219 Meyersdale to Old Salisbury Rd

Combined Final Environmental Impact Statement/Record of Decision

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U.S. 6219, Section 050
Transportation Improvement Project
Meyersdale, PA to Old Salisbury Road, MD

pennsylvania
DEPARTMENT OF TRANSPORTATION

MDOT
MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

U.S. Department of Transportation
Federal Highway Administration

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U.S. 6219, Section 050
Transportation Improvement Project

Record of Decision

Prepared by:

U.S. Department of Transportation –
Federal Highway Administration

Submitted Pursuant To:

National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. § 4321 et seq.);
Department of Transportation Environmental Impact & Related Procedures (23 CFR Part 771);
Efficient Environmental Reviews for Project Decision making (23 U.S.C. § 139);
Section 4(f) of the United States Department of Transportation Act of 1966 (49 U.S.C. § 303) and implementing regulations at 23 CFR part 774;
Section 106 of the National Historic Preservation Act (NHPA) of 1966 (54 U.S.C. § 306101);
Clean Air Act of 1970, as amended (42 U.S.C. § 7401 et seq.);
Clean Water Act of 1972 (33 U.S.C. § 1251-1387); and
Endangered Species Act of 1973 (16 U.S.C. § 1531-1544)

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1 DECISION

This Record of Decision (ROD) was prepared in accordance with the National Environmental Policy Act (NEPA) (42 USC § 4321 et seq.), and Federal Highway Administration (FHWA) Environmental Impact and Related Procedures (23 CFR Part 771). This ROD announces the selection of the Preferred Alternative, Alternative E-Shift Modified, as the Selected Alternative for the U.S. 6219, Section 050 Transportation Improvement Project, Meyersdale, Pennsylvania to Old Salisbury Road, Maryland located in Somerset County, Pennsylvania and in Garrett County, Maryland.

The FHWA is responsible for the authorization of federal-aid funds to implement the project and is therefore the Lead Federal Agency for the U.S. 219 project. The U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), and U.S. Environmental Protection Agency (EPA) are Cooperating Agencies that provided input throughout the environmental review.

The Pennsylvania Department of Transportation (PennDOT) is the lead state agency and is responsible for the administration of federal funds for highway transportation improvements in the Commonwealth of Pennsylvania. The Maryland State Highway Administration (SHA) is partnering with PennDOT and is responsible for the administration of federal highway funds in Maryland.

The FHWA hereby approves Alternative E-Shift Modified (Selected), which consists of a four-lane roadway on new location to the east of existing U.S. 219 and bypassing the Borough of Salisbury, Pennsylvania. The Selected Alternative is fully described in Section VII of this ROD and Chapter 5 of the Final Environmental Impact Statement (FEIS).

2 PROJECT LOCATION

The Project is located in Somerset County, Pennsylvania and Garrett County, Maryland and extends from the terminus of the four-lane highway section south of Meyersdale, Pennsylvania, and the north end of the 1.4-mile segment of U.S. 219 constructed in Garrett County, Maryland. See **Figure 1**. Approximately six (6) miles of the project is in Pennsylvania and two (2) miles in Maryland.

The Project also includes selected location roads for improvements in proximity to U.S. 219 at the northern end of the project, just south of Meyersdale, PA.

3 BACKGROUND

In 1965, the United States Congress passed the Appalachian Regional Development Act; the legislation was enacted to address “persistent poverty” in the 13 states that comprise the underserviced Appalachia region. Two key components of the legislation were to establish the Appalachian Regional Commission (ARC) and to develop the ADHS.

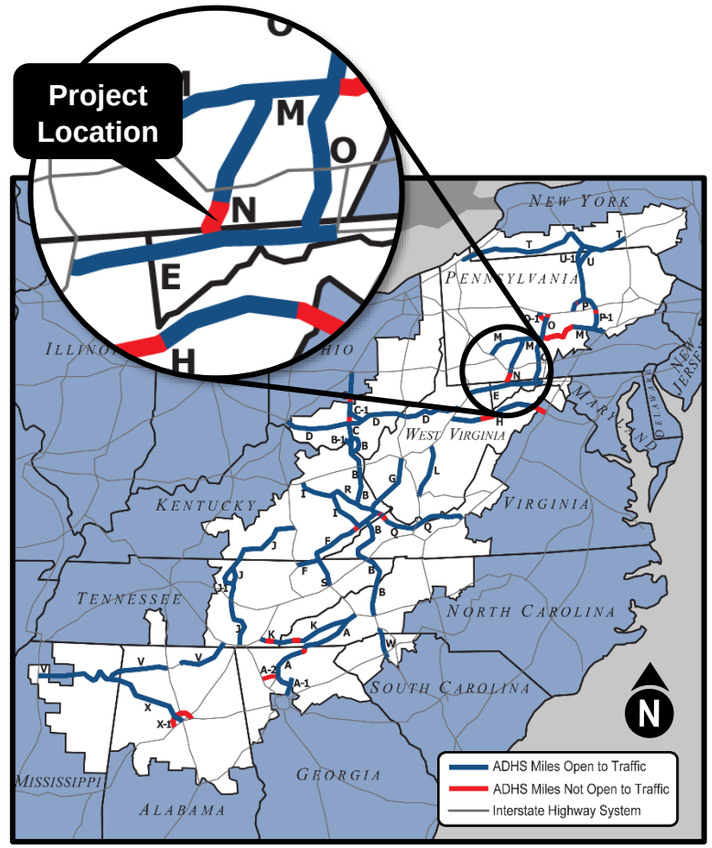

Figure 1: Highway System Map (ADHS Highway System Status Report FY2020)

