9:45:23 AM

Ms. Pullen,

Thank you for providing the draft Environmental Assessment to this office for review. The only comment we would offer at this time concerning the proposed alternatives is that two of the alternatives will incur clearing along the shoreline. If the selected alternative requires clearing, the Navy would need to mitigate for the clearing of those trees. Otherwise, we see no other issues with the alternatives proposed.

Thank you again for your consideration of these comments. If you have any questions, please feel free to contact me.

Lisa

Lisa A. Hoerger
Regulations and Mapping Coordinator
Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, MD
410-260-3478 (office)
lisa.hoerger@maryland.gov

Email from Maryland Department of the Environment (November 30, 2020)

From: Heather Nelson -MDE- hnelson@maryland.gov
Sent: Monday, November 30, 2020 10:50 AM
To: Tanya Perry tperry@marstel-day.com
Cc: Joseph Abe -DNR- <joseph.abe@maryland.gov>

Subject: Re: Environmental Assessment for Utility Bridge Replacement at Naval Support Activity Annapolis - Coastal Consistency Determination Review

Maryland is in receipt of your CZM Consistency Determination concurrence request. It has been forwarded to Mr. Joseph Abe with Maryland Department of Natural Resources on this date for a response per below. Maryland has 60 days to respond to your request for a Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C) (generally a direct federal action, including federal funding to a private entity). Mr. Abe is cc'd on this email. If this is an incorrect Category, please let us know.

Please be advised that as of October 1, 2019, the Maryland Coastal Management Program, a network of Maryland state planning and regulatory agencies led by the Maryland Department of Natural Resources (DNR), has made some staffing changes to handle federal consistency review and concurrence requests. If your project or activity falls under one of the following Federal Consistency Categories:

Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C) (generally a direct federal action, including federal funding to a private entity)

Outer Continental Shelf Exploration, Development & Production (15 C.F.R. Part 930, Subpart E)

Federal Financial Assistance to State and Local Governments (15 C.F.R. Part 930, Subpart F) (includes grant or contractual arrangements, loans, subsidies, guarantees, insurance, or other forms of financial aid)

Please send your future consistency concurrence requests to Joseph Abe (DNR) at joseph.abe@maryland.gov and cc: Heather Nelson, MDE, at hnelson@maryland.gov. For projects in the Critical Area, consistency requests should also be sent to Lisa Hoerger at Critical Area Commission at lisa.hoerger@maryland.gov in addition to DNR.

If your already submitted project does fall into one of the above categories, I have already forwarded your concurrence request to Mr. Joseph Abe with DNR who will manage your request with the Network Partners and respond to your request for this project on my behalf. You do not need to resubmit this request. Mr. Abe will respond to your request.

If your project falls under the following Federal Consistency Category:

Federal License or Permit Activity (15 C.F.R. Part 930, Subpart D)

Please send your consistency concurrence request to the Maryland Department of the Environment (MDE)'s Wetlands and Waterways Program c/o Heather Nelson at hnelson@maryland.gov.

For more information on the Maryland Coastal Management Program, please visit the Maryland Department of Natural Resources website at https://dnr.maryland.gov/ccs/Pages/coastalpolicies.aspx or MDE's website at https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/CZM.aspx

Thank you. If you have any questions please contact me or Joseph Abe (again, cc'd on this email) and we will be happy to assist you.

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Because of the COVID-19 virus and the need for safety precautions, many state employees are working remotely.

Heather L. Nelson
Acting Program Manager
Wetlands and Waterways Program
Water and Science Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
hnelson@maryland.gov
410-537-3528 (O)
Website | Facebook | Twitter

Email from Critical Area Commission (December 15, 2020)

From: Lisa Hoerger -DNR- lisa.hoerger@maryland.gov
Sent: Tuesday, December 15, 2020 2:47 PM
To: Heather Nelson -MDE- <hnelson@maryland.gov>; Joseph Abe -DNR- joseph.abe@maryland.gov
Cc: Tanya Perry <tperry@marstel-day.com>; navfacwashnepa@navy.mil; katharine.seguin@nav.mil; Clark, Katharine C CIV USN COMNAVDIST WASH DC (USA) <katharine.seguin@navy.mil>

Subject: [Non-DoD Source] Re: Environmental Assessment for Utility Bridge Replacement at Naval Support Activity Annapolis - Coastal Consistency Determination Review

Heather and Joe,

This draft EA for the Utility Bridge Replacement project at the Naval Academy appears to have been submitted twice. Once in July and once at the end of November. Since an alternative has not yet been selected I offered the comments below in July and they still apply.

Thank you for providing the draft Environmental Assessment to this office for review. The only comment we would offer at this time concerning the proposed alternatives is that two of the alternatives will incur clearing along the shoreline. If the selected alternative requires clearing, the Navy would need to mitigate for the clearing of those trees. Otherwise, we see no other issues with the alternatives proposed.

Thank you again for your consideration of these comments. If you have any questions, please feel free to contact me.

Lisa

Lisa A. Hoerger
Regulations and Mapping Coordinator
Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, MD
410-260-3478 (office)
lisa.hoerger@maryland.gov

Rivers and Harbors Act Coordination

Letter to U.S. Coast Guard (May 7, 2020)

DEPARTMENT OF THE NAVY
NAVAL SUPPORT ACTIVITY ANNAPOLIS
58 BENNION ROAD
ANNAPOLIS, MARYLAND 21402

IN REPLY REFER TO:
5090
Ser ENV-071
07 May 2020

Mr. Hal Pitts
U.S. Coast Guard
Fifth Coast Guard District (dpb)
Federal Building
431 Crawford Street
Portsmouth, VA 23704-5004

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT FOR A UTILITY BRIDGE REPLACEMENT AT NAVAL SUPPORT ACTIVITY ANNAPOLIS, MARYLAND

Dear Mr. Pitts:

The Department of the Navy is preparing an Environmental Assessment (EA) in compliance with the National Environmental Policy Act of 1969 (NEPA) to evaluate the potential effects associated with replacing the utility bridge over College Creek at Naval Support Activity (NSA) Annapolis, Annapolis, Maryland. The utility bridge carries utility lines over College Creek between the Upper Yard and the Lower Yard of the U.S. Naval Academy (USNA). The existing bridge is in a severely deteriorated state and would require extensive repair to address the multiple failed and failing components. The Navy would like to initiate coordination with the U.S. Coast Guard for the planned replacement of this utility bridge. Given the existing navigation constraints within College Creek from bridges upstream and downstream from the proposed utility bridge, the Navy would like to request a waiver to the bridge permit.

The Proposed Action includes constructing a new bridge structure, replacing the utilities that are attached to the existing utility bridge, and then demolishing and removing the existing bridge. The new bridge would be approximately the same width and length, and the bridge deck would be located at approximately the same elevation as the existing bridge. The proposed bridge would be designed to ensure that boats, specifically those from the adjacent Hubbard Hall (Building

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07 May 2020

260), would be able to access the waterway on both sides of the bridge, similar to current conditions. However, the portion of the waterway where the bridge is proposed has limitations on vessel navigation given the two low-lying bridges that are adjacent to each other. This includes the utility bridge, King George Street Bridge and Decatur Avenue Bridge, which support vehicular and pedestrian traffic. See the enclosure for photos of the bridges. The proposed utility bridge replacement would not impact navigation within College Creek. No long-term changes in services or capacity are included with this action. Construction of the new bridge is expected to occur in fiscal year 2023.

The Navy is considering three alternative areas where the new bridge could be constructed between the King George Street Bridge and the Decatur Avenue Bridge, in addition to the No Action Alternative. Under all action alternatives, the existing bridge would be demolished following construction of the new bridge. The Navy is also considering the option of locating the utilities underground. With this option, all of the utilities would be situated underground except for one utility line, which cannot be bored underground; therefore, it would remain aboveground and attached to the proposed utility bridge structure. Directional drilling techniques would be used to avoid direct impacts on aquatic resources. The bore location under this option would occur along the banks of College Creek in the general vicinity of the existing bridge, with the bore starting on the northern bank and running towards the southern bank. The three bridge location alternatives and the optional underground bore location are shown on the enclosed map.

Under Alternative 1, the proposed utility bridge would be constructed within 50 feet of the existing utility bridge alignment, which is adjacent to the King George Street Bridge.

Under Alternative 2, the proposed utility bridge would be constructed within 115 feet of the Decatur Avenue Bridge.

Under Alternative 3, the proposed utility bridge would be constructed in the area between Alternatives 1 and 2 while also avoiding Hubbard Hall (Building 260) and its associated docks.

Under the No Action Alternative, the Navy would not replace the utility bridge; the existing bridge would continue to

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deteriorate until failure is imminent or occurs. If the bridge fails, utility services would be interrupted.

The Navy would like to invite the Fifth Coast Guard District Bridge Branch and other consulting parties to review the Draft EA, which is available for a 30-day review period online at: https://www.cnic.navy.mil/regions/ndw/installations/nsa_annapolis/om/environmental-/environmental-assessment.html. Comments on the Draft EA may be submitted via email to navfacwashnepa@navy.mil, or via U.S. mail, no later than 30 days from receipt of this letter, to Naval Facilities Engineering Command Washington, ATTN: Ms. Shelbi Pullen, 1314 Harwood Street SE, Building 212, Washington Navy Yard, DC 20374.

