

# **Appendix M**

## Comments and Responses

**Martin State Airport Environmental Assessment  
for Phase I Improvements**

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# APPENDIX M:

## Comments and Responses

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The Draft EA was made available for public and agency review and comment from February 11, 2021 through March 29, 2021. This appendix contains a matrix detailing the comments received and the responses thereto (*Attachment 1*) as well as the original comment letters and e-mails received (*Attachment 2*). A comment and response matrix for the questions and comments received during the March 16, 2021 Virtual Public Workshops are included in *Attachment 3*. A transcript of the chat session is included in *Attachment 4*.

- Attachment 1: Draft EA Comment Response Matrix, April 2021
- Attachment 2: Draft EA Comment Letters and E-mails, April 2021
- Attachment 3: Draft EA Virtual Public Workshop Comment and Response Matrix, March 16, 2021
- Attachment 4: Draft EA Virtual Public Workshop Transcript, March 16, 2021

**Attachment 1:**

**Draft EA Comment Response Matrix**

April 2021



Final Environmental Assessment for Phase I Improvements at Martin State Airport  
Comments on Draft EA (February 2021)

#	Commenter	Date	Topic	Comment	Response	Status
<b>AGENCIES AND ORGANIZATIONS</b>						
1	State of Maryland Critical Area Commission	3/16/21	Critical Area	<p>Thank you for the opportunity to comment on the Draft Environmental Assessment for Phase I Improvements at Martin State Airport (MTN). Critical Area Commission (CAC) staff reviewed the document; please see our comments below:</p> <p><u>Commission Review Process</u></p> <p>All projects proposed on land owned by the Maryland Department of Transportation Maryland Aviation Administration (MDOT MAA) which are located within the Critical Area, including projects proposed by MDOT MAA tenants, must be reviewed for compliance with COMAR Title 27.02: Development in the Critical Area Resulting From State and Local Agency Programs.</p> <ul style="list-style-type: none"> <li>Phase I Improvements at MTN consists of multiple projects as outlined in Table 1.2.1 Proposed Action, pages 1-9 to 1-12. Any project located entirely or partially within the Critical Area will require CAC review, either under the existing Maryland Department of Transportation (MDOT) Memorandum of Understanding (MOU) or through full CAC review and approval. Please coordinate with that process when projects reach the stage of acquiring permits and approvals.</li> <li>The existing MDOT MOU, which became effective on March 14, 2019, allows projects that meet specific parameters as outlined in the MOU to be reviewed and approved by Commission staff. Over the past year, staff from MDOT MAA and CAC worked together to update Exhibit A2 of the MOU. Exhibit A2 details the specific projects from MDOT MAA that can be reviewed under the MOU. The updated MOU will be included on the agenda of the next CAC meeting which is currently scheduled for April 7, 2021. Upon Commission review and approval, the process outlined in the MOU for reviewing projects that meet the specific thresholds or requirements in the MOU will become effective.</li> </ul>	Comment noted. Additional information about the updated MOUs incorporated into <i>Section 4.5.2.3 and Section 5.4.2</i> .	Revised text.
2	State of Maryland Critical Area Commission	3/16/21	Critical Area	<p><u>Proposed Impacts</u></p> <p>Table 5.4.2 Sponsor’s Preferred Alternative Impacts to the Chesapeake Bay Critical Area, pages 5-19 and 5-20, lists the following impacts:</p>	Comment noted. Early coordination with Commission staff will be pursued.	No change.

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				<ul style="list-style-type: none"> <li>Total Tree Clearing: 4.68 acres (and 8 trees) in the IDA, 17 trees in the LDA, 1.1 acres Critical Area Buffer, and 1.13 acres nontidal wetlands.</li> <li>Total Development Impacts: 63.66 acres in the IDA, 1.61 acres Critical Area Buffer, and 0.25 acres nontidal wetlands.</li> </ul> <p>As noted above, early coordination with Commission staff will be necessary to determine which projects in the Preferred Alternative are eligible for review under the MOU and which projects may require full Commission review and approval. This determination is based largely on the proposed impacts. Early coordination with Commission staff can assist in identifying ways to minimize impacts and determine mitigation requirements.</p>		
3	State of Maryland Critical Area Commission	3/16/21	Critical Area	<p>Section 3.7.1 Implement Elements of the Wildlife Hazards Management Plan (WHMP) begins on page 3-21. The language on page 3-22 states that, per the WHMP, existing wooded areas outside the Critical Area will be cleared. The remaining trees inside the Critical Area would be "managed as "old growth" forests by removing non-woody vegetation and woody vegetation with a diameter less than three inches or shorter than ten feet throughout." This description does not appear to be "old growth" management since an old-growth forest includes all layers of vegetation (and all types of woody and non-woody species) in all stages of growth and development. Removing all non-woody vegetation and woody vegetation with a diameter less than three inches or shorter than ten feet would create an even-aged forest with no regeneration and one layer of structure in the canopy. It also seems that, over time, this management plan will eventually cause the forest to be converted to non-forest as all new growth (less than 3" diameter and shorter than 10 feet) is consistently cleared. Managing the forested areas within the Critical Area in this manner will result in a short-term reduction of forest value due to removing so much of the forest structure and habitat value. It will also result in long-term conversion of the forest to something other than forest, and even eventually to grass.</p> <ul style="list-style-type: none"> <li>We understand the need to manage wildlife hazards at airports; however, if it is necessary to remove all non-woody vegetation and all woody vegetation less than 3 inches in diameter and shorter than 10 feet in forested areas within the Critical Area, it should be clarified that this will result in converting an area that is</li> </ul>	<p>It is not the intention of MDOT MAA to slowly convert the Critical Area on the airport to non-forest. The undergrowth will be managed to discourage wildlife usage; however, a thinned canopy (with ample openings) would also be discouraged. Waterfowl are currently minimized in this area due to the closed canopy. If older trees are not replaced as they die, openings in the canopy will appear, which would encourage waterfowl usage of the wetland areas.</p> <p>Text revised in Section 3.7.1 and Tables 3.9.1 and 3.9.2 to clarify that trees would be managed as "a thinned stand" and not as an "old growth" forest. In addition to the removing trees that present wildlife hazards within the AOA, USDA-WS recommends that the entirety of forest stands beyond the AOA on the east side of the Airport (within MAA property) be managed as thinned stands, as illustrated in Figure 3.7-1 (See <i>Appendix E, Attachment 14</i> for USDA-WS recommendation).</p> <p>Additional clarification added to Section 3.7.1 to describe the technique for managing a thinned stand. "This approach would maintain the forest canopy and not alter the structure of the forest stand with respect to dominant and co-dominant species. The overall functions and values of the forest stand would remain the same with the exception of providing cover for mammalian species that could pose a threat to the safety of the traveling public."</p> <p>Text added to Section 5.4.5 regarding mitigation for thinned stands: "Per recent correspondence with the CAC (August 2021), the CAC will require 0.5:1 mitigation for any area of thinned stand forest management in the</p>	Revised text.

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				<p>currently forested into an area of individual trees with only grass growing in between. Furthermore, as the older trees die and all other vegetation continues to be cleared, the area will eventually be converted to grass (assuming the grass isn't also cleared).</p> <ul style="list-style-type: none"> <li>If MDOT MAA does need to implement the proposed management plan for forested areas located within the Critical Area as outlined above, mitigation will be required as the forest is not being retained.</li> </ul>	CBCA or CBCA Buffer because this technique would alter the forest structure (See Appendix J, Attachment 5)."	
4	State of Maryland Critical Area Commission	3/16/21	Critical Area	The proposed action includes replacing the existing perimeter fence with an eleven-foot-high fence. We recommend that MAA consider installing a similar type of fencing around forested areas within the Critical Area in order to leave the understory, or at least a portion of it, intact. We understand that both birds and mammals present a risk to aviation safety and while fencing may reduce the risk due to mammals, it will have little or no effect on birds. However, based on the wildlife species identified as hazardous in the Wildlife Hazard Assessment (WHA) and the level of risk they represent, installing fencing around forested areas within the Critical Area may alleviate part of the risk and allow for less aggressive forest management.	Comment noted. The replacement of the existing perimeter fence is specifically included in the EA proposed action as a project listed in the WHMP. MDOT MAA will consider the feasibility of additional fencing within the Critical Area in order to mitigate risk from wildlife that utilize underbrush habitat and discuss options with Critical Area Commission staff as project implementation progresses.	No change.
5	State of Maryland Critical Area Commission	3/16/21	Critical Area	<p><u>Mitigation</u></p> <ul style="list-style-type: none"> <li>As noted above, the existing MOU has been updated and is in the final stages of review and approval. One of the changes is an updated mitigation ratio for safety-related clearing. Currently, the mitigation ratio for safety-related clearing within the Buffer is 2:1 and, for safety-related clearing outside the Buffer, mitigation is required at a 1:1 ratio. The updated MOU includes one mitigation ratio, 1.5:1, for all safety-related clearing required by federal regulations regardless of where the clearing is located.</li> <li>Table 5.2.2 Forest Mitigation Requirements, on page 5-12, includes N/A for the Reforestation/Afforestation Requirements column for the 3.59 acres of forest clearing for the AWOS Critical Area Clearing project. This is not correct because, as noted in the bullet above and per the updated MOU, mitigation will be required at a ratio of 1.5:1 for new safety-related clearing.</li> <li>Section 5.4.5 Mitigation, on page 5-21, includes the following statement, "MDOT MAA met with the CAC on December 12, 2018</li> </ul>	<p>Will comply. Mitigation description in Section 5.4.5 is updated to incorporate the new mitigation ratio (1.5:1) agreed upon in the updated MOU.</p> <p>Table 5.2.2 is meant strictly for DNR forest conservation requirements. The impacts for AWOS Critical Area clearing are included in the "Impacts to the Chesapeake Bay Critical Area Comparison" in Table 5.4.3, within the Coastal Resources impacts Section 5.4.4.</p> <p>A note is added to Table 5.2.2 for clarification: "Mitigation will be required for projects within the Critical Area per the Memorandum of Understanding with the Critical Area Commission. See Table 5.4.3 for impacts to the Critical Area, and Table 5.4.4 for Critical Area mitigation requirements."</p>	Revised text.

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				to discuss the projects and associated mitigation requirements (see Appendix L, Attachment 4 for CAC meeting minutes). CAC stated that 1:1 mitigation would be allowed for CBCA impacts related to Public Safety (obstruction removal).” We note that the minutes also include the following statement, “The updated MDOT/CAC MOU and SHA and MTA Exhibits will be presented to the Project Review Subcommittee and to the full CAC for a vote at the February 6, 2019 CAC meeting. The plan moving forward is to update the remaining TBU Exhibits including the MAA Exhibit.” As noted above, the updated MOU, which will be finalized soon, includes one mitigation ratio, 1.5:1, for all safety-related clearing required by federal regulations.		
6	Maryland Department of Planning (MDP) State Clearinghouse	3/22/21	Consistent agency plans, programs, objectives	<p>In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 34.02.01.04-.06, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the State process review and recommendation. This recommendation is valid for a period of three years from the date of this letter.</p> <p>Review comments were requested from the Maryland Department(s) of Natural Resources, the Environment; Baltimore County; and the Maryland Department of Planning, including the Maryland Historical Trust.</p> <p>The Maryland Department(s) of Natural Resources; Baltimore County; and the Maryland Department of Planning, including the Maryland Historical Trust found this project to be consistent with their plans, programs, and objectives.</p>	Comment noted.	No change.
7	Baltimore County (via MDP Clearinghouse review)	3/22/21	Historic resources	Baltimore County noted that the above mentioned property contains three structures that are listed on the Baltimore County Final Landmarks list: the Administrative Building, Hangers 1 – 3, and Hangers 3-6. These are the same buildings identified on Sheet 3 of the “Future Airport Layout Plan,” as Building 15, # 1 – 3, and # 4 – 6, respectively. They are located off of Wilson Point Road, accessed by the entrance road and Gate 1. Any alterations to the exterior would require a review by the Baltimore County Landmarks Preservation Commission. However, from the draft Environment Assessment for Phase I, there appears to be no proposed work on these buildings.	<p>No work is proposed to these structures.</p> <p>As noted in the EA (Section 5.8.4), and in the Maryland Historical Trust’s comment on the Draft EA (Comment #9 of this Matrix): “The Maryland Historical Trust has determined that the project will have “no effect” on historic properties and that the federal and/or State historic preservation requirements have been met.”</p>	No change.

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8	MDP (via MDP Clearinghouse review)	3/22/21	Comprehensive Plan	<p>Our Department (Planning) indicated that the Property is in a Priority Funding Area, and has been approved and adopted by the local jurisdiction. The Baltimore County Comprehensive Plan includes limited information or policy direction for the Martin State Airport, but it does note the regional importance of the area included in and around the airport. The Martin State Airport Layout Plan (ALP) revision appears to be respectful of the need to maintain Chesapeake Bay Critical Area protections, as supported by the policy on page 165 of the county comprehensive plan.</p> <p>The Martin State Airport's (ALP) is revised to reflect changes since the Federal Aviation Administration last approved the ALP in October of 2015. The changes involve runway width reduction, the addition of blast pads at each runway end, adjusted runway end elevations, obstruction markings on AMTRAK's catenary lines on the runway 15 end, property boundary modifications due to inaccurate boundary survey, elimination of the aligned taxiways as noted on the 2015 ALP, obstruction removal (tree clearing), pavement gradient change for taxiway T, the relocation of the air traffic control tower, resized corporate hangars, Strawberry Point Pier Modification, a proposed access road connecting Strawberry Point Road to the midfield hangar area has been shifted to avoid an existing storm water management pond and the MD Air National Guard Existing Facilities Update</p>	Comment noted.	No change.
9	Maryland Historical Trust (via MDP Clearinghouse review)	3/22/21	Historic Resources	The Maryland Historical Trust has determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.	Comment noted.	No change.
10	Maryland Department of Environment (MDE) (via MDP Clearinghouse review)	3/22/21	Hazardous Materials	1. Any above ground or underground petroleum storage tanks, which may be utilized, must be installed and maintained in accordance with applicable State and federal laws and regulations. Underground storage tanks must be registered and the installation must be conducted and performed by a contractor certified to install underground storage tanks by the Land and Materials Administration in accordance with COMAR 26.10. Contact the Oil Control Program at (410) 537-3442 for additional information.	Comment noted. Neither of the action alternatives would introduce new ASTs or USTs. Text added to Section 5.7.4.2 for clarification: "No aboveground or underground storage tanks are proposed as part of the Sponsor's Preferred Alternative."	No change.
11	MDE (via MDP Clearinghouse review)	3/22/21	Hazardous Materials	2. If the proposed project involves demolition – Any above ground or underground petroleum storage tanks that may be on site must have contents and tanks along with any contamination removed. Please	Comment noted. As noted, and revised in <i>Section 5.7.4.2</i> , "The Sponsor's Preferred Alternative includes removal of existing fuel tanks <b>and aboveground pipeline</b> in the Strawberry Point Complex area." Any demolition of above ground or underground petroleum storage tanks will	No change.

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				contact the Oil Control Program at (410) 537-3442 for additional information.	be conducted in accordance with applicable State and federal laws and regulations.	
12	MDE (via MDP Clearinghouse review)	3/22/21	Solid Waste/ Recycling	3. 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.	Comment noted. This statement was added to <i>Section 5.7.4.1</i> and <i>Section 5.7.4.2, Hazardous Materials, Solid Waste, and Pollution Prevention</i> .	Revised text.
13	MDE (via MDP Clearinghouse review)	3/22/21	Hazardous Materials	4. 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.	Comment noted. The following statement was added to <i>Section 5.7.4.1</i> and <i>Section 5.7.4.2, Hazardous Materials, Solid Waste, and Pollution Prevention</i> . "MDE's Resource Management Program will 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."	Revised text.
14	MDE (via MDP Clearinghouse review)	3/22/21	Hazardous Materials	5. 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.	Comment noted. Although not expected, MDOT MAA will notify MDE's Brownfields Site Assessment and Voluntary Cleanup Programs (VCP) if any rehabilitation, redevelopment, revitalization, or property acquisition of commercial or industrial property is to occur.	No change.
15	MDE (via MDP Clearinghouse review)	3/22/21	Permitting	6. 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 requires site approval. Contact the Mining Program at (410) 537-3557 for further details.	Comment noted. Although not expected, MDOT MAA will notify the Mining Program if borrow areas are used to provide clean earth back fill material.	No change.
16	Glenn L. Martin Airport Museum	3/21/21	Airport Museum	The Glenn L. Martin Maryland Aviation Museum has been in operation for over 30 years.	Comment noted.	No change.
17	Glenn L. Martin Airport Museum	3/21/21	Airport Museum	1. We want a site for our new Museum on The Martin State Airport included into the Airport plans and EA documents.	The Proposed Action includes improvements from the MTN Airport Layout Plan (ALP). The museum is not on the ALP and thus is not ripe to include as part of the current EA's Proposed Action. Ongoing coordination between the Museum and the MDOT MAA Division of Planning & Engineering, Office of Commercial Management and the MTN Airport	No change.

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					Manager will continue in order to coordinate plans that will need to be reflected on a future ALP update, which may then be subject to environmental review.	
18	Glenn L. Martin Airport Museum	3/21/21	Airport Museum	2. We also want authorization to Beach and Store a Martin Mars aircraft on The Martin State Airport	This type of authorization does not require NEPA approval and thus would not be part of the Proposed Action for the EA unless federal funding or approval is needed. Ongoing coordination between the Museum and the MDOT MAA Division of Planning & Engineering and the MTN Airport Manager will continue in order to coordinate plans.	No change.
19	Glenn L. Martin Airport Museum	3/21/21	Airport Museum	The Museum has communicated our needs to MAA in the past and has significant support for a site on MTN.	Comment noted.	No change.
20	Maryland Department of Environment (MDE) Wetlands and Waterways Program	3/23/21	Wetlands / Process	Proposed unavoidable impacts to these resources will require the submission of a Joint Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland (Application) to the Program. Prior to submitting the Application, we strongly encourage Maryland Aviation Administration (MAA) to request a pre-application meeting with the Program. At the pre-application meeting we can discuss avoidance and minimization of impacts to regulated areas. A pre-application meeting may be requested online at:  <a href="https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/PreApplicationIntroduction.aspx">https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/PreApplicationIntroduction.aspx</a>	Comment noted. MAA will submit an Application and obtain authorization prior to the start of work within any regulated wetland, wetland buffer, waterway, or floodplain. A pre-application meeting will be scheduled prior to submission of the Application.	No change.
21	MDE Wetlands and Waterways Program	3/23/21	Wetlands / Process	Additionally, MAA should consider presenting the project at a Joint Evaluation (JE) meeting. JE meetings occur monthly and are a good venue to discuss larger impact projects. In addition to representatives of the Maryland Department of the Environment, representatives from other State agencies, (e.g., Maryland Department of Natural Resources, Maryland Historical Trust) and federal agencies (e.g. U.S. Army Corps of Engineers, Baltimore District, Regulatory Branch, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service) attend JE meetings and provide comments on the projects that are presented. Please visit the Program's website for more information about how to request being included on the JE meeting schedule:  <a href="https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/Joint_Evaluation.aspx">https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/Joint_Evaluation.aspx</a>	Comment noted. MDOT MAA will consider presenting the project/program at a Joint Evaluation Meeting.	No change.
22	MDE Wetlands and Waterways Program	3/23/21	General/ Process	The following are the Program's comments on the Draft EA and are divided into sections which reflect the different Divisions within the Wetlands and Waterways Program. Please note that as additional	Comment noted.	No change.

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				information is provided, the Program will likely have further comments relating to potential impacts to regulated resources.		
23	MDE Wetlands and Waterways Program	3/23/21	Nontidal Wetlands	Nontidal Wetlands Division and Waterway Construction Division  1. Impacts to regulated resources (nontidal wetlands, the 25-foot nontidal wetland buffer, nontidal streams, and the 100-year nontidal floodplain) need to be quantified in square/linear feet in detailed impact tables with differentiation between permanent and temporary impacts. Impact information needs to be included on all details and plans that will be submitted for our review.	Comment noted. For the purposes of the EA, all impacts are considered permanent. Impact tables in <i>Section 5.14</i> include quantification of impacts to regulated resources. Detailed impact calculations and impact plates will be provided for each project as final designs progress and they become available. Detailed impact tables will be provided that include impacts in SF/LF and differentiate between temporary and permanent impacts. This information will be provided on plans and impact plates that are submitted for MDE and USACE review.	No change.
24	MDE Wetlands and Waterways Program	3/23/21	Nontidal Wetlands	2. The off-airport resources will need to be delineated and exact impact numbers provided. Both the on-airport and off-airport delineations will have to be field verified.	Comment noted. A re-evaluation of delineated on-airport wetlands was completed in 2017 and field verification of boundaries was performed. Off-airport wetland data was obtained from MDNR. Off-airport wetlands will be field delineated and on- and off-airport delineations will be re-verified prior to the scheduling of a new pre-application meeting. Text added to <i>Section 5.14.6</i> to indicate this will be completed prior to project permitting.	Revised text.
25	MDE Wetlands and Waterways Program	3/23/21	Nontidal Wetlands	3. It is mentioned that the stated impact figures represent a worst-case scenario. Through the permit review process the Program will require that further measures to avoid and minimize impacts to regulated resources be considered. It appears that the development of the general aviation/landside facilities is proposed in phases. The Program will require any that impacts from future phases be included in the Joint Permit Application.	Comment noted. Development of the General Aviation/Landside facilities is part of the Sponsor's Preferred Alternative. Proposed impacts from all projects associated with the Sponsor's Preferred Alternative will be included in the initial Application. Avoidance and minimization efforts will occur at the project level, as design for each project is carried forward. More detailed impact calculations and impact plates will be provided as project designs reach their final stages.  Future ALP phases (II and III) include additional corporate hangars and apron areas, however implementation of these facilities is not ripe for NEPA review at the time of this EA. Future phases would be reviewed under separate NEPA documents (and separate permit applications) as demand for the facilities is realized and funding becomes available. Therefore, future phases will not be included in the Application.	No change.
26	MDE Wetlands and Waterways Program	3/23/21	Nontidal Wetlands	There does not appear to be a big difference in impacts to regulated resources from both alternatives considered. The majority of the proposed impacts are associated with obstruction clearing at the end of Runway 15.	As compared to the Minimum Action Alternative, the Sponsor's Preferred Alternative includes only a minor amount of additional wetland impacts in the infield associated with construction of corporate hangars. The forest at Runway 15 end is currently in violation of FAR Part 77 requirements for obstructions within departure and approach imaginary surfaces. Therefore, addressing the current safety hazard this area poses must be	No change.



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					included in the Minimum Action and Sponsor's Preferred Alternatives. MDOT MAA is committed to avoidance and minimization of impacts to sensitive resources wherever possible, however compliance with FAA standards is necessary for the safety of the travelling public as well as the emergency response and Department of Defense agencies using the airport. MDOT MAA is continuing to coordinate with USDA-WS in order to ascertain if an approach that minimizes impacts to wetlands off of the Runway 15 end is feasible while also minimizing wildlife hazards.	
27	MDE Wetlands and Waterways Program	3/23/21	Nontidal Wetlands	The Draft EA is not clear as to whether the wetland impacts would be for vegetation clearing only or for vegetation clearing and then filling of the nontidal wetlands. The current proposed impact is 29.4 acres. Please clarify in the EA.	<p>Wetland impacts were projected for vegetation clearing then draining and filling of the wetlands. Sections 5.14.4.1 and 5.14.4.2 state "It should be noted that impact calculations assume a worst-case scenario in which all wetlands in vegetation removal areas would be drained and filled, however, it is possible that alternative methods could be utilized for this effort, and as a result, these impacts would be significantly reduced." A note has been added to impact Tables 5.14.1 and 5.14.3 to indicate that the impacts represent a worst case scenario.</p> <p>MDOT MAA is currently coordinating options with the USDA-WS to determine if or how impacts to wetlands in this area can be minimized. No final decisions have been made whether or not the wetlands would be completely filled. These impacts will be further refined when an acceptable path forward can be determined. MDOT MAA and other participating agencies are continuing to research the viability of different clearing options for the Runway 15 end. See <i>Section 5.14.4.1</i> for these clearing options.</p>	No change.
28	MDE Wetlands and Waterways Program	3/23/21	Nontidal Wetlands	Mitigation is not mentioned in the Draft EA. The EA should be updated to provide more clarity on the proposed impacts and to add a discussion of proposed mitigation. : Mitigation is typically required for all permanent impacts to nontidal wetlands. Please contact Ms. Kelly Neff of the Nontidal Wetlands Division's Mitigation and Technical Assistance Section if you have any mitigation related questions. Ms. Neff can be reached at 410-537- 4018, 443-463-9722 or at kelly.neff@maryland.gov.	Additional discussion regarding mitigation options is added to <i>Section 5.14.5, Water Resources, Mitigation</i> . Due to uncertainty in final impact numbers, the path for mitigation has not been finalized. In accordance with the 2008 Mitigation Rule, MDOT MAA proposes that mitigation requirements be met through purchase of credits from an established mitigation bank; however, no established banks are currently available in the watershed. More detailed site searches/credit purchase will be made when impact numbers are finalized as part of the permit process. However, components of the Proposed Action that impact jurisdictional wetlands would not be constructed until such time that permits are issued from USACE/MDE.	Revised text.

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29	MDE Wetlands and Waterways Program	3/23/21	Tidal Wetlands	<p>Tidal Wetlands Division</p> <p>1. The State of Maryland regulates permanent and temporary impacts to tidal wetlands. Tidal wetlands is defined as all State and private wetlands, marshes, submerged aquatic vegetation, lands, and open water within the Chesapeake and its tidal tributaries, the Coastal Bays and their tidal tributaries, and the Atlantic Ocean to a distance of 3 miles offshore of the low water mark. The impacts to tidal wetlands are not clearly identified or quantified in any of the documents. One of the maps has a line identified as an "aerially delineated tidal water." State tidal wetlands are delineated at the mean high water line (MHWL). Ensure future maps identify the MHWL.</p>	<p>Comment noted. The MHWL is added to wetland Figures 4.15-1, 5.14-1 and 5.14.-4. The 2017 wetland delineation report defined estuarine intertidal emergent wetlands (E2EM) as emergent wetlands with a tidally flooded substrate. The impact Tables 5.14.1 and 5.14.3 are updated to separate out impacts to these tidal wetlands.</p> <p>Additionally, a note is added to the impact tables to indicate the area of Frog Mortar Creek, an off-airport tidal wetland, that will be impacted by the proposed localizer pier and extension of the Strawberry Point Pier.</p> <p>The wetland impact Figures 5.14-1 and 5.14-4 illustrate isolated and non-isolated wetlands. However, the Critical Area impact Figures 5.4-1 and 5.4-2 are updated to distinguish between tidal and nontidal wetlands. Text is added to Section 5.14.4 to direct the reader to the Critical Area impact Figures 5.4-1 and 5.4-2 for an illustration of tidal and nontidal wetlands.</p>	Revised text.
30	MDE Wetlands and Waterways Program	3/23/21	Tidal Wetlands	<p>Some tables have streams labeled as both tidal and nontidal waterways with no clear boundary. Tidal and nontidal waterways have separate State regulations. The impacts to each resource type, nontidal vs. tidal, in future reports should be separated and clearly defined. Because the documents do not clearly identify State and private tidal wetlands the Department is unable to clearly evaluate the potential impact to the tidal wetlands resource. Any impacts to State and/or private tidal wetlands will require a tidal wetlands license be issued for the work by the State of Maryland.</p>	<p>Comment noted. Stream impacts described in the water resources section are to nontidal streams on airport property (above the MHWL). A note is added to the impact Tables 5.14.1 and 5.14.3 to indicate all stream impacts are to nontidal waterways.</p>	Revised text.
31	MDE Wetlands and Waterways Program	3/23/21	Tidal Wetlands	<p>The Department is aware that this project is located in an area of potential contamination with per- and polyfluoroalkyl substances ("PFAS"). While PFAS ecological toxicity is an active area of growing research, PFAS compounds are known to accumulate and cause adverse effects in a variety of biota. Due to known PFAS activity on the property, the Department is concerned about these PFAS releases and their underlying impacts on surrounding aquatic life and habitat. In an effort to ensure this work will not cause adverse impacts to the aquatic environment, the Department may require additional action regarding PFAS contamination at the project site prior to issuance of an authorization.</p>	<p>Comment noted.</p> <p>Text added in Section 5.14.5 to clarify the potential for additional requirements if PFAS contamination is discovered: "Additionally, due to known historic PFAS activity at the Airport, and emerging regulatory concerns, MDE Wetlands and Waterways may require additional action prior to issuance of project permits if PFAS contamination is discovered within or near project areas."</p>	Revised text.
32	MDE Wetlands and Waterways Program	3/23/21	Water Quality Certification and Coastal	<p>Water Quality Certification and Coastal Zone Consistency</p> <p>Please be aware that assuming the U.S. Army Corps of Engineers, Baltimore District, Regulatory Branch will review the project as an Individual Permit, the Program will need to review the project for an</p>	<p>Comment noted. Text added to <i>Section 5.4.4</i> to indicate CZMA consistency determination was received from MDE on April 16, 2021 (and is included in Appendix M).</p>	Revised text.

