

PUBLIC NOTICE



MARYLAND DEPARTMENT OF TRANSPORTATION - STATE HIGHWAY ADMINISTRATION, ST. MARY'S COUNTY, FEDERAL HIGHWAY ADMINISTRATION, AND THE US ARMY CORPS OF ENGINEERS WILL CONDUCT A JOINT LOCATION/DESIGN PUBLIC HEARING

**For the MD 5 Leonardtown Project Planning Study from MD 243 (Newtowne Neck Road)
to MD 245 (Hollywood Road) in St. Mary's County**

Thursday, June 28, 2012

**Leonardtown High School
23995 Point Lookout Road
Leonardtown, MD 20650
5:00 PM – Displays
7:00 PM – Presentation/Testimony**

The purpose of the project is to improve safety and operations for existing and future traffic along MD 5, while supporting existing and planned development in the area. The study will evaluate safety improvements for pedestrian and bicycle traffic and accommodations for horse-and-buggy traffic associated with the Amish and Mennonite communities within the surrounding area. Alternatives under consideration include: Alternative 1 – No-Build, Alternative 2 – Transportation Systems Management (TSM), Alternative 3 – Five Lane Typical Section, and Alternative 4 – Four Lane Divided Typical Section. Options under study for Alternatives 3 and 4 include: Option 2 – Stream Avoidance, Option 3 – Additional Intersection Improvements, and Option 4 – Shopping Center Modified Access. This project is currently funded for Project Planning only. It is not funded for Final Design, Right-of-Way Acquisition, or Construction. More information about the MD 5 Leonardtown Project Planning Study is available on SHA's website at www.roads.maryland.gov under Projects and Studies, SHA Projects Page, and St. Mary's County.

The purpose of this hearing is to provide all interested persons the opportunity to comment on the proposed location, general design, and associated social, economic, cultural and natural environmental impacts of the project alternatives.

Beginning at 5:00 pm, the project alternatives and other information will be on display. Public hearing displays will also be available on the Maryland State Highway Administration (SHA) website (referenced below). Representatives from the SHA and US Army Corps of Engineers (USACE) will be available to discuss the project and record your comments.

A formal presentation beginning at 7:00 pm and lasting approximately 30 minutes will include a description of the project alternatives, a summary of environmental impacts, information on right-of-way acquisition and relocation-assistance procedures, and an explanation of Title VI of the SHA Equal Opportunity Program. The presentation will be followed by the receipt of public testimony.

SHA, through consultation with the USACE, has identified Waters of the United States, including jurisdictional wetlands, which are regulated by Section 404 of the Clean Water Act. This public hearing provides the opportunity to present views, opinions and information which will be considered by the USACE in evaluating a Department of the Army permit. All comments will become part of the formal project record. Written statements expressing concern for aquatic resources may be submitted to Mr. Jack Dinne, U.S. Army Corps of Engineers, CENAB-OP-RMN, P.O. Box 1715, Baltimore, MD 21203-1715; or emailed to john.j.dinne@usace.army.mil until July 30, 2012.

The Environmental Assessment may serve as the application for a USACE permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). Coordination with the Maryland Department of the Environment (MDE) also ensures that the document includes alternatives analysis for the state's wetland permit review. Application of the state permit will be made after the alternative selection process is completed.

FEMA-designated 100-year floodplains occurring within the study area are associated with the McIntosh Run drainage basin. Impacts to the designated 100-year floodplain range from 3.68 to 5.55 acres for Alternatives 2 and 4 – Option 3, respectively.

Impacts to Waters of the US, including wetlands, from each of the build alternatives are anticipated. A total of 19 jurisdictional wetland habitats and 10 watercourse channels were identified within the study corridor. Currently, wetland impacts range from 0.45 acre for Alternative 2 to 0.86 acre for Alternative 4 - Option 3. Maryland Compensatory Mitigation Guidance and MDE guidelines will be utilized for any wetland not considered a Nontidal Wetland of Special State Concern (NWSSC). Several NWSSC were also identified during the field investigations. Impacts to NWSSC are anticipated to range from 0.07 acre for Alternative 2 up to 0.42 acre for Alternative 4 or Alternative 4 - Option 3.

The decision to issue the Section 404 permit will be based on the probable impacts of the proposed project on the public interest, including direct, indirect, and cumulative impacts. This decision will reflect the national concern for the protection and use of important resources. The benefits that may reasonably be expected to accrue from the proposed project must be balanced against the reasonably foreseeable detriments. All factors that may be relevant to the proposed project will be considered, including cumulative effects. Among these factors are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplains values, land use, navigational concerns, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, considerations of property ownership, and, in general, the needs and welfare of the people.