If you have any questions or comments, need additional information, please contact Ms. Shelbi Pullen at navfacwashnepa@navy.mil.

Sincerely,

ALHARAZIM.MADINA.M.1362686136 Digitally signed by ALHARAZIM.MADINA.M.1362686136 Date: 2020.05.07 22:08:19 -04'00'

M. M. Alharazim
By direction

Enclosures: 1. Location of NSA Annapolis and Alternatives for Proposed Utility Bridge
2. Photos of Existing Utility Bridge, King George Street Bridge, and Decatur Avenue Bridge

Copy to: Shelbi Pullen, NAVFAC Washington NEPA Project Manager

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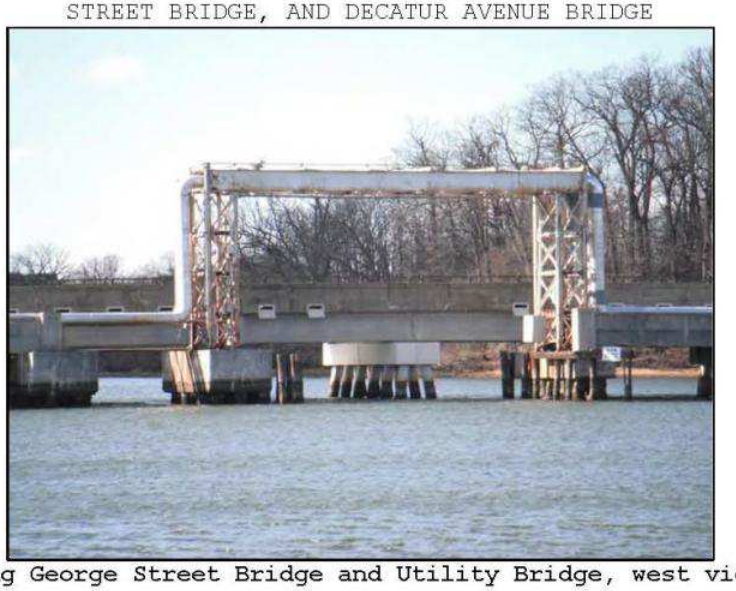
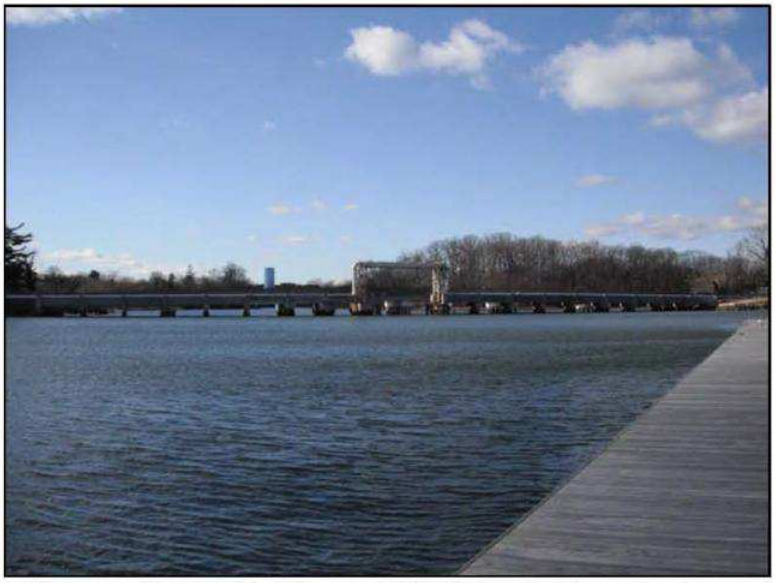
ENCLOSURE 2: PHOTOS OF EXISTING UTILITY BRIDGE, KING GEORGE STREET BRIDGE, AND DECATUR AVENUE BRIDGE



King George Street Bridge and Utility Bridge, west view



King George Street Bridge and Utility Bridge, looking west

Decatur Avenue Bridge, east view

U.S. Coast Guard Response (March 25, 2021)

U.S. Department of Homeland Security
United States Coast Guard

Commander
United States Coast Guard
Fifth Coast Guard District

431 Crawford Street
Portsmouth, VA 23704-5004
Staff Symbol: dpb
Phone: (757) 398-6587
Fax: (757) 398-6334
Email: Mickey.D.Sanders2@uscg.mil
or CGDFiveBridges@uscg.mil

16591
25 MAR 2021

Ms. Shelbi Pullen
Naval Facilities Engineering Command
1314 Harwood Street SE, Bldg 212,
Washington Navy Yard, DC 20374

Dear Ms Pullen:

Coast Guard review of your proposed project as provided in your letter dated May 7, 2020, received via email on October 13, 2020, is complete.

Based on the documentation provided and our research, it is determined that a Coast Guard bridge permit will not be required for the proposed Utility Bridge across College Creek at position (38.98591, -76.494420), at Annapolis, MD.

The project will be placed in our Advance Approval category as per Title 33 Code of Federal Regulations Part 115.70. This Advance Approval determination is for the location and structure described above and **is valid for five years from the date of this letter**. The following conditions apply to this determination:

a. If the construction project on the above bridge does not commence within this time, you must contact this office for reaffirmation of this determination.

b. Future bridge projects along the above waterway will have to be independently evaluated before they may be considered for placement in the Advance Approval category. This includes modification, replacement and removal of the above bridge, following its initial construction.

c. Prior to bridge construction, the bridge owner should submit a bridge maintenance project plan to this office at least 30 days (preferably 90 days) prior to work commencing on or over the navigable waterway. Please see enclosure (1).

The fact that a Coast Guard bridge permit is not required does not relieve you of the responsibility for compliance with the requirements of any other Federal, State, or local agency who may have jurisdiction over any aspect of the project. Although the project will not require a bridge permit, other areas of Coast Guard jurisdiction apply. The following conditions apply concerning construction of the above bridge:

a. You or your contractor must notify this office at least 30 days (preferably 90 days) in advance of the start of construction and any other work which may be an obstruction to navigation, so we may issue and update the information in our Local Notice to Mariners

16591
25 MAR 2021

and monitor the project. The notice should include details of the project as described in enclosure (1).

b. At no time during the project will the waterway be closed to navigation without the prior notification and approval of the Coast Guard. The bridge owner or contractor is required to maintain close and regular contact with Coast Guard Sector Maryland-National Capital Region at (410) 576-2674 or D05-DG-SECTORMD-NCR-PREVENTION-WWM@USCG.mil to keep them informed of activities on the waterway.

c. The lowest portion of the superstructure of the bridge across the waterway should clear the 100-year flood height elevation, if feasible.

d. In addition, the requirement to display navigational lighting at the aforementioned bridge is hereby waived, as per Title 33 Code of Federal Regulations, Part 118.40(b). This waiver may be rescinded at any time in the future should nighttime navigation through the proposed bridge be increased to a level determined by the District Commander to warrant lighting.

e. The National Ocean Service (NOS) of the National Oceanic and Atmosphere Administration (NOAA) is responsible for maintaining the charts of U.S. waters; therefore, they must be notified of this proposed work. You must notify our office and the NOS at the address below upon completion of the activity approved in this letter. Your notification of project completion must include as-built drawings or certification of the following:

a. Bridge name
b. Action type (new construction, modification, relocation, conversion (fixed/draw), etc.)
c. Dates (commenced and completed)
d. Location (latitude and longitude at bridge center and centerline of channel, statute miles above mouth of waterway, and bridge or causeway orientation or geographic positions of approaches)
e. Type of bridge (fixed, vertical lift, bascule, suspension, swing, trestle, pontoon, etc.)
f. Navigation clearances (vertical at mean high water and horizontal)
(Moveable – vertical at mean high water in open and closed positions)
g. Whether or not the bridge is fitted with clearance gauges
h. Whether or not the bridge has pier protection and/or fender system.
i. Type of land traffic (highway, railroad, pedestrian, pipeline, etc.)

Ms. Sladjana Maksimovic
National Ocean Service
N/CS26, Room 7317
1315 East-West Highway
Silver Spring, MD 20910-3282

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16591
25 MAR 2021

If you have any further questions, please contact Mr. Mickey Sanders at the above listed address or telephone number.

Sincerely,

HAL R. PITTS
Bridge Program Manager
By direction

Encl: (1) Bridge Maintenance Project Plan

Copy: Ms. Sladjana Maksimovic, NOS
CG Sector Maryland-National Capital Region, Waterways Management
U. S. Army Corps of Engineers, Baltimore District

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BRIDGE MAINTENANCE PROJECT PLAN

1. The bridge owner, or entity acting on behalf of the bridge owner, should submit a bridge maintenance project plan at least 30 days (preferably 90 days) prior to commencement of work on or over the navigable waterway. Correspondence may be submitted via .pdf email attachment to CGDFiveBridges@uscg.mil or mailed.