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			Zone Consistency	individual Water Quality Certification (WQC) and Coastal Zone Management Act consistency determination (CZMA). On September 11, 2020, EPA updated requirements for Section 401 of the Clean Water Act, which include new requirements for project proponents. For more information on WQC or CZMA in Maryland please consult <a href="https://mde.maryland.gov/programs/Water/WetlandsandWaterways/PermitsandApplications/Pages/index.aspx">https://mde.maryland.gov/programs/Water/WetlandsandWaterways/PermitsandApplications/Pages/index.aspx</a>	Text is added to Water Resources permitting <i>Section 5.14.6</i> regarding WQC.	
33	National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Services (NMFS), Greater Atlantic Regional Fisheries Office	3/23/21	Essential Fish Habitat	Our primary concern is related to impacts to tidally influenced areas, especially areas that have been documented by the Virginia Institute of Marine Sciences (VIMS) to contain submerged aquatic vegetation (SAV) in the previous five (5) years of surveys. The largest spatial extent of proposed impacts to both tidal waters and SAV are associated with the establishment of a pier to accommodate lighting for the MALS. Although the specific design has yet to be determined, a suite of avoidance/minimization approaches has been identified to offset impacts to SAV and other aquatic resources present at the project site. These include avoiding in-water work during the period in which migratory fish are likely to be present (February 15 – June 15) and during the SAV growing season (April 15 – October 15). While these approaches do achieve adequate avoidance for in-water work, we offer the following information and guidance to further ensure that impacts to various aquatic species and their habitats are minimized to the extent practicable.	Comment noted. MDOT MAA is committed to continued coordination with NOAA Fisheries during design and to incorporate NOAA Fisheries recommended avoidance/minimization approaches during project design to offset impacts to SAV and other aquatic resources.  Information has been added to <i>Section 5.2.2</i> and <i>Section 5.2.5</i> related to NOAA Fisheries coordination and avoidance/minimization approaches.	Revised text.
34	NOAA NMFS	3/23/21	Essential Fish Habitat	Magnuson Stevens Fisheries Conservation and Management Act (MSA)  The Magnuson Stevens Fisheries Conservation and Management Act (MSA) requires federal agencies, such as the FAA to consult with us on any action or proposed action authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). Our EFH regulations, 50 CFR Section 600.920, outline that consultation procedure and each agency's obligations in the consultation process including the requirement for federal agencies to provide us with a written assessment of the effects of that action on EFH. 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.	Comment noted. Information has been added to <i>Section 5.2.2</i> and <i>Section 5.2.5</i> related to NOAA Fisheries coordination and avoidance/minimization approaches.	Revised text.

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35	NOAA NMFS	3/23/21	Essential Fish Habitat	<p>Fish and Wildlife Coordination Act (FWCA)</p> <p>The Fish and Wildlife Coordination Act (FWCA), as amended in 1964, requires that all federal agencies, including FAA, consult with us when proposed actions might result in modifications to a natural stream or body of water. It also requires that they consider the effects that these projects would have on fish and wildlife and must also provide for the 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, 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.</p>	<p>Comment noted. Information has been added to <i>Section 5.2.2</i> and <i>Section 5.2.5</i> related to NOAA Fisheries coordination and avoidance/minimization approaches.</p>	Revised text.
36	NOAA NMFS	3/23/21	Aquatic Resources	<p>Aquatic Resources</p> <p>As we indicated above, piers are proposed to be constructed in tidal waters that are designated EFH for several federally managed species including juvenile bluefish (<i>Pomatomus saltatrix</i>) and juvenile/adult summer flounder (<i>Paralichthys dentatus</i>). Areas in the vicinity of the proposed MALS infrastructure are also annually colonized by a wide array of native oligohaline species of SAV, including <i>Ceratophyllum demersum</i> and <i>Vallisneria americana</i>. SAV is designated a habitat area of particular concern (HAPC) for summer flounder because it has been demonstrated to be preferred feeding and resting habitat (Orth and Heck, 1980; Lascara, 1981; Rogers and Van Den Avyle, 1983; Heck and Thoman, 1984) for this commercially valuable species. HAPCs are a subset of EFH that are either rare, particularly susceptible to human-induced degradation, especially important ecologically, or located in an environmentally stressed area. Because of this, cumulative and synergistic effects are a particular concern in these areas. The Mid-Atlantic Fishery Management Council has defined the summer flounder HAPC 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. Because SAV exhibits dynamic coverage from year to year, the accepted practice for determining if a project site is SAV habitat is to consider areas identified by VIMS as supporting SAV based on surveys conducted in the five most recent years. Any area mapped in those five years is considered to be habitat that supports SAV, even if SAV is not found there on a given date during the growing season.</p>	<p>Comment noted. MDOT MAA is committed to continued coordination with NOAA Fisheries during design and to incorporate NOAA Fisheries recommended avoidance/minimization approaches during project design to offset impacts to SAV and other aquatic resources.</p> <p>Information has been added to <i>Section 5.2.2</i> and <i>Section 5.2.5</i> related to NOAA Fisheries coordination and avoidance/minimization approaches.</p>	Revised text.

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				The study corridor also contains tidal waters that are designated by the Maryland Department of Natural Resources (MDNR) to be spawning habitat for anadromous fish, namely white perch ( <i>Morone americana</i> ) which use the Frogmortal Creek including the areas in and around the proposed project site as migratory, spawning, nursery, resting, and foraging habitat. These species exhibit complex life cycles where adults spend much of their lives in deeper meso/polyhaline waters then migrate great distances to return to freshwater rivers to spawn.		
37	NOAA NMFS	3/23/21	Aquatic Resources	Adverse Effects to Aquatic Resources Impacts  The DEA describes a number of proposed actions that will impact aquatic resources through a variety of direct (e.g., fill, shading) and indirect (e.g., benthic scour, increased impervious surface runoff) pathways. In-water construction for the project, including pile driving activities, can also have temporary impacts to turbidity, in-water noise, and other aspects that influence habitat quality/suitability for fish.	Comment noted. Information has been added to <i>Section 5.2.2</i> and <i>Section 5.2.5</i> related to NOAA Fisheries coordination and avoidance/minimization approaches.	Revised text.
38	NOAA NMFS	3/23/21	Aquatic Resources	Construction of piers in areas colonized by SAV will result in the filling of benthic substrates for the installation of piles and bollards. Associated components (e.g., decking) will likely impact SAV through shading. SAV in Chesapeake Bay are typically limited by light availability, due to a combination of factors including turbidity and epiphytic growth (Kemp et al., 2004). The construction of piers can further stress this sensitive aquatic habitat and cause significant reductions in coverage (Eriander et al., 2017; Sagerman et al., 2020). Depending on pier height, width, decking materials used, orientation, and general water clarity, areas beneath piers can continue to support SAV, although generally stem densities are significantly reduced (Burdick and Short, 1999) and many common configurations can result degradation or complete loss of SAV habitat (see review by Sagerman et al., 2020)	Comment noted. BMPs that would be adhered to are listed in <i>Section 5.2.5</i> of the EA (see Response to Comment #41).	Revised text.
39	NOAA NMFS	3/23/21	Aquatic Resources	Shading from over-water structures can also adversely affect migratory fish by degrading habitat quality in, and near, the shadow cast by the structure and by altering behavior and predator-prey interactions (Nightingale and Simenstad, 2001; Hanson et al., 2003). Shading results from the attenuation, interference or blocking of sunlight. The shadow cast by a structure may also increase predation on species by creating a light-dark interface that allows ambush predators to remain in darkened areas and wait for prey to swim by against an illuminated background,	Comment noted. Information added to <i>Section 5.2.5</i> of the EA. The response to Comment #41 includes a list of the specific avoidance and minimization measures incorporated into the EA document. These measures, related to time of year restrictions and design elements, would minimize impacts to aquatic resources. Text also added to <i>Section 5.16.1</i> regarding no reasonably foreseeable actions that would impact EFH/SAV beds or fish species associated with future airport development, and noting that with appropriate stormwater management features, future airport development would not impact EFH or SAV beds.	Revised text.

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				<p>resulting in high contrast and high visibility (Helfman, 1981). Prey species moving around the structure may be unable to see predators in the dark area under the structure or have decreased predator reaction distances and times, thus making them more susceptible to predation (Helfman, 1981; Bash et al., 2001).</p> <p>Noise from other construction activities, such as driving piles for pier construction, may also result in adverse effects to various fish species. Our concerns about noise effects come from an increased awareness that high-intensity sounds have the potential to adversely impact aquatic vertebrates (Fletcher and Busnel 1978; Kryter 1984; 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 et al. 2004).</p> <p>Impervious surface cover and shoreline hardening are negatively correlated with SAV coverage (Patrick et al., 2014) and migratory fish spawning activity (M. McGinty, MDNR, pers. comm.). The addition of impervious surfaces associated with the Sponsor's Preferred Alternative will likely result in further water quality impairments in the Middle River estuary. Furthermore, existing shoreline infrastructure historically constructed to serve seaplane access near the Strawberry Point facility has resulted in an expanse of hardened structure along approximately 500 linear feet of shoreline. Currently it is unclear whether this area is serving its intended purpose, although it likely conveys untreated runoff directly from impervious surfaces to the Middle River.</p>		
40	NOAA NMFS	3/23/21	Avoidance and Minimization	<p>Avoidance and Minimization</p> <p>MDOT MAA is currently considering several best management practices (BMPs) to avoid or minimize impacts from the proposed project including suspension of in-water work during anadromous fish migration and spawning periods and, for the construction of MALS-related infrastructure, suspension of in-water work during the SAV growing season. Additional BMPs were referenced from the NOAA Fisheries and Federal Highway Administration Best Management Practices Guide (2018). While certain measures are likely useful for this proposed action (e.g., time of year restrictions), many (e.g., turbidity curtains, dewatered coffer dams, underwater noise monitoring) are likely only pertinent to incorporate with larger infrastructure projects. We appreciate these avoidance and minimization efforts as the project is currently proposed</p>	<p>Comment noted. These mitigation measures have been evaluated and those feasible have been incorporated into <i>Section 5.2.5</i> of the EA (see Response to Comment #41).</p>	Revised text.

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				<p>and offer additional guidance below regarding project design and additional avoidance and minimization measures to be considered during project design and planning.</p> <p>Certain on-site mitigation measures should be considered to offset direct (i.e., fill, shading) and indirect (e.g., increased impervious surface cover) which will likely result in potential loss and degradation of aquatic habitats, including SAV, associated with the proposed action. This could include rehabilitation of the shoreline at the Strawberry Point facility by removing hardened structures and establishing a vegetated wetland buffer. Shoreline restoration could increase the likelihood of SAV colonization in nearshore waters, would likely result in greater buffering for impervious surface runoff, and could potentially be used to fulfill some TMDL requirements. In addition, pursuing an impervious surface runoff treatment improvement plan for the entire MTN site would benefit adjacent tidal habitats and SAV. Altogether, demonstrating stormwater runoff treatment and softening hardened shorelines by removing structures and establishing tidal marsh would be an acceptable method to offset unavoidable losses to SAV.</p>		
41	NOAA NMFS	3/23/21	Recommendations	<p>Recommendations</p> <p>As proposed, the project will likely result in permanent elimination and degradation of estuarine habitat. To avoid, minimize and offset these impacts, we offer the following guidance to assist during project planning:</p> <ul style="list-style-type: none"> <li>● Incorporate a time of year restriction (February 15 – June 15) into project planning to avoid impacts to anadromous fish during spawning associated with in-water pile driving activities. This should apply to impact hammer operations or any pile driving of large steel pipe piles. Vibratory hammer installation is suitable for timber piles during this period, as substantial adverse impacts are not anticipated;</li> <li>● For in-water work proposed within 50' of areas colonized by SAV in the last five years, incorporate a time of year restriction (April 15 – October 15) to avoid impacts to this sensitive aquatic habitat during the growing season;</li> <li>● Instead of BMPs that will increase the extent of temporary benthic disturbance (e.g., turbidity curtains, contained bubble curtains), use time of year restrictions to avoid impacts to seasonally abundant aquatic life (e.g., anadromous fish, SAV);</li> <li>● Design MALS-related infrastructure (i.e., pier, bollards) to minimize impacts to areas colonized by SAV in the last five years. This could be</li> </ul>	<p>Comments noted. The following avoidance and minimization measures are incorporated into the EA, <i>Section 5.2.5</i>.</p> <ul style="list-style-type: none"> <li>● Time of year restrictions will be incorporated from February 15<sup>th</sup> to June 15<sup>th</sup> (inclusive) to avoid impacts to anadromous fish for pile driving activities associated with impact hammer operations or driving of large steel pipe piles.</li> <li>● Time of year restrictions (April 15<sup>th</sup> - October 15<sup>th</sup> inclusive) will be imposed within 50' of areas colonized by SAVs within the past 5 years to avoid impacts to SAV beds.</li> <li>● TOYRs will be utilized rather than BMPs such as turbidity curtains and contained bubble curtains. According to correspondence with NOAA Fisheries on August 14, 2020, use of dewatered coffer dams could cause additional injury/disturbance to fish, and increased impacts to SAV could be caused by the use of turbidity curtains. Utilization of time of year restrictions is recommended by NOAA Fisheries in lieu of other structural BMPs; MDOT MAA will utilize time-of-year restrictions as recommended.</li> <li>● Design of the Localizer Pier and bollards will incorporate the following elements to the maximum extent practicable: increasing pile spacing;</li> </ul>	Revised text.

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				<p>achieved by incorporating the following design criteria to the extent practicable:</p> <ul style="list-style-type: none"> <li>o Minimize in-water fill and associated scour impacts by increasing pile spacing,</li> <li>o Increase pier height above the water surface to the extent practicable, Decrease pier decking width and use light-transmitting decking with at least 50% open area;</li> <li>● Re-consult with us when plans are developed for MALS-related pier installation and Strawberry Point facility to ensure that impacts due to construction and permanent fill/shading are minimized to the extent practicable and adequate mitigation is achieved.</li> <li>● To offset direct and indirect impacts to tidal waters associated with various proposed activities, develop an on-site mitigation plan that includes stormwater retention/treatment structures and/or shoreline improvements (e.g., removing hardened structures) to the extent practicable.</li> </ul>	<p>increasing pier height above the water surface; decreasing pier decking width; and use of light transmitting decking.</p> <p>Additional text added to <i>Section 5.2.5</i> after avoidance and minimization measures: “NOAA Fisheries will be reconsulted during development of plans for the Localizer Pier and the Strawberry Point Pier to ensure impacts are minimized to the maximum extent practicable and appropriate mitigation is provided. Coordination with NOAA Fisheries and MDE will occur to ensure appropriate mitigation is provided for direct and indirect impacts to tidal waters.</p> <p>Options to offset direct and indirect impacts to tidal waters and EFH/SAV associated with various proposed activities, include development of an on-site mitigation plan that could include stormwater retention/treatment structures and/or shoreline improvements to the extent practicable. Further coordination with NOAA Fisheries and MDE’s Tidal Wetland Division will occur during the design stage to determine appropriate mitigation for impacts to tidal waters.”</p>	
42	NOAA NMFS	3/23/21	Endangered Species Act (ESA)	<p>Endangered Species Act (ESA)</p> <p>Endangered species and designated critical habitat under the jurisdiction of NOAA Fisheries may be present in the project area. The federal action agency is responsible for determining whether the proposed action may affect these species. If you determine that the proposed action may affect a listed species, your determination of effects along with justification and a request for concurrence should be submitted to the Section 7 Program email account at <a href="mailto:nmfs.gar.esa.section7@noaa.gov">nmfs.gar.esa.section7@noaa.gov</a>. Guidance and tools to assist you in your effects determination are available on our website at: <a href="https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region">https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region</a>. Please contact Brian Hopper of our Protected Resources Division (<a href="mailto:brian.d.hopper@noaa.gov">brian.d.hopper@noaa.gov</a>) if you have any questions or to discuss your project and obligations under Section 7 of the Endangered Species Act (ESA).</p>	<p>Comment noted. Coordination with NOAA Fisheries Protected Resources Division was completed. As stated by Brian Hopper (NOAA) during coordination with the EA Project Team on 3/29/21: “If the in-water work requires a permit from the Army Corps, then we would be able to complete the consultation using a programmatic consultation that covers an array of routine, non-controversial projects using a verification form that the Corps can download from our website.” Language added to <i>Section 5.2.2</i>: “Coordination between the FAA and NOAA Fisheries PRD was conducted in July 2021, after the Draft EA was reviewed by the agency. The coordination was focused on the determination of potential impacts to the federally endangered Atlantic and Shortnose sturgeon from the installation of the piers and bollards. A response email dated July 6, 2021 was received from NOAA Fisheries PRD (See Appendix E, Attachment 12). The email indicated that, based on proposed project activities and the additional documentation provided during coordination, NOAA could determine that the sturgeon will not be exposed to any direct or indirect effects. It was also noted that four species of sea turtles would also not be negatively affected. As such, no further coordination on this activity with the NOAA Fisheries PRD would be necessary. As part of the authorization from USACE, consultation with NOAA Fisheries PRD will be completed on a programmatic level for projects that are routine and non-controversial.</p>	Revised text.



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					<p>Informal consultation will not need to be initiated. Best management practices will be utilized to ensure that impacts remain below thresholds of significance and no adverse effect would result from the pile driving activities.” In consideration of coordination completed in response to NOAA Fisheries’ review of the Draft EA, FAA finds that a may effect determination is not warranted for the Proposed Action.</p> <p><i>Section 4.3.4.1</i> has also been updated to indicate the potential presence of Atlantic and Shortnose Sturgeon. No Critical Habitat for either of these species occurs within the Direct Study Area.</p>	
43	Maryland Department of Natural Resources Coastal Policy Coordinator Chesapeake and Coastal Service	4/6/21	Coastal Consistency	<p>Thank you for providing a comprehensive consistency submission and Draft EA to help us understand this complex project, its impacts and your efforts to be consistent with the Maryland Coastal Management Program’s enforceable policies. I also watched the recorded presentation and Q/A session and found it very useful as well.</p> <p>On behalf of Heather Nelson (Federal Consistency Coordinator), I am responding to your request for CZMA coastal consistency regarding Phase I Improvements to Martin State Airport project in Baltimore County: Shift Runway 15-33 to the northwest – provide compliant Runway Safety Area (RSA) and Runway Object Free Area (ROFA); • Modify the Runway 15-33 grade (full length rehabilitation); • Relocate NAVAIDs to outside the RSA and ROFA; • Lower/Remove obstructions with implementation of the Obstruction Marking and Lighting Plan (M&amp;L Plan) (man-made and vegetative); • Relocate Taxiways C and J and remove the existing taxiway pavement; • Remove Taxiways B and S; • Rehabilitate/Reconstruct portion of Taxiway T; • Add taxiway fillets; • Extend Taxiway F; Install a medium intensity approach light system (MALS); • Implement elements of the Wildlife Hazard Management Plan (WHMP); • Relocate the ATCT; • Provide GA and landside facilities; and • NEPA review of two parcels for property acquisition for drainage improvements and future mitigation</p> <p>Based on our review of the information provided, the above project is consistent with the enforceable coastal policies of the Maryland Coastal Zone Management Program. Please note that this determination does not obviate the applicant’s responsibility to obtain any other State or local approvals that may be necessary for the project.</p>	<p>Comment noted. <i>Section 5.4.4</i> has been updated to include Coastal Consistency concurrence was received.</p>	Revised text.
44	Maryland Department of Natural Resources	4/6/21	Coastal Consistency	<p>A final note - As you are well aware, the Martin State Airport site and its vicinity has a long history of activity and there are ongoing efforts to address contamination on or near the site. During the course of this</p>	<p>Comment noted.</p>	No change.

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	Coastal Policy Coordinator Chesapeake and Coastal Service			<p>multi-year project that involves excavation, vegetation removal and construction, it is likely that these activities may encounter contamination or potentially alter exposure pathways. The Draft EA acknowledges this possibility and describes precautions and procedures that will be applied in such instances, including soil, air and water testing and consultation with MDE staff to minimize human health and environmental impacts. These and other measures will help ensure the project moves forward while avoiding or minimizing risks associated with hazardous wastes and substances, including ones that have only recently been regulated, such as PFAS.</p> <p>We appreciate your professionalism and ongoing commitment to advance this important Maryland project while protecting coastal resources, protecting people, and avoiding or minimizing coastal use conflicts in the vicinity of Martin State Airport.</p>		
<b>PUBLIC</b>						
1	Greg McKibbin	3/16/21	Obstructions	Can you please provide specific addresses on Susquehanna Ave that are being considered to have trees removed. I live at [not disclosed here] and it's difficult to see from the presentation if my property is impacted.	<p>MDOT MAA responded via email with an enlarged view of Mr. McKibbin's property with a note to keep in mind that the green points may not be exact, and it will take field survey to confirm property line boundaries and actual tree canopy heights.</p> <p>Additionally, enlarged views of the obstruction removal in the residential areas is included as part of the response to comment as Figures 1, 2 and 3.</p>	No change.
2	Antonino Correlli	3/29/21	General	<p>Thank you for the opportunity to respond and comment on the Draft Environmental Assessment for proposed improvements at Martin State Airport. From a layman's perspective, it is quite obviously a complex and large task. My compliments.</p> <p>I did watch the virtual meeting and downloaded the Draft EA. (quite voluminous).</p>	Comment noted.	No change.
3	Antonino Correlli	3/29/21	Costs	<p>My comments and concerns would be as follows:</p> <p>1. Costs. As a taxpayer it concerns me to see millions of dollars being spent.</p>	<p>Comment noted. MTN is owned and operated by the Maryland Department of Transportation Maryland Aviation Administration (MDOT MAA). As such, the ongoing operation, maintenance and development of the public use airport is funded in large part by the Maryland Transportation Trust Fund which is funded by a variety of state transportation user fees and taxes. The airport is not funded from the Maryland State General Fund. Additionally, federal financial support for eligible development projects is provided by the Federal Aviation Administration's Airport Improvement Program which is similarly funded from excise taxes and fees on users of the national airspace system (e.g.</p>	

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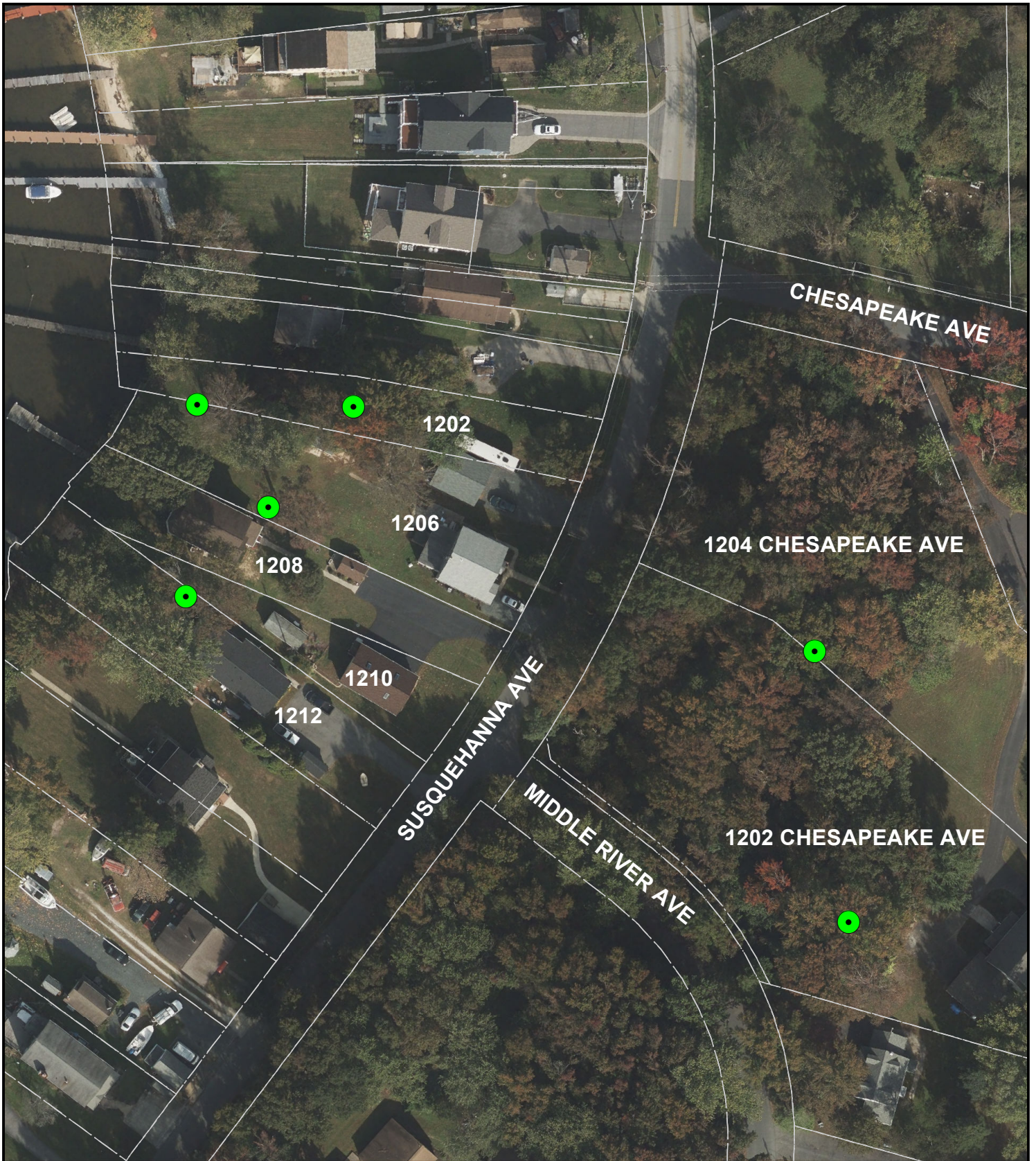
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					fuel tax, ticket tax) and not from general tax revenues. Aircraft storage/hangar development is mostly privately funded by airport tenants through ground leases – the revenue from which goes back to the Transportation Trust Fund.	
4	Antonino Correlli	3/29/21	Expansion	2. Expansion. I'm sure the improvements would facilitate and increase the traffic as well as the size of aircraft that would have access to the airport. (Noise and Safety)	The proposed improvements would not increase the size of aircraft currently utilizing the airport. The improvements are intended to meet various FAA standards, enhance airfield safety, improve airfield efficiency, and accommodate existing and anticipated demand at MTN but do not induce demand. Therefore, the improvements themselves would not increase airport traffic. The EA includes an analysis of noise impacts for years 2021 and 2026 which indicates the area within the 65+ DNL contour, the FAA's threshold for significant impacts associated with noise above noise sensitive land uses, would be the same or minimally smaller under the Minimum Action and Sponsor's Preferred Alternatives as compared to the No Action Alternative.	No change.
5	Antonino Correlli	3/29/21	Air Quality	3. Environmental. Flight landing and taking off do emit exhaust, which does consist of unburnt fuels.	Noted.  The EA includes an air quality analysis. AEDT was used to model aircraft emissions, which includes criteria pollutant emissions from flight landings and takeoffs for the forecasted aircraft types at MTN. The analysis determined that future aircraft operation emissions are expected to minimally decrease as a result of the decrease in taxi times and distances under the Minimum Action and Sponsor's Preferred Alternatives as compared to the No Action Alternative.  There are currently no federal regulatory guidelines specific to hazardous air pollutant (HAP) emissions from aircraft engines such as those associated with unburned jet fuel. The Proposed Action does not increase nor change the fleet mix using or expected to use the Airport.	No change.
6	Antonino Correlli	3/29/21	Biological Resources	The pier into Frog Mortar Creek, not only would have a life long environmental impact on the aquatic life, but also the beauty of the gorgeous creek.	As detailed in the EA, MDOT MAA will coordinate with natural resource agencies related to mitigation and permitting for impacts within Frog Mortar Creek and will work to minimize and avoid impacts. The localizer pier is needed to meet FAA safety standards and the expansion of the Strawberry Point Pier will meet the needs of the Baltimore County Police Marine Team and Maryland Natural Resources Police for mooring their boats and staging their law enforcement and emergency report operations. See response to Comment #41  The response to Comment #41 (from NOAA Fisheries) includes a list of the specific avoidance and minimization measures incorporated into the EA	No change.

Final Environmental Assessment for Phase I Improvements at Martin State Airport  
Comments on Draft EA (February 2021)



#	Commenter	Date	Topic	Comment	Response	Status
					document. These measures, related to time of year restrictions and design elements would be incorporated during project design, and would minimize impacts to aquatic resources.	
7	Antonino Correlli	3/29/21	Lighting	Light pollution..... Thank you sir, I did want to keep it simply brief. I would like to be involved in any community input/planning meetings.	As described in <i>Section 5.13.4</i> , all proposed projects involving new light emissions would be consistent with the existing visual character of MTN environment and its immediate surrounding. Additional light from the proposed improvements would not significantly change the light emissions from MTN or adversely impact the surrounding community. Proposed obstruction lights are located within Airport property and on top of Amtrak catenary poles adjacent to Eastern Blvd. The lights within Airport property will not be visible beyond the Airport perimeter as they will be shielded by the forested areas to remain. Please monitor the Maryland Aviation Administration Community Relations and Martin State Airport webpages for information on any future community meeting/events and feel free to contact Martin State Airport management personnel for any updates on planned development.	No change.