The ARC is a partnership between the federal government and the 13 Appalachian states represented by each of their respective governors; the primary mission is to ensure economic opportunities are pursued and a capable, ready workforce is available to fill job opportunities. The ADHS is a network of 32 highways spanning 3,090 miles and 13 states. Since its authorization, the legislation has been proven to be effective as 2,814 miles or 91.1% (as of September 2020) of the "eligible mileage" were either completely built or open to traffic. The highway system connects communities to commerce and helps to reduce the number of high poverty counties in the region by nearly 70%. **Figure 1** depicts the ADHS network.

In continuing the vision of ADHS, PennDOT, SHA, and FHWA are pursuing an improvement project along U.S. 219 between Meyersdale, Pennsylvania and Old Salisbury Road in Maryland. The U.S. 219, project is a part of ADHS Corridor N and represents the final remaining uncompleted eight-mile segment along U.S. 219. This project is a critical component to completing the ADHS, helping to provide an improved connection between I-68 and U.S. Route 22, including the towns of Meyersdale, Somerset, Johnstown, and Ebensburg, as well as creating a linkage between I-68 and I-76 (the Pennsylvania Turnpike).

This project would serve as a foundation for the long-term goal of promoting economic development in the Appalachian Region.

In 1992, PennDOT completed a Project Needs Analysis for an approximately 28-mile portion of U.S. 219 between I-68 in Maryland and the southern terminus of the four-lane U.S. 219 in Somerset, Pennsylvania. This study revealed numerous deficiencies along the entire corridor. However, the section of U.S. 219 through Meyersdale demonstrated the greatest, most immediate need for transportation improvements and an Environmental Impact Statement for the Meyersdale Bypass was prepared, resulting in the construction a five-mile, four-lane, limited access highway.

Two sections of U.S. 219 in Somerset County, Section 020 to the north of Meyersdale and Section 050 to the south remained as two-lane facilities. U.S. 219, Section 020, between Meyersdale and the four-lane U.S. 219 in Somerset, Pennsylvania was the second section to advance through the NEPA process, resulting in a nine-mile section of four-lane, limited access facility opening to traffic in 2018.

The last section of U.S. 219 was the eight-mile section from the southern end of the Meyersdale Bypass to I-68. The project started the NEPA process in 2001 and was subsequently placed on hold in 2007, due to funding constraints. A Planning and Environmental Linkage (PEL) study identifying potential corridors/alignments of a U.S. 219 connection between I-68 and Meyersdale was completed in 2016.

In 2017, the SHA completed a Categorical Exclusion for a new alignment of the 1.4-mile segment of U.S. 219 between I-68 and Old Salisbury Road in Maryland. This section of U.S. 219 was completed in 2021.

The evaluation of the currently proposed project utilized the 2016 PEL document that examined several alternatives within the established study area, from the southern end of the Meyersdale Bypass to the new approximately two-mile segment in Maryland.

A scoping meeting was held with the resource agencies on November 16, 2021. An introductory meeting was held with the public on June 23, 2022. Following these meetings, a Notice of Intent (NOI) to Prepare an EIS was prepared and published in the Federal Register on June 2, 2023.

FHWA and PennDOT published a Draft Environmental Impact Statement (DEIS) in November 2024. The Notice of Availability was published in the Federal Register on November 15, 2024. Public Hearings were held in December 2024 with one in-person meeting in Pennsylvania and one in Maryland. A virtual Public Hearing was also conducted. The 59-day public comment period

closed on January 13, 2025, in accordance with the regulations of 40 CFR § 1506.10 and 23 CFR § 771.123(k). PennDOT and FHWA received more than 200 comments during the DEIS comment period, which were considered, summarized, and responded to in the FEIS, Appendix AF. The FEIS contains much of the same documentation as the DEIS, and text that is new or revised from the DEIS is in blue italics in the FEIS to allow for a more efficient review by interested individuals.

As described in Chapter 4 (Project Outreach) of the FEIS, FHWA PennDOT, and SHA have provided many opportunities for open, collaborative, and meaningful agency and public participation throughout the environmental review process for the Project and considered the comments received on the U.S. 6219, Section 050 project throughout the project development process, starting in the planning stages and extending throughout the environmental review process. These comments have helped shape the Project and have been an important factor in the decision-making process. FHWA and PennDOT will continue to conduct public outreach and consider comments received throughout construction of the Project. Thus, interested individuals and groups can continue to participate in the Project after the issuance of the ROD.

In coordination with FHWA, PennDOT has conducted extensive outreach and engagement efforts with federal, state, tribal nations, regional, and local agencies, as well as interested stakeholders and the general public. The agencies involved include Cooperating and Participating Agencies. Cooperating Agencies are those government and regulatory agencies with jurisdiction by law (e.g., with permitting or land transfer authority) or special expertise with respect to any environmental impact or resource involved in an environmental review.