2. Once received, the request will be assigned to a project officer for review and processing. The project officer will publish a local notice to mariners. If appropriate, the project officer will publish a temporary deviation from drawbridge operating regulations.

   a. Bridge Information: Provide bridge name, bridge type (highway, railroad, pedestrian, pipeline, etc.), roadway(s) carried, waterway name, mile (statute) on waterway from confluence, municipal location (town/city, county (if applicable/if known), and state).

   b. Project Description: Provide the general description, nature and scope of the project. Drawings may be submitted, particularly if there are any planned temporary reductions in navigation clearances.

   c. Project Dates/Work Hours: Provide primary and alternate (if applicable) project dates and work hours. Alternate dates and work hours may be included to account for inclement weather, etc.

   d. Navigation Clearances: Provide any proposed temporary reductions in navigation clearances (vertical and/or horizontal), including the amount of the reduction(s) in feet and when the reduction(s) will be in place.

   e. Temporary Deviation (from Operating Regulations): For drawbridges – Provide any proposed temporary deviation from operating regulations including: purpose (why it is necessary); dates/times of closure; if the bridge will be closed when bridge work is not being performed, provide justification for closure during non-work hours; whether the bridge will be able to open for an emergency and within how much time of notice; whether vessels may pass through the bridge in the closed position at any time or with prior notice.

   f. Project Resources: Provide list of vessels, barges, equipment and location of personnel involved in the project. Indicate whether the project resources will relocate from the navigation channel during work hours, and if so, provide the timeframe for notice and method of notice. Indicate whether the resources will relocate from the navigation channel during non-work hours, and if not, provide justification for them to remain in the navigation channel during non-work hours.

   g. Communications: Provide communications plan for project resources. This should include VHF-FM channel 13 for vessels and drawbridge tenders and may include mobile phone devices for vessels and project personnel. Vessel operators need to be able to communicate with project resources for safe navigation.

   h. Bridge Owner Information: If the request is submitted by an entity on behalf of the bridge owner, provide the bridge owner representative's contact information (name, telephone and email) and the bridge owner's mailing address for the appropriate office.

Clearinghouse Coordination and General Agency Comments

Letter to Maryland Clearinghouse (May 7, 2020)

DEPARTMENT OF THE NAVY
NAVAL SUPPORT ACTIVITY ANNAPOLIS
58 BENNION ROAD
ANNAPOLIS, MARYLAND 21402

IN REPLY REFER TO:
5090
Ser ENV-073
07 May 2020

State Clearinghouse
Maryland Department of Planning
301 West Preston Street, Suite 1104
Baltimore, MD 21201-2365

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT FOR A UTILITY BRIDGE REPLACEMENT AT NAVAL SUPPORT ACTIVITY ANNAPOLIS, MARYLAND

To Whom It May Concern:

The Department of the Navy is preparing an Environmental Assessment (EA) in compliance with the National Environmental Policy Act (NEPA) to evaluate the potential effects associated with replacing the utility bridge over College Creek at Naval Support Activity (NSA) Annapolis, Annapolis, Maryland. The utility bridge carries utility lines over College Creek between the Upper Yard and the Lower Yard of the U.S. Naval Academy (USNA). The existing bridge is in a severely deteriorated state and would require extensive repair to address the multiple failed and failing components.

The Proposed Action includes constructing a new bridge structure, replacing the utilities that are attached to the existing utility bridge, and then demolishing and removing the existing bridge. The new bridge would be similar in size, elevation, and materials to the existing bridge. No long-term changes in services or capacity are included with this action. Construction of the new bridge is expected to occur in fiscal year 2023.

The Navy is considering three alternative areas where the new bridge could be constructed between the King George Street Bridge and the Decatur Avenue Bridge, in addition to the No Action Alternative. Under all action alternatives, the existing bridge would be demolished following construction of the new bridge. The Navy is also considering the option of locating the

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Ser ENV-073
07 May 2020

utilities underground. With this option, all of the utilities would be situated underground except for one utility line which cannot be bored underground; therefore, it would remain aboveground and attached to the proposed utility bridge structure. Directional drilling techniques would be used to avoid direct impacts on aquatic resources. The bore location under this option would occur along the banks of College Creek in the general vicinity of the existing bridge, with the bore starting on the northern bank and running towards the southern bank. The three bridge location alternatives and the optional underground bore location are shown on the enclosed map.

Under Alternative 1, the proposed utility bridge would be constructed within 50 feet of the existing utility bridge alignment, which is adjacent to the King George Street Bridge.

Under Alternative 2, the proposed utility bridge would be constructed within 115 feet of the Decatur Avenue Bridge.

Under Alternative 3, the proposed utility bridge would be constructed in the area between Alternatives 1 and 2 while also avoiding Hubbard Hall (Building 260) and its associated docks.

Under the No Action Alternative, the Navy would not replace the utility bridge; the existing bridge would continue to deteriorate until failure is imminent. If the bridge fails, utility services would be interrupted.

As part of the EA process, the Navy respectfully submits the Draft EA for distribution through the Maryland State Clearinghouse for coordinated review and comment to the following agencies:

- Maryland Department of Planning
- Maryland Department of the Environment
- Maryland Department of Natural Resources
- Maryland Department of Transportation
- Maryland Historical Trust
- Anne Arundel County
- City of Annapolis

The Navy would like to invite your organization and other consulting parties to review the Draft EA, which is available for a 30-day review period online at:

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Ser ENV-073
07 May 2020

https://www.cnic.navy.mil/regions/ndw/installations/nsa_annapolis/om/environmental-/environmental-assessment.html. An electronic copy of the Draft EA document will also be provided through the DOD's SAFE file sharing system. A separate email will be sent to mdp.clearinghouse@maryland.gov providing the link for document download. Comments on the Draft EA may be submitted via email to navfacwashnepa@navy.mil, or via U.S. mail, no later than 30 days from receipt of this letter, to Naval Facilities Engineering Command Washington, ATTN: Ms. Shelbi Pullen, 1314 Harwood Street SE, Building 212, Washington Navy Yard, DC 20374.

If you have any questions or comments, need additional information, please contact Ms. Shelbi Pullen at navfacwashnepa@navy.mil.

Sincerely,

ALHARAZIM.MADINA.M.1362686136 Digitally signed by ALHARAZIM.MADINA.M.1362686136 Date: 2020.05.07 21:59:23 -04'00'

M. M. Alharazim
By direction

Enclosure: Location of NSA Annapolis and Alternatives for Proposed Utility Bridge

Copy to: Shelbi Pullen, NAVFAC Washington NEPA Project Manager

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Clearinghouse Acknowledgment Letter (June 26, 2020)

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

Maryland
DEPARTMENT OF PLANNING

June 26, 2020

Ms. Shelbi Pullen, Natural Resource Specialist
Department of the Navy
NAVFAC Washington
1314 Harwood Street, SE, Building 212
Washington Navy Yard, DC 20374

STATE CLEARINGHOUSE REVIEW PROCESS

State Application Identifier: **MD20200624-0538**
Reviewer Comments Due By: July 23, 2020
Project Description: Draft Environmental Assessment: Proposed Action Includes Construction of a New Utility Bridge, Utilities Replacement, and Demolition and Removal of Existing Bridge, with Three Action Alternatives and One No Action Alternative at Naval Support Activity Annapolis
Project Address: College Creek Utility Bridge, Naval Support Activity Annapolis, Annapolis, MD 21402
Project Location: Anne Arundel County
Clearinghouse Contact: Sylvia Mosser

Dear Ms. Pullen:

Thank you for submitting your project for intergovernmental review. Participation in the Maryland Intergovernmental Review and Coordination (MIRC) process helps ensure project consistency with plans, programs, and objectives of State agencies and local governments. MIRC enhances opportunities for approval and/or funding and minimizes delays by resolving issues before project implementation.

Maryland Gubernatorial Executive Order 01.01.1998.04, Smart Growth and Neighborhood Conservation Policy, encourages federal agencies to adopt flexible standards that support "Smart Growth." In addition, Federal Executive Order 12072, Federal Space Management, directs federal agencies to locate facilities in urban areas. Consideration of these two Orders should be taken prior to making final site selections. A copy of Maryland Gubernatorial Executive Order 01.01.1998.04, Smart Growth and Neighborhood Conservation Policy is available upon request.

We have forwarded your project to the following agencies and/or jurisdictions for their review and comments: the Maryland Departments of Transportation, the Environment, Natural Resources, and General Services; the Maryland Military Department; Anne Arundel County; the City of Annapolis; and the Maryland Department of Planning, including the Maryland Historical Trust. A composite review and recommendation letter will be sent to you by the

Maryland Department of Planning • 301 West Preston Street, Suite 1101 • Baltimore • Maryland • 21201

Tel: 410.767.4500 • Toll Free: 1.877.767.6272 • TTY users: Maryland Relay • Planning.Maryland.gov

Ms. Shelbi Pullen
Page 2
State Application Identifier #: MD20200624-0538

reply due date. Your project has been assigned a unique State Application Identifier that you should use on all documents and correspondence. Please be assured that we will expeditiously process your project.

If you need assistance or have questions, contact the State Clearinghouse staff noted above at 410-767-4490 or through e-mail at sylvia.mosser@maryland.gov. Thank you for your cooperation with the MIRC process.