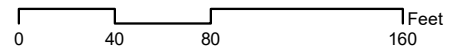


# Environmental Assessment for Phase I Improvements



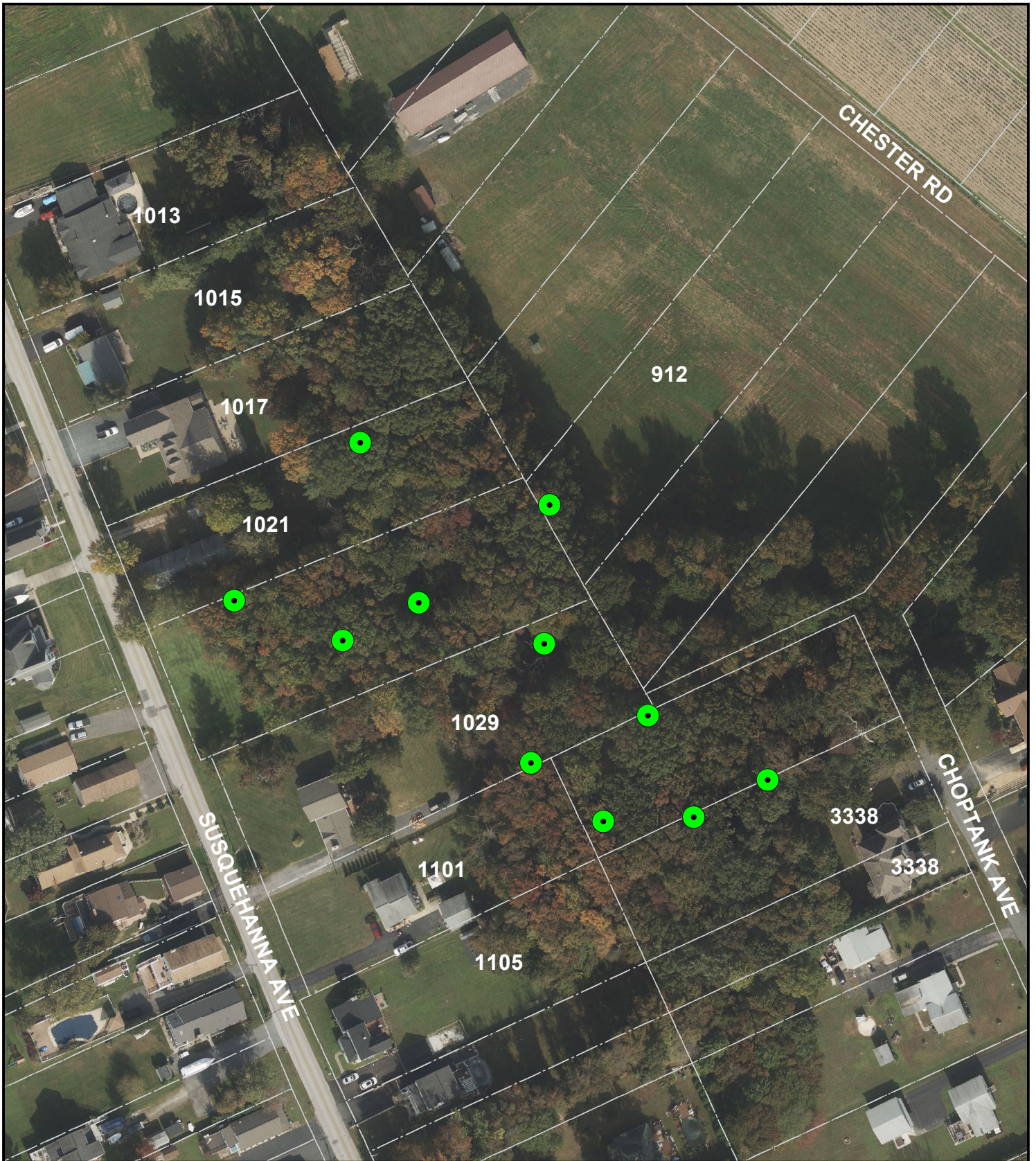
## LEGEND

-  OFF-AIRPORT ISOLATED TREE REMOVAL
-  PARCEL BOUNDARY





# Environmental Assessment for Phase I Improvements



## LEGEND

 OFF-AIRPORT ISOLATED TREE REMOVAL

 PARCEL BOUNDARY



0 65 130 260 Feet



# Environmental Assessment for Phase I Improvements



## LEGEND

 OFF-AIRPORT ISOLATED TREE REMOVAL

 PARCEL BOUNDARY

0 162.5 325 650 Feet



**Attachment 2:**

**Draft EA Comment Letters and E-mails**

April 2021



**Martin State Airport Environmental Assessment  
for Phase I Improvements**

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**Agency Comments**

**From:** [Kevin Clarke](#)  
**To:** [Caroline Pinegar](#); [Kim Hughes](#); [Lange, Leyla](#)  
**Subject:** FW: Draft EA for Phase I Improvements at MTN  
**Date:** Tuesday, March 16, 2021 1:41:59 PM  
**Attachments:** [Draft EA MTN Phase I Improvements CAC Comments.docx](#)

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**From:** Susan A. Makhoulf -DNR- <susana.makhoulf@maryland.gov>  
**Sent:** Tuesday, March 16, 2021 11:51 AM  
**To:** Kevin Clarke <KClarke@bwiairport.com>  
**Cc:** Nick Kelly -DNR- <nick.kelly@maryland.gov>; Claudia Jones -DNR- <claudia.jones@maryland.gov>  
**Subject:** Draft EA for Phase I Improvements at MTN

Kevin,

Thank you for the opportunity to comment on the Draft Environmental Assessment (EA) for Phase I Improvements at Martin State Airport. Critical Area Commission staff reviewed the EA; the attached letter includes our comments.

Thanks.

Susan

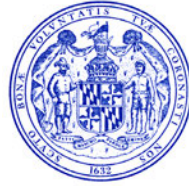
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Susan Makhoulf

Natural Resources Planner  
Critical Area Commission for the  
Chesapeake & Atlantic Coastal Bays  
1804 West Street, Suite 100  
Annapolis, MD 21401  
410-260-3476 (office)  
[susana.makhoulf@maryland.gov](mailto:susana.makhoulf@maryland.gov)

Larry Hogan  
*Governor*

Boyd K. Rutherford  
*Lt. Governor*



Charles C. Deegan  
*Chairman*

Katherine Charbonneau  
*Executive Director*

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

March 16, 2021

Mr. Kevin Clarke  
Director, Office of Planning  
Maryland Department of Transportation  
Maryland Aviation Administration  
P.O. Box 8766  
BWI Airport, MD 21240

**Re: Draft Environmental Assessment for Phase I Improvements at Martin State  
Airport (February 2021)**

Dear Mr. Clarke:

Thank you for the opportunity to comment on the Draft Environmental Assessment for Phase I Improvements at Martin State Airport (MTN). Critical Area Commission (CAC) staff reviewed the document; please see our comments below:

Commission Review Process

- All projects proposed on land owned by the Maryland Department of Transportation Maryland Aviation Administration (MDOT MAA) which are located within the Critical Area, including projects proposed by MDOT MAA tenants, must be reviewed for compliance with COMAR Title 27.02: Development in the Critical Area Resulting From State and Local Agency Programs.
- Phase I Improvements at MTN consists of multiple projects as outlined in Table 1.2.1 Proposed Action, pages 1-9 to 1-12. Any project located entirely or partially within the Critical Area will require CAC review, either under the existing Maryland Department of Transportation (MDOT) Memorandum of Understanding (MOU) or through full CAC review and approval. Please coordinate with that process when projects reach the stage of acquiring permits and approvals.
- The existing MDOT MOU, which became effective on March 14, 2019, allows projects that meet specific parameters as outlined in the MOU to be reviewed and approved by

Commission staff. Over the past year, staff from MDOT MAA and CAC worked together to update Exhibit A2 of the MOU. Exhibit A2 details the specific projects from MDOT MAA that can be reviewed under the MOU. The updated MOU will be included on the agenda of the next CAC meeting which is currently scheduled for April 7, 2021. Upon Commission review and approval, the process outlined in the MOU for reviewing projects that meet the specific thresholds or requirements in the MOU will become effective.

### Proposed Impacts

- Table 5.4.2 Sponsor's Preferred Alternative Impacts to the Chesapeake Bay Critical Area, pages 5-19 and 5-20, lists the following impacts:
  - Total Tree Clearing: 4.68 acres (and 8 trees) in the IDA, 17 trees in the LDA, 1.1 acres Critical Area Buffer, and 1.13 acres nontidal wetlands.
  - Total Development Impacts: 63.66 acres in the IDA, 1.61 acres Critical Area Buffer, and 0.25 acres nontidal wetlands.

As noted above, early coordination with Commission staff will be necessary to determine which projects in the Preferred Alternative are eligible for review under the MOU and which projects may require full Commission review and approval. This determination is based largely on the proposed impacts. Early coordination with Commission staff can assist in identifying ways to minimize impacts and determine mitigation requirements.

- Section 3.7.1 Implement Elements of the Wildlife Hazards Management Plan (WHMP) begins on page 3-21. The language on page 3-22 states that, per the WHMP, existing wooded areas outside the Critical Area will be cleared. The remaining trees inside the Critical Area would be "managed as "old growth" forests by removing non-woody vegetation and woody vegetation with a diameter less than three inches or shorter than ten feet throughout." This description does not appear to be "old growth" management since an old-growth forest includes all layers of vegetation (and all types of woody and non-woody species) in all stages of growth and development. Removing all non-woody vegetation and woody vegetation with a diameter less than three inches or shorter than ten feet would create an even-aged forest with no regeneration and one layer of structure in the canopy. It also seems that, over time, this management plan will eventually cause the forest to be converted to non-forest as all new growth (less than 3" diameter and shorter than 10 feet) is consistently cleared. Managing the forested areas within the Critical Area in this manner will result in a short-term reduction of forest value due to removing so much of the forest structure and habitat value. It will also result in long-term conversion of the forest to something other than forest, and even eventually to grass.
  - We understand the need to manage wildlife hazards at airports; however, if it is necessary to remove all non-woody vegetation and all woody vegetation less than 3 inches in diameter and shorter than 10 feet in forested areas within the Critical Area, it should be clarified that this will result in converting an area that is

currently forested into an area of individual trees with only grass growing in between. Furthermore, as the older trees die and all other vegetation continues to be cleared, the area will eventually be converted to grass (assuming the grass isn't also cleared).

- If MDOT MAA does need to implement the proposed management plan for forested areas located within the Critical Area as outlined above, mitigation will be required as the forest is not being retained.
- The proposed action includes replacing the existing perimeter fence with an eleven-foot-high fence. We recommend that MAA consider installing a similar type of fencing around forested areas within the Critical Area in order to leave the understory, or at least a portion of it, intact. We understand that both birds and mammals present a risk to aviation safety and while fencing may reduce the risk due to mammals, it will have little or no effect on birds. However, based on the wildlife species identified as hazardous in the Wildlife Hazard Assessment (WHA) and the level of risk they represent, installing fencing around forested areas within the Critical Area may alleviate part of the risk and allow for less aggressive forest management.

### Mitigation

- As noted above, the existing MOU has been updated and is in the final stages of review and approval. One of the changes is an updated mitigation ratio for safety-related clearing. Currently, the mitigation ratio for safety-related clearing within the Buffer is 2:1 and, for safety-related clearing outside the Buffer, mitigation is required at a 1:1 ratio. The updated MOU includes one mitigation ratio, 1.5:1, for all safety-related clearing required by federal regulations regardless of where the clearing is located.
- Table 5.2.2 Forest Mitigation Requirements, on page 5-12, includes N/A for the Reforestation/Afforestation Requirements column for the 3.59 acres of forest clearing for the AWOS Critical Area Clearing project. This is not correct because, as noted in the bullet above and per the updated MOU, mitigation will be required at a ratio of 1.5:1 for new safety-related clearing.
- Section 5.4.5 Mitigation, on page 5-21, includes the following statement, "MDOT MAA met with the CAC on December 12, 2018 to discuss the projects and associated mitigation requirements (see *Appendix L, Attachment 4* for CAC meeting minutes). CAC stated that 1:1 mitigation would be allowed for CBCA impacts related to Public Safety (obstruction removal)." We note that the minutes also include the following statement, "The updated MDOT/CAC MOU and SHA and MTA Exhibits will be presented to the Project Review Subcommittee and to the full CAC for a vote at the February 6, 2019 CAC meeting. The plan moving forward is to update the remaining TBU Exhibits including the MAA Exhibit." As noted above, the updated MOU, which will be finalized soon, includes one mitigation ratio, 1.5:1, for all safety-related clearing required by federal regulations.

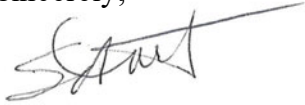
Mr. Kevin Clarke

March 16, 2021

Page 4

Thank you for the opportunity to provide comments. You may contact me at 410-260-3476 or [susana.makhlouf@maryland.gov](mailto:susana.makhlouf@maryland.gov) with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan Makhlouf', with a long horizontal stroke extending to the right.

Susan Makhlouf

Natural Resources Planner



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# Maryland

## DEPARTMENT OF PLANNING

March 22, 2021

Mr. Kevin Clarke  
Director, Office of Planning  
Maryland Department of Transportation, Maryland Aviation Administration  
P.O. Box 8766  
BWI Airport, MD 21240

### **STATE CLEARINGHOUSE RECOMMENDATION**

**State Application Identifier:** MD20210211-0108

**Applicant:** Maryland Department of Transportation, Maryland Aviation Administration

**Project Description:** Draft Environmental Assessment (EA) for Phase I Improvements at the Martin State Airport (MTN) - Document Files can be found at  
<http://www.marylandaviation.com/content/environmental/environmentaldocs.html>

**Project Address:** 701 Wilson Point Rd, Middle River, MD 21220

**Project Location:** County(ies) of Baltimore

**Approving Authority:** Maryland Department of Transportation MDOT/MAA

**Recommendation:** Consistent with Qualifying Comments

Dear Mr. Clarke:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 34.02.01.04-.06, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the State process review and recommendation. This recommendation is valid for a period of three years from the date of this letter.

Review comments were requested from the Maryland Department(s) of Natural Resources, the Environment; Baltimore County; and the Maryland Department of Planning, including the Maryland Historical Trust.

The Maryland Department(s) of Natural Resources; Baltimore County; and the Maryland Department of Planning, including the Maryland Historical Trust found this project to be consistent with their plans, programs, and objectives.

Baltimore County noted that the above mentioned property contains three structures that are listed on the Baltimore County Final Landmarks list: the Administrative Building, Hangers 1 – 3, and Hangers 3-6. These are the same buildings identified on Sheet 3 of the “Future Airport Layout Plan,” as Building 15, # 1 – 3, and # 4 – 6, respectively. They are located off of Wilson Point Road, accessed by the entrance road and Gate 1. Any alterations to the exterior would require a review by the Baltimore County Landmarks Preservation Commission. However, from the draft Environment Assessment for Phase I, there appears to be no proposed work on these buildings.

Mr. Kevin Clarke

March 22, 2021

Page 2

State Application Identifier: **MD20210211-0108**

Our Department (Planning) indicated that the Property is in a Priority Funding Area, and has been approved and adopted by the local jurisdiction. The Baltimore County Comprehensive Plan includes limited information or policy direction for the Martin State Airport, but it does note the regional importance of the area included in and around the airport. The Martin State Airport Layout Plan (ALP) revision appears to be respectful of the need to maintain Chesapeake Bay Critical Area protections, as supported by the policy on page 165 of the county comprehensive plan.

The Martin State Airport's (ALP) is revised to reflect changes since the Federal Aviation Administration last approved the ALP in October of 2015. The changes involve runway width reduction, the addition of blast pads at each runway end, adjusted runway end elevations, obstruction markings on AMTRAK's catenary lines on the runway 15 end, property boundary modifications due to inaccurate boundary survey, elimination of the aligned taxiways as noted on the 2015 ALP, obstruction removal (tree clearing), pavement gradient change for taxiway T, the relocation of the air traffic control tower, resized corporate hangars, Strawberry Point Pier Modification, a proposed access road connecting Strawberry Point Road to the midfield hangar area has been shifted to avoid an existing storm water management pond and the MD Air National Guard Existing Facilities Update.

The Maryland Historical Trust has determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.

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

1. Any above ground or underground petroleum storage tanks, which may be utilized, must be installed and maintained in accordance with applicable State and federal laws and regulations. Underground storage tanks must be registered and the installation must be conducted and performed by a contractor certified to install underground storage tanks by the Land and Materials Administration in accordance with COMAR 26.10. Contact the Oil Control Program at (410) 537-3442 for additional information.
2. If the proposed project involves demolition – Any above ground or underground petroleum storage tanks that may be on site must have contents and tanks along with any contamination removed. Please contact the Oil Control Program at (410) 537-3442 for additional information.
3. 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.
4. 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.
5. 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.



Mr. Kevin Clarke

March 22, 2021

Page 3

State Application Identifier: **MD20210211-0108**

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.

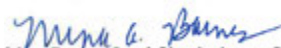
6. Borrow areas used to provide clean earth back fill material may require a surface mine permit. Disposal of excess cut material at a surface mine may requires site approval. Contact the Mining Program at (410) 537-3557 for further details.

**Any statement of consideration given to the comments should be submitted to the approving authority, with a copy to the State Clearinghouse.** The State Application Identifier Number must be placed on any correspondence pertaining to this project. The State Clearinghouse must be kept informed if the approving authority cannot accommodate the recommendation.

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 myra.barnes@maryland.gov. **Also please complete the attached form and return it to the State Clearinghouse as soon as the status of the project is known. Any substitutions of this form must include the State Application Identifier Number. This will ensure that our files are complete.**

Thank you for your cooperation with the MIRC process.

Sincerely,



Myra Barnes, Lead Clearinghouse Coordinator

MB:MB

Enclosure(s)

cc: Caroline Pinegar

Tony Redman - DNR

Amanda Redmiles - MDE

Ian Beam

Chris Davis - BLCO

Bihui Xu - MDPI-T

Joseph Griffiths - MDPL

Beth Cole - MHT

21-0108\_CRR.CLS.docx



# Maryland DEPARTMENT OF PLANNING

## PROJECT STATUS FORM

Please complete this form and return it to the State Clearinghouse upon receipt of notification that the project has been approved or not approved by the approving authority.

**TO: Maryland State Clearinghouse**  
Maryland Department of Planning  
301 West Preston Street  
Room 1104  
Baltimore, MD 21201-2305

**DATE:** \_\_\_\_\_  
(Please fill in the date form completed)

**FROM:** \_\_\_\_\_  
(Name of person completing this form.)

**PHONE:** \_\_\_\_\_  
(Area Code & Phone number)

**RE: State Application Identifier: MD20210211-0108**  
**Project Description:** Draft Environmental Assessment (EA) for Phase I Improvements at the Martin State Airport (MTN) - Document Files can be found at <http://www.marylandaviation.com/content/environmental/environmentaldocs.html>

PROJECT APPROVAL			
This project/plan was:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved with Modification	<input type="checkbox"/> Disapproved
Name of Approving Authority:			Date Approved:
_____			

FUNDING APPROVAL			
<i>The funding (if applicable) has been approved for the period of:</i>			
_____, 201__ to _____, 201__ as follows:			
Federal \$:	Local \$:	State \$:	Other \$:
_____	_____	_____	_____

OTHER
<input type="checkbox"/> <i>Further comment or explanation is attached</i>

Mr. Kevin Clarke  
Director, Office of Planning  
Maryland Department of Transportation, Maryland Aviation Administration  
P.O. Box 8766  
BWI Airport, MD 21240

Caroline Pinegar

Iam Beam

Maryland Department of Transportation (MDOT/MAA)  
----MD

**From:** [Kevin Clarke](#)  
**To:** [Kim Hughes](#); [Caroline Pinegar](#)  
**Subject:** Fw: GLMMAM, reply to Draft EA, Phase 1 Improvements at MTN  
**Date:** Monday, March 22, 2021 1:08:29 PM

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**From:** John Einhaus [REDACTED]  
**Sent:** Monday, March 22, 2021 11:50 AM  
**To:** Kevin Clarke <KClarke@bwiairport.com>  
**Subject:** GLMMAM, reply to Draft EA, Phase 1 Improvements at MTN

Dear Kevin,

I am sorry I was unable to reach you this morning but I left a voice message.  
This email is a follow up to the earlier voice message.

The Glenn L. Martin Maryland Aviation Museum has been in operation for over 30 years.

1. We want a site for our new Museum on The Martin State Airport included into the Airport plans and EA documents.
2. We also want authorization to Beach and Store a Martin Mars aircraft on The Martin State Airport

The Museum has communicated our needs to MAA in the past and has significant support for a site on MTN.

I look forward to further discussions and can be reached at the phone number listed below.

Sincerely,

John Einhaus  
Executive Director

The Glenn L. Martin Maryland Aviation Museum GLMMAM [www.mdairmuseum.org](http://www.mdairmuseum.org)  
443-622-1177

[REDACTED]  
[REDACTED]



# Maryland

## Department of the Environment

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

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

March 23, 2021

Mr. Kevin Clarke  
Director, Office of Planning  
Maryland Department of Transportation  
Maryland Aviation Administration  
P.O. Box 8766  
BWI Airport, MD 21240

Re: Comments on the Draft Environmental Assessment for Phase I Improvements at Martin State Airport, Middle River, Maryland.

Dear Mr. Clarke:

The purpose of this letter is to convey the Maryland Department of the Environment's, Wetlands and Waterways Program's (Program), comments on the Draft Environmental Assessment for Phase I Improvements at Martin State Airport (MTN) Project. As stated in the Draft EA, the improvements are needed to meet FAA standards, enhance airfield safety, improve airfield efficiency, and meet existing and anticipated demand at MTN, and for NEPA review for property acquisition. The project, as described in the Draft EA, will impact nontidal wetlands, the 25-foot nontidal wetland buffer, tidal wetlands and tidal and nontidal waterways and will require a Nontidal Wetlands and Waterways Permit and a Tidal Wetlands License.

Proposed unavoidable impacts to these resources will require the submission of a Joint Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland (Application) to the Program. Prior to submitting the Application, we strongly encourage Maryland Aviation Administration (MAA) to request a pre-application meeting with the Program. At the pre-application meeting we can discuss avoidance and minimization of impacts to regulated areas. A pre-application meeting may be requested online at:

<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/PreApplicationIntroduction.aspx>

Additionally, MAA should consider presenting the project at a Joint Evaluation (JE) meeting. JE meetings occur monthly and are a good venue to discuss larger impact projects. In addition to representatives of the Maryland Department of the Environment, representatives from other State agencies, (e.g., Maryland Department of Natural Resources, Maryland Historical Trust) and federal agencies (e.g. U.S. Army Corps of Engineers, Baltimore District, Regulatory Branch, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service) attend JE meetings and provide comments on the projects that are presented. Please visit the Program's website for more information about how to request being included on the JE meeting schedule: [https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/Joint\\_Evaluation.aspx](https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/Joint_Evaluation.aspx)

The following are the Program's comments on the Draft EA and are divided into sections which reflect the different Divisions within the Wetlands and Waterways Program. Please note that as additional information is provided, the Program will likely have further comments relating to potential impacts to regulated resources.

### Nontidal Wetlands Division and Waterway Construction Division

1. Impacts to regulated resources (nontidal wetlands, the 25-foot nontidal wetland buffer, nontidal streams, and the 100-year nontidal floodplain) need to be quantified in square/linear feet in detailed impact tables with differentiation between permanent and temporary impacts. Impact information needs to be included on all details and plans that will be submitted for our review.
2. The off-airport resources will need to be delineated and exact impact numbers provided. Both the on-airport and off-airport delineations will have to be field verified.
3. It is mentioned that the stated impact figures represent a worst-case scenario. Through the permit review process the Program will require that further measures to avoid and minimize impacts to regulated resources be considered. It appears that the development of the general aviation/landside facilities is proposed in phases. The Program will require any that impacts from future phases be included in the Joint Permit Application.
4. There does not appear to be a big difference in impacts to regulated resources from both alternatives considered. The majority of the proposed impacts are associated with obstruction clearing at the end of Runway 15.
5. The Draft EA is not clear as to whether the wetland impacts would be for vegetation clearing only or for vegetation clearing and then filling of the nontidal wetlands. The current proposed impact is 29.4 acres. Please clarify in the EA.
6. Mitigation is not mentioned in the Draft EA. The EA should be updated to provide more clarity on the proposed impacts and to add a discussion of proposed mitigation. : Mitigation is typically required for all permanent impacts to nontidal wetlands. Please contact Ms. Kelly Neff of the Nontidal Wetlands Division's Mitigation and Technical Assistance Section if you have any mitigation related questions. Ms. Neff can be reached at 410-537- 4018, 443-463-9722 or at [kelly.neff@maryland.gov](mailto:kelly.neff@maryland.gov).

### Tidal Wetlands Division

1. The State of Maryland regulates permanent and temporary impacts to tidal wetlands. Tidal wetlands is defined as all State and private wetlands, marshes, submerged aquatic vegetation, lands, and open water within the Chesapeake and its tidal tributaries, the Coastal Bays and their tidal tributaries, and the Atlantic Ocean to a distance of 3 miles offshore of the low water mark. The impacts to tidal wetlands are not clearly identified or quantified in any of the documents. One of the maps has a line identified as an "aerially delineated tidal water." State tidal wetlands are delineated at the mean high water line (MHWL). Ensure future maps identify the MHWL.
2. Some tables have streams labeled as both tidal and nontidal waterways with no clear boundary. Tidal and nontidal waterways have separate State regulations. The impacts to each resource type, nontidal vs. tidal, in future reports should be separated and clearly defined. Because the documents do not clearly identify State and private tidal wetlands the Department is unable to clearly evaluate the potential impact to the tidal wetlands resource. Any impacts to State and/or private tidal wetlands will require a tidal wetlands license be issued for the work by the State of Maryland.
3. The Department is aware that this project is located in an area of potential contamination with per- and polyfluoroalkyl substances ("PFAS"). While PFAS ecological toxicity is an active area of growing research, PFAS compounds are known to accumulate and cause adverse effects in a variety of biota. Due to known PFAS activity on the property, the Department is concerned about these PFAS releases and their underlying impacts on surrounding aquatic life and habitat. In an effort to ensure this work will not cause adverse impacts to the aquatic environment, the Department may require additional action regarding PFAS contamination at the project site prior to issuance of an authorization.

Water Quality Certification and Coastal Zone Consistency

Please be aware that assuming the U.S. Army Corps of Engineers, Baltimore District, Regulatory Branch will review the project as an Individual Permit, the Program will need to review the project for an individual Water Quality Certification (WQC) and Coastal Zone Management Act consistency determination (CZMA). On September 11, 2020, EPA updated requirements for Section 401 of the Clean Water Act, which include new requirements for project proponents. For more information on WQC or CZMA in Maryland please consult <https://mde.maryland.gov/programs/Water/WetlandsandWaterways/PermitsandApplications/Pages/index.aspx>

Please feel free to contact me with any questions about these comments or about the regulatory review Process. I can be reached at 410-537-3821, 443-324-6918 or at [william.seiger@maryland.gov](mailto:william.seiger@maryland.gov).

Sincerely,



William Seiger, Chief  
Waterway Construction Division  
Wetlands and Waterways Program

- C: Heather Nelson, Administrator, Wetlands and Waterways Program  
Kelly Neff, Mitigation and Technical Assistance Section, Nontidal Wetlands Division  
Tammy Roberson, Tidal Wetlands Division  
Amanda Sigillito, Nontidal Wetland Division



**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

March 23, 2020

Mr. Kevin Clarke  
Director, Office of Planning  
Maryland Department of Transportation  
Maryland Aviation Administration  
P.O. Box 8766  
BWI Airport, MD 21240

Dear Mr. Clarke:

We have reviewed the draft Environmental Assessment (DEA) for the proposed improvements to Martin State Airport (MTN), Baltimore County, Maryland. The Maryland Department of Transportation Maryland Aviation Administration (MDOT MAA) is preparing this EA to assist the Federal Aviation Administration (FAA) in evaluating potential environmental effects of the proposed actions, in accordance with the National Environmental Policy Act of 1969 (NEPA). The FAA would be responsible for two (2) potential actions, approval of the Airport Layout Plan (ALP) associated with these improvements and possibly funding certain aspects of this plan.

MTN serves as a general aviation reliever airport for the Baltimore area and is located on approximately 775 acres adjacent to several tributaries to the Middle River in the Chesapeake Bay. The study area includes the property of MTN and certain surrounding uplands and tidal waters. Two alternatives were selected to be carried forward for analysis. First, certain upgrades are required to meet FAA standards and allow for the safe operation of the air traffic serviced by this facility. These improvements are considered the Minimum Action Alternative. The Sponsor's Preferred Alternative includes several additional improvements proposed to accommodate existing and anticipated demand. The following improvements, anticipated to be completed summer 2022, are components of the Minimum Action Alternative because they are required to meet FAA standards:

- Enhancement of the Approach Lighting System (ALS), by construction of a medium-intensity approach light system (MALS). This requires additional auxiliary structures in intertidal waters of Frog Mortar Creek, to include:
  - approximately 30 debris collection bollards, each approximately three (3) feet in diameter, which will be joined by horizontal beams of unspecified design,
  - A pier of unspecified dimensions to support MALS elements and presumably allow maintenance access,
- Removal of trees in on-site and off-site uplands that are obstructions to safe navigation,
- Various runway and taxiway improvements/realignments with minor deviation from existing configurations.





Several additional changes are proposed as components of the Sponsor's Preferred Alternative to accommodate on-site operations and meet Total Maximum Daily Load (TMDL) requirements.

These include:

- Expansion of an existing pier to accommodate three (3) additional slips for use by Maryland State Police, Maryland Department of Natural Resources Police, and other state enforcement agencies,
- Draining non-tidal wetlands located on-site to discourage use by wildlife,
- Retrofitting of existing stormwater basins to meet current treatment standards and fulfill TMDL requirements,
- Construction of additional hangars and associated roadway infrastructure.

The study area includes wetlands and waterways under the jurisdiction of the U.S. Army Corps of Engineers and Maryland Department of the Environment. The two alternatives carried forward for analysis in the DEA are estimated to permanently impact approximately one (1) acre of non-tidal wetlands and have approximately 1.59 acres and 0.15 acres of temporary and permanent impacts to tidally influenced waterways, respectively. Of these permanent impacts to tidal waters, approximately 6,000 square feet of submerged aquatic vegetation (SAV) will be permanently impacted, primarily through shading impacts associated with MALS pier.

Our primary concern is related to impacts to tidally influenced areas, especially areas that have been documented by the Virginia Institute of Marine Sciences (VIMS) to contain submerged aquatic vegetation (SAV) in the previous five (5) years of surveys. The largest spatial extent of proposed impacts to both tidal waters and SAV are associated with the establishment of a pier to accommodate lighting for the MALS. Although the specific design has yet to be determined, a suite of avoidance/minimization approaches has been identified to offset impacts to SAV and other aquatic resources present at the project site. These include avoiding in-water work during the period in which migratory fish are likely to be present (February 15 – June 15) and during the SAV growing season (April 15 – October 15). While these approaches do achieve adequate avoidance for in-water work, we offer the following information and guidance to further ensure that impacts to various aquatic species and their habitats are minimized to the extent practicable.