At request of the Lead Federal Agency, Cooperating Agencies assume responsibility for developing information and preparing environmental analyses, including portions of the EIS for which the Cooperating Agency has special expertise. The USACE, USFWS and US EPA are considered Cooperating Agencies that provided input on specific milestones throughout the environmental review.

Participating Agencies include any federal, state, local agencies or tribal nations that could have an interest in the proposed project. Participating Agencies for this project are included in **Table 1** below.

The website for the Project (penndot.pa.gov/us219meyersdalesouth) has been and will continue to be maintained to provide project updates, announcements of project meetings, and access to project documents. The link is also accessible on SHA's Project Portal (https://mdot-sha-us219-old-salisbury-rd-to-meyersdale-pa-ga646-maryland.hub.arcgis.com).

Table 1: Participating Agencies

Pennsylvania	Maryland	Tribal Nations
PA Department of Conservation & Natural Resources	MD Historical Trust	Delaware Nation, Oklahoma
PA Fish and Boat Commission	MD Department of Planning	
PA Department of Environmental Protection	MD Department of Environment	
	MD Department of Natural Resources	

4 PURPOSE AND NEED

The purpose and need establishes the reason why an agency is proposing a project and serves as the primary criteria in the alternatives screening process. The project purpose is the set of objectives that would be met to address the transportation needs. The project need includes data substantiating that a transportation problem currently exists or is likely to occur.

As described in Chapter 1 (Introduction, Purpose and Need) of the FEIS, the purpose of the U.S. 219 project is to complete Corridor N of the ADHS, to improve the system linkage in the region, provide safe and efficient access for U.S. 219 motorists, and provide transportation infrastructure to support economic opportunities in existing and planned communities and employment/business centers and natural resource-based industries within the Appalachian Region.

The project needs include:

- Existing U.S. 219 does not provide efficient mobility for trucks and freight.
- There are numerous roadway and geometric deficiencies present along the existing U.S. 219 alignment.
- The existing roadway infrastructure is a limiting factor in economic development opportunities in the Appalachian Region.

5 ALTERNATIVES CONSIDERED

In accordance with NEPA, a full range of alternatives was considered for the Project, consisting of four build alternatives, in addition to the No Build Alternative, were studied in the FEIS. As documented in Chapter 2 (Alternatives Considered) of the FEIS, several alternatives were also considered and dismissed from the study in the EIS.

5.1 No Build Alternative

The No Build Alternative is included in the environmental impact analysis as the baseline condition for comparison.

5.2 Build Alternatives

Each of the four build alternatives (see **Figure 2**) meet the purpose and need of the project by providing a roadway with improved geometric design and increased capacity and efficiency for trucks and cars. Each build alternative provides a link in the regional system, primarily between I-68 and I-76, thereby completing the development of Corridor N of the Appalachian Development Highway System and supporting increased economic opportunities. Note: “Modified” refers to design changes included to avoid and minimize impacts to resources.

Alternative DU Modified begins at the southern end of the Meyersdale Bypass and is similar to all four build alternatives for a distance of three miles. The alternative follows existing U.S. 219 to the point where it passes Hunsrick Road and continues in a southwesterly direction staying east of Mountain Road. It would bisect Clark Road and follow the base of Meadow Mountain, east of Winter Crest Lane and west of Pennsylvania a State Game Lane 231. Just north of Piney Run Road, the alignment turns west and crosses over Piney Run Road and Piney Creek on a large structure. The alternative threads between the Mast Farm and the Deal Farm but still impacts a portion of both farms. Once the alternative crosses over Greenville Road it turns south towards the state line and is situated about 0.5 miles east of existing U.S. 219. In Maryland, the alignment shifts west towards the tie-in to existing U.S. 219 just south of Old Salisbury Road.

Alternative DU-Shift Modified is in the same location as Alternative DU Modified except in Maryland, it moves 350 further away from residences on Old Salisbury Road. The alternative ties back into existing U.S. 219 just south of Old Salisbury Road.

Alternative E Modified follows the same alignment as the other build alternatives to the point just north of Piney Run Road. Alternative E Modified continues along the edge of Meadow Mountain, avoiding the

Mast and Deal Farms. Alternative E Modified joins the Alternative DU Modified at the state line and follows the same alignment in Maryland. The alternative avoids the Tomlinson Inn and Little Meadows historic site and ties into existing U.S. 219 just south of Old Salisbury Road.

Alternative E-Shift Modified (Selected) follows the same alignment as Alternative E Modified until the state line. In Maryland, the alternative follows Alternative DU-Shift Modified, similarly 350 feet further away from Old Salisbury Road residences than Alternative E Modified. The alternative ties back into existing U.S. 219 just south of Old Salisbury Road.

5.3 Selected Alternative (E-Shift Modified)

Based on the evaluation and comparison of the alternatives, potential impacts, and public and agency input, Alternative E-Shift Modified has been identified as the Preferred Alternative (see **Figure 3**). Alternative E-Shift Modified is the most publicly desirable alternative and offers several advantages over the other build alternatives that resulted in its selection for this project.

Alternative E-Shift Modified meets the project purpose and need by providing a consistent link in the regional transportation system, primarily between I-68 and I-76. This link would complete the development of Corridor N of the ADHS, and support increased economic opportunities in the region.