Sincerely,

Jason Dubow, Manager
Resource Conservation and Management

JD:SM

20-0538_NFP.NEW.docx

Clearinghouse Responses: Maryland Departments of General Services, Natural Resources, Transportation, and the Environment; the Maryland Military Department; Anne Arundel County; the City of Annapolis; and the Maryland Department of Planning, including the Maryland Historical Trust (July 24, 2020)

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

Maryland
DEPARTMENT OF PLANNING

July 24, 2020

Ms. Shelbi Pullen, Natural Resource Specialist
Department of the Navy
NAVFAC Washington
1314 Harwood Street, SE, Building 212
Washington Navy Yard, DC 20374

STATE CLEARINGHOUSE RECOMMENDATION
State Application Identifier: MD20200624-0538
Applicant: Department of the Navy
Project Description: Draft Environmental Assessment (EA): Proposed Action Includes Construction of a New Utility Bridge, Utilities Replacement, and Demolition and Removal of Existing Bridge, with Three Action Alternatives and One No Action Alternative at Naval Support Activity (NSA) Annapolis
Project Address: College Creek Utility Bridge, Naval Support Activity Annapolis, Annapolis, MD 21402
Project Location: Anne Arundel County
Recommendation: **Consistent with Qualifying Comments and Contingent Upon Certain Actions**

Dear Ms. Pullen:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 34.02.02.04-.07, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the State process review and recommendation.

Review comments were requested from the Maryland Departments of General Services, Natural Resources, Transportation, and the Environment; the Maryland Military Department; Anne Arundel County; the City of Annapolis; and the Maryland Department of Planning, including the Maryland Historical Trust. The Maryland Military Department did not have comments.

Anne Arundel County (AAC) included the following comment: "Does not affect AAC ."

The Maryland Department of General Services and the Maryland Department of Planning found this project to be consistent with their plans, programs, and objectives.

The Maryland Department of General Services (MD DGS) included the following comments:

> "The bridge referenced in the documents supports King George Drive which is downstream of the College Creek Bridge supporting Rowe Boulevard. The College Creek Bridge that supports Rowe Boulevard was recently replaced by the MD SHA. This bridge also supports critical infrastructure (Electric & Telecommunications duct banks) owned and maintained by the MD DGS. As mentioned by

301 West Preston Street - Suite 1101 - Baltimore - Maryland - 21201
Tel: 410.767.4500 - Toll Free: 1.877.767.6272 - TTY users: Maryland Relay - Planning.Maryland.gov

Ms. Shelbi Pullen
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State Application Identifier: **MD20200624-0538**

Mr. Pitruzzella, the bridge referenced in the provided documents is maintained by the US Naval Academy and the City of Annapolis."

The Maryland Department of Planning (MDP) included the following comments:

"Project location is within PFA [Priority Funding Area] of Annapolis. This environmental assessment is not mentioned in the 2009 Annapolis Comprehensive [P]lan. However, MDP believes the assessment is consistent with the infrastructure needs of the NSA."

The Maryland Department of the Environment (MDE) found this project to be generally consistent with their plans, programs, and objectives, but included certain qualifying comments summarized below.

1. "If the applicant suspects that asbestos is present in any portion of the structure that will be renovated/demolished, then the applicant should contact the Community Environmental Services Program, Air and Radiation Management Administration at (410) 537-3215 to learn about the State's requirements for asbestos handling.

2. Construction, renovation and/or demolition of buildings and roadways must be performed in conformance with State regulations pertaining to 'Particulate Matter from Materials Handling and Construction' (COMAR 26.11.06.03D), requiring that during any construction and/or demolition work, reasonable precaution must be taken to prevent particulate matter, such as fugitive dust, from becoming airborne.

3. During the duration of the project, soil excavation/grading/site work will be performed; there is a potential for encountering soil contamination. If soil contamination is present, a permit for soil remediation is required from MDE's Air and Radiation Management Administration. Please contact the New Source Permits Division, Air and Radiation Management Administration at (410) 537-3230 to learn about the State's requirements for these permits.'

4. Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3315 for additional information regarding solid waste activities and contact the Resource Management Program at (410) 537-3314 for additional information regarding recycling activities.

5. The Resource Management Program should be contacted directly at (410) 537-3314 by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.

6. The proposed project may involve rehabilitation, redevelopment, revitalization, or property acquisition of commercial, industrial property. Accordingly, MDE's Brownfields Site Assessment and Voluntary Cleanup Programs (VCP) may provide valuable assistance to you in this project. These programs involve environmental site assessment in accordance with accepted industry and financial institution standards for property transfer. For specific information about these programs and eligibility, please Land Restoration Program at (410) 537-3437.

Ms. Shelbi Pullen
July 24, 2020
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7. Borrow areas used to provide clean earth back fill material may require a surface mine permit. Disposal of excess cut material at a surface mine may require site approval. Contact the Mining Program at (410) 537-3557 for further details."

The Maryland Department of Transportation found this project to be generally consistent with their plans, programs, and objectives, but included certain qualifying comments summarized below.

> "This project should not impact a Maryland Department of Transportation State Highway Administration (MDOT SHA) facility. Anne Arundel County and the City of Annapolis have both expressed interested [sic] in improving the bicycle and pedestrian facilities across the MD 450 (King George Street) bridge adjacent to the subject utility bridge. Please coordinate with both Brian Ulrich, Planning Administrator at Anne Arundel County, at trulri44@aacounty.org, and Sally Nash, Director of Planning and Zoning at the City of Annapolis, at snash@annapolis.gov so they may express potential opportunities for the MD 450 bridge."

The Maryland Department of Natural Resources stated that their finding of consistency is contingent upon the applicant taking the actions summarized below.

> "[The] Site is located within a waterfowl concentration area. It is recommended that no work impacting waterfowl take place from November 15 through March 1 of any given year to protect overwintering waterfowl. As noted in the draft EA, the Navy is required to submit a CZMA [Coastal Zone Management Act] federal consistency determination to the Maryland Coastal Zone Management Program to ensure the project is consistent to the maximum extent practicable with relevant enforceable policies. It is recommended that the Navy present this project to the interagency Joint Evaluation online forum to clarify and resolve issues so that this important project moves forward in a timely manner while protecting coastal resources and avoiding or minimizing coastal use conflicts."

The Maryland Historical Trust stated that their finding of consistency is contingent upon the applicant's completion of the review process required under Section 106 of the National Historic Preservation Act.

> "The Navy needs to complete the project's historic preservation review in consultation with the Maryland Historical Trust and other consulting parties pursuant to Section 106 of the National Historic Preservation Act, and consider the project's effects on historic properties - including the US Naval Academy, a National Historic Landmark."

The City of Annapolis stated that their finding of consistency is contingent upon the applicant taking the actions summarized below. Additional comments from the City of Annapolis are enclosed in a letter from the city dated July 22, 2020.

> "Effects on Archaeology
> The City's consulting archeological firm, Applied Archaeology and History Associates, made comments summarized as follows on June 30, 2020. The consulting archaeologist and staff looked at the available historic resources concerning development of that portion of the USNA immediately affected by the project alternatives and determined that the Alternatives 1, 2, and 3 have been previously disturbed. Since a Phase I is recommended in the EA, staff concurs that such a report could document this assessment of previous disturbance as well as determine the potential for submerged archaeological features as a result of the underground utility option.

Ms. Shelbi Pullen
July 24, 2020
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Effects on the Historic District

- Alternative 1: new utility bridge within 50 feet of the existing utility bridge.
  - Draft EA finding: No adverse effect.
  - Staff does not concur. Staff finds the area of Alternative 1 to have an Adverse Effect on the significance of the view shed of the Colonial Annapolis Historic District, in particular St. John's College campus and King George Street. Partially obstructed, minimal visibility is still considered visibility on this significant northwest portal into the Historic District and therefore will have an adverse effect on the district.
- Alternative 2: new utility bridge within 115 feet of the Decatur Avenue Bridge.
  - No effect stated in the cover letter from NSA Annapolis and a different finding of No adverse effect stated in the draft EA.
  - Staff concurs with a finding of No Adverse Effect for the area of Alternative 2 on the Colonial Annapolis Historic District.
- Alternative 3: new utility bridge between Alternatives 1 and 2
  - Draft EA finding: No adverse effect.
  - Staff does not concur. Staff finds the area of Alternative 3 to have an Adverse Effect on the significance of the view shed of the Historic District, in particular St. John's College campus and King George Street. Partially obstructed, minimal visibility is still considered visibility on this significant northwest portal into the Historic District and therefore will have an adverse effect on the district.
- Alternative: No Action
  - Draft EA finding: Potential Adverse Effect
  - Staff concurs that the No Action alternative could have a devastating effect on the Colonial Annapolis Historic District if the existing bridge with its substructure in critical condition fails and causes a utility line rupture.
- Underground boring
  - Draft EA finding: No adverse effect.
  - Staff does not concur. Staff finds underground boring to have an Adverse Effect on the significance of the view shed of the Historic District, in particular St. John's College and King George Street, due to the visibility from one utility (high temperature hot water HTHW) above ground. Partially obstructed, minimal visibility is still considered visibility on this significant northwest portal to the Historic District. and therefore will have an adverse effect on the district. The findings of Adverse Effect can be mitigated in the final EA or design phase. Staff would still appreciate consideration of a cooperative effort between the City and NSA Annapolis for a pedestrian/bike path across College Creek in the vicinity of Alternative 1 if there is a way to reduce the impact on base security."

The State Application Identifier Number must be placed on any correspondence pertaining to this project.

Please remember, you must comply with all applicable state and local laws and regulations. If you need assistance or have questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at sylvia.mosser@maryland.gov.

Ms. Shelbi Pullen
July 24, 2020
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State Application Identifier: **MD20200624-0538**

Thank you for your cooperation with the MIRC process.