#### *Magnuson Stevens Fisheries Conservation and Management Act (MSA)*

The Magnuson Stevens Fisheries Conservation and Management Act (MSA) requires federal agencies, such as the FAA to consult with us on any action or proposed action authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH). Our EFH regulations, 50 CFR Section 600.920, outline that consultation procedure and each agency's obligations in the consultation process including the requirement for federal agencies to provide us with a written assessment of the effects of that action on EFH. 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.

### *Fish and Wildlife Coordination Act (FWCA)*

The Fish and Wildlife Coordination Act (FWCA), as amended in 1964, requires that all federal agencies, including FAA, consult with us when proposed actions might result in modifications to a natural stream or body of water. It also requires that they consider the effects that these projects would have on fish and wildlife and must also provide for the 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, 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.

### **Aquatic Resources**

As we indicated above, piers are proposed to be constructed in tidal waters that are designated EFH for several federally managed species including juvenile bluefish (*Pomatomus saltatrix*) and juvenile/adult summer flounder (*Paralichthys dentatus*). Areas in the vicinity of the proposed MALS infrastructure are also annually colonized by a wide array of native oligohaline species of SAV, including *Ceratophyllum demersum* and *Vallisneria americana*. SAV is designated a habitat area of particular concern (HAPC) for summer flounder because it has been demonstrated to be preferred feeding and resting habitat (Orth and Heck, 1980; Lascara, 1981; Rogers and Van Den Avyle, 1983; Heck and Thoman, 1984) for this commercially valuable species. HAPCs are a subset of EFH that are either rare, particularly susceptible to human-induced degradation, especially important ecologically, or located in an environmentally stressed area. Because of this, cumulative and synergistic effects are a particular concern in these areas. The Mid-Atlantic Fishery Management Council has defined the summer flounder HAPC 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. Because SAV exhibits dynamic coverage from year to year, the accepted practice for determining if a project site is SAV habitat is to consider areas identified by VIMS as supporting SAV based on surveys conducted in the five most recent years. Any area mapped in those five years is considered to be habitat that supports SAV, even if SAV is not found there on a given date during the growing season.

The study corridor also contains tidal waters that are designated by the Maryland Department of Natural Resources (MDNR) to be spawning habitat for anadromous fish, namely white perch (*Morone americana*) which use the Frogmortal Creek including the areas in and around the proposed project site as migratory, spawning, nursery, resting, and foraging habitat. These species exhibit complex life cycles where adults spend much of their lives in deeper meso/polyhaline waters then migrate great distances to return to freshwater rivers to spawn.

### **Adverse Effects to Aquatic Resources**

#### *Impacts*

The DEA describes a number of proposed actions that will impact aquatic resources through a variety of direct (e.g., fill, shading) and indirect (e.g., benthic scour, increased impervious surface runoff) pathways. In-water construction for the project, including pile driving activities, can also have temporary impacts to turbidity, in-water noise, and other aspects that influence habitat quality/suitability for fish.

Construction of piers in areas colonized by SAV will result in the filling of benthic substrates for the installation of piles and bollards. Associated components (e.g., decking) will likely impact SAV through shading. SAV in Chesapeake Bay are typically limited by light availability, due to a combination of factors including turbidity and epiphytic growth (Kemp et al., 2004). The construction of piers can further stress this sensitive aquatic habitat and cause significant reductions in coverage (Eriander et al., 2017; Sagerman et al., 2020). Depending on pier height, width, decking materials used, orientation, and general water clarity, areas beneath piers can continue to support SAV, although generally stem densities are significantly reduced (Burdick and Short, 1999) and many common configurations can result degradation or complete loss of SAV habitat (see review by Sagerman et al., 2020)

Shading from over-water structures can also adversely affect migratory fish by degrading habitat quality in, and near, the shadow cast by the structure and by altering behavior and predator-prey interactions (Nightingale and Simenstad, 2001; Hanson et al., 2003). Shading results from the attenuation, interference or blocking of sunlight. The shadow cast by a structure may also increase predation on species by creating a light-dark interface that allows ambush predators to remain in darkened areas and wait for prey to swim by against an illuminated background, resulting in high contrast and high visibility (Helfman, 1981). Prey species moving around the structure may be unable to see predators in the dark area under the structure or have decreased predator reaction distances and times, thus making them more susceptible to predation (Helfman, 1981; Bash et al., 2001).

Noise from other construction activities, such as driving piles for pier construction, may also result in adverse effects to various fish species. Our concerns about noise effects come from an increased awareness that high-intensity sounds have the potential to adversely impact aquatic vertebrates (Fletcher and Busnel 1978; Kryter 1984; 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 et al. 2004).

Impervious surface cover and shoreline hardening are negatively correlated with SAV coverage (Patrick et al., 2014) and migratory fish spawning activity (M. McGinty, MDNR, pers. comm.). The addition of impervious surfaces associated with the Sponsor's Preferred Alternative will likely result in further water quality impairments in the Middle River estuary. Furthermore, existing shoreline infrastructure historically constructed to serve seaplane access near the Strawberry Point facility has resulted in an expanse of hardened structure along approximately 500 linear feet of shoreline. Currently it is unclear whether this area is serving its intended purpose, although it likely conveys untreated runoff directly from impervious surfaces to the Middle River.

#### *Avoidance and Minimization*

MDOT MAA is currently considering several best management practices (BMPs) to avoid or minimize impacts from the proposed project including suspension of in-water work during anadromous fish migration and spawning periods and, for the construction of MALS-related infrastructure, suspension of in-water work during the SAV growing season. Additional BMPs

were referenced from the NOAA Fisheries and Federal Highway Administration Best Management Practices Guide (2018). While certain measures are likely useful for this proposed action (e.g., time of year restrictions), many (e.g., turbidity curtains, dewatered coffer dams, underwater noise monitoring) are likely only pertinent to incorporate with larger infrastructure projects. We appreciate these avoidance and minimization efforts as the project is currently proposed and offer additional guidance below regarding project design and additional avoidance and minimization measures to be considered during project design and planning.

Certain on-site mitigation measures should be considered to offset direct (i.e., fill, shading) and indirect (e.g., increased impervious surface cover) which will likely result in potential loss and degradation of aquatic habitats, including SAV, associated with the proposed action. This could include rehabilitation of the shoreline at the Strawberry Point facility by removing hardened structures and establishing a vegetated wetland buffer. Shoreline restoration could increase the likelihood of SAV colonization in nearshore waters, would likely result in greater buffering for impervious surface runoff, and could potentially be used to fulfill some TMDL requirements. In addition, pursuing an impervious surface runoff treatment improvement plan for the entire MTN site would benefit adjacent tidal habitats and SAV. Altogether, demonstrating stormwater runoff treatment and softening hardened shorelines by removing structures and establishing tidal marsh would be an acceptable method to offset unavoidable losses to SAV.

## **Recommendations**

As proposed, the project will likely result in permanent elimination and degradation of estuarine habitat. To avoid, minimize and offset these impacts, we offer the following guidance to assist during project planning:

- Incorporate a time of year restriction (February 15 – June 15) into project planning to avoid impacts to anadromous fish during spawning associated with in-water pile driving activities. This should apply to impact hammer operations or any pile driving of large steel pipe piles. Vibratory hammer installation is suitable for timber piles during this period, as substantial adverse impacts are not anticipated;
- For in-water work proposed within 50' of areas colonized by SAV in the last five years, incorporate a time of year restriction (April 15 – October 15) to avoid impacts to this sensitive aquatic habitat during the growing season;
- Instead of BMPs that will increase the extent of temporary benthic disturbance (e.g., turbidity curtains, contained bubble curtains), use time of year restrictions to avoid impacts to seasonally abundant aquatic life (e.g., anadromous fish, SAV);
- Design MALS-related infrastructure (i.e., pier, bollards) to minimize impacts to areas colonized by SAV in the last five years. This could be achieved by incorporating the following design criteria to the extent practicable:
  - Minimize in-water fill and associated scour impacts by increasing pile spacing,
  - Increase pier height above the water surface to the extent practicable,

- Decrease pier decking width and use light-transmitting decking with at least 50% open area;
- Re-consult with us when plans are developed for MALS-related pier installation and Strawberry Point facility to ensure that impacts due to construction and permanent fill/shading are minimized to the extent practicable and adequate mitigation is achieved.
- To offset direct and indirect impacts to tidal waters associated with various proposed activities, develop an on-site mitigation plan that includes stormwater retention/treatment structures and/or shoreline improvements (e.g., removing hardened structures) to the extent practicable.

### **Endangered Species Act (ESA)**


Endangered species and designated critical habitat under the jurisdiction of NOAA Fisheries may be present in the project area. The federal action agency is responsible for determining whether the proposed action may affect these species. If you determine that the proposed action may affect a listed species, your determination of effects along with justification and a request for concurrence should be submitted to the Section 7 Program email account at [nmfs.gar.esa.section7@noaa.gov](mailto:nmfs.gar.esa.section7@noaa.gov). Guidance and tools to assist you in your effects determination are available on our website at: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region>. Please contact Brian Hopper of our Protected Resources Division ([brian.d.hopper@noaa.gov](mailto:brian.d.hopper@noaa.gov)) if you have any questions or to discuss your project and obligations under Section 7 of the Endangered Species Act (ESA).

### **Conclusion**

We look forward to continued coordination with you on this project as it moves forward. If you have any questions or need additional information, please do not hesitate to contact Jonathan Watson in our Annapolis, MD field office at [jonathan.watson@noaa.gov](mailto:jonathan.watson@noaa.gov) or (410) 295-3152.

Sincerely,

GREENE.KAREN.M.  
1365830785



Digitally signed by  
GREENE.KAREN.M.1365830785  
Date: 2021.03.23 12:08:02 -04'00'

Karen M. Greene  
Mid-Atlantic Branch Chief  
Habitat and Ecosystem Services Division

cc: B Hopper (NMFS - PRD)  
G. Walker (FAA)  
S. Corson - NCBO

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**Martin State Airport Environmental Assessment  
for Phase I Improvements**

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**Coastal Consistency Submission to MDNR  
Coastal Zone Consistency Determination (April 16, 2021)**





# Coastal Consistency Request Form

This request document, under the authority of the Maryland Coastal Zone Management Program, initiates information sharing and state-federal-industry coordination to ensure projects or activities regulated under the Coastal Zone Management Act of 1972, as amended, and NOAA's Federal Consistency Regulations (15 C.F.R. Part 930) are consistent to the maximum extent practicable with Maryland's enforceable policies. Federal agencies and other applicants for federal consistency are not required to use this form; it is provided to facilitate the submission and timely review of a Consistency Determination or Consistency Certification. In addition, federal agencies and applicants are only required to provide the information required by NOAA's Federal Consistency Regulations.

\* Required

**1. Name of Project or Activity \*** Phase I Improvements at Martin State Airport (MTN)

**2. Name of Person Submitting Request \***

Kevin Clarke

**3. Federal Agency Contractor Name (if applicable)**

Genevieve Walker

**4. Federal Agency \***

Federal Aviation Administration

**5. County \***

Baltimore County

**6. Address \***

P.O. Box 8766  
BWI Airport, MD  
21240-0766

**7. Email \***

kclarke@bwiairport.com

**8. Phone Number(s) \***

Office: 410-859-7787  
Cell: 410-693-6117

**9. Please select the appropriate Federal Consistency Category: *Choose one\****

- Federal Activity or Development Project (15 C.F.R. Part 930, Subpart C)**
- Federal License or Permit Activity (15 C.F.R. Part 930, Subpart D)**
- Outer Continental Shelf Plans: Exploration, Development & Production Activities (15 C.F.R. Part 930, Subpart E)**
- Federal Financial Assistance to State & Local Governments (15 C.F.R. Part 930, Subpart F)**

**10. Summary Description – Please describe the nature, areal extent and location of project or activity. Describe foreseeable effects on coastal resources and uses.**

Proposed improvements evaluated include, but are not limited to, pavement rehabilitation, obstruction lowering or removal (with implementation of an Obstruction Marking & Lighting Plan), taxiway construction/relocation, Airport Traffic Control Tower relocation, helipad relocation, new corporate T-hangars, expanded general aviation facilities, and implementation of elements of the Wildlife Hazard Management Plan (WHMP). The location, discussed in the Draft EA for Phase I Improvements at MTN, and several off-property locations where obstruction removal is proposed. The foreseeable effects to coastal resources and uses are discussed in the Updated Draft EA and summarized as part of the attached Coastal Zone Management Act Federal Consistency Determination Review document prepared for this project. The Proposed Action Alternatives would result in impacts to wetlands, waterways, surface waters, and forests, however the level of impact can be reduced to non-significant as summarized in the attached Consistency Determination Review document.



# Coastal Consistency Request Form

11. Please select policy area checklists relevant to your project or activity:

*Check all that apply:*

- Core Policies (required for all projects and activities)
- The Chesapeake & Atlantic Coastal Bays Critical Area
- Tidal Wetlands
- Forests
- Historical & Archaeological Site
- Living Aquatic Resources
- Mineral Extraction
- Electrical Generation & Transmission
- Tidal Shore Erosion
- Oil & Natural Gas Facilities
- Dredging & Disposal of Dredge Materials
- Navigation
- Transportation
- Agriculture
- Development
- Sewage Treatment

12. Supporting Documentation. Please list all maps, diagrams, reports, letters and other materials below:

Draft Environmental Assessment for Phase I Improvements at Martin State Airport (MTN) (Feb 2021)

<https://www.marylandaviation.com/content/environmental/environmentaldocs.html>



# Coastal Zone Management Program - Core Policies Checklist

Name of Project:

Phase I Improvements at Martin State Airport

## 5.1. CORE POLICIES

### 5.1.1. Quality of Life

**Quality of Life Policy 1- Air Quality.** It is State policy to maintain that degree of purity of air resources which will protect the health, general welfare, and property of the people of the State. MDE (C9) Md. Code Ann., Envir. §§ 2-102 to -103.

Select appropriate response:

- Project will be consistent with Air Quality policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.1 of the Draft EA.

**Quality of Life Policy 2 – Noise.** The environment shall be free from noise which may jeopardize health, general welfare, or property, or which degrades the quality of life. MDE (C9) COMAR 26.02.03.02.

Select appropriate response:

- Project will be consistent with Noise policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.11 of the Draft EA.



## Coastal Zone Management Program - Core Policies Checklist

**Quality of Life Policy 3– Protection of State Wild Lands.** The unique ecological, geological, scenic, and contemplative aspects of State wild lands shall not be affected in a manner that would jeopardize the future use and enjoyment of those lands as wild. DNR (C7) Md. Code Ann., Nat. Res. §§ 5-1201, -1203.

**Select appropriate response:**

- Project will be consistent with State Wild Lands Protection policy.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Not applicable.

**Quality of Life Policy 4 – Protection of State Lands & Cultural Resources.** The safety, order, and natural beauty of State parks and forests, State reserves, scenic preserves, parkways, historical monuments and recreational areas shall be preserved. DNR (B1) Md. Code. Ann., Nat. Res. § 5-209.

**Select appropriate response:**

- Project will be consistent with Protection of State Lands & Cultural Resources policy.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Section 5.5 of Draft EA.

**Quality of Life Policy 5 – Natural Character & Scenic Value of Rivers & Waterways.** The natural character and scenic value of a river or waterway must be given full consideration before the development of any water or related land resources including construction of improvements, diversions, roadways, crossings, or channelization. MDE/DNR (C7) Md. Code Ann., Nat. Res. § 8-405; COMAR 26.17.04.11.

**Select appropriate response:**

- Project will be consistent with policy protecting Natural Character & Scenic Value of Rivers & Waterways.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**



## Coastal Zone Management Program - Core Policies Checklist

**Quality of Life Policy 6 –Natural Flow of Scenic & Wild Rivers.** A dam or other structure that impedes the natural flow of a scenic or wild river may not be constructed, operated, or maintained, and channelization may not be undertaken, until the applicant considers alternatives less harmful to the scenic and wild resource. Construction of an impoundment upon a scenic or wild river is contrary to the public interest, if that project floods an area of unusual beauty, blocks the access to the public of a view previously enjoyed, or alters the stream's wild qualities. MDE/DNR (C7) Md. Code Ann., Nat. Res. § 8-406; COMAR 26.17.04.11.

Select appropriate response:

- Project will be consistent with policy protecting Natural Flow of Scenic & Wild Rivers.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable.

**Quality of Life Policy 7 – Atlantic Coast Development.** Any land clearing, construction activity, or the construction or placement of permanent structures is prohibited within the Beach Erosion Control District except the construction and installation of a qualified submerged renewable energy line, if the project does not result in any significant permanent environmental damage to the Beach Erosion Control District and is not constructed or installed within the Assateague State Park, and any project or activity specifically for storm control, beach erosion and sediment control, or maintenance projects designed to benefit the Beach Erosion Control District. MDE/DNR (B1) Md. Code Ann., Nat. Res. § 8-1102.

Select appropriate response:

- Project will be consistent with policy ensuring Environmentally Beneficial Atlantic Shoreline Development.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable.





## Coastal Zone Management Program - Core Policies Checklist

**Quality of Life Policy 8 – Integrity & Natural Character of Assateague Island.** Activities which will adversely affect the integrity and natural character of Assateague Island will be inconsistent with the State's Coastal Management Program, and will be prohibited. MDE/DNR (B1) Md. Code. Ann., Nat. Res. §§ 5-209, 8-1102.

Select appropriate response:

- Project will be consistent with policy protecting the Integrity & Natural Character of Assateague Island.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable

**Quality of Life Policy 9 – Public Outreach.** An opportunity for a public hearing shall be provided for projects in non-tidal waters that dredge, fill, bulkhead, or change the shoreline; construct or reconstruct a dam; or create a waterway, except in emergency situations. MDE (A3) COMAR 26.17.04.13A.

Select appropriate response:

- Project will be consistent with Public Outreach policy for relevant projects.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable

**Quality of Life Policy 10 – Erosion & Sediment Control.** Soil erosion shall be prevented to preserve natural resources and wildlife; control floods; prevent impairment of dams and reservoirs; maintain the navigability of rivers and harbors; protect the tax base, the public lands, and the health, safety and general welfare of the people of the State, and to enhance their living environment. MDA (C4) Md. Code Ann., Agric. § 8-102(d).

Select appropriate response:

- Project will be consistent with Erosion & Sediment Control policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.14 of the Draft EA.



## Coastal Zone Management Program - Core Policies Checklist

**Quality of Life Policy 11 – Safeguards for Outer Continental Shelf Development.** Operations on the Outer Continental Shelf must be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or property, or which may endanger life or health. (B2) Md. Code Ann., Envir. §§ 17-101 to -403; COMAR 26.24.01.01; COMAR 26.24.02.01, .03; COMAR 26.24.05.01.

**Select appropriate response:**

- Project will be consistent with policy ensuring Safeguards for Outer Continental Shelf Development.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Not applicable
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## Coastal Zone Management Program - Core Policies Checklist

### 5.1.2. Waste & Debris Management

**Waste & Debris Management Policy 1 – Hazardous Waste Management.** Controlled hazardous substances may not be stored, treated, dumped, discharged, abandoned, or otherwise disposed anywhere other than a permitted controlled hazardous substance facility or a facility that provides an equivalent level of environmental protection. MDE (D4) Md. Code Ann., Envir. § 7-265(a).

Select appropriate response:

- Project will be consistent with Hazardous Waste Management policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.7 of the Draft EA.

**Waste & Debris Management Policy 2 – Hazardous Waste Management in Port of Baltimore.** A person may not introduce in the Port of Baltimore any hazardous materials, unless the cargo is properly classed, described, packaged, marked, labeled, placarded, and approved for highway, rail, or water transportation. MDOT (D3) COMAR 11.05.02.04A.

Select appropriate response:

- Project will be consistent with Hazardous Waste Management in Port of Baltimore policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable





## Coastal Zone Management Program - Core Policies Checklist

### 5.1.3. Water Resources Protection & Management

**Water Resources Protection & Management Policy 1 – Pollution Discharge Permit.** No one may add, introduce, leak, spill, or emit any liquid, gaseous, solid, or other substance that will pollute any waters of the State without State authorization. MDE (A5) Md. Code Ann., Envir. §§ 4-402, 9-101, 9-322.

Select appropriate response:

- Project will be consistent with water policy requiring a Pollution Discharge Permit.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable

**Water Resources Protection & Management Policy 2 – Protection of Designated Uses.** All waters of the State shall be protected for water contact recreation, fish, and other aquatic life and wildlife. Shellfish harvesting and recreational trout waters and waters worthy of protection because of their unspoiled character shall receive additional protection. MDE (A1) COMAR 26.08.02.02.

Select appropriate response:

- Project will be consistent with Protection of Designated Uses policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.14 of Draft EA.

**Water Resources Protection & Management Policy 3 – Prohibition of Harmful Toxic Impacts.** The discharge of any pollutant which will accumulate to toxic amounts during the expected life of aquatic organisms or produce deleterious behavioral effects on aquatic organisms is prohibited. MDE (A4) COMAR 26.08.03.01.

Select appropriate response:

- Project will be consistent with water policy Prohibiting Harmful Toxic Impacts.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable.



## Coastal Zone Management Program - Core Policies Checklist

### Water Resources Protection & Management Policy 4 – Pre-Development Discharge Permit

**Requirement.** Before constructing, installing, modifying, extending, or altering an outlet or establishment that could cause or increase the discharge of pollutants into the waters of the State, the proponent must hold a discharge permit issued by the Department of the Environment or provide an equivalent level of water quality protection. MDE (D6) Md. Code Ann., Envir. § 9-323(a).

Select appropriate response:

- Project will be consistent with water policy requiring a Pre-Development Discharge Permit.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.14 of Draft EA.

**Water Resources Protection & Management Policy 5 – Use of Best Available Technology or Treat to Meet Standards.** The use of best available technology is required for all permitted discharges into State waters, but if this is insufficient to comply with the established water quality standards, additional treatment shall be required and based on waste load allocation. MDE (D4) COMAR 26.08.03.01C.

Select appropriate response:

- Project will be consistent with Use of Best Available Technology or Treat to Meet Standards water policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.14 of Draft EA.



## Coastal Zone Management Program - Core Policies Checklist

**Water Resources Protection & Management Policy 6 – Control of Thermal Discharges.** Thermal discharges shall be controlled so that the temperature outside the mixing zone (50 feet radially from the point of discharge) meets the applicable water quality criteria or discharges comply with the thermal mixing zone criteria. MDE (D4) COMAR 26.08.03.03C.

Select appropriate response:

- Project will be consistent with Control of Thermal Discharges water policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable
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**Water Resources Protection & Management Policy 7 – Pesticide Storage.** Pesticides shall be stored in an area located at least 50 feet from any water well or stored in secondary containment approved by the Department of the Environment. MDA (C4) COMAR 15.05.01.06.

Select appropriate response:

- Project will be consistent with Pesticides Storage water policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable
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## Coastal Zone Management Program - Core Policies Checklist

**Water Resources Protection & Management Policy 8 – Stormwater Management.** Any development or redevelopment of land for residential, commercial, industrial, or institutional purposes shall use small-scale non-structural stormwater management practices and site planning that mimics natural hydrologic conditions, to the maximum extent practicable. Development or redevelopment will be consistent with this policy when channel stability and 100 percent of the average annual predevelopment groundwater recharge are maintained, nonpoint source pollution is minimized, and structural stormwater management practices are used only if determined to be absolutely necessary. MDE (C9) Md. Code Ann., Envir. § 4-203; COMAR 26.17.02.01, .06.

Select appropriate response:

- Project will be consistent with Stormwater Management policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.14 of Draft EA.

**Water Resources Protection & Management Policy 9 – Unpermitted Dumping of Used Oil.** Unless otherwise permitted, used oil may not be dumped into sewers, drainage systems, or any waters of the State or onto any public or private land. MDE (D4) Md. Code Ann., Envir. § 5-1001(f).

Select appropriate response:

- Project will be consistent with Unpermitted Dumping of Used Oil water policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable

**Water Resources Protection & Management Policy 10 – Toxicity Monitoring.** If material being dumped into Maryland waters or waters off Maryland’s coastline has demonstrated actual toxicity or potential for being toxic, the discharger must perform biological or chemical monitoring to test for toxicity in the water. MDE (A5) COMAR 26.08.03.07(D); COMAR 26.08.04.01.

Select appropriate response:

- Project will be consistent with Toxicity Monitoring water policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable



## Coastal Zone Management Program - Core Policies Checklist

**Water Resources Protection & Management Policy 11 – Public Outreach.** Public meetings and citizen education shall be encouraged as a necessary function of water quality regulation. MDE (A2) COMAR 26.08.01.02E(3).

**Select appropriate response:**

- Project will be consistent with Public Outreach water policy.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

See Chapter 6, Public and Agency Involvement, of the Draft EA.

**Water Resources Protection & Management Policy 12 - No Adverse Impact from Water Appropriation.** Any water appropriation must be reasonable in relation to the anticipated level of use and may not have an unreasonable adverse impact on water resources or other users of the waters of the State. MDE (C9) COMAR 26.17.06.02.

**Select appropriate response:**

- Project will be consistent with policy ensuring No Adverse Impact from Water Appropriations.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Not applicable.



## Coastal Zone Management Program - Core Policies Checklist

### 5.1.4. Flood Hazards & Community Resilience

**Flood Hazards & Community Resilience Policy 1 – No Adverse Impact.** Projects in coastal tidal and non-tidal flood plains which would create additional flooding upstream or downstream, or which would have an adverse impact upon water quality or other environmental factors, are contrary to State policy. MDE (C2) Md. Code Ann., Envir. § 5-803; COMAR 26.17.05.04A.

Select appropriate response:

- Project will be consistent with No Adverse Impact flood hazard policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.14 of Draft EA.

**Flood Hazards & Community Resilience Policy 2 – Non-Tidal Waters and Non-Tidal Floodplains.** The following policies apply to projects in non-tidal waters and non-tidal floodplains, but not non-tidal wetlands. MDE (C2) COMAR 26.17.04.01, .07,.11.

**Flood Hazards & Community Resilience Policy 2a – 1-Foot Freeboard Above 100-year Flood.**

Proposed floodplain encroachments, except for roadways, culverts, and bridges, shall be designed to provide a minimum of 1 foot of freeboard above the elevation of the 100-year frequency flood event. In addition, the elevation of the lowest floor of all new or substantially improved residential, commercial, or industrial structures shall also be at least 1 foot above the elevation of the 100-year frequency flood event.

Select appropriate response:

- Project will be consistent with policy requiring a 1-Foot Freeboard Above 100-Year Flood for Construction in flood hazard areas.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable





## Coastal Zone Management Program - Core Policies Checklist

### **Flood Hazards & Community Resilience Policy 2b – Stability of Unlined Earth Channels.**

Proposed unlined earth channels may not change the tractive force associated with the 2-year and the 10-year frequency flood events, by more than 10 percent, throughout their length unless it can be demonstrated that the stream channel will remain stable.

Select appropriate response:

- Project will be consistent with policy ensuring Stability of Unlined Earth Channels.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not Applicable.

**Flood Hazards & Community Resilience Policy 2c – Stability of Lined Channels.** Proposed lined channels may not change the tractive force associated with the 2-year and the 10-year frequency flood events, by more than 10 percent, at their downstream terminus unless it can be demonstrated that the stream channel will remain stable.

Select appropriate response:

- Project will be consistent with policy ensuring Stability of Line Channels.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable.

**Flood Hazards & Community Resilience Policy 2d – Prohibition of Dam Construction in High Risk Areas.** Category II, III, or IV dams may not be built or allowed to impound water in any location where a failure is likely to result in the loss of human life or severe damage to streets, major roads, public utilities, or other high value property.

Select appropriate response:

- Project will be consistent with policy Prohibiting Dam Construction in High Risk Areas.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable



## Coastal Zone Management Program - Core Policies Checklist

**Flood Hazards & Community Resilience Policy 2e – Prohibition of Projects That Increase Risk Unless Mitigation Requirements Are Met.** Projects that increase the risk of flooding to other property owners are generally prohibited, unless the area subject to additional risk of flooding is purchased, placed in designated flood easement, or protected by other means acceptable to the Maryland Department of the Environment.

Select appropriate response:

- Project will be consistent with policy Prohibiting Projects That Increase Flood Risk Unless Mitigation Requirements Are Met.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable

**Flood Hazards & Community Resilience Policy 2f – Prohibition of Construction or Substantial Improvements in 100-Year Floodplain.** The construction or substantial improvement of any residential, commercial, or industrial structures in the 100-year frequency floodplain and below the water surface elevation of the 100-year frequency flood may not be permitted. Minor maintenance and repair may be permitted. The modifications of existing structures for flood-proofing purposes may be permitted. Flood-proofing modifications shall be designed and constructed in accordance with specifications approved by the Maryland Department of the Environment.

Select appropriate response:

- Project will be consistent with policy Prohibiting Construction or Substantial Improvements in 100-Year Floodplain.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.14 of Draft EA.





## Coastal Zone Management Program - Core Policies Checklist

### Flood Hazards & Community Resilience Policy 2g – Channelization Is Discouraged.

Channelization shall be the least favored flood control technique.

Select appropriate response:

- Project will be consistent with policy Discouraging Channelization.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable

**Flood Hazards & Community Resilience Policy 2h – Preference of Multi-Purpose Use Projects, Project Accountability, & 50% Reduction in Damages.** Multiple purpose use shall be preferred over single purpose use, the proposed project shall achieve the purposes intended, and, at a minimum, project shall provide for a 50 percent reduction of the average annual flood damages.

Select appropriate response:

- Project will be consistent with policy that ensures a Preference to Multi-Purpose Use Projects, Project Accountability & 50% Reduction in Damages.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable

**Flood Hazards & Community Resilience Policy 3 – Development-Related Runoff Restrictions for the Gwynne Falls and Jones Falls Watersheds.** Development may not increase the downstream peak discharge for the 100-year frequency storm event in the following watersheds and all their tributaries: Gwynns Falls in Baltimore City and Baltimore County; and Jones Falls in Baltimore City and Baltimore County. MDE (C2) COMAR 26.17.02.07.