Below is a list of advantages that make Alternative E-Shift Modified the Preferred Alternative:

- Fewest number of property impacts
- Fewest impacted noise receptors
- Least wetland impacts
- Least forestland impacts
- Least stream impacts

Equivalent to Alternative E Modified, Alternative E-Shift Modified has the least impact to:

- Prime farmland soils
- Productive farms
- Historic structures
- Maple sugar production forests
- 1% annual chance floodplains
- Bat hibernacula
- Reasonably foreseeable effects

Alternative E-Shift Modified was developed in response to input received at public meetings from residences along Old Salisbury Road to move the alignment as far away as possible from homes in that area. Consequently, unlike Alternatives DU Modified and E Modified, Alternative E-Shift Modified is sufficiently far enough away from the residences on Old Salisbury Road that it is anticipated to have less potential for noise impacts.

However, the historic boundary of Tomlinson Inn and Little Meadows presented a constraint. Alternative E-Shift Modified was designed to situate the alignment as far away from Old Salisbury Road as possible, while also avoiding the Tomlinson Inn and Little Meadows historic boundary. Alternative E-Shift Modified is also aligned so that it does not preclude future consideration of potential access to existing U.S. 219 south of Old Salisbury Road in Maryland.

Alternatives E Modified and E-Shift Modified would result in the least overall harm to Section 4(f) resources, with a *de minimis* use of the historic Miller Farm. Alternatives DU Modified and DU-Shift Modified would result in two additional Section 4(f) impacts to the historic Lowry Farm and Deal Farm.

The preliminary cost estimate for Alternative E-Shift Modified is $310.4 million.

