



# Maryland

## Department of the Environment

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

Ben Crumbles, Secretary  
Horacio Tablada, Deputy Secretary

May 24, 2021

SCMAGLEV Project  
c/o Lauren Molesworth  
Maryland Transit Administration  
6 Saint Paul Street  
Baltimore, MD 21202

[info@bwmaglev.info](mailto:info@bwmaglev.info)

Re: Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation,  
Baltimore-Washington Superconducting MAGLEV Project

Dear Ms. Molesworth:

The Maryland Department of the Environment's Wetlands and Waterways Program (Program) appreciates the opportunity to comment on the Draft Environmental Impacts Statement (DEIS) and Draft Section 4(f) Evaluation for the Baltimore-Washington Superconducting MAGLEV Project (SMAGLEV). Also, the Program appreciates that the comment period for the DEIS was extended so that the public and resource agencies had additional time to review the document.

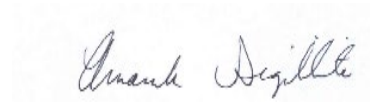
On November 13, 2020, the Program provided comments on the DEIS and Draft Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland, Baltimore-Washington Superconducting Maglev Project (see attached) to Baltimore Washington Rapid Rail (BWRR). Since the time of the letter, BWRR has submitted the *Joint Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland*. The Program has provided comments on the Application and continues to meet regularly with BWRR to discuss avoidance and minimization of impacts, alternative alignments, mitigation for unavoidable permanent impacts, Tier II issues, and water quality certification.

In reviewing the Purpose and Need section of the DEIS, it is noted that there is no mention of the affect that COVID has had and will have on traffic and commuting patterns. This section should be updated to account for any post-COVID changes in traffic patterns. For example, what effect will an increase in teleworking have on projected ridership? What is the projected impact on public transportation post-COVID as many continue to social distance?

Please do not hesitate to contact me with any questions or to discuss the project and the Program's regulatory review process. I can be reached at 410-537-3766 or at [amanda.sigillito@maryland.gov](mailto:amanda.sigillito@maryland.gov).

SCMAGLEV Project  
c/o Lauren Molesworth  
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Sincerely,



Amanda Sigillito, Chief  
Nontidal Wetlands Division

/AS

Enclosure

cc: Jeff Thompson (MDE – Central Region, Nontidal Wetlands Division)  
Tammy Roberson (MDE – Tidal Wetlands Division)  
William Seiger (MDE – Waterway Construction Division)



# Maryland

## Department of the Environment

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

Ben Crumbles, Secretary  
Horacio Tablada, Deputy Secretary

November 13, 2020

Mr. Furqan Siddiqi  
Baltimore Washington Rapid Rail  
6 South Gay Street  
Baltimore, Maryland 21202

Re: Comments on the Draft Environmental Impact Statement and Section 4(f) Evaluation and Draft *Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland*, Baltimore-Washington Superconducting Maglev Project

Dear Mr. Siddiqi:

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 Impact Statement and Section 4(f) Evaluation (DEIS) and the Draft *Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland* (Application), for the proposed Baltimore-Washington Superconducting Maglev Project, submitted by Baltimore Washington Rapid Rail (BWRR). As stated in the DEIS, the purpose of the project is to evaluate, construct and operate, "a safe, revenue-producing, high-speed ground transportation system that achieves the optimum operating speed" and significantly reduce travel time along the Baltimore-Washington corridor.

The project, as described in both the DEIS and draft Application, will impact nontidal wetlands, nontidal wetlands of special State concern, the 25-foot nontidal wetland buffer, the 100-foot expanded nontidal wetland buffer, tidal wetlands and waterways, including the 100-year nontidal floodplain and will require a Nontidal Wetlands and Waterways Permit and a Tidal Wetlands License.

The following are the Program's comments on both documents and are divided into four categories which track with the main elements of permit review and processing outlined in the Code of Maryland Regulations (COMAR). Please note that as additional information is provided, the Program will likely have additional comments relating to potential impacts to regulated resources.

### Project Purpose and Need

As stated in the draft Application, Section 2, Project Description, the "Baltimore-Washington Maglev Project will provide new infrastructure, passenger stations and other support facilities for a Superconducting Maglev (SCMAGLEV) train system between Washington, DC, and Baltimore." The major elements of the project are three passenger stations located at BWI, Washington DC, and Baltimore (Cherry Hill), one Trainset Maintenance Facility, and one alignment with two guideways on the East side of Md-295. The project proposes impacts to nontidal wetlands, the 25-foot nontidal wetland buffer, tidal wetlands, and waterways, including the 100-year nontidal floodplain, must be avoided and minimized as much as practicable. All permanent impact to wetlands that cannot be avoided will need to be mitigated.

In the Application that will be formally submitted in fall 2020, please include a complete and robust discussion of the project purpose and need. Examples of information that should be included in the discussion

projected ridership, reduction in highway traffic expected to result from SCMAGLEV, and expected revenue. Additionally, include a discussion of other transportation/highway improvement projects that are currently underway in the Baltimore-Washington corridor and compare the projected reduction in traffic from those projects to the projected reduction in traffic from SCMAGLEV.