Select appropriate response:

- Project will be consistent with policy that Restricts Development-Related Runoff in the Gwynne Falls & Jones Falls Watersheds.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable



# Coastal Zone Management Program - Critical Area Policies Checklist

Name of Project:

Phase I Improvements at Martin State Airport

## 5.2 COASTAL RESOURCES

### 5.2.1 The Chesapeake and Atlantic Coastal Bays Critical Area

In addition to the policies in this section, the laws approved by NOAA implementing the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program are enforceable policies.

**Critical Area Policy 1 – Scope of the Buffer.** In the Critical Area, a minimum 100-foot vegetated buffer shall be maintained landward from the mean high water line of tidal waters, the edge of each bank of tributary streams, and the landward edge of tidal wetlands. The buffer shall be expanded in sensitive areas in accordance with standards adopted by the Critical Area Commission. The buffer is not required for agricultural drainage ditches if the adjacent agricultural land has in place best management practices that protect water quality. Mitigation or other measures for achieving water quality and habitat protection objectives may be necessary in buffer areas for which the Critical Area Commission has modified the minimum applicable requirements due to the existing pattern of development. CAC (C9) COMAR 27.01.09.01, .01-6, .01-8.

Select appropriate response:

- Project will be consistent with Scope of Buffer policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.1 of the Draft EA.

**Critical Area Policy 2 – Buffer Disturbance.** Disturbance to a buffer in the Critical Area is only authorized for a shore erosion control measure or for new development or redevelopment that is water-dependent; meets a recognized private right or public need; minimizes the adverse effects on water quality and fish, plant, and wildlife habitat; and, insofar as possible, locates nonwater-dependent structures or operations associated with water-dependent projects or activities outside the buffer. Disturbance to a buffer may only be authorized in conjunction with mitigation performed in accordance with an approved buffer management plan. CAC (C9) COMAR 27.01.03.03; COMAR 27.01.09.01, .01-2, .01-3.

- Project will be consistent with Buffer Disturbance policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.11 of the Draft EA.



## Coastal Zone Management Program - Critical Area Policies Checklist

**Critical Area Policy 3 - Protection of Bird Nesting Areas.** Colonial water bird nesting sites in the Critical Area may not be disturbed during breeding season. CAC (C9) COMAR 27.01.09.04.

Select appropriate response:

- Project will be consistent with policy Protecting Bird Nesting Areas.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable.

**Critical Area Policy 4 - Protection of Waterfowl.** New facilities in the Critical Area shall not interfere with historic waterfowl concentration and staging areas. CAC (C9) COMAR 27.01.09.04.

Select appropriate response:

- Project will be consistent with the Protection of Waterfowl policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.5 of Draft EA.

**Critical Area Policy 5 -Restrictions on Stream Alterations.** Physical alterations to streams in the Critical Area shall not affect the movement of fish. CAC (C9) COMAR 27.01.09.05.

Select appropriate response:

- Project will be consistent with the Restrictions on Stream Alterations policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



## Coastal Zone Management Program - Critical Area Policies Checklist

**Critical Area Policy 6 - Prohibition of Riprap and Artificial Surfaces.** The installation or introduction of concrete riprap or other artificial surfaces onto the bottom of natural streams in the Critical Area is prohibited unless water quality and fisheries habitat will be improved. CAC (C9) COMAR 27.01.09.05.

**Select appropriate response:**

- Project will be consistent with the Prohibition of Riprap and Artificial Surfaces policy.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Not applicable.

**Critical Area Policy 7 - Prohibition of Dams and Structures.** The construction or placement of dams or other structures in the Critical Area that would interfere with or prevent the movement of spawning fish or larval forms in streams is prohibited. CAC (C9) COMAR 27.01.09.05.

**Select appropriate response:**

- Project will be consistent with the Prohibition of Dams and Structures policy.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Not applicable.

**Critical Area Policy 8 - Restrictions on Stream Crossings and Impacts.** Development may not cross or affect a stream in the Critical Area, unless there is no feasible alternative and the design and construction of the development prevents increases in flood frequency and severity that are attributable to development; retains tree canopy and maintains stream water temperature within normal variation; provides a natural substrate for affected streambeds; and minimizes adverse water quality and quantity impacts of stormwater. CAC (C9) COMAR 27.01.02.04.

**Select appropriate response:**

- Project will be consistent with the Restrictions on Stream Crossings and Impacts policy.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Not applicable



## Coastal Zone Management Program - Critical Area Policies Checklist

**Critical Area Policy 9 - Time of Year Restrictions for Construction in Streams.** The construction, repair, or maintenance activities associated with bridges or other stream crossings or with utilities and roads, which involve disturbance within the buffer or which occur in stream are prohibited between March 1 and May 15. CAC (C9) COMAR 27.01.09.05.

Select appropriate response:

- Project will be consistent with the Stream Construction Time-of-Year Restrictions policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable

**Critical Area Policy 10 - Avoid & Minimize Construction Impacts in Habitat Areas.** Roads, bridges, or utilities may not be constructed in any areas designated to protect habitat, including buffers, in the Critical Area, unless there is no feasible alternative and the road, bridge, or utility is located, designed, constructed, and maintained in a manner that maximizes erosion protection; minimizes negative impacts to wildlife, aquatic life, and their habitats; and maintains hydrologic processes and water quality. CAC (C9) COMAR 27.01.02.03C, .04C, .05C.

Select appropriate response:

- Project will be consistent with the Avoid or Minimize Habitat Area Impacts policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.14 of the Draft EA.





## Coastal Zone Management Program - Critical Area Policies Checklist

**Critical Area Policy 11 – Intensely Developed Areas.** The following policies apply in those areas of the Critical Area that are determined to be areas of intense development.

- To the extent possible, fish, wildlife, and plant habitats should be conserved.
- Development and redevelopment shall improve the quality of runoff from developed areas that enters the Chesapeake or Atlantic Coastal Bays or their tributary streams.
- At the time of development or redevelopment, appropriate actions must be taken to reduce stormwater pollution by 10%. Retrofitting measures are encouraged to address existing water quality and water quantity problems from stormwater.
- Development activities may cross or affect a stream only if there is no feasible alternative, and those activities must be constructed to prevent increases in flood frequency and severity attributable to development, retain tree canopy, maintain stream water temperatures within normal variation, and provide a natural substrate for affected streambeds.
- Areas of public access to the shoreline, such as foot paths, scenic drives, and other public recreational facilities, shall be maintained and, if possible, are encouraged to be established.
- Ports and industries which use water for transportation and derive economic benefits from shore access, shall be located near existing port facilities or in areas identified by local jurisdictions for planned future port facility development and use if this use will provide significant economic benefit to the State or local jurisdiction.
- Development shall be clustered to reduce lot coverage and maximize areas of natural vegetation.
- Development shall minimize the destruction of forest and woodland vegetation.

CAC (C9) COMAR 27.01.02.03.

**Select appropriate response:**

- Project will be consistent with the Intensely Developed Areas policy.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Not applicable



## Coastal Zone Management Program - Critical Area Policies Checklist

**Critical Area Policy 12 – Limited Development Areas & Resource Conservation Areas.** The following policies apply in those portions of the Critical Area that are not areas of intense development.

- Development shall maintain, and if possible, improve the quality of runoff and ground water entering the Chesapeake and Coastal Bays.
- To the extent practicable, development shall maintain existing levels of natural habitat.
- All development sites shall incorporate a wildlife corridor system that connects undeveloped vegetated tracts onsite with undeveloped vegetated tracts offsite.
- All forests and developed woodlands that are cleared or developed shall be replaced on not less than an equal area basis.
- If there are no forests on a proposed development site, the site shall be planted to provide a forest or developed woodland cover of at least 15 percent.
- Development on slopes equal to or greater than 15 percent, as measured before development, shall be prohibited unless the project is the only effective way to maintain the slope and is consistent with other policies.
- To the extent practicable, development shall be clustered to reduce lot coverage and maximize areas of natural vegetation.
- Lot coverage is limited to 15 percent of the site.

CAC (C9) COMAR 27.01.02.04.

**Select appropriate response:**

- Project will be consistent with policy regarding Limited Development Areas and Resource Conservation Areas.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Section 5.7 of the Draft EA.





## Coastal Zone Management Program - Critical Area Policies Checklist

**Critical Area Policy 13 - Public Facilities Allowed With Restrictions in Buffer.** Public beaches or other public water-oriented recreation or education areas including, but not limited to, publicly owned boat launching and docking facilities and fishing piers may be permitted in the buffer in portions of the Critical Area not designated as intensely developed areas only if adequate sanitary facilities exist; service facilities are, to the extent possible, located outside the Buffer; permeable surfaces are used to the extent practicable, if no degradation of ground water would result; and disturbance to natural vegetation is minimized. CAC (C9) COMAR 27.01.03.08.

Select appropriate response:

- Project will be consistent with policy allowing Public Facilities within Buffer with Restrictions.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable

**Critical Area Policy 14 - Water-Dependent Research Facilities.** Water-dependent research facilities or activities may be permitted in the buffer, if nonwater-dependent structures or facilities associated with these projects are, to the extent possible, located outside the buffer. CAC (C9) COMAR 27.01.03.09.

Select appropriate response:

- Project will be consistent with the Water-Dependent Research Facilities policy.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable

**Critical Area Policy 15 – Siting Industrial & Port-Related Facilities.** Water-dependent industrial and port-related facilities may only be located in the portions of areas of intense development designated as modified buffer areas. CAC (C9) COMAR 27.01.03.05.

Select appropriate response:

- Project will be consistent with policy regarding Siting Industrial and Port-Related Facilities.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.14 of Draft EA.



## Coastal Zone Management Program - Critical Area Policies Checklist

**Critical Area Policy 16 -Restrictions on Waste Facilities.** Solid or hazardous waste collection or disposal facilities and sanitary landfills are not permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these facilities are needed in order to correct an existing water quality or wastewater management problem. CAC (C9) COMAR 27.01.02.02.

**Select appropriate response:**

- Project will be consistent with policy Restricting Waste Facilities.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Not applicable.

**Critical Area Policy 17 – Buffer Management Plan.** If a development or redevelopment activity occurs on a lot or parcel that includes a buffer or if issuance of a permit, variance, or approval would disturb the buffer, the proponents of that activity must develop a buffer management plan that clearly indicates that all applicable planting standards developed by the Critical Area Commission will be met and that appropriate measures are in place for the protection and maintenance of the buffer. CAC (C9) COMAR 27.01.09.01-1, .01-3.

**Select appropriate response:**

- Project will be consistent with the Buffer Management Plan policy.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Section 5.14 of Draft EA.



## Coastal Zone Management Program - Critical Area Policies Checklist

**Critical Area Policy 18 – Protection of Critical Area from Surface Mining Pollution.** All available measures must be taken to protect the Critical Area from all sources of pollution from surface mining operations, including but not limited to sedimentation and siltation, chemical and petrochemical use and spillage, and storage or disposal of wastes, dusts, and spoils. CAC (D5) COMAR 27.01.07.02A.

Select appropriate response:

- Project will be consistent with policy Protecting Critical Area from Surface Mining Pollution.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.14 of Draft EA.

**Critical Area Policy 19 – Reclamation Requirements for Mining.** In the Critical Area, mining must be conducted in a way that allows the reclamation of the site as soon as possible and to the extent possible. CAC (D5) COMAR 27.01.07.02B.

Select appropriate response:

- Project will be consistent with policy that requires Reclamation for Mining.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable

**Critical Area Policy 20 – Restrictions on Sand & Gravel Operations.** Sand and gravel operations shall not occur within 100 feet of the mean high water line of tidal waters or the edge of streams or in areas with scientific value, important natural resources such as threatened and endangered species, rare assemblages of species, or highly erodible soils. Sand and gravel operations also may not occur where the use of renewable resource lands would result in the substantial loss of forest and agricultural productivity for 25 years or more or would result in a degrading of water quality or a loss of vital habitat. CAC (D5) COMAR 27.01.07.03D.

Select appropriate response:

- Project will be consistent with policy regarding Restrictions on Sand & Gravel Operations
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable



## Coastal Zone Management Program - Critical Area Policies Checklist

**Critical Area Policy 21 - Prohibition of Wash Plants in Buffer.** Wash plants including ponds, spoil piles, and equipment may not be located in the 100-foot buffer. CAC (D5) COMAR 27.01.07.03E.

Select appropriate response:

- Project will be consistent with policy Prohibiting Wash Plants in Buffer.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.14 of Draft EA.

**Critical Area Policy 22 – Requirements for Agriculture in the Buffer.** Agricultural activities are permitted in the buffer, if, as a minimum best management practice, a 25-foot vegetated filter strip measured landward from the mean high water line of tidal waters or tributary streams (excluding drainage ditches), or from the edge of tidal wetlands, whichever is further inland, is established in trees with a dense ground cover or a thick sod of grass. CAC (C4) COMAR 27.01.09.01-6.

Select appropriate response:

- Project will be consistent with policy regarding Requirements for Agriculture in the Buffer.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable

**Critical Area Policy 23 – Geographical Limits for Feeding or Watering Livestock.** The feeding or watering of livestock is not permitted within 50 feet of the mean high water line of tidal waters and tributaries. CAC (C4) COMAR 27.01.09.01-6.

Select appropriate response:

- Project will be consistent with policy regarding Geographical Limits for Feeding or Watering Livestock.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable



## Coastal Zone Management Program - Critical Area Policies Checklist

**Critical Area Policy 24 – Creating New Agricultural Lands.** In the Critical Area, the creation of new agricultural lands shall not be accomplished by diking, draining, or filling of non-tidal wetlands, without appropriate mitigation; by clearing of forests or woodland on soils with a slope greater than 15 percent or on soils with a "K" value greater than 0.35 and slope greater than 5 percent; by clearing that will adversely affect water quality or will destroy plant and wildlife habitat; or by clearing existing natural vegetation within the 100-foot buffer. CAC (C4) COMAR 27.01.06.02C.

**Select appropriate response:**

- Project will be consistent with policy regarding Creating New Agricultural Lands.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

See Chapter 6, Public and Agency Involvement, of the Draft EA.

**Critical Area Policy 25 - Best Management Practices for Agriculture.** Agricultural activity permitted within the Critical Area shall use best management practices in accordance with a soil conservation and water quality plan approved or reviewed by the local soil conservation district. CAC (C4) COMAR 27.01.06.02G.

**Select appropriate response:**

- Project will be consistent with policy requiring Best Management Practices for Agriculture.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Not applicable.





## Coastal Zone Management Program - Critical Area Policies Checklist

**Critical Area Policy 26 - Cutting or Clearing Trees in the Buffer.** Cutting or clearing of trees within the buffer is prohibited except that commercial harvesting of trees by selection or by the clearcutting of loblolly pine and tulip poplar may be permitted to within 50 feet of the landward edge of the mean high water line of tidal waters and perennial tributary streams, or the edge of tidal wetlands if the buffer is not subject to additional habitat protection. Commercial harvests must be in compliance with a buffer management plan that is prepared by a registered professional forester and is approved by the Department of Natural Resources. CAC (C5) Md. Code Ann., Nat. Res. § 8-1808.7; COMAR 27.01.09.01-7

**Select appropriate response:**

- Project will be consistent with policy regarding Restrictions on Cutting or Clearing of Trees in the Buffer.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Section 5.14 of Draft EA.

**Critical Area Policy 27 - Requirements for Commercial Tree Harvesting in the Buffer.** Commercial tree harvesting in the buffer may not involve the creation of logging roads and skid trails within the buffer and must avoid disturbing stream banks and shorelines as well as include replanting or allowing regeneration of the areas disturbed or cut in a manner that assures the availability of cover and breeding sites for wildlife and reestablishes the wildlife corridor function of the buffer. CAC (C5) Md. Code Ann., Nat. Res. § 8-1808.7; COMAR 27.01.09.01-7

**Select appropriate response:**

- Project will be consistent with policy regarding Requirements for Commercial Tree Harvesting in the Buffer.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Not applicable



## Coastal Zone Management Program - Critical Area Policies Checklist

**Critical Area Policy 28 - General Restrictions to Intense Development.** Intense development should be directed outside the Critical Area. Future intense development activities, when proposed in the Critical Area, shall be directed towards the intensely developed areas. CAC (D1) Md. Code Ann., Natural Res. § 8-1807(b); COMAR 27.01.02.02B.

Select appropriate response:

- Project will be consistent with policy regarding General Restrictions on Intense Development.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not Applicable.

**Critical Area Policy 29 – Development Restrictions in Critical Area.** The following development activities and facilities are not permitted in the Critical Area except in intensely developed areas and only after the activity or facility has demonstrated that there will be a net improvement in water quality to the adjacent body of water.

- Non-maritime heavy industry
- Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters
- Permanent sludge handling, storage, and disposal facilities, other than those associated with wastewater treatment facilities. However, agricultural or horticultural use of sludge when applied by an approved method at approved application rates may be permitted in the Critical Area, but not in the 100-foot Buffer

CAC (C9) COMAR 27.01.02.02.

Select appropriate response:

- Project will be consistent with policy Restricting Development in Critical Area.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable.





# Coastal Zone Management Program - Forest Policy Checklist

Name of Project:

Phase I Improvements at Martin State Airport

## 5.2 COASTAL RESOURCES

### 5.2.4 Forests

**Forest Policy 1 – Projects Impacting More Than 40,000 Square Feet Must Generally Identify & Protect Habitat & Mitigate for Impacts.** The Forest Conservation Act and its implementing regulations, as approved by NOAA, are enforceable policies. Generally, before developing an area greater than 40,000 square feet, forested and environmentally sensitive areas must be identified and preserved whenever possible. If these areas cannot be preserved, reforestation or other mitigation is required to replace the values associated with them. This policy does not apply in the Critical Area. DNR (C5) Md. Code Ann., Nat. Res. §§ 5-1601 to -1613; COMAR 08.19.01-.06.

Select appropriate response:

- Project will be consistent with forest policy that requires Projects Impacting More Than 40,000 Square Feet to Identify & Protect Habitat & Mitigate for Impacts.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.1 of the Draft EA.

**Forest Policy 2 – Maintain Resource Sustainability & Prevent or Limit Clear-Cutting to Protect Watersheds.** Forestry activities shall provide for adequate restocking, after cutting, of trees of desirable species and condition; provide for reserving, for growth and subsequent cutting, a sufficient growing stock of thrifty trees of desirable species to keep the land reasonably productive; and prevent clear-cutting, or limit the size of a tract to be clear-cut in areas where clear-cutting will seriously interfere with protection of a watershed. DNR (C5) Md. Code Ann., Nat. Res. § 5-606.

Select appropriate response:

- Project will be consistent with forest policy that Maintains Resource Sustainability & Prevents or Limits Clear-Cutting to Protect Watersheds.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.11 of the Draft EA.



## Coastal Zone Management Program - Forest Policy Checklist

**Forest Policy 3 –Commercial Timber Cuts of Five Acres or More with Pines Comprising 25% of Live Trees Shall Ensure Pine Resource Sustainability.** When any timber is cut for commercial purposes from five acres or more of land on which loblolly pine, shortleaf pine, or pond pine, singly or together occur and constitute 25 percent or more of the live trees on each acre, the person conducting the cutting or the landowner shall leave uncut and uninjured at least eight well distributed, cone-bearing, healthy, windfirm, loblolly, shortleaf, or pond pine trees on each acre cut for the purpose of reseedling. DNR (C5) Md. Code Ann., Nat. Res. §§ 5-501, -504.

Select appropriate response:

- Project will be consistent with forest policy requiring Pine Resource Sustainability for Commercial Timber Cuts of Five Acres or More with Pines Comprising 25 Percent of Live Trees.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable.

**Forest Policy 4 – Minimize Forest Removal for Highway Construction Projects & Mitigate with Equivalent Reforestation if over 1 Acre Is Lost.** Any highway construction activity, including related off-site environmental mitigation, may only cut or clear the minimum amount of trees and other woody plants necessary to be consistent with sound design principles. If over an acre of forest is lost as a result of the project, an equivalent area of publicly owned property shall be reforested. DNR/MDOT (C5) Md. Code Ann., Nat. Res. § 5-103.

Select appropriate response:

- Project will be consistent with forest policy that requires Minimizing Forest Removal for Highway Construction Projects & Mitigating with Reforestation if Over 1 Acre is Lost.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.5 of Draft EA.



## Coastal Zone Management Program - Forest Policy Checklist

**Forest Policy 5 – Protection of Roadside Trees Unless Removal or Trimming Is Justified.** Roadside trees should not be cut down, trimmed, mutilated, or injured unless the activity will eliminate a hazard to property, public safety, or health; improve or prevent tree deterioration; or improve the general aesthetic appearance of the right-of-way. DNR (C5) COMAR 08.07.02.05.

Select appropriate response:

- Project will be consistent with forest policy that Protects Roadside Trees Unless Removal or Trimming Is Justified.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Forest Policy 6 – Sediment & Erosion Control in Non-Tidal Wetlands.** A person conducting a forestry activity in non-tidal wetlands shall develop and implement a sediment and erosion control plan. MDE (C3) COMAR 26.23.05.02.

Select appropriate response:

- Project will be consistent with forest policy that requires Sediment & Erosion Control in Non-Tidal Wetlands.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable.



# Coastal Zone Management Program - Historical & Archaeological Policies Checklist

Name of Project:

Phase I Improvements at Martin State Airport

## 5.2 COASTAL RESOURCES

### 5.2.5 Historical and Archaeological Sites

**Historical and Archaeological Policy 1 – Protection of Submerged Historic Resources.** Unless permission is granted by the Maryland Historical Trust, activities that excavate, remove, destroy, injure, deface, or disturb submerged archaeological historic property are generally prohibited. MDP (C8) Md. Code Ann., State Fin. & Proc. §§ 5A-341, -333.

Select appropriate response:

- Project will be consistent with historical & archaeological policy Protecting Submerged Historic Resources.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.1 of the Draft EA.

**Historical and Archaeological Policy 2 – Protection of Caves & Archaeological Sites.** Unless permission is granted by the Maryland Historical Trust, activities that excavate, remove, destroy, injure, deface, or disturb cave features or archeological sites under State control are generally prohibited. MDP (C8) Md. Code Ann., State Fin. & Proc. §§ 5A-342 to -343.

Select appropriate response:

- Project will be consistent with historical & archaeological policy Protecting Caves & Archaeological Sites
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.11 of the Draft EA.



## Coastal Zone Management Program - Historical & Archaeological Policies Checklist

**Historical and Archaeological Policy 3 – Protection of Burial Sites & Cemeteries.** Neither human remains nor funerary objects may be removed from a burial site or cemetery, unless permission is granted by the local State’s Attorney. Funerary objects may not be willfully destroyed, damaged, or defaced. MDP (C8) Md. Code Ann., Crim. Law §§ 10-401 to -404.

**Select appropriate response:**

- Project will be consistent with historical & archaeological policy Protecting Burial Sites & Cemeteries.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Not applicable.



**Coastal Zone Management Program - Living Aquatic Resources  
Policies Checklist**

**Name of Project:**

Phase I Improvement at Martin State Airport

**5.2 COASTAL RESOURCES**

**5.2.6 Living Aquatic Resources**

**Living Aquatic Resources Policy 1 – Protection of Rare, Threatened or Endangered Fish or Wildlife.**

Unless authorized by an Incidental Take Permit, no one may take a State listed endangered or threatened species of fish or wildlife. DNR (A4) Md. Code Ann., Nat. Res. §§ 4-2A-01 to -09; Md. Code Ann., Nat. Res. §§ 10-2A-01 to -09.

**Select appropriate response:**

- Project will be consistent with policy Protecting Rare, Threatened or Endangered Fish or Wildlife.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

See Section 5.2 of the Draft EA.

**Living Aquatic Resources Policy 2 – Sustainable Harvesting of Fisheries.** Fisheries shall be sustainably harvested. DNR (A4) Md. Code Ann., Nat. Res. § 4-215.

**Select appropriate response:**

- Project will be consistent with Sustainable Harvesting of Fisheries policy.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

No harvesting of fisheries will occur as part of the project.





# Coastal Zone Management Program - Living Aquatic Resources

## Policies Checklist

### Living Aquatic Resources Policy 3 – Protection of State Fishery Sanctuaries & Management Resources.

Any land or water resource acquired by the State to protect, propagate, or manage fish shall not be damaged. DNR (A4) Md. Code Ann., Nat. Res. § 4-410. **Select appropriate response:**

- Project will be consistent with policy Protecting State Fishery Sanctuaries & Fishery Management Resources.
- Not Applicable.

#### Describe situation and/or actions to make project or activity consistent with the above policy:

No Fishery Sanctuaries will be damaged as part of the project.

**Living Aquatic Resources Policy 4 – Fish Passage.** No activity will be permitted that impedes or prevents the free passage of any finfish, migratory or resident, up or down stream. DNR (A4) Md. Code Ann., Nat. Res. § 4-501 to -502.

#### Select appropriate response:

- Project will be consistent with Fish Passage policy.
- Not Applicable.

#### Describe situation and/or actions to make project or activity consistent with the above policy:

Further coordination with NOAA Fisheries would be conducted regarding any impacts to areas designated as EFH and HAPC/SAV within Frog Mortar Creek. This coordination will result in conservation recommendations being provided by NOAA Fisheries to ensure the projects do not adversely impact these resources. See Section 5.2 of the Draft EA.

### Living Aquatic Resources Policy 5 – Time-of-Year Restrictions for Construction in Non-Tidal Waters.

All in-stream construction in non-tidal waters is prohibited from October through April, inclusive, for natural trout waters and from March through May, inclusive, for recreational trout waters. In addition, the construction of proposed projects, which may adversely affect anadromous fish spawning areas, shall be prohibited in non-tidal waters from March 15 through June 15, inclusive. MDE (C2) COMAR 26.17.04.11B(5).

#### Select appropriate response:

- Project will be consistent with policy regarding Time-of-Year Restrictions for Construction in Non-Tidal Waters.
- Not Applicable.

#### Describe situation and/or actions to make project or activity consistent with the above policy:

NOAA Fisheries coordination will result in conservation recommendations being provided by NOAA Fisheries, likely including BMPs and TOYRs, to ensure the projects do not adversely impact these resources. See Section 5.2 of the Draft EA.





## Coastal Zone Management Program - Living Aquatic Resources

### Policies Checklist

**Living Aquatic Resources Policy 6 – Protection of Forest Buffers Along Trout Streams.** Riparian forest buffers adjacent to waters that are suitable for the growth and propagation of self-sustaining trout populations shall be retained whenever possible. MDE (C5) COMAR 26.08.02.03-3F.

Select appropriate response:

- Project will be consistent with policy Protecting Forest Buffers Along Trout Streams.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

No trout streams are impacted by the project.

**Living Aquatic Resources Policy 7 –Non-Tidal Habitat Protection & Mitigation.** Projects in or adjacent to non-tidal waters shall not adversely affect aquatic or terrestrial habitat unless there is no reasonable alternative and mitigation is provided. MDE (C2) COMAR 26.17.04.11B(5).

Select appropriate response:

- Project will be consistent with policy regarding Non-Tidal Habitat Protection & Mitigation.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Further coordination with NOAA Fisheries would be conducted regarding any impacts to areas designated as EFH and HAPC/SAV within Frog Mortar Creek. This coordination will result in conservation recommendations being provided by NOAA Fisheries to ensure the projects do not adversely impact these resources. See Section 5.2 of the Draft EA.



## Coastal Zone Management Program - Living Aquatic Resources

### Policies Checklist

**Living Aquatic Resources Policy 8 – Protection & Management of Submerged Aquatic Vegetation (SAV).** The harvest, cutting, or other removal or eradication of submerged aquatic vegetation may only occur in a strip up to 60 feet wide surrounding a pier, dock, ramp, utility crossing, or boat slip to point of ingress in a marina, otherwise the activity must receive the approval of the Department of Natural Resources. No chemical may be used for this purpose, and the timing and method of the activity shall minimize the adverse impact on water quality and on the growth and proliferation of fish and aquatic grasses. MDE (A4) Md. Code Ann., Nat. Res. § 4-213.

Select appropriate response:

- Project will be consistent with policy regarding Protection & Management of Submerged Aquatic Vegetation (SAV).
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Further coordination with NOAA Fisheries would be conducted regarding any impacts to areas designated as EFH and HAPC/SAV within Frog Mortar Creek. This coordination will result in conservation recommendations being provided by NOAA Fisheries to ensure the projects do not adversely impact these resources. See Section 5.2 of the Draft EA.

**Living Aquatic Resources Policy 9 – Protection of Natural Oyster Bars.** Natural oyster bars in the Chesapeake Bay shall not be destroyed, damaged, or injured. DNR (A4) Md. Code Ann., Nat. Res. § 4-1118.1.

Select appropriate response:

- Project will be consistent with policy Protecting Natural Oyster Bars.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

There are no oyster bars in the study area.



## Coastal Zone Management Program - Living Aquatic Resources

### Policies Checklist

**Living Aquatic Resources Policy 10 – Protection of Oyster Aquaculture Leases.** A person, other than the leaseholder, may not willfully and without authority catch oysters on any aquaculture or submerged land lease area, or willfully destroy or transfer oysters on this land in any manner. DNR (A4) Md. Code Ann., Nat. Res. § 4-11A-16(a).

Select appropriate response:

- Project will be consistent with policy Protecting Oyster Aquaculture Leases.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

There are no oyster bars in the study area.

**Living Aquatic Resources Policy 11 – Genetically Modified Organisms (GMOs) Are Prohibited in State Waters.** An organism into which genetic material from another organism has been experimentally transferred so that the host acquires the genetic traits of the transferred genes may not be introduced into State waters. DNR (A4) COMAR 08.02.19.03.

Select appropriate response:

- Project will be consistent with policy Controlling Nonnative Aquatic Organisms.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

No new genetic materials from other organisms will be transferred.

**Living Aquatic Resources Policy 12 – Control of Nonnative Aquatic Organisms.** Vectors for the introduction of nonnative aquatic organisms must be appropriately controlled to prevent adverse impacts on aquatic ecosystems. DNR (A4) Md. Code Ann., Nat. Res. § 4-205.1.