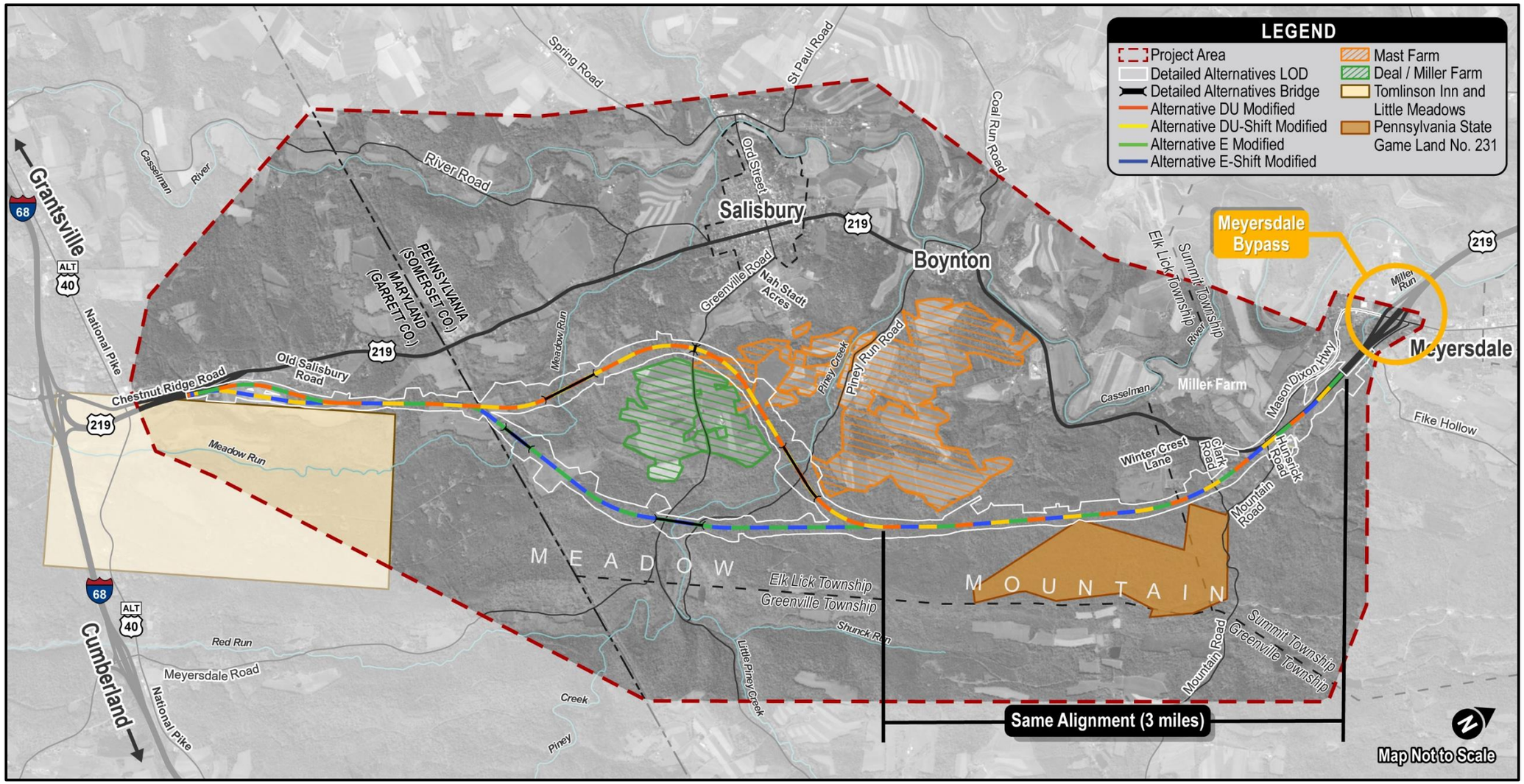

Figure 2: Detailed Build Alternatives

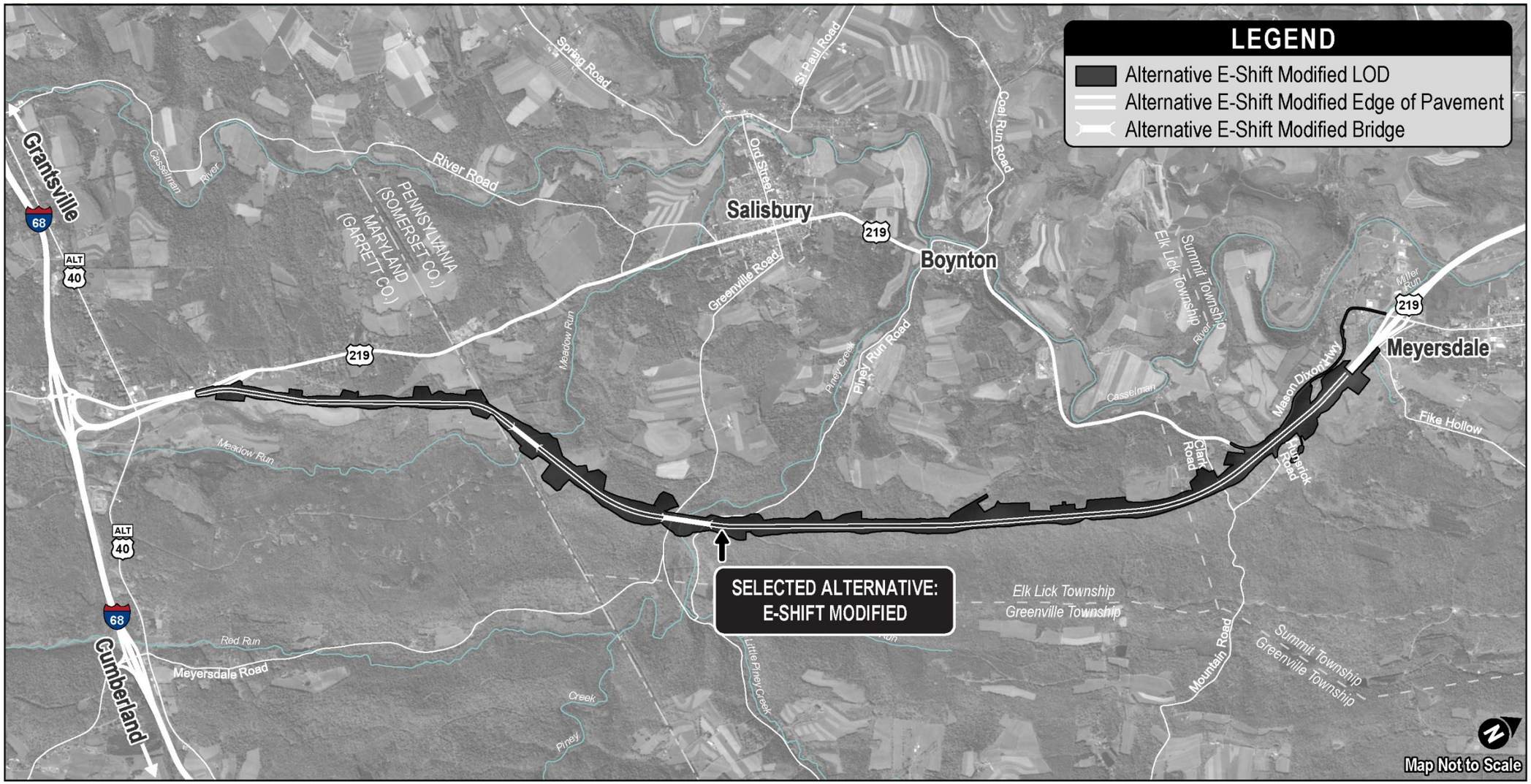

Figure 3: Selected Alternative – E-Shift Modified

5.4 Alternatives Considered and Dismissed

In compliance with NEPA, comparison of a full range of engineering, operational, environmental, and cost factors was considered in the identification of a Preferred Alternative. This section describes why each of the following alternatives was not identified as the Preferred Alternative.

5.4.1 Alternative D and Alternative DA Shift

The initial in the NEPA alternative evaluation phase was to quantify environmental impacts for each of the alternatives using readily available desktop information such as on-line GIS data. It was determined early that the impacts for Alternative DA and DA-Shift were higher for most resources and a decision was made to dismiss those alternatives from further study.

5.4.2 No Build Alternative

The No Build Alternative is not identified as the Preferred Alternative because it would not meet the purpose and need of the project. It would not improve regional system linkage and would not improve safe and efficient access for trucks and other motorists on U.S. 219. Moreover, the No Build Alternative would not provide the transportation infrastructure to support economic opportunities in existing and planned communities, employment centers, and industries within the Appalachian Region.