Sincerely,

Myra Barnes, Lead Clearinghouse Coordinator

MB:SM
Enclosure: July 22, 2020 City of Annapolis Letter
cc:

Ian Beam - MDOT	Tanja Rucci - DGS	Mayor - ANNAPO
Amanda Redmiles - MDE	Kirk Yaukey - MILT	Joseph Griffiths - MDPL
Tony Redman - DNR	Samantha Harris - ANAR	Beth Cole - MHT

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Maryland Department of the Environment Response Letter (July 20, 2020)

Maryland
Department of
the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

Ms. Shelbi Pullen
Project Manager
NAVFAC Washington, EV2
1314 Harwood Street SE, Bldg. 212
Washington Navy Yard, DC 20374

RE: Utility Bridge Replacement at Naval Support Activity Annapolis – Draft Environmental Assessment

Dear Ms. Pullen:

The Maryland Department of the Environment, Wetlands and Waterways Program, Tidal Wetlands Division (Department) has reviewed the draft Environmental Assessment (EA) that evaluated the potential effects associated with replacing the utility bridge over College Creek at the Naval Support Activity (NSA) Annapolis facility located in Annapolis Maryland (Site).

The Department would like the Wetlands Section on pages 3-13 and 3-14 clarified as the section solely discusses the USACE permit requirements regarding impacts to wetlands and incorrectly states *"a joint federal and state permit for the Alteration of Any Tidal Wetlands in Maryland would be required for temporary, construction-related impacts."* The Department **regulates both the temporary and permanent impacts** of projects that are conducted in, on, over, under, or through State or private tidal wetlands. Tidal wetlands by definition include all lands beneath tidal waters and tidal waters up to the mean high water line, and vegetated wetlands, such as marshes, that abut those waters and are subject to periodic tides within Maryland. Any temporary or permanent impacts to these Maryland regulated resources requires a *Joint Federal / State Application For the Alteration Of Any Tidal Wetland And/Or Tidal Waters in Maryland* be submitted to the Department. Following the Department's review of an application, the Department shall make a decision or the Division shall submit a recommendation to the Board of Public Works. The Board of Public Works shall take final action on an application for a license in accordance with COMAR 23.02.04.

If you need any further information or assistance, please do not hesitate to contact me at (443) 286 – 0524 or tammy.roberson@maryland.gov.

Sincerely,

Tammy K. Roberson

Tammy K. Roberson
Tidal Wetlands Division Chief
MDE/WSA/Wetlands and Waterways Program

1800 Washington Boulevard | Baltimore, MD 21230 | 1-800-633-6101 | 410-537-3000 | TTY Users 1-800-735-2258
www.mde.maryland.gov

National Historic Preservation Act Coordination

Letter to Maryland Historical Trust (May 28, 2020)

DEPARTMENT OF THE NAVY
NAVAL SUPPORT ACTIVITY ANNAPOLIS
58 BENNION ROAD
ANNAPOLIS, MARYLAND 21402

IN REPLY REFER TO:
5090
Ser ENV-075
28 May 2020

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023

SUBJECT: NATIONAL HISTORIC PRESERVATION ACT SECTION 106 CONSULTATION FOR UTILITY BRIDGE REPLACEMENT AT COLLEGE CREEK FOR NAVAL SUPPORT ACTIVITY ANNAPOLIS, ANNE ARUNDEL COUNTY, MARYLAND

Dear Ms. Hughes:

The purpose of this letter is to open consultation with the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act of 1966 as amended, on the replacement of the utility bridge that crosses College Creek parallel to King George Street at Naval Support Activity (NSA) Annapolis, Anne Arundel County, Maryland (Enclosure 1). Construction of the proposed utility bridge is expected to occur in fiscal year 2023. A feasibility study to determine the most appropriate location of the utility bridge will be completed. We are requesting preliminary comments on the proposed alternatives. .

Purpose and Need: The current utility bridge is in a severely deteriorated state and requires extensive repair. If the bridge failed, utility services would be interrupted. The replacement utility bridge would support reliable utility service between the Upper and Lower Yards of the United States Naval Academy. The replacement utility bridge would also incorporate access for personnel to safely conduct inspections, maintenance, and repairs, a critical deficiency of the existing utility bridge.

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Ser ENV-075
28 May 2020

Description of Undertaking: Under all Alternatives, the replacement utility bridge would be approximately the same width, length, and deck elevation as the existing utility bridge. The existing bridge and utilities would remain in place until construction of the new utility bridge was completed. Upon completion of the new utility bridge, the existing utility bridge would be demolished, and the pile caps would be removed and hauled off-site. Given that the King George Street Bridge and the installation's property line are directly south of the current utility bridge, the proposed utility bridge must be located to the northeast of the current utility bridge location. See Enclosure 2.

Alternative 1: Under Alternative 1, the proposed utility bridge would be constructed within 50 feet northeast of the existing utility bridge alignment, which is parallel and adjacent to the King George Street Bridge.

Alternative 2: Under Alternative 2, the proposed utility bridge would be constructed parallel to and within 115 feet southwest of the Decatur Avenue Bridge (Hill Bridge).

Alternative 3: Under Alternative 3, the proposed utility bridge would be constructed between the locations of Alternatives 1 and 2 (i.e., the remaining approximate 250-foot width between Alternatives 1 and 2). The bridge would be constructed on "open" water in an open viewshed.

Underground Utility Option: In addition to a replacement utility bridge, an underground utility option will be analyzed, which would involve horizontal directional boring underneath College Creek. With this option, all of the utilities would be situated underground except for one utility line, which cannot be bored underground; therefore, it would remain aboveground and attached to the proposed utility bridge structure. The bore location under this option would occur along the banks of College Creek in the general vicinity of the existing bridge, with the bore starting on the northern bank and running towards the southern bank.

Area of Potential Effect:

Built Environment: The Area of Potential Effect (APE) for the built environment is defined as a 400-foot radius around the boundaries for all alternatives and encompasses the limits of visibility, including views to and from Halligan Hall (Building

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181). The APE includes a portion of the United States Naval Academy Upper and Lower Yards and a portion of the Colonial Annapolis Historic District. See APE boundaries in Enclosure 2.

Archaeological Sites: The APE for archaeological resources is expected to be within the land area bounded by the northwest shore of College Creek and the southeast shore of College Creek. The area of ground disturbance will include the abutments for each end of the proposed utility bridge and any trenching required to carry existing utility lines to and from the bridge. We consider the northwest shoreline disturbed due to known ground disturbances. Additional archaeology determinations are warranted for the southeast shore of the creek.

Identification of Historic Properties and Affected Historic Properties:

To identify historic properties within the APE, NAVFAC Washington consulted records held by the Maryland Historical Trust, the City of Annapolis and the Public Works Department of Naval Support Activity Annapolis. The APE for all alternatives falls entirely within the boundaries of the United States Naval Academy National Historic Landmark and Colonial Annapolis National Historic Landmark. Therefore, all built historic resources within the APE contribute to one of the NHLs. See Table 1 for the historic property within the Colonial Annapolis Historic District and a significant landscape features within the APE and Enclosure 2 for the location of contributing resources within the USNA Historic District.

United States Naval Academy: The United States Naval Academy National Historic Landmark was designated on July 4, 1961 and was automatically placed on the NRHP in 1966. The USNA is nationally significant for its pivotal role in American naval affairs and the education of naval officers in both military and academic studies, and for exemplifying the design principles of Beaux Arts architecture and the work of New York architect Ernest Flagg, who designed the plan of the main campus and its core buildings in the early twentieth century. A variety of landscape features contribute to the district's historic significance, including historic views and vistas. The view to and from Halligan Hall (Building 181) contributes to the USNA Historic District and is described in the *Historic Landscape Survey, Naval Support Activity Annapolis, Maryland* (Kuhn & Groesbeck, 2013):

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Historical and Existing Conditions
After the construction of the Marine Barracks (Halligan Hall) in 1903, a parade ground fronting the building allowed views toward College Creek and the Lower Yard. The view changed in 1923 with the construction of the baseball stadium and ball fields but did not completely obstruct views across the parade ground. The current view from Halligan Hall across Terwilliger Brothers Field provides a glimpse of the Chapel dome, Alumni Hall, and Nimitz Library.

Analysis
The view from Halligan Hall toward the Lower Yard changed in the 1920s when the former parade ground became the site of athletic fields and a baseball stadium. Although the 1920s baseball stadium has been replaced, the Lower Yard continues to be visible from Halligan Hall. This view contributes to the historic landscape as it visually connects the Upper and Lower yards and has not substantially changed since the period of significance.

Colonial Annapolis Historic District: The Colonial Annapolis Historic District was designated an NHL in 1965 and included in the NRHP in 1966. The NRHP district was expanded in 1984. In addition, the Local Annapolis Historic District follows nearly the same boundaries as the NHL. Colonial Annapolis has national significance as the site of the Continental Congress in 1783-1784 and the Annapolis Convention in 1786, which led to the Constitutional Convention in 1787. The district is also nationally significant in the areas of architecture and urban planning as one of the first planned cities in colonial America, as a rare example of a modified baroque plan, and for its several outstanding examples of high Georgian design. The Historic District also has significance as the center of colonial and state government, politics, and commerce.