Select appropriate response:

- Project will be consistent with policy Controlling Nonnative Aquatic Organisms in State Waters.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

No nonnative aquatic organisms will be introduced.



## Coastal Zone Management Program - Living Aquatic Resources Policies Checklist

**Living Aquatic Resources Policy 13 – Control of Snakehead Fish.** Except as authorized by federal law, any live snakehead fish or viable eggs of snakehead fish of the Family Channidae may not be imported, transported, or introduced into the State. DNR (A4) COMAR 08.02.19.06.

Select appropriate response:

- Project will be consistent with policy Controlling Snakehead Fish.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

No Snakehead Fish or eggs will be introduced.

**Living Aquatic Resources Policy 14 – Nonnative Oysters Prohibited in State Waters.** Nonnative oysters may not be introduced into State waters. DNR (A4) Md. Code Ann., Nat. Res. § 4-1008.

Select appropriate response:

- Project will be consistent with policy Prohibiting Nonnative Oysters in State Waters.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

No oysters will be introduced.



# Coastal Zone Management Program - Transportation Policies Checklist

Name of Project:

Phase I Improvements at Martin State Airport

## 5.3 COASTAL USES

### 5.3.7 Transportation

**Transportation Policy 1 – Sustainability Analysis of Transportation Projects.** The social, economic, and environmental effects of proposed transportation facilities projects must be identified and alternative courses of action must be considered. MDOT (D8) COMAR 11.01.06.02B.

Select appropriate response:

- Project will be consistent with policy requiring a Sustainability Analysis of Transportation Projects.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.1 of the Draft EA.

**Transportation Policy 2 – Public Engagement in Transportation Project Planning.** The public must be involved throughout the process of planning transportation projects. MDOT (D8) Md. Code Ann., Transp. § 7-304(a); COMAR 11.01.06.02B.

Select appropriate response:

- Project will be consistent with policy requiring Public Engagement in Transportation Project Planning.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.11 of the Draft EA.



## Coastal Zone Management Program - Transportation Policies Checklist

**Transportation Policy 3 – Projects Must Support Multi-Modal Transportation.** Transportation development and improvement projects must support the integrated nature of the transportation system, including removing impediments to the free movement of individuals from one mode of transportation to another. MDOT (D8) Md. Code Ann., Transp. § 2-602.

Select appropriate response:

- Project will be consistent with policy requiring Transportation Projects to Support Multi-Modal Transportation.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable.

**Transportation Policy 4 – An Integrated Private-Public Regional Transportation System.** Private transit facilities must be operated in such a manner as to supplement facilities owned or controlled by the State to provide a unified and coordinated regional transit system without unnecessary duplication or competing service. MDOT (D8) Md. Code Ann., Transp. § 7-102.1(b).

Select appropriate response:

- Project will be consistent with policy requiring that private transit facilities to Support An Integrated Private-Public Regional Transportation System.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.5 of Draft EA.



## Coastal Zone Management Program - Transportation Policies Checklist

**Transportation Policy 5 – Transportation Projects Must Consider the Needs of Bicyclists & Pedestrians.** Access to and use of transportation facilities by pedestrians and bicycle riders must be enhanced by any transportation development or improvement project, and best engineering practices regarding the needs of bicycle riders and pedestrians shall be employed in all phases of transportation planning. MDOT (D8) Md. Code Ann., Transp. § 2-602.

**Select appropriate response:**

- Project will be consistent with policy requiring Transportation Projects to Consider the Needs of Bicyclists & Pedestrians.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**





# Coastal Zone Management Program - Development Policies Checklist

Name of Project:

Phase I Improvements at Martin State Airport

## 5.3 COASTAL USES

### 5.3.9 Development

**Development Policy 1– Sediment & Erosion Control.** Any development shall be designed to minimize erosion and keep sediment onsite. MDE (C4) COMAR 26.17.01.08.

Select appropriate response:

- Project will be consistent with policy requiring Sediment & Erosion Control.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.1 of the Draft EA.

**Development Policy 2 – Erosion and Sediment Control Plan.** An erosion and sediment control plan is required for any grading activity that disturbs 5,000 square feet of land area and 100 cubic yards of earth or more, except for agricultural land management practices and agricultural best management practices. MDE (C9) COMAR 26.17.01.05.

Select appropriate response:

- Project will be consistent with policy requiring an Erosion & Sediment Control Plan.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.11 of the Draft EA.



## Coastal Zone Management Program - Development Policies Checklist

**Development Policy 3 – Stormwater Management.** Development or redevelopment of land for residential, commercial, industrial, or institutional use shall include stormwater management compliant with the Environmental Site Design sizing criteria, recharge volume, water quality volume, and channel protection storage volume criteria. MDE (C9) COMAR 26.17.02.01, -.06

Select appropriate response:

- Project will be consistent with policy requiring Stormwater Management.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable.

**Development Policy 4 – First Avoid then Minimize Wetland Impacts, Minimize Water Quality, Habitat & Forest Damage & Preserve Cultural Resources.** Development must avoid and then minimize the alteration or impairment of tidal and non-tidal wetlands; minimize damage to water quality and natural habitats; minimize the cutting or clearing of trees and other woody plants; and preserve sites and structures of historical, archeological, and architectural significance and their appurtenances and environmental settings.

MDE/DNR/CAC (D6) Md. Code Ann., Envir. §§ 4-402, 5-907(a), 16-102(b); Md. Code Ann., Nat. Res. §§ 5-1606(c), 8-1801(a); Md. Code Ann., Land Use § 8-102; COMAR 26.24.01.01(A).

Select appropriate response:

- Project will be consistent with policy that requires to First Avoid, then Minimize, Adverse Impacts to Tidal & Non-Tidal Wetlands, Water Quality, Natural Habitats, & Forests & Preserve Cultural Sites & Resources.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.5 of Draft EA.



## Coastal Zone Management Program - Development Policies Checklist

**Development Policy 5 – Proposed Development Projects Must Be Sited Where Adequate Water Supply, Sewerage and Solid Waste Services & Infrastructure Are Available.** Any proposed development may only be located where the water supply system, sewerage system, or solid waste acceptance facility is adequate to serve the proposed construction, taking into account all existing and approved developments in the service area and any water supply system, sewerage system, or solid waste acceptance facility described in the application and will not overload any present facility for conveying, pumping, storing, or treating water, sewage, or solid waste. MDE (C9) Md. Code Ann., Envir. § 9-512.

Select appropriate response:

- Project will be consistent with policy requiring that Proposed Development Projects Be Sited Where Adequate Water Supply, Sewerage and Solid Waste Services Are Available.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Development Policy 6 - Proposed Construction Must Have Water and Wastewater Allocation or Provide Onsite Capacity.** A proposed construction project must have an allocation of water and wastewater from the county whose facilities would be affected or, in the alternative, prove access to an acceptable well and on-site sewage disposal system. The water supply system, sewerage system, and solid waste acceptance facility on which the building or development would rely must be capable of handling the needs of the proposed project in addition to those of existing and approved developments. MDE (D6) Md. Code Ann., Envir. § 9-512.

Select appropriate response:

- Project will be consistent with policy requiring Proposed Construction to Have Water & Wastewater Allocation or Provide Onsite Capacity.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable.



## Coastal Zone Management Program - Development Policies Checklist

**Development Policy 7 – Structures Served by On-Site Water and Sewage Waste Disposal Systems Must Demonstrate Capacity Prior to Construction or Alteration.** Any residence, commercial establishment, or other structure that is served or will be served by an on-site sewage disposal system or private water system must demonstrate that the system or systems are capable of treating and disposing the existing sewage flows and meeting the water demand and any reasonably foreseeable increase in sewage flows or water demand prior to construction or alteration of the residence, commercial establishment, or other structure. MDE (D6) COMAR 26.04.02.03F.

Select appropriate response:

- Project will be consistent with policy that requires Structures Served by On-Site Water & Sewerage Disposal Systems to Demonstrate Capacity Prior to Construction or Alteration.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable.

**Development Policy 8 - Grading or Building in the Severn River Watershed Requires Approved Development Plan.** Proponents of grading or building in the Severn River Watershed must create a development plan and have it approved by the soil conservation district. The plan shall include a strategy for controlling silt and erosion and must demonstrate that any septic or private sewer facility will not contribute to the pollution of the Severn River. MDE (D4) Md. Code Ann., Envir. § 4-308(a).

Select appropriate response:

- Project will be consistent with policy requiring an Approved Development Plan prior to Grading or Building in the Severn River Watershed.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable



## Coastal Zone Management Program - Development Policies Checklist

**Development Policy 9 - Siting Requirements for Industrial Facilities.** Industrial facilities must be sited and planned to ensure compatibility with other legitimate beneficial water uses, constraints imposed due to standards of air, noise and water quality, and provision or availability of adequate water supply and wastewater treatment facilities. MDE (D4) Md. Code Ann., Envir. §§ 2-102, 4-402, 9-224(b), 9-512(b); COMAR 26.02.03.02; COMAR 26.11.02.02B.

Select appropriate response:

- Project will be consistent with policy that defines Siting Requirements for Industrial Facilities.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable

**Development Policy 10 - Citizen Engagement in Planning & Development.** Local citizens shall be active partners in planning and implementation of development. MDP (D6) Md. Code Ann., St. Fin. & Proc. §§ 5-7A-01 to -02.

Select appropriate response:

- Project will be consistent with policy requiring Citizen Engagement in Planning & Development.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.14 of the Draft EA.



## Coastal Zone Management Program - Development Policies Checklist

**Development Policy 11 - Protect Existing Community Character & Concentrate Growth.** Development shall protect existing community character and be concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers. MDP (D6) Md. Code Ann., St. Fin. & Proc. §§ 5-7A-01 to -02.

Select appropriate response:

- Project will be consistent with policy that Protects Existing Community Character & Concentrates Growth.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable

**Development Policy 12 - Site Development Near Available or Planned Transit.** Development shall be located near available or planned transit options. MDP (D6) Md. Code Ann., St. Fin. & Proc. §§ 5-7A-01 to -02.

Select appropriate response:

- Project will be consistent with policy that requires Site Development to Be near Available or Planned Transit.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Section 5.7 of the Draft EA.

**Development Policy 13 - Design for Walkable, Mixed Use Communities.** Whenever possible, communities shall be designed to be compact, contain a mixture of land uses, and be walkable. MDP (D6) Md. Code Ann., St. Fin. & Proc. §§ 5-7A-01 to -02.

Select appropriate response:

- Project will be consistent with policy that requires Communities to Be Compact, Include Mix Land Uses, & Be Walkable.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

Not applicable





## Coastal Zone Management Program - Development Policies Checklist

**Development Policy 14 – Communities Must Identify Adequate Water Supply, Stormwater & Wastewater Services & Infrastructure to Meet Existing & Future Development.** To meet the needs of existing and future development, communities (geographically defined areas with shared interests, values, resources, and goals) must identify adequate drinking water and water resources and suitable receiving waters and land areas for stormwater management and wastewater treatment and disposal. MDE (D6) Md. Code Ann., Land Use § 3-106.

**Select appropriate response:**

- Project will be consistent with policy that requires Communities to Identify Adequate Water Supply, Stormwater & Wastewater Services & Infrastructure to Meet Existing & Future Development.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

Not applicable



**COASTAL ZONE MANAGEMENT ACT (CZMA)  
FEDERAL CONSISTENCY DETERMINATION FOR THE  
PROPOSED PHASE I IMPROVEMENTS AT MARTIN STATE AIRPORT  
MIDDLE RIVER, MARYLAND**

**CONSISTENCY REVIEW:** This document provides documentation to support a consistency determination under CZMA section 307(c)(1) [or (2)] and 15 CFR Part 930, subpart C, for the proposed Airport Layout Plan (ALP) Phase I Improvements at Martin State Airport (MTN). The information is provided pursuant to 15 CFR §930.39 (including maps and additional supporting information) and is further supported in the accompanying *Draft Environmental Assessment (EA) for Phase I Improvements at MTN*, dated February 2021 (“Draft EA”).

*As part of the submission of the Draft EA for agency and public review, Maryland Department of Transportation Maryland Aviation Administration (MDOT MAA) is submitting a request to the MDE Federal Consistency Coordinator seeking a Coastal Zone Consistency determination for the proposed improvements, pursuant to Section 307 of the CZMA. The Maryland State Clearinghouse received a copy of the Draft EA for distribution on February 9th, 2021 and may have already submitted the Draft EA to MDE.*

**PROJECT DESCRIPTION:** The MDOT MAA, owner and operator of MTN, located in Baltimore County, Maryland, proposes improvements at the Airport, collectively identified as the Phase I Improvements on the updated MTN ALP submitted to the FAA in June 2020. The Proposed Action consists of the projects in **Table 1**, and as shown on Figure 1.2-1 of the Draft EA. Connected actions are those which are closely related to the Proposed Action and will not occur unless the Proposed Action occurs. Many connected actions, including ALP identified actions and additional actions, are required to implement the various components of the Proposed Action.

MDOT MAA prepared a Draft EA to assist the Federal Aviation Administration (FAA) in evaluating potential environmental effects resulting from the aforementioned proposed improvements. The Draft EA was completed in accordance with the National Environmental Policy Act of 1969 (NEPA), which requires environmental review of proposed Federal actions. The MDOT MAA is requesting approval of the ALP and is proposing improvements at MTN that would be eligible for Federal funding, which are both considered Federal actions.

In addition to NEPA, the Draft EA was prepared in accordance with the Council on Environmental Quality implementing regulations [(CEQ); 40 Code of Federal Regulations (CFR) 1500-1508]; *FAA Order 1050.1F, Environmental Impacts: Policies and Procedures*; *FAA Order 5050.4B, National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*; and all applicable special purpose laws, e.g., Section 106 of the National Historic Preservation Act. The Draft EA will also satisfy the requirements of the Maryland Environmental Policy Act (MEPA) (Annotated Code of Maryland, Natural Resource Article, 1-301 to 1-305). Per the MDOT regulations to implement MEPA, an environmental effects report will not be required however a MEPA environmental checklist will be included in the Final EA for confirmation of such.

Table 1

**Proposed Action**

<b>Basic Component</b>	<b>Actions</b>	<b>Connected Actions</b>
Shift Runway 15-33 to the northwest (Provide compliant RSA and ROFA)	Relocate existing Runway 15 end approximately 291 feet from the existing landing threshold. Displace the Runway 15 landing threshold by approximately 225 feet from the proposed runway end.	Construct a blast pad. Relocate the PLASI or install a Precision Approach Path Indicator (PAPI). Relocate the REILs. Relocate Taxiway A to align with the relocated Runway 15 end and remove the existing Taxiway A pavement. Acquire Runway 15 Runway Protection Zone (RPZ) property interest (easements).
	Relocate the Runway 33 end approximately 380 feet from the existing landing threshold. Displace the Runway 33 landing threshold by approximately 390 feet from the proposed runway end.	Construct a blast pad. Relocate the PLASI or install a PAPI. Relocate the REILs. Relocate Taxiway E to align with the relocated Runway 33 end and remove the existing Taxiway E pavement. Construct two new short Taxiway segments to provide access to the Strawberry Point Complex.
	Revise LDA RWY 33, RNAV (GPS) RWY 33, RNAV (GPS) RWY 15, LOC RWY 15, and VOR OR TACAN RWY 15 procedures as needed to account for the runway shift.	
	Re-mark runway and taxiway pavement.	
	Relocate runway lighting.	
Modify the Runway 15-33 grade	Overlay Runway 15-33 to provide 150-foot-wide runway with 15-foot-wide paved shoulders.	
Relocate NAVAIDs outside of the proposed RSA and ROFA	Relocate Runway 33 Glide Slope and AWOS.	Remove trees within a 500-foot radius of the AWOS. Remove Taxiway D. Remove pavement associated with access road to existing Runway 33 Glide Slope and AWOS locations.
	Relocate Runway 15 offset localizer.	Construct a raised platform in Frog Mortar Creek to support localizer antenna. Install pilings for the localizer critical area debris shield. Grade/fill the localizer critical area to meet clearance standards and signal requirements.

Table 1

**Proposed Action**

<b>Basic Component</b>	<b>Actions</b>	<b>Connected Actions</b>
		Remove pavement associated with access road to existing Runway 15 offset localizer.
	Relocate the windsocks for both runway ends.	
	Remove on-airport vegetative obstructions to clear Part 77 surfaces.	
	Address on-airport manmade objects that penetrate Part 77 surfaces in accordance with the ALP.	
Lower/Remove obstructions	Remove off-airport Runway 15 obstructions.	<p>Remove off-airport vegetative obstructions to clear the 20:1 threshold siting surface (TSS) and the 18:1 departure obstacle clearance surface (OCS). Any tree replacement will be completed with low growth species.</p> <p>Clear off-airport non-vegetative obstructions such that all will be clear of the 20:1 TSS and the 18:1 departure OCS. Some non-vegetative objects will remain penetrations to the Part 77 34:1 approach surface. See the ALP for the disposition on each obstruction.</p> <p>Lower the Amtrak catenary lines/poles to approximately 30 feet above ground level; Clear of 20:1 TSS and 18:1 Departure OCS.</p> <p>Remove or lower all other non-vegetative obstructions south of Amtrak to be clear of the 20:1 approach TSS.</p> <p>Relocate or lower street lights and signs as specified in Sheet 9 of the ALP set to clear Part 77 (34:1) where possible, and if unachievable, lower to clear the 20:1 approach TSS.</p> <p>Acquire easements for vegetative and non-vegetative obstruction removal.</p>
	Remove off-airport Runway 33 obstructions.	<p>Remove off-airport vegetative obstructions to clear the 34:1 approach TSS. Any tree replacement will be completed with low growth species.</p> <p>Acquire easements for vegetative obstruction removal.</p>
	Lower portion of Taxiway T and MANG Apron	Remove ground obstruction on the Runway 15 end by lowering portions of Taxiway T and MANG Apron to tie into the proposed lowered grade.
	Relocate Taxiways C and J and remove the existing taxiway pavement	
Remove Taxiways B and S pavement		
Rehabilitate/Reconstruct portion of Taxiway T		

Table 1  
**Proposed Action**

<b>Basic Component</b>	<b>Actions</b>		<b>Connected Actions</b>
Add taxiway fillets			
Extend Taxiway F	Relocate the anemometer.		
Install MALS for the Runway 33 Approach	Install a pier structure in Frog Mortar Creek to support a light bar.		
Implement elements of the WHMP	Reduce wildlife hazards airport-wide.	Replace the existing perimeter fence with an eleven-foot-high fence. This may occur in phases in response to funding. Phase 1 will begin near the terminal buildings, and proceed east along Strawberry Point Road, around the Runway 33 approach and stop beyond the recently constructed Lockheed Martin treatment facility off Lynbrook Road. Eliminate ponding areas by improving stormwater design and/or grading.	
	Reduce wildlife hazards in the wooded block south of the runway between Central Terminal Areas and Strawberry Point Complex.	Remove trees outside the Chesapeake Bay Critical Area and fill exposed wetlands. Manage the remaining trees as an “old growth” forest (do not encourage new growth). Remove roosting locations adjacent to the newly created edge.	
	Reduce wildlife hazards in wooded block north of the runway between Frog Mortar Creek and Taxiway T.	Install fence around the trees between the existing perimeter fence and Taxiway T.	
Relocate the ATCT	Construct a new ATCT on the civilian side of the airfield.		
	Construct an ATCT access road.		

Table 1

**Proposed Action**

<b>Basic Component</b>	<b>Actions</b>	<b>Connected Actions</b>
Provide GA and landside facilities	Develop five corporate hangars, associated apron, connector taxiway and vehicular access/parking in the midfield area and solicit an FBO service provider.	Demolish existing pavement and 48 existing T-hangars from the midfield area. Relocate/reconstruct 16 T-hangars in the midfield area located southwest of the proposed midfield corporate development. Discontinue use of helipad near midfield aircraft tiedown area and relocate the existing helipad in the Strawberry Point Complex ramp to better accommodate flight paths into and out of MTN.
	Develop additional T-hangars, associated apron and corporate aircraft storage area in the Strawberry Point Complex.	Remove existing fuel tanks and aboveground pipeline and demolish 30 existing hangars and aircraft storage in the Strawberry Point Complex to accommodate future T-hangars.
	Modify the pier located at the Strawberry Point Complex.	
	Construct additional parking to accommodate existing hangar buildings 1-3.	
NEPA review for property acquisition	Review two parcels for MAA acquisition located along Wilson Point Road adjacent to Airport property for drainage improvements and future mitigation.	

Source: ALP and HNTB analysis, 2019.

### ***Purpose and Need***

The purpose of implementing the Proposed Action is to meet various FAA design standards, enhance airfield safety, improve airfield efficiency, accommodate existing and anticipated demand, and environmental review for property acquisition.

### ***Alternatives Carried Forward***

Various potential alternatives were identified to meet the needs at MTN. These alternatives were screened and either eliminated from further consideration or carried forward for environmental evaluation. Retained component alternatives were combined to form three overall-airport alternatives; the Minimum Action Alternative, the Sponsor's Preferred Alternative, and the No Action Alternative.

The Minimum Action Alternative includes the actions required to meet standards and to maintain the maximum runway pavement determined eligible for FAA funding. The NEPA review of two parcels is also included in this alternative as it is needed to allow MDOT MAA to potentially seek FAA reimbursement at a later date for acquisition of these parcels.

The Sponsor's Preferred Alternative includes the Phase I development identified on the MTN ALP. The Sponsor's Preferred Alternative includes those actions under the Minimum Action Alternative as well as actions needed to accommodate existing and anticipated demand.

The No Action Alternative represents MTN in its current state without any proposed improvements. The Airport would remain in its current configuration and none of the proposed improvements would be implemented.

**IMPACTS TO RESOURCES/USES OF THE COASTAL ZONE:** MDOT MAA has determined the Proposed Action affects the land or water uses or natural resources of Maryland in the following manner. Where impacts are different between the two Proposed Action Alternatives carried forward, it is noted within the section.

- A. Air Quality: None of the pollutants/precursors for which there are *de minimis* levels (NO<sub>x</sub>, VOC, and SO<sub>2</sub>) would exceed the threshold levels in any year for either Proposed Action Alternative, even when combining the project-related Airport operations emissions and construction emissions in 2021. As a result, the General Conformity regulations do not require a conformity determination and it can be presumed that the emissions would not cause or contribute to a violation of or exceed the NAAQS for O<sub>3</sub> (precursors NO<sub>x</sub> and VOC) or SO<sub>2</sub> and therefore would not result in a significant impact. Because the differences in pollutant levels between the Action Alternatives and No Action Alternative are minor, an emissions dispersion analysis is not necessary to demonstrate emissions would meet the NAAQS for all criteria pollutants. (Section 5.1 of the Draft EA)
- B. Biological Resources: The Proposed Action Alternatives would not cause long-term or permanent loss of state or federally-listed plant or wildlife species. No critical habitat supporting either state- or federally-listed threatened or endangered species occurs within the areas for proposed obstruction removal, therefore, the Proposed Action would not jeopardize the continued existence of any listed species in the project area. While there will be some loss of habitat, it is unlikely that these impacts would be considered a significant impact to biological resources. This is mainly due to the avoidance, minimization, and mitigation efforts proposed by MDOT MAA. By implementing the avoidance, minimization, and mitigation efforts detailed in the information that follows, the resulting environmental effects to biological resources will remain below the thresholds of significance.

The Proposed Alternative includes implementation of elements of the Wildlife Hazard Management Plan (WHMP) which would further reduce wildlife hazards at the Airport. Wildlife management efforts would also avoid impacts to the bald eagle, and any other state-listed threatened or endangered species that may be observed at the Airport.

It should be noted that a Marking & Lighting (M&L) Plan was developed as part of the Proposed Action to minimize vegetation clearing within Part 77 surfaces at MTN. See *Appendix E (Attachment 6)* of the Draft EA for the FAA-approved Marking & Lighting Plan. Implementation of the M&L Plan reduces the total vegetation removal required from approximately 111 acres to 69 acres. This minimizes impacts to nontidal forested wetlands as well as forest resources within the CBCA.

Preliminary consultation with US Fish and Wildlife Service (USFWS) Chesapeake Bay Field Office (CBFO), via the IPaC Official Species List, indicated that there were no critical habitats or national wildlife refuges or fish hatcheries within the Study Area; however the federally threatened northern long-eared bat (NLEB) (*Helonias bullata*) should be considered. The project area lies within the zone of white-nose syndrome for the species, where Federally funded projects that clear more than 15 acres of forest are subject to additional coordination with USFWS for the NLEB. By email dated April 11, 2019,



Maryland Department of Natural Resources Wildlife & Heritage Service (MDNR WHS) confirmed that there are no known hibernacula or maternity roosts in the vicinity of the MTN project area (*Appendix E, Attachment 8* of the Draft EA). FAA consulted with USFWS through the NLEB 4(d) Rule Streamlined Consultation process and received a “no effect” determination on April 14, 2020 (*Appendix E, Attachment 10* of the Draft EA). The results of all consultation will be included within the Draft EA.

Early coordination with National Oceanic and Atmospheric Administration (NOAA) Fisheries was conducted to determine potential impacts to Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HAPC) (i.e., Submerged Aquatic Vegetation/SAV beds). Coordination with NOAA Fisheries will continue throughout the design phase of individual projects to identify appropriate conservation recommendations. Impacts to EFH and HAPC/SAV are presented as an estimate of the area of aquatic habitats to be impacted both permanently and temporarily.

**Table 2** details the potential impacts to biological resources for the Minimum Action Alternative. The Sponsor’s Preferred Alternative would have the same impact on biological resources as those listed in Table 2, with the exception of additional EFH impacts resulting from the Strawberry Point Pier Modification Project (7,168 sq. ft./0.16 ac. temporary and 51 sq. ft./0.001 ac. permanent). Figure 5.2-1 and 5.2-4 of the Draft EA illustrate the projects that could impact vegetation and vernal pools, and EFH and HAPC/SAV, respectively.

Table 2  
**Impacts to Biological Resources**

Resource	On-Airport	Off-Airport (Runway 15)	Off-Airport (Runway 33)	Total Impacts
Forests <sup>1</sup>	51.1 acres <sup>2</sup> (and 9 trees)	17.6 acres (and 3 trees)	17 trees	<b>68.7 acres (and 29 trees)</b>
FIDS	28.5 acres	12.0 acres	--	<b>40.5 acres</b>
Forest Conservation Easement	--	2.0 acres	--	<b>2.0 acres</b>
Vernal Pools	1.0 acres	--	--	<b>1.0 acres</b>
EFH (temporary)	--	--	69,464 sq. ft. (1.59 acres)	<b>69,464 sq. ft. (1.59 acres)</b>
EFH (permanent)			282 sq. ft. (0.01 acre)	<b>282 sq. ft. (0.01 acre)</b>
HAPC/SAV (temporary)			34,569 sq. ft. (0.79 acre)	<b>34,569 sq. ft. (0.79 acre)</b>
HAPC/SAV (permanent)	--	--	5,979 sq. ft. (0.14 acre)	<b>5,979 sq. ft. (0.14 acre)</b>

Note: <sup>1</sup> The forest totals account for the FIDS and Forest Conservation Easement areas impacted.

<sup>2</sup> The limits of disturbance (LOD) for the obstruction light poles on the civilian and MANG sides of the airfield would include an additional 6,250 square feet (0.14 acres) of forest impact. This is based on an assumption that installing obstruction light pole foundations will require clearing a 20-foot radius around the light pole, and that five of the proposed obstruction lights are located in forested areas not already proposed for obstruction removal. Additionally, the LODs would include utility trenches to bring power to the lights. It is anticipated that utility trenches would run parallel to the row of lights and, to the extent possible, design would avoid additional impact to forested and environmentally sensitive areas.

Source: HNTB analysis, 2019.

**Mitigation** – MDOT MAA calculated forest mitigation requirements by completing MDNR Forest Conservation Worksheets for individual projects. As the Forest Conservation Act (FCA) applies to any project over 40,000 square feet (regardless of whether forest resources are present), mitigation requirements were calculated for all projects over 40,000 square feet for the Minimum Action and Sponsor’s Preferred Alternative. It should be noted that forest mitigation is required by MDNR per the FCA, and mitigation is not necessarily an effort to mitigate for a significant impact.

MDOT MAA proposes to meet the mitigation requirements for individual projects through use of any mitigation credits available from the Reforestation Master Plan at the time of the individual project design and construction. Usage of credits from the Reforestation Master Plan has previously been approved by MDNR on other recent MDOT MAA projects; however, compensatory mitigation, through land acquisition, or purchase of mitigation bank credits may also be used, as needed. MDOT MAA will obtain approval from Baltimore County for mitigation efforts meant to offset impacts to County land/easements caused by the Proposed Action.

All impacts to forest resources would be a result of Part 77 obstruction removal. No mitigation under Maryland’s FCA is required for removal of forested areas or individual

tree obstructions that occur within FAR Part 77 primary, approach, departure, and transitional surfaces (COMAR 5-1602(b)(11)).

MDOT MAA must also provide compensatory mitigation for any unavoidable permanent impacts to nontidal wetlands and vernal pool habitats. Mitigation requirements are determined on a case-by-case basis by MDE and USACE and therefore cannot be accurately presented at this time as project designs are not complete; however, the typical mitigation ratio (presented as acres of mitigation per acre of impact) is 1:1 for emergent wetlands, 2:1 for forested and scrub-shrub wetlands and 3:1 for vernal pools.

Further coordination with NOAA Fisheries would be conducted regarding any impacts to areas designated as EFH and HAPC/SAV within Frog Mortar Creek. This coordination will result in conservation recommendations being provided by NOAA Fisheries to ensure the projects do not adversely impact these resources. These recommendations would likely include appropriate Best Management Practices to be implemented and time of year restrictions both for SAV and anadromous fish species.

