

MEMORANDUM

Date: September 2, 2020

To: Critical Area Commission Project Subcommittee

From: Kathryn Durant, Natural Resources Planner

Re: Nice Bridge Update on Conditions

Background

In August of 2018, the Critical Area Commission unanimously approved the Governor Harry W. Nice Bridge (Nice Bridge) Improvement Project proposed by the Maryland Transportation Authority (MDTA) with five conditions. Amendments to conditions #2, #3 and #5 were made in August 2019 and March 2020. The current conditions of the project are as follows:

1. Prior to the start of construction, the Maryland Transportation Authority (MDTA) shall provide documentation of the following authorizations and approvals: Tidal Wetlands License, Nontidal wetlands permit, Water Quality Certification, Erosion and Sediment Control, and Stormwater Management.
2. Prior to the start of construction, MDTA shall obtain final approval from the Commission for all on-site stormwater management to meet the Critical Area 10% pollutant reduction requirement. If the Maryland Transportation Authority demonstrates that it is unable to meet its pollutant reduction requirement on-site, the Maryland Transportation Authority shall restrict its off-site search to locations in the following order of priority: (1) Charles or St. Mary's County in the Lower Potomac watershed; and (2) Prince George's County in the Washington-Metro Potomac watershed. The Maryland Transportation Authority shall provide an update to the full Commission on the status of identifying an acceptable off-site location by March 2020, if necessary, and shall complete construction of acceptable stormwater management offsets by December 2022.
3. Prior to the start of construction, MDTA shall obtain approval from the Commission for all draft Buffer, forest, and developed woodland mitigation plans in accordance with COMAR 27.01.09.01-3.
 - The draft mitigation plan(s) will account for the largest possible footprint and proposed limits of disturbance (LOD) in order to determine the greatest extent of potential impacts and associated mitigation.

Prior to the completion of construction, MDTA shall obtain final approval from Commission staff for all Buffer, forest, and developed woodland mitigation plans in accordance with COMAR 27.01.09.01-3.

- The final mitigation plan(s) shall be updated to reflect the final mitigation required as a result of the actual limits of disturbance (LOD), which may be less than those presented in the draft mitigation plan(s).

Final mitigation plantings, as approved, must be planted within two (2) planting seasons after the completion of construction.

4. Non-Buffer mitigation plantings shall be consistent with the following in-order-of-priority list:
 - On site
 - Off site within Charles County
 - Off site within the 8-digit watershed

The mitigation plantings are required to be installed within two planting seasons after construction is complete.

5. MDTA shall update the full Commission on the status of the project as noted in its original approval, as well as revised Condition #2, by August 2020. At that time, the full Commission will determine whether MDTA must develop an alternative mitigation package for any or all required elements.

The purpose of this memorandum is to provide the Critical Area Commission with an update from MDTA on the status of the project in accordance with Condition #5 noted above.

Bridge Design and Construction

MDTA anticipates that the design of the bridge and approach will be completed by December 2020. Design is ongoing for the Maryland and Virginia bridge abutments, bridge spans and structures, bridge foundations, landscaping, and the stormwater management for the landward work in Maryland. Since this project is being handled as a design-build, the design for early access has been completed, and is pending construction.

The following components of early construction have been approved or are ongoing:

- The installation of the Materials Laydown Area (MLA) at the Aqualand property;
- Channel dredging;
- Test pile program implementation; and
- Temporary trestle installation for the Maryland side.

All land and waterward borings have been completed and final geotechnical reports have been drafted. Construction of permanent aspects of the bridge, including impervious surfaces and structures, are pending final design approval and agency approval. At this time, bridge construction is anticipated to be completed by December 2022, and the existing bridge will be demolished by 2024. MDTA is still meeting the time line presented at the August 7, 2019 Commission meeting.

Offsite Stream Restoration for Stormwater Management and 10% Rule Offsets

As reported in the March 4, 2020 memo to the Critical Area Commission Project Subcommittee, MDTA has identified a stream restoration project location in Charles County. The final land valuation and easement purchase of the property was delayed due to property access restrictions related to the COVID-19 pandemic, but seems to be back on track at this time. The easement

purchase is expected once the formal metes and bounds survey is complete. MDTA plans to conduct the natural resources delineation and stream assessment in Fall 2020, with a target completion date of December 2022 for design and construction.

Authorization and Approvals

The following Maryland Department of the Environment (MDE) and U.S. Army Corps of Engineers (USACE) authorizations have been received, allowing for the early construction noted above:

- Non-tidal Letter of Authorization (LOA) from MDE
- Tidal authorization received for temporary Maryland trestle, dredging, and piles

The remaining outstanding authorizations are as follows:

- Tolling infrastructure, including fiber optic cables, and signage from USACE and MDE
- Tidal authorization for conveyor belts, additional mooring piles, and existing bridge demolition

At the time this memo was written, the remaining outstanding authorizations are estimated to be complete by the end of December 2020.

Stormwater Management

Final MDE stormwater management and erosion and sediment control approval is pending the final landward stormwater management design (expected Fall 2020).

Mitigation Plans

Critical Area Commission staff has reviewed and commented on the Draft Buffer and Forest Mitigation Plan. The Final Buffer and Forest Mitigation Plan is expected in the early part of 2021, after the final bridge design has been approved.

If you have any questions about this memorandum prior to the September 2nd Critical Area Commission meeting, please contact Kate Durant at Kathryn.durant@maryland.gov.