Archaeological: The APE for archaeological resources has not been previously surveyed. Due to ground disturbance associated with the construction of Terwilliger Brothers Field, Vandergrift Road, Hubbard Hall boathouse and associated parking, installation of underground utilities, and the hardened seawalls lining College Creek, archaeological resources are unlikely on the northwest shoreline. However, Phase I survey will be

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conducted on the southeast shoreline for the areas of ground disturbance associated with each Alternative.

Table 1. Historic Properties within the Area of Potential Effect of the Proposed Undertaking

Facility Number	*Facility Name*	*NRHP Status*	*Location*	*Built Date*	*MHT ID Number*
United States Naval Academy NHL Resources					
Significant Landscape Features					
n/a	View to and from Halligan Hall	Contributing	Upper and Lower Yard	1920s-present	–
Colonial Annapolis Historic District					
n/a	Beneficial-Hodson Boathouse, St. John's College	Contributing	St. John's College	1934	AA-2046; AA-2208

Source: NAVFAC Washington. (2018). *Integrated Cultural Resource Management Plan, 2017–2021, Naval Support Activity Annapolis.* Prepared by Kristie Baynard (Marstel-Day).
Key: ID = identification; MHT = Maryland Historical Trust; NRHP = National Register of Historic Places.

Effects on Historic Properties and Application of Criteria of Adverse Effect:

Alternative 1: Under Alternative 1, the proposed utility bridge would be constructed within 50 feet northeast of the existing utility bridge alignment.

- United States Naval Academy: Alternative 1 would place a new element within the viewshed to and from Halligan Hall. However, this would not obstruct the view from Halligan Hall across College Creek to the Lower Yard. Therefore, Alternative 1 would have no adverse effect on the United States Naval Academy.

- Colonial Annapolis Historic District: Alternative 1 would be only minimally visible from the Colonial Annapolis Historic District, specifically from the St. Johns College Beneficial-Hodson Boathouse, which is sited immediately adjacent to King George Street and faces College Creek. Visibility would be limited to the northern corner of the Historic District and would be partially obstructed by the King George Street Bridge.

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No significant viewsheds within the Colonial Annapolis Historic District would be affected, therefore Alternative 1 would have no adverse effect on the Historic District.

- Archaeological Sites: Effects on archaeological resources cannot be determined until Phase I survey is completed for the area of ground disturbance.

Alternative 2: Under Alternative 2, the proposed utility bridge would be constructed parallel to and within 115 feet southwest of the Decatur Avenue Bridge (Hill Bridge).

- United States Naval Academy: Alternative 2 would place a new element within the viewshed to and from Halligan Hall. However, this would not obstruct the view from Halligan Hall across College Creek to the Lower Yard. Therefore, Alternative 2 would have no adverse effect on the United States Naval Academy.

- Colonial Annapolis Historic District: Alternative 2 is not within the viewshed of Colonial Annapolis Historic District and therefore would have no effect on that resource.

- Archaeological Sites: Effects on archaeological resources cannot be determined until Phase I survey is completed for the area of ground disturbance.

Alternative 3: Under Alternative 3, the proposed utility bridge would be constructed within the remaining approximate 250-foot-width between Alternatives 1 and 2.

- United States Naval Academy: Alternative 3 would place a new element within the viewshed to and from Halligan Hall. Alternative 3 would not obstruct the viewshed from Halligan Hall to the Lower Yard. Therefore, Alternative 3 would have no adverse effect on the United States Naval Academy.

- Colonial Annapolis Historic District: Alternative 3 would be minimally visible from the Colonial Annapolis Historic District. The King George Street bridge would visually obstruct the view from the Historic District.

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28 May 2020

Therefore, Alternative 3 would have no adverse effect on the Colonial Annapolis Historic District.

- Archaeological Sites: Effects on archaeological resources cannot be determined until Phase I survey is completed for the area of ground disturbance.

Underground Utility Option: Under the underground utility option, all of the utilities would be situated underground except for one utility line which cannot be bored underground; therefore, it would remain aboveground and attached to the proposed utility bridge structure.

- United States Naval Academy: Underground utility option would place a new element within the viewshed to and from Halligan Hall. However, this would not obstruct the view from Halligan Hall across College Creek to the Lower Yard. Therefore, the underground utility option would have no adverse effect on the United States Naval Academy.

- Colonial Annapolis Historic District: Underground utility option would be only minimally visible from the Colonial Annapolis Historic District, specifically from the St. Johns College Beneficial-Hodson Boathouse, which is sited immediately adjacent to King George Street and faces College Creek. Visibility would be limited to the northern corner of the Historic District and would be partially obstructed by the King George Street Bridge. No significant viewsheds within the Colonial Annapolis Historic District would be affected, therefore the underground utility option would have no adverse effect on the Historic District.

- Archaeological Sites: Effects on archaeological resources cannot be determined until Phase I survey is completed for the area of ground disturbance.

Naval Support Activity Annapolis hereby requests preliminary comments concerning the proposed undertaking. Continued consultation will be completed as information from the feasibility study becomes available. If you have any questions or would like to visit the project area, please contact Kimberly

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28 May 2020

Hickey either by email at kimberly.hickey@navy.mil, or by telephone at (410) 293-1116. We look forward to your response.

Sincerely,

ALHARAZIM.MADINA.M.1362686136 Digitally signed by ALHARAZIM.MADINA.M.1362686136 Date: 2020.06.02 09:00:47 -04'00'

M. M. Alharazim
By direction

Enclosures: 1. Location of Undertaking, the USNA Historic District, and the Colonial Annapolis Historic District
2. Location of Historic Properties Within the APE

Copy to: Shelbi Pullen, NAVFAC Washington NEPA Project Manager

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Maryland Historical Trust Response (July 21, 2020)

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

Maryland
DEPARTMENT OF PLANNING
MARYLAND HISTORICAL TRUST

July 21, 2020

M. M. Alharazim
Naval Support Activity Annapolis
Department of the Navy
58 Bennion Rd.
Annapolis, MD 21402

Sent via email to: kimberly.hickey@navy.mil

Re: Utility Bridge Replacement at College Creek for Naval Support Activity Annapolis
Anne Arundel County, Maryland
Section 106 Review - Navy

Dear Ms. Alharazim:

Thank you for your recent letter, dated May 28, 2020 and received by the Maryland Historical Trust (Trust) on June 22, 2020, regarding the above-referenced project. The letter initiated consultation with the Trust, Maryland's State Historic Preservation Office, pursuant to Section 106 of the National Historic Preservation Act of 1966. The Trust reviewed the preliminary information provided and offers the following initial comments. We await further coordination with the Navy and other consulting parities to complete the Section 106 review of the project, as planning proceeds.

According to the information provided by the Navy, the undertaking entails the replacement of the utility bridge over College Creek at the Naval Support Activity, Annapolis. The existing bridge is located on the north/east side and parallel to the King George Street bridge over College Creek. The Navy is currently undertaking a feasibility study to determine the most appropriate location for the replacement bridge. The existing bridge and utilities would need to remain in place until the replacements are constructed. The new facility would incorporate access for personnel to safely conduct maintenance, inspections and repairs.

The Trust agrees with the Navy's initial delineation of the Area of Potential Effects (APE) identified in your recent letter. The APE for the project includes the United States Naval Academy (AA-359) and the Colonial Annapolis Historic District (AA-137), both designated as National Historic Landmarks (NHLs). The project area also has the potential to contain terrestrial and submerged archeological resources that have not yet been identified. We understand that the Navy plans to conduct Phase I terrestrial archeological survey on the southeast shoreline of College Creek and we await the results of that effort for review and comment. Prior archeological studies have demonstrated that there is a high potential for the existence and preservation of submerged and buried archeological sites and materials in College Creek. Depending on the chosen alternative and degree of proposed bottom disturbance, Phase I underwater studies may be warranted in College Creek. Once more detailed plans are available, the Trust will be able to provide informed comments and recommendations regarding underwater investigations.

Maryland Historical Trust • 100 Community Place • Crownsville • Maryland • 21032

Tel: 410.697.9591 • toll free 877.767.6272 • TTY users: Maryland Relay • MHT.Maryland.gov

We understand the Navy is currently exploring three bridge replacement alternatives for the project and one underground utility option:

- Alternative 1 – new bridge within 50 feet northeast of the existing bridge alignment;
- Alternative 2 – new bridge parallel to and within 115 feet southwest of the Decatur Avenue Bridge (Hill Bridge);
- Alternative 3 – new bridge constructed on open water between the locations of Alternatives 1 and 2; and
- Underground Utility option – horizontal directional boring underneath College Creek for all utilities except one which would be attached to a replacement utility structure.

At this point, the Trust has insufficient information regarding any of the alternatives to provide meaningful comments regarding possible effects on historic properties and the need for underwater investigations. As project planning progresses, the Navy will need to develop more detailed plans and renderings of the proposed alternatives and continue to solicit input from consulting parties and the public. Based on this information, the Navy will be able to make an informed assessment of the undertaking's effects on historic properties. We await further consultation with the Navy and other consulting parties as project planning proceeds to more fully assess the undertaking's effects on historic properties once project details become available. We strongly encourage the Navy to thoroughly explore and consider alternatives that will avoid and minimize any adverse effects to the National Historic Landmarks, including the United States Naval Academy and the Colonial Annapolis Historic District.