By implementing the avoidance and minimization effort associated with the M&L Plan, coupled with mitigation and conservation efforts for forest, wetlands (including vernal pools), and EFH/SAV impacts, the resulting environmental effects to biological resources will remain below the thresholds of significance. (Section 5.2 of the Draft EA)

- C. Climate: Potential impacts to climate related to airport operations and construction emissions of GHGs were identified and evaluated for the Proposed Action Alternatives. The level of CO<sub>2e</sub> airport operation emissions increases between 2021 and 2026, but decreases between the No Action and Proposed Action Alternatives due to improved airfield efficiencies. Emissions of CO<sub>2e</sub> would increase slightly due to construction activities in 2021. However, this would only be for the short term and the projects would have no long-term impacts to CO<sub>2e</sub> emissions.

Because the Proposed Action Alternatives represents such a small amount of U.S. GHG emissions, and given the related uncertainties involving the assessment of such emissions regionally and globally, the incremental contribution of the Proposed Action Alternatives to U.S. and global GHG emissions cannot be adequately assessed given the current state of the science and assessment methodology. (Section 5.3 of the Draft EA)

- D. Coastal Resources: The Proposed Action Alternatives proposed improvements are within the Maryland Coastal Zone and the Chesapeake Bay Critical Area (CBCA), including designated Habitat Protection Areas – Critical Area Buffer and nontidal wetlands.

**Table 3** summarizes the impacts to the Critical Area by land classification and Habitat Protection Areas: Critical Area Buffer and nontidal wetlands, associated with the Minimum Action and Sponsor's Preferred Alternative projects. Figures 5.4-1 and 5.4-2 of the Draft EA illustrate the impacts to the Critical Area and Habitat Protection Areas for the Minimum Action and Sponsor's Preferred Alternatives, respectively.

Table 3  
**Impacts to the Chesapeake Bay Critical Area Comparison**

Alternative	Impact Type	Critical Area		Habitat Protection Area	
		IDA (acres)	LDA	Critical Area Buffer (acres)	Nontidal Wetlands (acres)
<b>Minimum Action Alternative</b>	Tree Clearing Impacts <sup>1</sup>	4.68 (and 8 trees)	17 trees	1.1	1.13
	Development Impacts <sup>1</sup>	36.26	--	1.41	0.23
	<b>Total<sup>1</sup></b>	<b>40.94 (and 8 trees)</b>	<b>17 trees</b>	<b>2.34</b>	<b>1.24</b>
<b>Sponsor's Preferred Alternative</b>	Tree Clearing Impacts <sup>1</sup>	4.68 (and 8 trees)	17 trees	1.1	1.13
	Development Impacts <sup>1</sup>	63.66	--	1.61	0.25
	<b>Total<sup>1</sup></b>	<b>68.34 (and 8 trees)</b>	<b>17 trees</b>	<b>2.56</b>	<b>1.26</b>

Notes: <sup>1</sup> Total considers overlapping project LODs and therefore is equal to or less than the sum of the projects.

Sources: HNTB analysis, 2020.

*Mitigation* - MDOT MAA is coordinating directly with the Critical Area Commission (CAC) to determine mitigation requirements for potential adverse impacts to the Critical Area and Critical Area Buffer. MDOT MAA met with the CAC on December 12, 2018 to discuss the projects and associated mitigation requirements (see *Appendix L, Attachment 4* of the Draft EA for CAC meeting minutes). CAC stated that 1:1 mitigation would be allowed for CBCA impacts related to Public Safety (obstruction removal). MDOT MAA is committed to meeting CAC mitigation requirements and is currently performing searches for potential mitigation sites in addition to using mitigation banks. CAC advised that specific mitigation plans are not required until going to the CAC for approval.

A large portion of the impacts to the Critical Area is due to the Part 77 obstruction removal. The removal of forested areas would be minimized through selective tree clearing and lighting of obstructions. See *Biological Resources*, for details on potential mitigation for tree clearing.

The M&L Plan was developed to minimize vegetation clearing within Part 77 surfaces. Implementation of the M&L Plan reduces the total required vegetation removal within the CBCA from approximately 47 acres to 5 acres.

Typically, CAC approval takes at least 8-12 weeks once a complete package has been submitted to CAC staff. With the implementation of CAC approved mitigation for Critical Area and Critical Area Buffer impacts, it is expected that impacts associated with the Minimum Action and Sponsor's Preferred Action Alternatives would not be a significant impact to the resource. It is also assumed that impacts would not exceed the threshold of significance to the Coastal Zone. (Section 5.4 of the Draft EA)

E. Department of Transportation Act: Section 4(f) Resources:

Section 4(f) resources within or adjacent to the Visual APE include two parks, Turkey Point Park and Wilson Point Park, and four historic resources: the Glenn L. Martin Airport; Glenn L. Martin Company Plant No. 2; Planter's Paradise; and Stansbury Estates, Aero Acres, and southern Victory Villa subdivisions. The Proposed Action Alternatives' would not have a significant impact on Section 4(f) resources. In accordance with guidance specified in 23 CFR §§ 774.3 and 774.17 and the FAA Order 1050.1F Desk Reference on *de minimis* impact determinations, after considering any measures to minimize harm and Maryland Historical Trust's concurrence that the proposed projects will not adversely affect historic resources, and recognizing that the project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or wildlife or waterfowl refuge for protection under Section 4(f), the FAA intends to make a *de minimis* impact determination.

The FAA will make a final determination on potential impacts to 4(f) resources after public review and comment on the Draft EA. See Appendix G, Attachment 5 of the Draft EA for correspondence between the MDOT MAA and MHT regarding the *de minimis* determination.

*Mitigation* – The proposed improvements would not result in a “use” of Section 4(f) resources and therefore no mitigation would be necessary. (Section 5.5 of the Draft EA)

F. Farmlands: There would be no conversion of existing farmland or other agricultural uses to non-agricultural uses; therefore, neither Proposed Action Alternative would have a significant impact on farmland. No mitigation would be required. (Section 5.6 of the Draft EA)

G. Hazardous Materials: Several sites on, or near the Airport were identified that are known, or have the potential, to involve hazardous materials, hazardous waste, environmental contamination and/or other regulated substances. Figure 5.7-1 and 5.7-2 of the Draft EA illustrates each of the potential sites in relation to the proposed improvement projects of the Minimum Action and Sponsor's Preferred Alternatives, respectively. which are discussed in Section 5.7.4 of the Draft EA. No significant environmental impacts related to hazardous materials and solid waste would be expected with either Proposed Action Alternative.

*Mitigation* – The design and use of the proposed improvement projects will adhere to federal and state regulations as well as best practices pertaining to the use of hazardous materials, petroleum storage and waste disposal. This includes the preparation of a Materials Management Plan that includes the specific precautionary measures that will be taken to prevent and minimize impacts to surface and ground waters, soil and air. (Section 5.7 of the Draft EA)

H. Historical, Architectural, Archaeological and Cultural Resources:

*Architectural Resources* – Potential impacts to four affected historic resources which are eligible or assumed eligible for listing on the National Register of Historic Places (NRHP) were considered: Glenn L. Martin Airport and Plant (BA-2081), Glenn L. Martin Company Plant No. 2 (BA-2824), Planter's Paradise (BA-263), and Stansbury Estates, Aero Acres, southern Victory Villa subdivisions (BA-3286). Figures 5.8-1 and 5.8-2 illustrate the Minimum Action and Sponsor's Preferred Alternatives in relation to historic resources, respectively. It was determined that the Proposed Action Alternatives would have no adverse effects on these historic properties. The Maryland Historical Trust (MHT) concurred with this determination of no adverse effect on August 4, 2020 (See *Appendix G, Attachment 5* of the Draft EA).

*Archaeological Resources* - No NRHP-eligible archaeological resources are present within the APE-Direct Impact.

In summary, no archaeological or architectural resources would be adversely impacted by either Proposed Action Alternative, and therefore would have no significant impact.

*Mitigation* - Because no historic resources would be adversely impacted by the proposed projects, no mitigation would be necessary. (Section 5.8 of the Draft EA)

- I. Land Use: The majority of the Minimum Action Alternative projects are located within existing MTN property, with the exception of obstruction removal located off-airport property north and south of the Airport, off Runway 15-33 ends, acquisition of easements off-airport property north of the Airport, and the acquisition of two parcels along Wilson Point Road. The Minimum Action Alternative is consistent with the MTN ALP, as well as local land use plans. The only difference between the Sponsor's Preferred Alternative and the Minimum Action Alternative as it relates to land use, is the development of GA and landside facilities. This new development is consistent with the current and planned uses of MTN.

No significant impacts related to land use are expected with the Proposed Action Alternatives and no mitigation would be required. (Section 5.9 of the Draft EA)

- J. Natural Resources and Energy Supply: The anticipated increase in additional resources and energy consumption required by the Proposed Action Alternatives would not amount to a significant percentage of the total Airport use. The proposed improvements would not create a substantial increase in demand for local resources and utilities or strain the capacity/supply of these resources/ utilities to the meet the additional demand. The proposed projects would not involve the use of any unusual or scarce resources nor cause a demand for the use of any unusual or scarce resources that are in short supply.

No significant impacts related to natural resources or energy supply are expected with the Proposed Action Alternative and no mitigation would be required. (Section 5.10 of the Draft EA)

- K. Noise and Noise-Compatible Land Use: Due to the relocated runway ends and displaced thresholds, the Proposed Action Alternative noise contours shift towards the northwest and extend slightly beyond the Amtrak/MARC train line compared with the No Action Alternative. The new areas within the 65+ DNL are comprised of wooded area along the centerline extension of Runway 15-33. The Proposed Action Alternative noise contours are expected to recede slightly southeast of the Airport as a result of runway end and threshold relocations. Compared with the No Action Alternative, the area within the 65+ DNL in the Proposed Action Alternatives would be slightly smaller in 2021 and 2026, as compared with the No Action Alternative contours, as shown in Figures 5.11-1 through 5.11-6 of the Draft EA.

Additional analysis was undertaken to determine the differences between the Action Alternatives and the No Action Alternatives related to noise-sensitive land uses. There are no noise sensitive sites, including residential areas, within the 2021 or 2026 contours for any of the alternatives. The majority of the land use within the 65+ DNL noise contour is MTN property for all alternatives. Therefore, the threshold for significant noise impact was not exceeded for any of the alternatives considered, and no mitigation would be required. (Section 5.11 Draft EA)

- L. Socioeconomics, Environmental Justice and Children's Environmental Health and Safety Risks: The Proposed Action Alternatives would not shift any business or economic activity or population movement or shifts in a community. No significant impacts related to socioeconomics, environmental justice, or children's environmental health and safety risks are expected with the Proposed Action Alternatives and no mitigation would be required. (Section 5.12 of the Draft EA)
- M. Visual Effects: No significant impacts related to light emissions or visual resources / visual character are expected with the Proposed Action Alternatives. The only difference between the Sponsor's Preferred Alternative and Minimum Action Alternative as it relates to visual resources and character, is the new ATCT and GA/Landside facilities, including new light emissions from these facilities. Additional light from the proposed improvements would not significantly change the light emissions from MTN or adversely impact the surrounding community. These projects would be consistent with the visual character of the MTN campus. No significant impacts to visual character and visual resources are expected with either Proposed Action Alternative. (Section 5.13 of the Draft EA)
- N. Water Resources: **Table 4** summarizes the impacts to wetlands, wetland buffers, streams and the 100-year floodplain associated with the Minimum Action Alternative and Sponsor's Preferred Alternative projects. Six of the Minimum Action Alternative projects and 11 of the Sponsor's Preferred Alternative projects could potentially impact wetlands, wetland buffers, streams or 100-year floodplains, as detailed in Section 5.14.4 of the Draft EA. Figures 5.14-1 through 5.14-4 of the Draft EA illustrate the impacts of the Minimum Action and Sponsor's Preferred Alternatives on water resources.



Wetlands located within the Part 77 transitional surface and immediately off the Runway 33 end, where vegetation is proposed to be removed, would be filled to prevent wildlife attractants near the airfield. This is the USDA-Wildlife Services recommendation outlined in the current WHMP. For wetlands located off the Runway 15 end on the north side of Eastern Blvd, MDOT MAA and other participating agencies are researching the viability of different clearing options that would minimize wetland impacts while maintaining the safest possible scenario for flight operations.

It is important to note that wetland impacts may be reduced from the totals provided in Table 5 through conversion of wetlands from forested to scrub/shrub or emergent rather than permanently impacting wetlands and wetland buffers through filling and draining; however, compaction of wetland soils is still a concern. To help avoid compaction issues, individual trees will be selectively removed by hand in many cases. In areas where several trees must be removed, compaction can be minimized through use of load-bearing mats in conjunction with hand clearing.

**Table 4**  
 Comparison of Minimum Action Alternative and Sponsor's Preferred Alternative Impacts to Water Resources

	Minimum Action Alternative	Sponsor's Preferred Alternative
<b>Water Resources</b>		
On-Airport Wetlands	11.1 ac.	11.6 ac.
On-Airport Wetland Buffers	7.0 ac.	7.6 ac.
Off-Airport Wetlands	17.8 ac.	17.8 ac.
Stream Channel	85 lf	85 lf
100-Year Floodplain	3.4 ac.	4.3 ac.

*Off-Airport wetland impacts for Part 77 include both direct (3.28 acres) and indirect (14.47 acres) impacts associated with ditching and draining wetlands within the Runway 15 end.*

Source: JMT analysis, 2019.

**Mitigation – Wetlands and Streams:** Mitigation requirements are determined on a case-by-case basis by MDE and USACE, and therefore cannot be accurately presented at this time; however, an absolute worst-case scenario for mitigation was calculated. The current Sponsor's Preferred Alternative would require 50 acres or more of wetland mitigation for the impacts, however, a requirement this high is not expected by MDOT MAA. MDOT MAA proposes to meet mitigation requirements through purchase of wetland mitigation credits from an MDE/USACE approved mitigation bank in the Gunpowder-Patapsco River watershed or an adjacent watershed that lies within the Northern Coastal Plain.

Several options exist to mitigate the impact of clearing the obstructions to Part 77 surfaces off the end of Runway 15, including:

- Clearing of obstructions and subsequent filling of exposed wetlands so that resulting open water will not attract potentially hazardous wildlife;

- Clearing of obstructions and subsequent installation of a grid system over exposed wetlands to deter potentially hazardous wildlife from imprinting on the open water areas; and
- Clearing of obstructions and draining of exposed wetlands to render the area unattractive to potentially hazardous wildlife.

*Mitigation - Surface Waters:* Impacts to water quality resulting from an increase in impervious surface would be avoided and mitigated using stormwater management techniques. Preliminary stormwater treatment requirements for the proposed projects were determined in accordance with MDE's Stormwater Management Guidelines for State and Federal Projects. See *Appendix K* of the Draft EA for details on stormwater treatment requirements by watershed. At the time of design for each project, stormwater design will adhere to MDE guidelines and regulations. A Stormwater Management Concept Report will be provided during project design. The proposed improvements, including stormwater treatment, would not be located near or create a wildlife hazard as defined in FAA AC 150/5200-33B.

*Mitigation - Floodplains:* Mitigation measures to minimize potential impacts to surface waters and floodplains include designing facilities above the base flood elevation (such as hangars, airfield pavement, and the ATCT); minimizing fill placed in floodplains and wetlands; construction controls to minimize erosion and sedimentation; restoring vegetation on disturbed areas to prevent soil erosion following project completion; designing facilities to allow adequate flow circulation and preserve free, natural drainage; comply with special flood-related design criteria; controlling run off, while ensuring the run-off control measures does not attract wildlife hazardous to aviation; controlling waste and spoils disposal to prevent contamination of ground and surface water; and Section 404 and 401 permit terms and conditions for minimizing and compensating for impacts to surface waters. An Erosion and Sediment Control Plan would be developed in accordance with MDE guidelines and implemented during construction activities to minimize erosion and sedimentation and its impacts on surface waters.

*Permitting* – MDOT MAA must receive authorization from both MDE and USACE for temporary and permanent impacts to wetlands and other waters of the U.S., and MDE for temporary and permanent alterations to 25-foot wetland buffers and 100-year floodplains. MDOT MAA has been directed by MDE and USACE to submit a single Joint Federal/State Application requesting authorization for all planning level impacts associated with the improvements presented in this Draft EA. Conditional authorization is anticipated to be granted for all projects with final authorization issued at the final design stage for individual projects; permit modifications would then be issued for individual projects based on final design impacts. (Section 5.14 of the Draft EA)

## **Analysis of Applicable Enforceable Coastal Policies**

### **A. Core Policies**

#### **1. Quality of Life**

The Proposed Action is consistent with the Core Policies identified. There are no potential significant impacts to air quality or noise. The project does not involve State wild lands, State parks or forests, State reserves, scenic preserves, parkways, or historical monuments. The safety, order, and natural beauty of recreational areas (e.g. Wilson Point Park) would not be impacted, as discussed in *Section 5.5, DOT Act: Section 4(f) Resources* of the Draft EA.

Water appropriation would be reasonable in relation to the anticipated level of use and would not have unreasonable adverse impacts on water resources or other users of the waters of the State. There are no scenic rivers impacted by the project. The project elements do not involve projects east of the dune line, Assateague Island, impacts to the shoreline, Port of Baltimore or the Outer Continental Shelf.

The Proposed Action does involve two projects with impacts to waterways (Frog Mortar Creek): a localizer pier construction and expansion of the existing Strawberry Point Pier. The localizer pier will be constructed directly off the Runway 33 end within Frog Mortar Creek and would remain with the boat exclusion area, therefore not impacting the navigable waterway. The Strawberry Point Pier expansion would add four additional boat slips on the east side of the existing pier without increasing waterward encroachment. Neither project would impact the natural character or scenic value of the waterway as they would remain close to the MTN Airport shoreline and be consistent with the Airport environment.

Any soil erosion due to proposed improvements would be prevented by restoring vegetation on disturbed areas. An Erosion and Sediment Control Plan would be developed in accordance with MDE guidelines and implemented during construction activities to minimize erosion and sedimentation and its impacts on surface waters. Soil and sediment control measures are discussed in *Section 5.14, Water Resources* of the Draft EA.

#### **2. Waste & Debris Management**

Appropriate precautions would be undertaken prior to and during the construction of the proposed improvements; no significant environmental impacts related to hazardous materials and solid waste would be expected. Potential impacts of the alternatives on hazardous materials and hazardous waste were identified and evaluated as part of *Section 5.7, Hazardous Materials, Pollution Prevention and Solid Waste* of the Draft EA.

#### **3. Water Resources Protection & Management**

The Proposed Action is consistent with the Water Quality policies identified. Stormwater treatment would provide water quality and quantity control, as applicable.

Stormwater management will ensure all water quality standards established by Federal, state, and local regulatory agencies are met, and that no public drinking water supply will be adversely affected. Stormwater runoff from the proposed project sites would be contained in the storm drain system and treated for water quality in stormwater management facilities (to be determined upon final design). The proposed improvements would not result in a significant impact to surface water quality. Potential impacts of the alternatives on water quality were identified and evaluated as part of *Section 5.14, Water Resources* of the Draft EA.

#### **4. Flood Hazards**

The Proposed Action is consistent with the Flood Hazards policies identified. Potential impacts to wetlands, streams, floodplains, water quality and groundwater were identified and evaluated. Cumulatively, implementation of all the projects in the Minimum Action Alternative and Sponsor's Preferred Alternative would result in temporary or permanent impacts to 3.4 acres and 4.3 acres of 100-year floodplains, respectively.

The alternatives would not result in a significant impact to floodplains as mitigation would be provided for all permanent impacts to wetlands and streams. Run-off from all proposed projects ultimately drains into the floodplains associated with either Dark Head Creek, Frog Mortar Creek or Stansbury Creek. Stormwater management will be implemented in accordance with MDE's Stormwater Management Guidelines for State and Federal Projects to control run-off and ensure nearby wetlands, streams, and floodplains are not adversely impacted. While proposed projects are within and adjacent to the floodplains, resulting in a floodplain encroachment, the projects would not be considered significant impacts as there would be no impact to the natural and beneficial value of the floodplains. Potential impacts of the alternatives on floodplains were identified and evaluated as part of *Section 5.14, Water Resources* of the Draft EA.

### **B. Coastal Resources**

#### **1. The Chesapeake and Atlantic Coastal Bays Critical Area**

Portions of MTN are located within the CBCA. MDOT MAA has coordinated with the CAC to discuss impacts and avoidance and minimization efforts within the CBCA. Final approval from the Commission for impacts and mitigation efforts will be required prior to construction or clearing within the CBCA.

#### **2. Tidal Wetlands**

No tidal wetlands are impacted by the Proposed Action.

#### **3. Non-Tidal Wetlands**

The Proposed Action is consistent with the Non-Tidal Wetlands policies identified. The potential tidal and non-tidal wetland impacts due to the Proposed Action are consistent with the conditions set forth. The Proposed Action Alternatives have no practicable alternatives; adverse impacts are first avoided, then minimized based on consideration of existing topography, vegetation, fish

and wildlife resources, and hydrological conditions; comprehensive watershed management plans are considered.

Potential impacts to wetlands, streams, floodplains, water quality and groundwater were identified and evaluated as part of the Draft EA. Cumulatively, implementation of all the Minimum Action Alternative would result in temporary or permanent impacts to 11.1 acres of non-tidal wetlands and 7.0 acres of non-tidal wetland buffers on-airport property, and 17.8 acres of non-tidal wetlands off-airport property. Implementation of the Sponsor's Preferred Alternative projects would result in temporary or permanent impacts to 11.6 acres of non-tidal wetlands and 7.6 acres of non-tidal wetland buffers on-airport property, and 17.8 acres of non-tidal wetlands off-airport property. Note that off-airport wetland impacts include both direct impacts associated with Part 77 obstruction clearing (3.3 acres) and indirect impacts (14.5 acres) associated with potential ditching and draining of wetlands within the Runway 15 end.

With mitigation, the Proposed Action does not cause or contribute to an individual or cumulative effect that degrades: aquatic ecosystem diversity, productivity, and stability; plankton, fish, shellfish, and wildlife; recreational and economic values, public welfare; surface water quality; or ground water quality. Mitigation would be provided for all permanent impacts to wetlands.

Mitigation requirements are determined by MDE and USACE on a case-by-case basis and therefore cannot be firmly determined at this time; however, an absolute worst-case scenario for mitigation was calculated. The Sponsor's Preferred Alternative would require 50 acres or more of wetland mitigation for the impacts, however, a requirement this high is not expected by MDOT MAA. MDOT MAA proposes to meet mitigation requirements through purchase of wetland mitigation credits from an MDE/USACE approved mitigation bank in the Gunpowder-Patapsco River watershed or an adjacent watershed that lies within the Northern Coastal Plain. Potential impacts of the alternatives to non-tidal wetlands were identified and evaluated as part of *Section 5.14, Water Resources* of the Draft EA.

#### **4. Forests**

The Proposed Action is consistent with the Forests policies identified. The potential forest impacts due to the Proposed Action are consistent with the conditions set forth.

The Proposed Action will adhere to the FCA<sup>1</sup> and its implementing regulations. Mitigation requirements were calculated for all projects and are presented in Table 5.2.2 of the Draft EA for the Minimum Action Alternative and Sponsor's Preferred Alternative. See *Appendix E, Attachment 8* of the Draft EA for the Forest Conservation mitigation worksheets for each project.

MDOT MAA calculated impacts to forest stands using worst-case scenario limits of disturbance (LODs) for individual projects independently. Impacts associated with vegetative obstruction

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<sup>1</sup> The Forest Conservation Act and its implementing regulations, as approved by NOAA, are enforceable policies. Generally, before developing an area greater than 40,000 square feet, forested and environmentally sensitive areas must be identified and preserved whenever possible. If these areas cannot be preserved, reforestation or other mitigation is required to replace the values associated with them.

removals were quantified in acres and individual tree obstructions. The total acres of forest clearing, on-airport tree removal and individual tree obstructions on airport property and off-airport property for both of the Proposed Action Alternatives are outlined in *Impacts to Resources/Uses of the Coastal Zone, Section B, Biological Resources* and presented in Table 2.

Forest Conservation Plans (FCPs) will be submitted to MDNR Forest Service for approval based on final design for all projects with over 40,000 square feet of disturbance in order for MDNR to issue grading permits. Because off-airport impacts are limited to individual tree removals on private property, grading permits will not be required, and therefore, preparation of individual FCPs will not be necessary.

## **5. Historical and Archaeological Sites**

The Proposed Action is consistent with the Historical and Archaeological Sites policies. Coordination with MHT has been conducted for the Proposed Action Alternatives. The potential impacts due to the Proposed Action are consistent with the conditions set forth. No burial sites or cemeteries are located within the project area.

## **6. Living Aquatic Resources**

The Proposed Action is consistent with the Living Aquatic Resources policies and the conditions set forth. MDOT MAA consulted with MDNR Wildlife Heritage Service (WHS) (see *Appendix E, Attachment 5* of the Draft EA) and USFWS (see *Appendix E, Attachment 8*), to document the presence of any state- or federally-listed threatened or endangered species as well as the presence of any critical habitats designated for those species. Preliminary consultation with USFWS CBFO, via the IPaC Official Species List, indicated that there were no critical habitats or national wildlife refuges or fish hatcheries within the Study Area.

Early coordination with NOAA Fisheries was conducted to determine potential impacts to Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HAPC) (i.e., Submerged Aquatic Vegetation/SAV beds). Coordination with NOAA Fisheries will continue throughout the design phase of individual projects to identify appropriate conservation recommendations. Further coordination with NOAA Fisheries would be conducted regarding any impacts to areas designated as EFH and HAPC/SAV within Frog Mortar Creek. This coordination will result in conservation recommendations being provided by NOAA Fisheries to ensure the projects do not adversely impact these resources. These recommendations would likely include appropriate Best Management Practices to be implemented and time of year restrictions both for SAV and anadromous fish species.

No State listed endangered or threatened species of fish or wildlife would be taken without an Incidental Take Permit. Any projects in or adjacent to non-tidal waters that could adversely affect aquatic or terrestrial habitat do not have reasonable alternatives. Any impacts to habitat include mitigation, as discussed in *Section 5.2, Biological Resources*, and *Section 5.14, Water Resources* of the Draft EA.



No oysters or oyster bars of any type would be impacted by the Proposed Action; no organisms would be transferred or introduced to State waters; no nonnative aquatic organisms would be introduced into aquatic ecosystems; no live snakehead fish or viable eggs of snakehead fish of the Family Channidae would be imported, transported, or introduced into the State. No riparian forest buffers would be impacted by the Proposed Action.

### **C. Coastal Uses**

#### **1. Mineral Extraction**

There would be no mineral extraction associated with the Proposed Action.

#### **2. Electrical Generation and Transmission**

There would be no electrical generation or transmission associated with the Proposed Action.

#### **3. Tidal Shore Erosion Control**

There are no tidal shore erosion projects with the Proposed Action.

#### **4. Oil and Natural Gas Facilities**

There are no facilities on the Airport subject to Coastal Facilities Review Act.

#### **5. Dredging and Disposal of Dredged Material**

There would be no dredging or disposal of dredge material associated with the Proposed Action.

#### **6. Navigation**

The Proposed Action does not include navigable access projects nor vessels operating on State waters. The Proposed Action does involve two projects with impacts to waterways (Frog Mortar Creek): a localizer pier construction and expansion of the existing Strawberry Point Pier. The localizer pier would be constructed directly off the Runway 33 end and would remain within the boat exclusion area, therefore not impacting the navigable waterway. The Strawberry Point Pier expansion would add four additional boat slips on the east side of the existing pier without increasing waterward encroachment, therefore not impacting the navigable water.

#### **7. Transportation**

The Proposed Action is consistent with the Transportation policies. The social, economic, and environmental effects of the Proposed Action, including any effects to transportation facilities have been identified and alternative courses of action have been considered as part of the Draft EA. Part of the Proposed Action includes lowering Amtrak's catenary structures for approximately 3,100' of track along Eastern Boulevard. MDOT MAA has coordinated extensively with Amtrak regarding the need to lower catenary structures to meet approach surface requirements to the end of Runway 15. A conceptual design was submitted to Amtrak in early 2017. While the catenary structures are required to be lowered, this action will not impact rail operations. The



public has been involved during the process of planning the transportation projects as described in *Chapter 6, Public and Agency Involvement*, of the Draft EA.

The Proposed Action does not include improvements to adjacent roadways. The Proposed Action does not impact any private transit facilities or their operations. The Proposed Action does not impact transportation facilities outside the Airport boundary (i.e., bike trails or pedestrian walkways).

## **8. Agriculture**

There are no agricultural land management practices or agricultural operations associated with the Proposed Action.

## **9. Development**

The Proposed Action is consistent with the Development policies and the conditions set forth. All development would be designed to minimize erosion and keep sediment onsite. As discussed in *Chapter 5, Environmental Consequences* of the Draft EA, development would avoid and then minimize the alteration or impairment of non-tidal wetlands; minimize damage to water quality and natural habitats; minimize the cutting or clearing of trees and other woody plants; and preserve sites and structures of historical, archeological, and architectural significance and their appurtenances and environmental settings.

The Proposed Action development is located where the water supply system, sewerage system, and solid waste acceptance facilities are adequate to serve the proposed construction and all existing and approved developments in the service area have been taken into account. The water supply system, sewerage system, and solid waste acceptance facilities on which the development would rely are capable of handling the needs of the proposed projects in addition to those of existing and approved developments. The existing sewage system is capable of handling the existing and reasonably foreseeable sewage flows or water demand.

The Proposed Action would not impact the Severn River Watershed thus no approval is required by the soil conservation district. Drinking water and water resources, stormwater management and wastewater treatment and disposal are discussed in Chapter 5, *Section 5.14, Water Resources* of the Draft EA.

Any industrial facilities would be sited and planned to ensure compatibility with other legitimate beneficial water uses, constraints imposed due to standards of air, noise and water quality, and provision or availability of adequate water supply and wastewater treatment facilities.

Lastly, the Proposed Action is located near available transit options, and is consistent with existing and proposed airport land uses.