#### Alternatives Analysis

Chapter 3 of the DEIS describes the alternative alignments (No Build and Build Alternatives). COMAR requires that practicable alternatives be described fully in the Application and EIS including an analysis of impacts and a discussion of the reason(s) why any rejected alternatives are not practicable.

#### Avoidance and Minimization of Impacts

The project proposes impacts to nontidal wetlands, the 25-foot nontidal wetland buffer, nontidal wetlands of special State concern, the expanded 100-foot nontidal wetland buffer, tidal wetlands and waterways, including the 100-year nontidal floodplain. COMAR requires first avoidance of impacts to resources and then minimization of impacts to resources that are unavoidable. Please include in the final Application and EIS a complete discussion of avoidance and minimization of impacts.

In the final Application and the EIS, please include a table(s) summarizing the impacts for each alternative alignment broken out by nontidal wetland type (forested, scrub/shrub, emergent and nontidal wetland of special State concern) as well as the 25-foot and 100-foot buffers, and note whether the impacts are permanent, temporary or conversion. Stream and floodplain impacts need to be tabulated as well, and should be labeled as permanent or temporary.

As previously stated, the State of Maryland regulates any work proposed in, on, over, or under tidal wetlands. Therefore, tunneling activities would be regulated and subject to Board of Public Works authorization. Any impacts to tidal wetlands should be identified separately from nontidal wetlands, nontidal wetlands of special State concern, streams and the 100-year nontidal floodplain in both the EIS and the final Application, so that these impacts can be assessed independently.

The NETR Section 5.2.4 contains the statement “No tidal wetlands were identified within the SCMAGLEV Project Affected Environment”. Both open water and vegetated tidal wetlands are referred to as tidal wetlands in Maryland. As described in the previous comment, tidal wetlands should be identified and impacts calculated separately from nontidal or waterway resources as these regulatory processes are separate. Further, any impacts to tidal wetlands should be separated out by type (vegetated or open water/unvegetated). State tidal wetlands are all wetlands located channelward of the mean high water line (MHWL). Private tidal wetlands are vegetated areas located landward of the MHWL but still subject to regular or periodic tidal influence, and are located within the highest astronomical tide (HAT) boundary. It is not clear if tidal resources were identified during field or desktop investigations, and whether the appropriate tidal benchmarks were utilized. The tidal regulatory boundaries associated with the Anacostia River, Gwynns Falls, and Patapsco River and any related tidal impacts must be clarified in the EIS and JPA.

Additionally, the Program’s Tidal Wetlands Division notes that all Build Alternatives consist of deep tunnels under tidal portions of the Anacostia and Patapsco Rivers, with all alternatives having the same project footprint. However, the potential for frac-out during tunnel construction is mentioned in the NETR under the Water Quality section, stating that a Spill Prevention Plan will be developed to minimize impacts. The specific investigations and construction techniques that will be undertaken to reduce the potential for a frac-out, as well as any potential impacts to tidal wetlands in the event of a frac-out, should be identified and discussed in the Wetlands and Waterways “Affected Environment, Environmental Consequences, and

Mitigation” section of the EIS so that related adverse impacts can be understood and assessed. Before the project can be authorized, the JPA review must include the Spill Prevention Plan as well as Contingency Restoration Plan in the event that a frac-out impacts tidal wetlands.

Finally, Sheets 85 & 86 of the Right of Way Drawings, there appears to be temporary impact to tidal wetlands associated with a construction laydown area. Any unavoidable temporary construction impacts to tidal wetlands must be quantified in the EIS and the final Application.

#### Mitigation

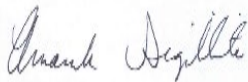
Mitigation will be required for all permanent impacts to nontidal wetlands. Finding acceptable mitigation opportunities in the project area can be challenging. Please contact Ms. Kelly Neff of the Mitigation and Technical Assistance Section as soon as possible to begin discussing nontidal wetland mitigation for th3 project. Ms. Neff can be reached at 410-537- 4018, 443-463-9722 or at [kelly.neff@maryland.gov](mailto:kelly.neff@maryland.gov) .

#### Water Quality Certification

Since the U.S. Army Corps of Engineers will be reviewing this project as an Individual Permit, a separate Water Quality Certification from the State of Maryland is required. The timing of the request and the information that will need to be provided for the WQC will be discussed at the WQC pre-filing meeting scheduled for December 2, 2020 at 1:00 P.M.

Please feel free to contact me with any questions about these comments or about the regulatory review Process. I can be reached at 410-537-3766, 443-829-8127 or at [amanda.sigillito@maryland.gov](mailto:amanda.sigillito@maryland.gov) .

Sincerely,



Amanda Sigillito

C: Kris Frederes (Baltimore Washington Rapid Rail)  
Jeff Thompson (MDE – Central Region, Nontidal Wetlands Division)  
Kelly Neff (MDE – Mitigation and Technical Assistance Section, Nontidal Wetlands Division)  
Tammy Roberson (MDE – Tidal Wetlands Division)  
Danielle Spendiff (MDE – Tidal Wetlands Division)  
Matthew Wallach (MDE – Tidal Wetlands Division)  
William Seiger (MDE – Waterway Construction Division)  
Phatta Thapa (MDE- Waterway Construction Division)