We appreciate the opportunity for early consultation on this project and look forward to working with the Navy and involved consulting parties to successfully complete the Section 106 consultation for this undertaking. If you have questions or need further assistance, please contact Amanda Apple at amanda.apple@maryland.gov, Troy Nowak at troy.nowak@maryland.gov, or me at beth.cole@maryland.gov. Thank you for your ongoing coordination.

Sincerely,

Beth Cole (signed electronically)

Beth Cole
Administrator, Project Review and Compliance
Maryland Historical Trust

BC/202002984
cc: Kimberly Hickey (USNA /kimberly.hickey@navy.mil)
Julie Darsie (NAVFAC / julie.darsie@navy.mil)
Shelby Pullen (NAVFAC / navfacwashnepa@navy.mil)
Dennis Montagna (NPS / dennis_montagna@nps.gov)
Roberta Lawlor (Annapolis Historic Preservation /rlaynor@annapolis.gov)

City of Annapolis Historic Preservation Division
(also enclosed with Clearinghouse Response; July 22, 2020)

CITY OF ANNAPOLIS HISTORIC PRESERVATION DIVISION
Planning and Zoning Department
145 Gorman Street, 3rd Floor, Annapolis, Maryland 21401

410-260-2200 • MD Relay (711) • FAX 410-263-1129

July 22, 2020

Naval Facilities Engineering Command Washington
ATTN: Ms. Shelbi Pullen
1314 Harwood Street SE, Building 212
Washington Navy Yard, DC 20374

RE: Draft Environmental Assessment for a Utility Bridge Replacement at Naval Support Activity Annapolis, Maryland

Dear Ms. Pullen:

The Historic Preservation Division, Department of Planning & Zoning, for the City of Annapolis has reviewed the June 2020 Draft Environmental Assessment (EA) for replacing the utility bridge over College Creek (http://apps.planning.maryland.gov/EMIRC_Files/MD20200624-0538.zip). The Proposed Action in a 400-foot Area of Potential Effect Area addresses constructing a new bridge structure, replacing the utilities that are attached to the existing utility bridge, and finally demolishing and removing the existing bridge (constructed 1931 as a train trestle and last retrofitted 1986 for its current use). The Draft EA offers three action Alternatives, one no action Alternative, as well as an option to locate all but one utility underground by boring underneath College Creek. We offer the following comments regarding the impact of the Alternatives on cultural resources in the Colonial Annapolis National Historic Landmark District (Annapolis Historic District).

Building in the Fourth Century: Annapolis Historic District Design Manual, 2011
Annapolis and Historic Preservation
Annapolis is a remarkable urban environment. Laid out more than 300 years ago on a neck of land where the Severn River joins the Chesapeake Bay, the city evokes a sense of history and a sense of place, expressed in the character of its streets, ***the fit of its land to the water****, and its pleasing human scale. Governor Francis Nicholson's 1695 town plan for Annapolis is the oldest surviving Baroque plan in the United States. Annapolis presents a unique record of the pre-industrial colonial city in our country, and its collection of 18th-, 19th- and 20th-century architecture is important to the entire nation. Annapolis was home to Maryland's four signers of the Declaration of Independence; the*

Continental Congress met here during 1783 and 1784; and in 1845 the U.S. Congress chose Annapolis as the location for the U.S. Naval Academy.

City Growth - Transportation

A parallel influence on the city's economy was the extension of a railroad spur into Annapolis, in 1840. The introduction of rail travel improved connections and communication with Washington, D.C. and became the basis for freight shipment servicing the Academy as well. The railroad passenger station was located along inner West Street, the traditional inland link to the town. In the 1858 "Bird's Eye View of Annapolis" by E. Sachse and Co., the old city's fully established pattern at mid-century is clearly seen. The intimate town scale is apparent; the early Academy grounds are visible; and the visual dominance of the State House is clear. After the Civil War, transportation improved again, encouraging development of areas outside the original town limits. A steamboat landing was constructed at the foot of Prince George Street. ***After 1868, West Street was no longer the only road leading into the peninsular city. One bridge was built across College Creek and another across Spa Creek, providing additional land routes to the city.*** *By 1885, Martin Street was added and King George and Randall streets were extended.*

Guidelines To Preserve And Enhance The City's Urban Form

A.3 ***All projects which are visible from the water shall respect and reinforce the historic character of the district and shall respect traditional views and visual focal points.*** *The earliest settlements in the city were along Spa Creek and the Severn River. Visitors to Annapolis often came by water, making the system of rivers and creeks an important gateway to the district. View sheds of the water as well as historic streetscapes as seen from the water have a shape and proportion that have evolved in response to the growth patterns of Annapolis.* ***The scale, placement and configuration of new structures, and plantings within these view sheds need to be carefully planned so that new elements do not alter or obscure the character of these historic patterns.***

Secretary of the Interior's Standards

1 *A property shall* ***be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of*** *the building and* ***its site and environment.***

9 New additions, exterior alterations, or ***related new construction will not destroy historic materials, features, and spatial relationships that characterize the property.*** *The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to* ***protect the integrity of the property and its environment.***

Recommended: Considering the design for related new construction in terms of its relationship to the historic building as well as the historic district and setting.

Annapolis Historic Preservation Division 7/22/20, Page 2

Staff Comments on the Draft Environmental Assessment (EA)

Effects on Archaeology
The City's consulting archeological firm, Applied Archaeology and History Associates, made comments summarized as follows on June 30, 2020.
The consulting archaeologist and staff looked at the available historic resources concerning development of that portion of the USNA immediately affected by the project alternatives and determined that the Alternatives 1, 2, and 3 have been previously disturbed. Since a Phase I is recommended in the EA, staff concurs that such a report could document this assessment of previous disturbance as well as determine the potential for submerged archaeological features as a result of the underground utility option.

Effects on the Historic District
Alternative 1: new utility bridge within 50 feet of the existing utility bridge.
Draft EA finding: No adverse effect.
Staff does not concur. Staff finds the area of Alternative 1 to have an Adverse Effect on the significance of the view shed of the Colonial Annapolis Historic District, in particular St. John's College campus and King George Street. Partially obstructed, minimal visibility is still considered visibility on this significant northwest portal into the Historic District and therefore will have an adverse effect on the district.

Alternative 2: new utility bridge within 115 feet of the Decatur Avenue Bridge.
No effect stated in the cover letter from NSA Annapolis and a different finding of No adverse effect stated in the draft EA.
Staff concurs with a finding of No Adverse Effect for the area of Alternative 2 on the Colonial Annapolis Historic District.

Alternative 3: new utility bridge between Alternatives 1 and 2
Draft EA finding: No adverse effect.
Staff does not concur. Staff finds the area of Alternative 3 to have an Adverse Effect on the significance of the view shed of the Historic District, in particular St. John's College campus and King George Street. Partially obstructed, minimal visibility is still considered visibility on this significant northwest portal into the Historic District and therefore will have an adverse effect on the district.

Alternative: No Action
Draft EA finding: Potential Adverse Effect
Staff concurs that the No Action alternative could have a devastating effect on the Colonial Annapolis Historic District if the existing bridge with its substructure in critical condition fails and causes a utility line rupture..

Annapolis Historic Preservation Division 7/22/20, Page 3

Underground boring
Draft EA finding: No adverse effect.
Staff does not concur. Staff finds underground boring to have an Adverse Effect on the significance of the view shed of the Historic District, in particular St. John's College and King George Street, due to the visibility from one utility [redacted] above ground. Partially obstructed, minimal visibility is still considered visibility on this significant northwest portal to the Historic District. and therefore will have an adverse effect on the district.

The findings of Adverse Effect can be mitigated in the final EA or design phase.

Staff would still appreciate consideration of a cooperative effort between the City and NSA Annapolis for a pedestrian/bike path across College Creek in the vicinity of Alternative 1 if there is a way to reduce the impact on base security.

Thank you for the opportunity for the City of Annapolis Historic Preservation Division to comment on this Environmental Assessment. We look forward to participating in upcoming phases with comments as the Seawall Repair and Restoration project evolves.

(signed electronically)

Roberta G. Laynor
Chief of Historic Preservation
City of Annapolis

Continuing Consultation Letter to Maryland Historical Trust (November 22, 2021)

DEPARTMENT OF THE NAVY
NAVAL SUPPORT ACTIVITY ANNAPOLIS
58 BENNION ROAD
ANNAPOLIS MD 21402

IN REPLY REFER TO

5090
Ser ENV-121
November 22, 2021

Ms. Elizabeth Hughes
State Historic Preservation Officer
Director
Maryland Historical Trust
100 Community Place
Crownsville, Maryland 21032-2023

Attn: Ms. Elizabeth Cole

Dear Ms. Hughes:

SUBJECT: REQUEST FOR CONTINUED SECTION 106 CONSULTATION – UTILITY BRIDGE REPLACEMENT AT COLLEGE CREEK, UNITED STATES NAVAL ACADEMY

The Navy initiated consultation for this undertaking in series letter ENV-075, dated 8 May 2020 (MHT log #202002984). Reference this request for additional information. The existing utility bridge was originally a train trestle bridge, it is approximately 20' wide and 475' long. See enclosure 1 for location map, area of potential effect and photos of the existing utility bridge. We have completed a site investigation and feasibility study to compare five alternative designs and three alternative locations for replacing the existing King George Street Utility Bridge at College Creek.