The evaluation of the impact that the work described above will have on the public interest will include an application of the Clean Water Act Section 404(b)(1) promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Native American Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. The USACE will consider these comments when determining whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, the USACE takes into account public hearing comments regarding the assessment of impacts on endangered species, historic property, and other public-interest factors listed above.

This study also satisfies the alternatives analysis requirements of the MDE for a Maryland Nontidal Wetlands and Waterways Permit for proposed impacts to nontidal wetlands. In addition, a water quality certification, pursuant to Section 401 of the Clean Water Act, will be required from MDE. Any written comments concerning the work described above which would relate to water-quality certification should be sent to Mr. Paul Wettlaufer, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230.

Section 4(f) of the US Department of Transportation Act of 1966 (49 USC 303(c)) permits the use of land from a significant publicly-owned public park or recreation area, or significant historic site only if there is no prudent and feasible alternative to the use of such land and if the action includes all possible planning to minimize harm to the protected property resulting from such use. Through consideration of minimization and mitigation measures for the Port of Leonardtown property, the Town of Leonardtown has concurred that the project would not adversely affect the activities, features, and attributes of this property that qualify it for protection under Section 4(f). SHA will seek FHWA's determination that this impact constitutes a Section 4(f) de minimis (minimal) impact. This public hearing provides the opportunity for public comment regarding this de minimis impact finding.

SHA, in consultation with the Maryland Historical Trust (MHT) and other consulting parties, has identified five historic structures in the project's area of potential effects that are listed on or eligible for the National Register of Historic Places (NRHP). These resources and impact determinations for each resource are identified in the Environmental Assessment/Draft Section 4(f) Evaluation prepared for this project. SHA determined that the build alternatives would require right-of-way from some or all of the five historic properties in order to widen MD 5 and that the project would have an adverse impact only on one historic property. MHT has concurred with this determination. As the official with jurisdiction, MHT has concurred that this project will not adversely affect the activities, features, and attributes that qualify the other four properties for protection under Section 4(f). SHA will also seek FHWA's determination that these impacts constitute a de minimis impact. Consistent with the Section 106 procedures of the National Historic Preservation Act, public comments are requested regarding effects on historic properties. For additional information on SHA's effect determination, contact the Project Manager.

Individuals and representatives of organizations who wish to testify may submit a request to Mr. Jeremy Beck, Project Manager, Project Management Division, Maryland State Highway Administration, 707 N. Calvert Street, MS C-301, Baltimore, Maryland 21202 or may call 410-545-8518 or toll-free 1-800-548-5026, or via email at jbeck@sha.state.md.us on or before June 21, 2012. You may also sign the Speakers List at the registration desk on the date of the hearing. To include written statements and other exhibits in the public hearing transcript, submit them to the Project Manager at the above address until July 30, 2012. The public hearing transcript will be available for review approximately eight weeks after the public hearing at the locations listed below and on SHA's website. Please contact the Project Manager to confirm the transcript's availability.

Elected officials will be given the opportunity to speak first. Persons on the Speakers List will then be called to testify in the order in which their requests were received. Those who did not pre-register will be invited to speak before oral testimony concludes. SHA may set a time limit of three minutes for each speaker if a large number register to testify. Private and written testimony will also be accepted.

Persons on the project mailing list will receive information about project developments and opportunities for public involvement as the study progresses. Persons not on the mailing list may add their contact information by phoning, writing, or emailing the Project Manager. Brochures and comment forms will be available at the hearing and will be mailed to persons on the mailing list.

Beginning on May 29, 2012 the Environmental Assessment/Draft Section 4(f) Evaluation for the project will be available for inspection and copying during normal business hours at the following locations:

St. Mary's County Library
Leonardtown Branch
23250 Hollywood Road, Leonardtown, MD 20650
(301) 475-2846

Town of Leonardtown
41660 Park Avenue, Leonardtown, MD 20650
(301) 475-9791

State Highway Administration
District 5 Office
138 Defense Highway, Annapolis, MD 21401
(410) 841-1000 or (800) 331-5603

State Highway Administration
District 5 Leonardtown Shop
26720 Point Lookout Road, Leonardtown, MD 20650
(301) 475-8035

State Highway Administration
3rd Floor, 707 N. Calvert Street, Mailstop C-301,
Baltimore, MD 21202
(410) 545-8500 or (800) 548-5026

REQUESTS FOR ASSISTANCE

The Maryland Relay Service can assist teletype users at 711. Persons requiring assistance to participate should contact the Project Manager. SHA will provide an interpreter for persons with hearing/speech disabilities or those who need assistance with the English language. To request assistance, please contact the Project Manager no later than **June 21, 2012**.

For more information on this and other SHA projects, visit www.roads.maryland.gov and click on Projects and Studies, and Public Meetings.