## **10. Sewage Treatment**

There would be no sewage treatment facilities associated with the Proposed Action. The Proposed Action is consistent with Sewage Treatment policies and the conditions set forth. Use

of or connection to existing sewerage systems would conform to the county plan or revision or amendment of the County plan.

**From:** [Joseph Abe -DNR-](#)  
**To:** [Kevin Clarke](#)  
**Cc:** [Heather Nelson -MDE-](#); [Kim Hughes](#); [Caroline Pinegar](#); [Lisa Hoerger -DNR-](#); [denise.kehner@maryland.gov](mailto:denise.kehner@maryland.gov)  
**Subject:** Consistency Concurrence Re Phase I Improvements to Martin State Airport  
**Date:** Friday, April 16, 2021 4:31:10 PM

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Hi Kevin:

Thank you for providing a comprehensive consistency submission and Draft EA to help us understand this complex project, its impacts and your efforts to be consistent with the Maryland Coastal Management Program's enforceable policies. I also watched the recorded presentation and Q/A session and found it very useful as well. On behalf of Heather Nelson (Federal Consistency Coordinator), I am responding to your request for CZMA coastal consistency regarding Phase I Improvements to Martin State Airport project in Baltimore County:

Shift Runway 15-33 to the northwest – provide compliant Runway Safety Area (RSA) and Runway Object Free Area (ROFA); • Modify the Runway 15-33 grade (full length rehabilitation); • Relocate NAVAIDs to outside the RSA and ROFA; • Lower/Remove obstructions with implementation of the Obstruction Marking and Lighting Plan (M&L Plan) (man-made and vegetative); • Relocate Taxiways C and J and remove the existing taxiway pavement; • Remove Taxiways B and S; • Rehabilitate/Reconstruct portion of Taxiway T; • Add taxiway fillets; • Extend Taxiway F; Install a medium-intensity approach light system (MALs); • Implement elements of the Wildlife Hazard Management Plan (WHMP); • Relocate the ATCT; • Provide GA and landside facilities; and • NEPA review of two parcels for property acquisition for drainage improvements and future mitigation

Based on our review of the information provided, the above project is consistent with the enforceable coastal policies of the Maryland Coastal Zone Management Program. Please note that this determination does not obviate the applicant's responsibility to obtain any other State or local approvals that may be necessary for the project.

A final note - As you are well aware, the Martin State Airport site and its vicinity has a long history of activity and there are [ongoing efforts to address contamination on or near the site](#). During the course of this multi-year project that involves excavation, vegetation removal and construction, it is likely that these activities may encounter contamination or potentially alter exposure pathways. The Draft EA acknowledges this possibility and describes precautions and procedures that will be applied in such instances, including soil, air and water testing and consultation with MDE staff to minimize human health and environmental impacts. These and other measures will help ensure the project moves forward while avoiding or minimizing risks associated

with hazardous wastes and substances, including ones that have only recently been regulated, such as [PFAS](#).

We appreciate your professionalism and ongoing commitment to advance this important Maryland project while protecting coastal resources, protecting people, and avoiding or minimizing coastal use conflicts in the vicinity of Martin State Airport.

Best Regards and Stay Safe,



Joseph Abe  
Coastal Policy Coordinator Chesapeake  
and Coastal Service  
Department of Natural Resources  
580 Taylor Avenue, E-2  
Annapolis, MD 21401  
[410-260-8740](tel:410-260-8740) (office)  
[443-690-5176](tel:443-690-5176) (cell)  
[joseph.abe@maryland.gov](mailto:joseph.abe@maryland.gov)

[Click here](#) to complete a three question customer experience survey.

***\*Beginning on Friday March 13th, 2020 state workers have been on mandatory telework. If you need to speak by phone please use my cell phone number or respond to my email with a request for a conference line number. Thank you.***

**Martin State Airport Environmental Assessment  
for Phase I Improvements**

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**Public Comments**

**From:** [Kevin Clarke](#)  
**To:** [Greg McKibbin](#)  
**Cc:** [Kim Hughes](#); [Caroline Pinegar](#)  
**Subject:** RE: MTN Project Impacts  
**Date:** Tuesday, March 16, 2021 7:13:42 PM  
**Attachments:** [image001.png](#)

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**From:** Greg McKibbin [REDACTED]  
**Sent:** Tuesday, March 16, 2021 7:11 PM  
**To:** Kevin Clarke <KClarke@bwiairport.com>  
**Subject:** MTN Project Impacts

Mr. Clarke

Can you please provide specific addresses on Susquehanna Ave that are being considered to have trees removed. I live at [REDACTED] and it's difficult to see from the presentation if my property is impacted.

You can either respond via email or send to:

Greg McKibbin  
[REDACTED]  
[REDACTED]

Thanks.



**From:** [Kevin Clarke](#)  
**To:** [Kim Hughes](#); [Caroline Pinegar](#)  
**Subject:** Comments on MTN Draft EA - Correlli  
**Date:** Monday, March 29, 2021 4:25:32 PM

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

From: Antonino Correlli  
Sent: Monday, March 29, 2021 3:31 PM  
To: Kevin Clarke <[KClarke@bwiairport.com](mailto:KClarke@bwiairport.com)>  
Subject: Draft EA

To: Kevin Clarke  
Director, Office of Planning

From: Tony Correlli  
Resident

Dear Mr. Clarke,

Thank you for the opportunity to respond and comment on the Draft Environmental Assessment for proposed improvements at Martin State Airport. From a layman's perspective, it is quite obviously a complex and large task. My compliments.

I did watch the virtual meeting and downloaded the Draft EA. (quite voluminous).

My comments and concerns would be as follows:

- 1.Costs. As a taxpayer it concerns me to see millions of dollars being spent.
- 2.Expansion. I'm sure the improvements would facilitate and increase the traffic as well as the size of aircraft that would have access to the airport. (Noise and Safety)
- 3.Environmental. Flight landing and taking off do emit exhaust, which does consist of unburnt fuels. The pier into Frog Mortar Creek, not only would have a life long environmental impact on the aquatic life, but also the beauty of the gorgeous creek.

Thank you sir, I did want to keep it simply brief. I would like to be involved in any community input/planning meetings.

Respectfully,  
Tony Correlli

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www.md511.org<<http://www.md511.org/>>

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**Attachment 3:**

**Draft EA Virtual Public Workshop Comment and Response Matrix**

March 16, 2021

Final Environmental Assessment for Phase I Improvements at Martin State Airport  
 Virtual Public Workshop Comments on Draft EA—March 16, 2021

#	Commenter	Time	Method	Topic	Comment	Response
	<b>12:00 PM Meeting</b>					
1	Hillel Glazer	12:06 PM	Question box	General	Will there be any information / materials in today's presentation on other logistics considerations, not specifically about environmental matters?	Typed Meeting Response: "The focus if this presentation is the potential environmental impacts associated with proposed airport improvements over the next several years."
2	Hillel Glazer	12:14 PM	Question box	General	thanks for that answer. Do you know if/when there will be a similar presentation regarding the other aspects of the overall improvement program? Such as, plans for dealing with current tenants and related disruptions to their operations?	These projects are going to be pursued over the next 1 to 5 years. Just as with all development projects at the Airport, MDOT MAA would be reaching out to any tenants that could potentially be impacted when the design phase is reached. For example, if re-routing would be needed during taxiway construction, tenants would be notified of such a change. Tenants should feel free to reach out to Al Pollard or other Martin State Airport (MTN) management with specific questions.
3	Hillel Glazer	12:14 PM	Question box	General	if not, do you know to/with whom such questions can be sent or discussed?	Typed Meeting Response: "Thank you for the good question. We'll answer that at the end of the presentation for everyone's benefit."
4	Hillel Glazer	12:45 PM	Question box	General	if we can't stay for the remainder of the presentation, how do we get the Q&A that will happen at the end? Will we be automatically sent it (or a link to it) or will we need to know how to request it? thanks!	Meeting materials, including recordings of the presentation and Question and Answer session were made available on the MDOT MAA environmental website following the Virtual Public Workshop.
5	Hillel Glazer	12:49 PM	Question box	General	it's been answered	Comment noted.
6	Brian Radcliffe	12:51 PM	Question box	General Aviation Development	Where will the GA hangars go to see about the environmental impact. Will there be less numbers?	Some of the midfield T-hangars are going to be relocated to make room for other hangar development. All of those hangars will be replaced with new hangars in the Strawberry Point Complex area. The total size and numbers of the hangars is not yet decided and would likely be influenced by demand when the time comes. The graphics probably show more hangars than will likely be developed.
7	Jonathan Watson	12:51 PM	Question box	Biological Resources	Would you briefly discuss how the design of the localizer and associated structures will minimize impacts to SAV [submerged aquatic vegetation]?	Detailed design has not started yet, however there are several ideas being considered, especially as it relates to the installation of the deck, which would be "graded decking" to minimize impacts to sea grasses. In terms of temporary impacts, the actual piles themselves will be designed to have the smallest footprint possible that will be able to support the pier. In terms of construction impacts, methods to minimize sedimentation will be considered such as the use of "cans" that can be vibrated in effectively, thus reducing and localizing any sedimentation.  Note: Additional coordination with NOAA Fisheries following the Virtual Public Workshop resulted in a commitment to recommended avoidance and minimization techniques. These techniques are incorporated into the EA document in Section 5.2.5.
8	Mark Salvetti	12:58 PM	Question box	Schedule	If the FAA grants a FONSI this summer, what is the anticipated schedule to start implementing the clearing and lighting options?	If the FAA issues a Finding of No Significant Impact (FONSI), pending available funding, tree removal would likely occur in 1-2 years. For individual trees on private property, the first step will be to confirm which trees are Part 77 obstructions. The Real Estate easement coordination process will need to occur with property owners which includes negotiation, appraisal, fair market value, a survey of the tree(s), plan for removal, etc.  As part of the process, MDOT MAA will work with homeowners and foresters to determine the type of tree, the health of the tree, how the tree would respond to

Final Environmental Assessment for Phase I Improvements at Martin State Airport  
 Virtual Public Workshop Comments on Draft EA—March 16, 2021

#	Commenter	Time	Method	Topic	Comment	Response
						<p>trimming (e.g., if it would grow higher/faster), and intends to work with individual landowners to mitigate where possible the impact of tree removal (e.g., tree topping, replacement with low growth trees, replanting with grass, etc.).</p> <p>For tree removal needed on private property (for safety purposes), the method of tree removal (or trimming) is determined on a case by case basis. The FAA's preference is to remove the tree completely so that it does not grow back and once again become an obstruction, however each property is a separate case. Tree removal on private property will likely occur in logical stages, or phases based on the type of removal to occur, geographic locations, etc.</p> <p>MDOT MAA anticipates that stages of removal would first focus on the approach end of the runway.</p> <p>For relocation of the Amtrak catenary cables off the Runway 15 end, MDOT MAA anticipates that would occur after coordination with Amtrak is complete in approximately one year.</p>
9	Jonathan Watson	1:02 PM	Raise Hand/ Verbal	Biological Resources	Jonathan Watson represents the National Marine Fisheries Service (NMFS) and informed the MDOT MAA that his agency is in the process of reviewing the Draft EA and will be following up and submitting written comments on the Draft EA before the end of the comment period.	Comment noted.
<b>6:00 PM Meeting</b>						
10	Gerard Uehlinger	6:35 PM	Question box	General Aviation Development	Will the existing number of T-hangars be reduced, increased, or remain the same in this plan? Same question for outside tiedowns for GA aircraft .....	<p>When Taxiway F is extended, there will be additional apron space available in the Midfield area, and MDOT MAA anticipates being able to reorganize the area to make the most efficient use of the space. During final design, the area will be optimized for hangars; with the Sponsor's Preferred Alternative, the number of T-hangars would remain approximately the same.</p> <p>The number of outside tiedowns would likely increase for all sizes of aircraft, including General Aviation aircraft.</p> <p>The midfield area would house five conventional, corporate, box-like hangars in the corporate area.</p>
11	Greg McKibbin	6:48 PM	Question box	Schedule/ Obstruction Removal	When do you plan to notify specific property owners of impacts and determination of removal of private property? Will there be compensation for property removed?	See Response to Comment #8.
12	Greg McKibbin	6:49 PM	Question box	Schedule	When will the renovation projects begin? Complete?	If the FAA issues a FONSI, the implementation of the proposed projects would be dependent upon funding. For the pavement rehabilitation, both State and Federal funding will be needed. It is estimated that the projects will be pursued in the next one to five years. The hangar development would occur in stages over the next few years, driven by funding and demand. For timelines on obstruction removal, see Response to Comment #8.
13	Ashley Franks	6:49 PM	Question box	Obstruction Removal	Can you explain how the off-site trees were identified? What was the criteria?	The extent of the vegetation removal was originally determined based on aerial survey data from 2012 adjusted to reflect vegetation growth at a relatively rapid rate of two feet per year for ten years, for a total of 20 feet per FAA guidance. To minimize the

Final Environmental Assessment for Phase I Improvements at Martin State Airport  
 Virtual Public Workshop Comments on Draft EA—March 16, 2021

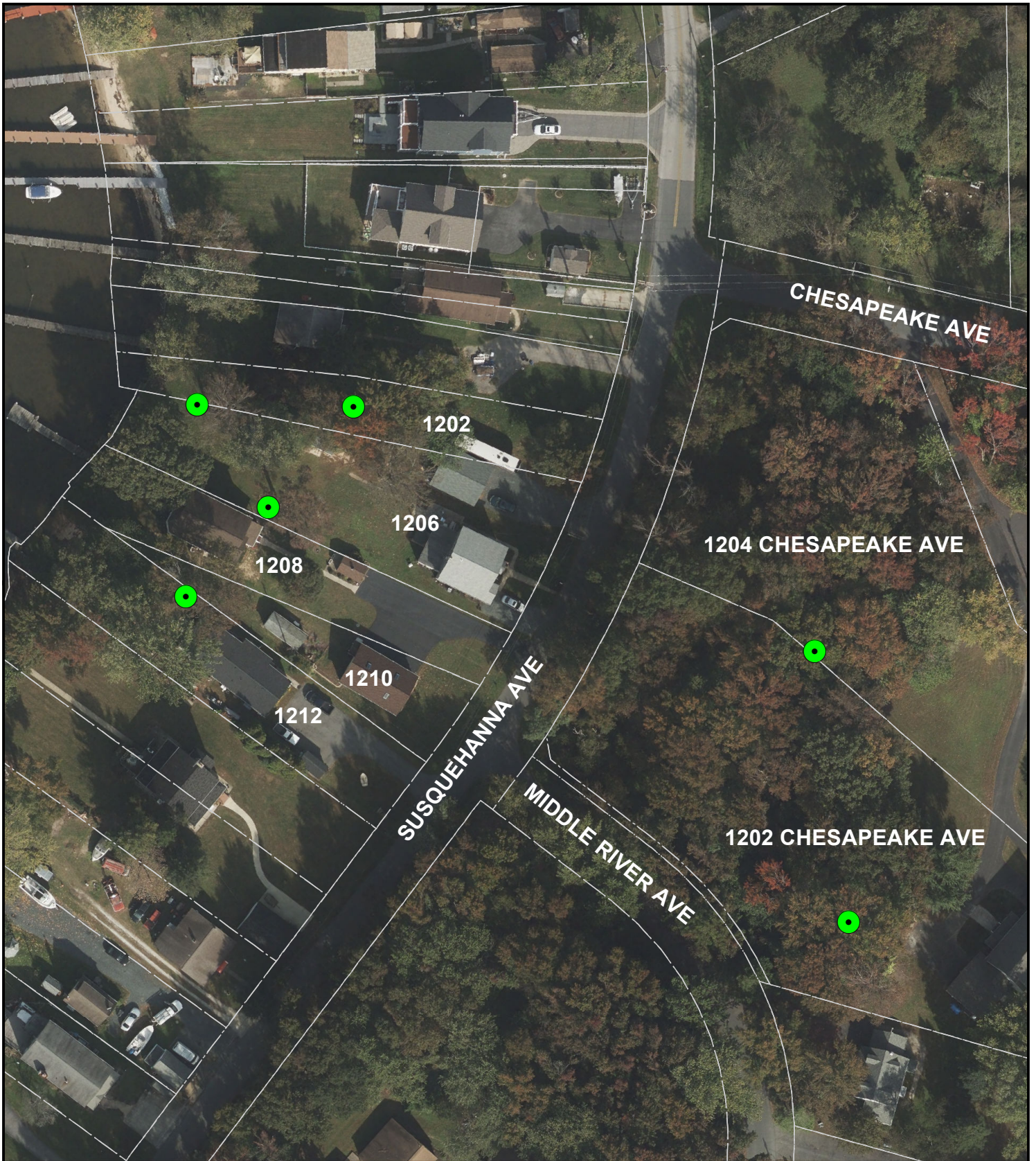
#	Commenter	Time	Method	Topic	Comment	Response
						<p>extent of the areas of vegetation removal, the future vegetation elevations were refined by applying species specific data from the 2015 Forest Stand Delineation. Future tree heights were determined to be the minimum of the aerial survey plus 20 feet of growth or the maximum species tree height (of the tallest species within a forest stand).</p> <p>The tree elevations were then evaluated to determine if they were above the various FAA approach and departure clearance (Part 77) surfaces. Part 77 criteria establishes the imaginary surfaces for the routes that aircraft approach into the airport, as well as imaginary surfaces that are off the runway sides. When the tree elevations exceed or penetrate the Part 77 imaginary surface elevations, they are identified as obstructions.</p> <p>Before individual trees are removed, MDOT MAA would have to re-survey those trees and make sure they are actually penetrating the Part 77 surface.</p>
14	Leland Darryl Armstrong	6:49 PM	Question box	Mitigation	Where do you propose to do the necessary revegetation and reforestation?	There are many regulations and guidelines as to how and where reforestation can occur to meet mitigation requirements. MDOT MAA is still searching for areas that can be used for forest/ vegetative mitigation. MDOT MAA would prefer to mitigate onsite as much as possible, however they need to avoid replanting anywhere that the trees could grow back into penetrations. For example, there is some area on airport property near Strawberry Point that is available for planting. Additionally, one of the properties proposed for acquisition on Wilson point Road has been identified as a potential mitigation site through the use of conservation easements.
15	Brent Huppert	6:49 PM	Question box	Construction/ Schedule	Under a best case and worst case review when might construction start and end. What period of time will the airport be closed to allow construction	Assuming the question relates to the runway rehabilitation, the runway project would be conducted in many phases, and would likely require approximately 18-24 months of construction, and could require the runway to be closed for two Winter seasons. If the FAA issues a FONSI, due to cost, the runway rehabilitation will likely be pushed further out in timeframe. It is likely that the rehabilitation would start in 3 to 5 years due to funding, as well as the prioritization of completing the major obstruction removal.
16	Greg Calvert	6:51 PM	Question box	Hangar amenities	<p>-With regards to the new t-hangars, will there be electrical and/or water services i. the hangars?</p> <p>-Will they be climate controlled?</p> <p>-What effect will this have on the monthly cost to lease these hangars?</p>	Design and commodity details have not yet been discussed and are not part of the Draft EA. Airport management may coordinate with tenants at the appropriate time to determine what amenities are of interest.
17	Leland Darryl Armstrong	6:59 PM	Question box	Traffic Impacts	What transportation impacts to the residential area will there be in terms of trucks, equipment, detours, etc.?	Consideration of construction methods, including haul routes and vehicle types, will be coordinated as part of the final design process. As there are only two ways onto airport property (Wilson Point Road and the MANG side), there may be some use of residential roads as well as some temporary impacts in the vicinity of the Airport for a limited duration during construction.
18	Greg McKibbin	7:03 PM	Question box	Obstruction Removal	Can we get a map that shows specific private properties impacted by this project?	MDOT MAA created a map and emailed the requested property to Mr. McKibbin. Two enlarged maps of the properties with potential tree obstruction off the Runway 15 end are attached to this comment response matrix as Figures 1 and 2.
19	Greg McKibbin	7:03 PM	Question box	Obstruction Removal	You showed the overview. Provide a map please.	See response to Comment #18.

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#	Commenter	Time	Method	Topic	Comment	Response
20	Greg McKibbin	7:07 PM	Question box	Obstruction Removal	Thanks please send map. I can provide address to send it to	See response to Comment #18.
21	Leland Darryl Armstrong	7:03 PM	Question box / Verbal	Clarification on figures	The area at the head of Dark Head Cove seems to be lined in a yellow boundary what does that mean?	Upon discussion during the meeting, the area was identified as a piece of property currently owned by Lockheed Martin Corporation that MDOT MAA has considered acquiring related to several drainage outfalls that may need to be adjusted. However, negotiations have not yet begun to acquire the property.
22	Greg McKibbin	7:11 PM	Question box	General	I'm here but no mike. I just emailed you directly.	Comment noted.



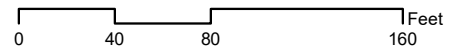
# Environmental Assessment for Phase I Improvements



## LEGEND

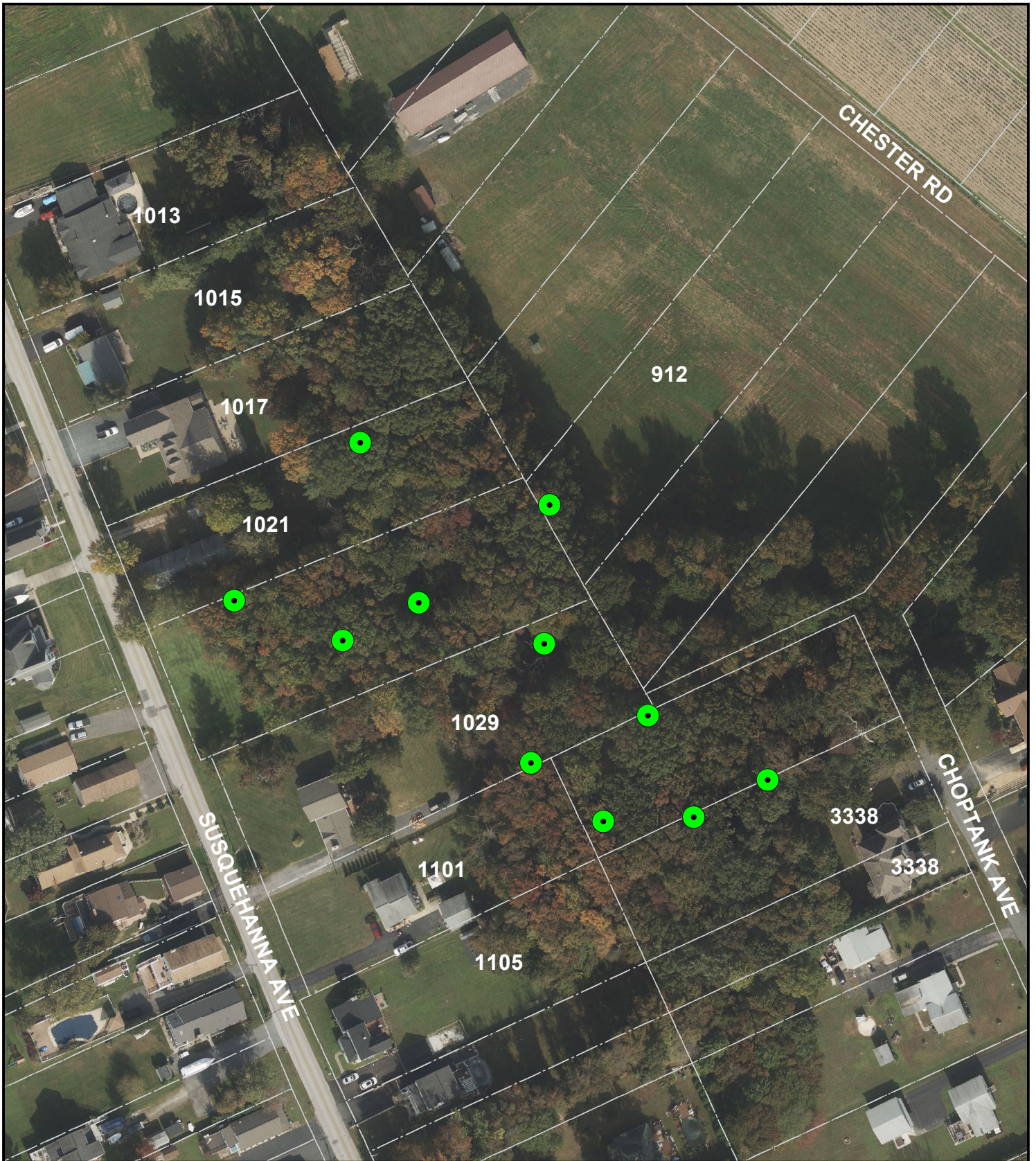
 OFF-AIRPORT ISOLATED TREE REMOVAL

 PARCEL BOUNDARY





# Environmental Assessment for Phase I Improvements



## LEGEND

 OFF-AIRPORT ISOLATED TREE REMOVAL

 PARCEL BOUNDARY



0 65 130 260 Feet



# Environmental Assessment for Phase I Improvements



## LEGEND

 OFF-AIRPORT ISOLATED TREE REMOVAL

 PARCEL BOUNDARY

0 162.5 325 650 Feet



**Attachment 4:**

**Draft EA Virtual Public Workshop Questions Log**

March 16, 2021

**Questions Log**  
**MTN Virtual Public Workshop**  
**12:00 PM**

**Audience Question:**

**Q:** Will there be any information / materials in today's presentation on other logistics considerations, not specifically about environmental matters?[Hillel Glazer] [Q: 12:06 PM] [A: 12:10 PM]

**A:** Hi. The focus of this presentation is the potential environmental impacts associated with proposed airport improvements over the next several years.

**Q:** thanks for that answer. Do you know if/when there will be a similar presentation regarding the other aspects of the overall improvement program? Such as, plans for dealing with current tenants and related disruptions to their operations?[Hillel Glazer] [Q: 12:14 PM]

**Audience Question:**

**Q:** if not, do you know to/with whom such questions can be sent or discussed?[Hillel Glazer] [Q: 12:14 PM] [A: 12:18 PM]

**A:** Thank you for the good question. We'll answer that at the end of the presentation for everyone's benefit.

**Q:** if we can't stay for the remainder of the presentation, how do we get the Q&A that will happen at the end? Will we be automatically sent it (or a link to it) or will we need to know how to request it? thanks![Hillel Glazer] [Q: 12:45 PM]

**Q:** it's been answered[Hillel Glazer] [Q: 12:49 PM]

**Q:** Where will the GA hangers go to see about the environmental impact. Will there be less numbers?[Brian Radcliffe] [Q: 12:51 PM]

**Q:** Would you briefly discuss how the design of the localizer and associated structures will minimize impacts to SAV?[Jonathan Watson] [Q: 12:51 PM]

**Q:** yes thanks![Jonathan Watson] [Q: 12:54 PM]

**Q:** If the FAA grants a FONSI this summer, what is the anticipated schedule to start implementing the clearing and lighting options?[Mark Salvetti] [Q: 12:56 PM]

**Q:** Thank you.[Mark Salvetti] [Q: 12:58 PM]

**Q:** I just raised my hand[Jonathan Watson] [Q: 1:02 PM]

**Q:** I thought I would comment since we had time[Jonathan Watson] [Q: 1:02 PM]

**Questions Log**  
**MTN Virtual Public Workshop**  
**6:00 PM**

**Audience Question:**

**Q:** Will the existing number of T-hangars be reduced, increased, or remain the same in this plan? Same question for outside tiedowns for GA aircraft .....[GERARD UEHLINGER] [Q: 6:35 PM]

**A:** Thank you for the question. We'll answer that at the end of the presentation for everyones benefit. [A: 6:43 PM]

**Q:** When do you plan to notify specific property owners of impacts and detemination of removal of private property? Will there be compensation for property removed?[Greg McKibbin] [Q: 6:48 PM]

**Q:** When will the renovation projects begin? Complete?[Greg McKibbin] [Q: 6:49 PM]

**Q:** Can you explain how the off-site trees were identified? What was the criteria?[ashley franks] [Q: 6:49 PM]

**Q:** Where do you propose to do the necessary revegation and reforestation?[Leland Darryl Armstrong]] [Q: 6:49 PM]

**Q:** Under a best case and worst case review when might construction start and end. What period of time will the airport be closed to allow construction[Brent Hippert] [Q: 6:49 PM]

**Q:** Thanks Kevin[GERARD UEHLINGER] [Q: 6:50 PM]

**Q:** -With regards to the new t-hangars, will there be electrical and/or water services i. the hangars?  
-Will they be climate controlled?  
-What effect will this have on the monthly cost to lease these hangars?  
TY[Greg Calvert] [Q: 6:51 PM]

**Q:** What transportation impacts to the residential area will there be in terms of trucks, equipment, detours, etc.?[Leland Darryl Armstrong] [Q: 6:59 PM]

**Q:** Can we get a map that shows specific private properties impacted by this project?[Greg McKibbin] [Q: 7:02 PM]

**Q:** You showed the overview. Provide a map please.[Greg McKibbin] [Q: 7:03 PM]

**Q:** The area at the head of Dark Head Cove seems to be lined in a yellow boundary what does that mean?[Leland Darryl Armstrong] [Q: 7:03 PM]

**Q:** Thanks please send map. I can provide address to send it to.[Greg McKibbin] [Q: 7:04 PM]

**A:** Hi Mr. McKibbin, You can send me your address. [A: 7:07 PM]

**Q:** Thanks please send map. I can provide address to send it to.[Greg McKibbin] [Q: 7:04 PM]

**A:** Or you can also send it to Kevin at kclarke@bwiairport.com [A: 7:08 PM]

**Audience Question:**

**Q:** Thank you[Leland Darryl Armstrong] [Q: 7:08 PM] [A: 7:09 PM]

**A:** You're welcome.

**Q:** I'm here but no mike. I just emailed you directly.[Greg McKibbin] [Q: 7:11 PM]

**Audience Question:**

Q: This is Genevieve, I am going to log off. Please let me know if something comes up later! Thanks!  
Good meetings. [Genevieve Walker] [Q: 7:12 PM] [A: 7:14 PM]  
A: Sounds good. Thank you!