The Navy has determined bridge location Alternative 1 – within 50' of the existing utility bridge the most feasible (see enclosure 2). This location is advantageous as it is closest to the existing tie-in points near the current utility bridge and will require the least amount of field routed pipe from the bridge to tie-in points. We have also determined design Alternative 5 – Precast Concrete Bridge, the most appropriate bridge design. See enclosure 3 for all design considerations and enclosure 4 for Alternative 5 design details.

The Alternative 5 Bridge is designed as eight concrete segments which span across College Creek. Concrete segments are approximately 17' wide and foundations 23' wide. To accommodate expansion, the high-temperature hot water (HTHW) piping turns out onto horizontal expansion loops at two locations approximately ¼ the total utility bridge span on either side. A small truss has been designed at these two locations to catch the piping and support access platforming that turns out onto the loops. Because the expansion loops are horizontal, the design requires 35 piles – 18" diameter. The only features which will not be concrete are the roller bearing pipe supports, pipe support shoes and the access walkway which runs over the top of the

5090
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transverse beams. The piles and cap extend out of the water to provide the bridge with 10ft (minimum) of overhead clearance from North American Vertical Datum of 1988 (NAVD88) elevation 0'-0" to the bottom of the truss chords. As with all bridge profiles, the superstructure is higher than the existing utility bridge to account for sea level rise and maximum rowing clearance through College Creek for the crew team. See enclosure 5 for reference plane of NAVD88 El 0'-0" in comparison to the existing utility bridge profile.

Preliminary findings of the feasibility study recommended design Alternative 3 –Bowstring Truss Bridge in location Alternative 3 as the preferred alternatives. Therefore, renderings of Alternative 3 and Alternative 1 for comparison are included as enclosure 6 *for reference only*. The profile of Alternative 5 is lower than the highest elevation of the existing utility bridge and similar in height as the top elevation of the barrier wall of the King George Street vehicle bridge. The proposed location and lower profile of Alternative 5, minimizes its visibility from the Colonial Annapolis Historic District and the contributing view from Halligan Hall across College Creek towards the Lower Yard of the Naval Academy. The Navy is aware of the potential for submerged archaeological resources in College Creek. If an anomaly is encountered during underwater construction activities, contractors will be instructed to stop work until a determination of the anomaly is made. A Phase I terrestrial archaeological survey on the southeast shoreline of College Creek will be completed before construction begins.

We consider design Alternative 5 – Precast Concrete Bridge and location Alternative 1 – within 50' of the existing for the Utility Bridge Replacement at College Creek will have no adverse effect to historic properties at the United States Naval Academy. Consulting parties will be notified of this project as outlined in Chapter 14, section 2 of the Integrated Cultural Resource Management Plan Naval Support Activity Annapolis (Feb 2018). In accordance with Section 106 of the National Historic Preservation Act of 1966 as amended, and the Criteria of Adverse Effect (36 CFR Part 800.5); the Navy requests your review of and concurrence with this project. If you need additional information or would like to visit the site, contact Kimberly Hickey at (410) 293-1116 or kimberly.hickey@navy.mil. Please send all correspondence to PWD Annapolis, 181 Wainwright Road, Stop 21A, Annapolis, MD 21402.

Sincerely,

BARLOW.JUSTIN.J.1238878779 Digitally signed by BARLOW.JUSTIN.J.1238878779 Date: 2021.11.22 17:30:35 -05'00'

J. J. BARLOW
Installation Environmental Program Director
By direction
of the Commanding Officer

Enclosures: 1. Location map, APE and photos of existing utility bridge
2. Alternative Site Location Overview
3. Bridge Replacement Alternatives and Aesthetic Comparison
4. Alternative 5 Bridge Concept

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5. Bridge Profile Comparison and El 0'-0" Reference Plane
6. Alternative 3 and Alternative 1 – Bridge Site Lines Comparison (for reference only)

Copies to: Preservation Assistance and Heritage Areas, National Park Service Northeast (Attn: D. Montagna)
City of Annapolis, Historic Preservation Division (Attn: J. Towers)

The Maryland Historical Trust has determined design Alternative 5 – Precast Concrete Bridge and location Alternative 1 – within 50' of the existing for Replacement of the Utility Bridge at College Creek will have no adverse effect to historic properties.

_____

Maryland Historical Trust Preservation Office Date

3

Letter from Maryland Historical Trust (February 18, 2022)

July 21, 2020

Justin J. Barlow
Installation Environmental Program Director
Naval Support Activity Annapolis
Department of the Navy
58 Bennion Rd.
Annapolis, MD 21402
Sent via email to: kimberly.hickey@navy.mil

Re: Utility Bridge Replacement at College Creek, United States Naval Academy
Anne Arundel County, Maryland
Section 106 Review - Navy

Dear Mr. Barlow:

Thank you for your recent letter, dated November 22, 2021, and received by the Maryland Historical Trust (Trust) on December 6, 2021, regarding the above-referenced project. The letter continued consultation with the Trust, Maryland's State Historic Preservation Office, pursuant to Section 106 of the National Historic Preservation Act of 1966 and provided further details regarding the Navy's recommended alternative location and design. The Trust reviewed the information and we offer the following comments. We await further coordination with the Navy and other consulting parities to complete the Section 106 review of the project, as planning proceeds.

According to the information provided, the undertaking entails the replacement of the existing utility bridge over College Creek. The existing bridge is located on the north/east side and parallel to the King George Street bridge over the creek. Based on the outcome of the Navy's feasibility study for the project, the Navy's provided information and renderings for its recommended alternative location and bridge design. We understand that the Navy has determined that bridge location Alternative 1, within 50 feet of the existing utility bridge, is the most feasible option and that design Alternative 5, precast concrete bridge, would be the most appropriate bridge design. Trust staff examined the additional information provided to assess the project's possible effects to historic properties, including terrestrial and underwater archeological resources.

As noted in the Navy's initial coordination letter, the project's Area of Potential Effects (APE) includes the United States Naval Academy (AA-359) and the Colonial Annapolis Historic District (AA-137), both listed in the National Register of Historic Places and designated as National Historic Landmarks (NHLs). The undertaking involves the construction of a new utility structure to replace the existing one. Since a fully underground alternative is not a feasible option under consideration, the best option to minimize the intrusion of the new utility bridge to the surrounding historic properties is to construct the new utility bridge as close to the current alignment and King George Street bridge as possible. The Trust agrees that the Alternative 1 location most closely achieves this goal. We also agree that the design Alternative 5, a simple and low-profile superstructure, will be the least visually intrusive alternative. The new utility structure is a replacement of an existing structure. Its presence and impact within the immediate historic

landscape seems neutral. While the new structure will be visible for travelers on King George Street (MD 450), the design Alternative 5 will not introduce new visual elements that are out of character with the existing historic districts since the utility already exists. If this were a new element, it would likely constitute an adverse effect, but it is a modification/replacement of existing features. Thus, we agree with the Navy's assessment that the Alternative 1 location with design Alternative 5 will have no adverse effect on historic properties.

As noted in our prior letter dated July 21, 2020, the project area has the potential to contain terrestrial and submerged archeological resources that have not yet been identified. We understand that the Navy plans to conduct Phase I terrestrial archeological survey on the southeast shoreline of College Creek and we await the results of that effort for review and comment. Prior archeological studies have demonstrated that there is a high potential for the existence and preservation of submerged and buried archeological sites and materials in College Creek. At this point, we do not have sufficient details regarding the final design and proposed construction to make an informed recommendation on the need for underwater archeological investigations in advance of construction. The APE for underwater will need to encompass bottom impacts including those caused by construction and all ancillary activities - including barge anchoring, spud placement and grounding. The extent to which those actions will remain within 50 ft. of the existing bridge will reduce disturbance to an area adjacent to the existing bridge which has at least partially been impacted by past construction and maintenance activities. If the APE expands beyond that area, the Trust will likely request a Phase I underwater survey. Once more detailed plans are available, the Trust will be able to provide informed comments and recommendations regarding underwater investigations. Please provide the following items, when available:

- Copies of the detailed design plans for the Alternative 1 location with design Alternative 5 that illustrate final design location, elements and materials and show the proposed limits of disturbance and staging areas for construction. The recent submittal did not include ISO views for design Alternative 5, which would be helpful to document its proposed appearance on the landscape
- A copy of the draft report on the Phase I terrestrial archeological survey of the project impact areas on land.
- Copies of any comments on the Navy's desired alternative location and design provided by the other consulting parties.

Once we receive this information, we look forward to working with the Navy and involved consulting parties to successfully complete the Section 106 consultation for this undertaking. We appreciate the sensitive efforts the Navy has taken to consider and develop alternatives that will avoid and minimize adverse effects to the National Historic Landmarks, including the United States Naval Academy and the Colonial Annapolis Historic District. If you have questions or need further assistance, please contact Troy Nowak at troy.nowak@maryland.gov, or me at beth.cole@maryland.gov. Thank you for your ongoing coordination.

Sincerely,

Beth Cole (signed electronically)

Beth Cole
Administrator, Project Review and Compliance

BC/202104724
cc: Kimberly Hickey (USNA / kimberly.r.hickey.civ@us.navy.mil)
Julie Darsie (NAVFAC / julie.darsie@navy.mil)
Shelby Pullen (NAVFAC / navfacwashnepa@navy.mil)
Dennis Montagna (NPS / dennis_montagna@nps.gov)
John Tower (Annapolis Historic Preservation /jjtower@annapolis.gov

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