5.4.3 Build Alternatives

While each of the four build alternatives studied in detail meets the purpose and need of the project, the build alternatives differ in impacts and benefits. Moreover, each build alternative provides a consistent link in the regional system, primarily between I-68 and I-76. This link would complete the development of Corridor N of the Appalachian Development Highway System and support increased economic opportunities by enhancing freight mobility, commercial access, and employee access between population centers. However, the build alternatives differ in impacts and benefits.

Alternative DU Modified would have an adverse effect to above ground historic properties and requires greater than *de minimis* use of Section 4(f) resources, including the historic Lowry Farm and Deal Farm.

Alternative DU-Shift Modified would have an adverse effect to above ground historic properties and requires greater than *de minimis* use of Section 4(f) resources, including the historic Lowry Farm and Deal Farm.

Alternative E Modified is anticipated to result in greater residential noise impacts to the Old Salisbury Road community, including impacts to four additional noise receptors, compared to the Preferred Alternative.

6 FACTORS IN THE DECISION-MAKING PROCESS, INCLUDING MEASURES TO MINIMIZE HARM

FHWA and PennDOT have selected Alternative E-Shift Modified based on a balanced consideration of the need for safe and efficient transportation, the social, economic, and environmental effects of the proposed transportation improvement, and national, state, and local environmental protection goals. FHWA, PennDOT and SHA evaluated the social, economic, and environmental effects of the Alternative E-Shift Modified (Selected) Alternative along with its ability to meet the Project purpose and need. Key considerations in the decision-making process include the following:

Alternative E-Shift Modified (Selected) was developed as a resource avoidance and minimization alternative based on extensive coordination with and input from resource agencies and the public. The Selective Alternative is a result of efforts to avoid impacts to historic properties and to increase distance from residences on Old Salisbury Road. Additionally, the Selected

Alternative minimizes impacts to farmlands, bat hibernacula, historic properties, wetlands and streams, FEMA floodplains, surface mining boundaries, property impacts, forestland impacts and overall acreage impact. Alternative E-Shift Modified would result in the least overall harm to Section 4(f) resources, with a *de minimis* use of the historic Miller Farm. Importantly, the limited access roadway acts to restrict development to within a Priority Funding Area in Maryland and the designated growth area of Meyersdale in Pennsylvania.

6.1 Traffic and Transportation

The projected traffic volumes for the No Build opening year (2030) and Design Year (2050) were adjusted to account for the four proposed build alternatives. Since each alternative utilizes varying alignments with the same connections from a traffic standpoint, a single build set of traffic volumes was generated. This ROD only discusses Alternative E-Shift Modified (Selected).

Alternative E-Shift Modified (Selected) removes a bridge on Hunsrick Road over existing U.S. 219 and severs Clark Road, requiring a new connection to Fike Hollow Road or along the proposed Business U.S. 219. An Origin-Destination study was conducted utilizing StreetLight Data's Origin and Destination (O-D) metrics to identify vehicle trips. The data metrics tracked trips originating at the southern terminus of U.S. 219 and ending north of the U.S. 219 Meyersdale interchange as well as to the east in the town of Meyersdale and conversely for north to south traveling vehicles. These vehicles were redistributed with the assumption they would use the new U.S. 219 bypass with remaining vehicles using Business U.S. 219 for local trips. The design year average daily traffic for Alternative E-Shift Modified (Selected) is 3,562 and for existing U.S. 219 the average daily traffic volumes range between 3,067 to 3,825.

The *TRB's Highway Capacity Manual, 7th edition* A *Guide for Multimodal Analysis* (2022) was used as the basis for determining the anticipated Level of Service (LOS) for highway segments. LOS is an indication of how well a particular segment can accommodate the projected traffic volumes in a given peak hour. For the project's rural setting and classification of roadway, a LOS during peak hours of A through C is generally acceptable, with D through F being unacceptable. For the new section of U.S. 219 and the section of Business U.S. 219 south of Salisbury, PA, the PM peak hour had higher traffic volumes than the AM. For the sections of Business U.S. 219 north of Salisbury, PA, the AM peak hour had higher traffic volumes than the PM. The LOS for 2030 and 2050 build conditions use the worst-case analysis period. If additional traffic generators are introduced into the area in the future, impacts to local roadway traffic operations are typically evaluated and mitigated through the municipal site plan approval process. The proposed roadway would be capable of accommodating the additional traffic volumes generated by any foreseeable developments due to the relatively low ADT anticipated.

The build LOS for the design year (2050) for existing U.S. 219 and Alternative E-Shift Modified (Selected) operate acceptably at LOS C or better.

6.2 Land Use, Zoning, Planning and Development

Alternative E-Shift Modified (Selected) is consistent with the Somerset County and Garrett County comprehensive planning objects by completing Corridor N of the Appalachian Development Highway System.

Land use impacts associated with Alternative E-Shift Modified include permanent conversion of mostly forestland and agricultural land to a transportation use. Approximate forestland impacts would be 388.8 and productive agricultural land impacts would be 37.6.

The potentially impacted forestland is privately owned and is generally used for recreation, including hunting and off-roading; production, including lumber or maple syrup; or as part of a residential property.

These two land use types would continue to be the dominant regional land uses following construction of a build alternative.

Additionally, construction of any of the Alternative E-Shift Modified (Selected) could result in further commercial, industrial, or residential development along new or existing transportation corridors in the vicinity of the project. However, this type of new development resulting from transportation corridors typically occurs at new access points or interchanges, and there are no new access points or interchanges being proposed as part of this project.

6.3 Population and Demographics

Alternative E-Shift Modified (Selected) involves construction of a new, limited-access expressway. This new expressway would improve north and south project area access. Existing U.S. 219 will be maintained as a local road with each build alternative. Expressway construction would reduce traffic and truck volumes along existing U.S. 219, improving community safety. This holds true for the Borough of Salisbury, where existing U.S. 219 runs through the center of the borough. Alternative E-Shift Modified (Selected) will alleviate traffic issues, improve pedestrian and vehicular safety, and reduce traffic noise for residents and businesses within the borough.

Alternative E-Shift Modified (Selected) will displace ten residences and two commercial properties at the north end of the project area.

Additional property impacts and acquisitions would be scattered along forested, agricultural, or rural residential areas with low population densities.

The area would see little impact in way of population as a result of Alternative E-Shift Modified.

6.4 Communities and Community Facilities

Alternative E-Shift Modified (Selected) will not directly impact any communities or community facilities. Alternative E-Shift Modified (Selected) will improve access to schools, police, fire protection, medical treatment, emergency medical services, and recreational resources by providing a new four-lane limited access facility; thereby removing traffic from the existing U.S. 219, where most of the facilities are adjacent to.

Alternative E-Shift Modified (Selected) would not bisect any existing communities, would it adversely impact community facilities.

It will bisect Clark Road; however, the impacted area along Clark Road is mountainous and there are no pedestrian facilities along Clark Road. Vehicular travel to each side of Clark Road would be provided along the proposed Mountain Road Extension, Mountain Road, and existing U.S. 219.

Alternative E-Shift Modified will not directly impact pedestrian facilities. However, there are sidewalks in Salisbury and U.S. 219 currently runs through the center of town. With the expected reduction in traffic from existing U.S. 219, the local network could result in safer walking and bicycling within Salisbury.

Elk Lick Township indicated that they anticipate no Plain Sect population travel issues since the project would maintain the existing local roadway network. U.S. 219 will no longer be directly accessible from Clark Road or Mountain Road because of Alternative E-Shift Modified (Selected). The proposed Mountain Road Extension, however, will allow Amish travelling along these roads to use Mountain Road to reach Mason Dixon Highway and maintain similar east-west travel routes.

6.5 Parks and Recreational Facilities

Alternative E-Shift Modified (Selected) will have no adverse or direct impacts to parks or recreational facilities.

Constructing a 300-foot long retaining wall, approximately 3.5 feet in height along the east side of northbound U.S. 219, will aid in avoiding impacts Alternative E-Shift Modified (Selected) to SGL 231.

This wall avoids a potential 1.0-acre cut slope impact to SGL 231. Further refinements to the retaining wall and limits of disturbance are possible during final design.

6.6 Displacements

Alternative E-Shift Modified Selected) impacts 110 parcels. This includes both partial and full property impacts. Of the 100 parcels, Alternatives E-Shift Modified (Selected) impacts 10 residences, requiring displacement, 24 outbuildings requiring displacement, 2 commercial displacements and 3 other displacements. The three other displacements include a billboard, antenna tower and sludge drying bed used as a treatment operation for a subsurface mining operation.

Most of the residential and commercial property displacements are in Summit Township, Somerset County. Property displacements associated Alternative E-Shift Modified (Selected) would have minor impacts to the tax base within the respective township and school district, and to Somerset County. For example, a property in Summit Township had a total millage of 41.25 in 2023, with a mill rate of 13.36 for Somerset County, 2.63 for Summit Township, and 25.26 for Meyersdale Area School District. Mill rate is the rate at which tax revenue is produced from property assessments, conveyed in terms of 1/1000th of assessed value. This is equivalent to $4,125 lost in yearly real estate taxes for a property in Summit Township with an assessed value of $100,000 per displacement. Additionally, Summit Township and Meyersdale Area School District each have a 0.5% Earned Income Tax rate for residents.

6.7 Historic and Cultural Resources

The Project is a federal undertaking subject to review under Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, and its implementing regulation, 36 CFR Part 800: Protection of Historic Properties. The evaluation of effects on historic and cultural resources for the Project was prepared in accordance with the requirements of 36 CFR Part 800 for implementing Section 106 of the NHPA, in consultation with the Pennsylvania and Maryland State Historic Preservation Offices (SHPO) and other Consulting Parties. In addition to FHWA and SHPO, participants in Section 106 consultation for this Project included three federally recognized Native American Nations, preservation organizations, and individual granted Consulting Party status by FHWA.

Two Section 106 Consulting Party meetings were held for the project; one on October 30, 2023, and the second on April 11, 2024. Information presented to the Consulting Parties included the results of the historic and archeological studies to date. Comments provided by the Consulting Parties were considered during the identification and evaluation of historic architectural resources.

PennDOT and SHA, in coordination with FHWA and in consultation with the SHPO, applied the Criteria of Adverse Effects (36 CFR 800.5(a)(1)) to identified historic properties within the Project's APE. As a result of efforts to minimize effects on historic architectural properties within the APE under the Alternative E-Shift Modified (Selected), no historic properties will be removed, and changes will be limited to a minor acquisition of land from one property. Alternative E-Shift Modified (Selected) will not cause an adverse effect to this property since there will be no changes to the contributing features that qualify this property for inclusion in the National Register of Historic Places (NRPH). Based on review of the Determination of Effect prepared in accordance with 36CFR 800.11(e), in a letter dated April 24, 2024, PA SHPO concurred that Alternative E-Shift Modified (Selected) will not adversely affect historic above-ground resources and the MD SHPO concurred on April 26, 2026.

In accordance with 36 CFR §800;5(a)(3), a phased process is being used to identify and evaluate the Project's effects on NRHP-eligible archaeological sites, consistent with the phased identification and evaluation efforts (36 CFR §800.4(6)(2)), due to the large geographic area encompassed by the APE for direct effects. The initial stage of archaeological field investigations,

consisting of shovel testing conducted in accordance with the Project's Phase 1a Archaeological Assessment, has been completed. As determined in consultation with PA SHPO, no NRHP-eligible archaeological sites have been identified as a result of previous Phase I, II and III archaeological field studies conducted between 2015 to 2017.

The Programmatic Agreement stipulates procedures to ensure that archaeological investigations are completed in accordance with the approved Phase IB Work Plan. In addition, the Programmatic Agreement outlines procedures for consultation among FHWA, PennDOT, SHA, SHPO, Maryland Commission on Indian Affairs, federal recognized Delaware Nation, Oklahoma, and Seneca Nation of Indians, and the State of Maryland recognized Tribal Nation, Cedarville Band of Piscataway Indicans, to avoid, minimize, or mitigate any adverse effects on archaeological properties.

FHWA, PA SHPO, MD SHPO, PennDOT, and SHA, signed the Programmatic Agreement, which was executed on December 27, 2024, with the final signature of the FHWA. The Section 106 process for the Project will be deemed complete upon concurrence of FHWA with a written notification from PennDOT that all stipulations in the executed Programmatic Agreement have been completed.

6.8 Air Quality

Based on the regional analysis conducted for the Project, Alternative E-Shift Modified (Selected) will result in no significant adverse impact on air quality as a result of transportation related Carbon Monoxide (CO) emissions.

The project is located in a U.S. EPA attainment area for PM2.5 and PM10 standards. The project does not require a project-level PM conformity determination. No further project-level air quality analysis for these pollutants is required according to the PM2.5 and PM10 hot-spot analysis requirements established in the March 10, 2006, final transportation conformity rule (40 CFR 93).

It is expected that there would be no appreciable difference in projected AADT or overall MSAT emissions with Alternative E-Shift Modified (Selected). As previously discussed, the design year AADT is projected to be the same, with similar proposed roadway lengths. Alternative E-Shift Modified (Selected) emissions are virtually certain to be lower than present levels in the design year of 2050 as a result of the U.S. EPA's national control programs. Local conditions may differ from these national projections in terms of fleet mix and turnover, VMT growth rates, and local control measures. The magnitude of the U.S. EPA-projected reductions however is so great (even after accounting for VMT growth) that MSAT emissions in the project area are likely to be lower in the future than they are today. According to U.S. EPA's *Motor Vehicle Emission Simulator* (MOVES), FHWA estimates that even if VMT increases by 31% from 2020 to 2060, as forecasted nationally, a 76% combined reduction of the total annual MSATs emissions across the country is projected.

6.9 Noise

Within the 20 Noise Sensitive Areas (NSAs), existing noise levels were monitored or predicted at 99 noise-sensitive receptor locations (34 monitored and modeled sites and 65 modeled only sites) to identify existing acoustical conditions. Of the 99 noise-sensitive receptor locations, 69 are located in Pennsylvania and 30 in Maryland.

Monitored existing noise levels in Pennsylvania range from 40 dB(A) Leq(h) to 60 dB(A) Leq(h). Measured existing noise levels in Maryland range from 40 dB(A) Leq(h) to 69 dB(A) Leq(h). As expected, measured noise levels were greatest at those receptors near existing U.S. 219, Mason Dixon Highway, and Chestnut Ridge Road.

Both PennDOT and SHA have determined that a traffic noise impact is present if a future design year noise level approaches or exceeds the defined NAC for the corresponding Land Use Activity Category and or the future design year noise levels substantially increase by 10 dB(A) or more above

existing noise levels.

Nine noise impacts were identified for Alternative E-Shift Modified (Selected), with eight in Pennsylvania (NSAs 12, 13, 14 and 18) and one in Maryland (NSA 1). These impacts are associated with predicted noise levels approaching or exceeding the NAC (66 dB(A) for residential land uses) or substantially exceeding existing noise levels by 10 dB(A) or more.

Preliminary noise barriers were evaluated for the five NSAs warranting noise abatement consideration. The evaluation determined that noise barriers were not feasible for NSAs 1 and 18 due to driveway and roadway access. For NSAs 12, 13 and 14 noise barriers were found feasible but not reasonable per PennDOT's and SHA's traffic noise policy due to failing the cost per benefitted receptor criteria.

6.10 Farmland

Several different types of farmland impacts were assessed by overlaying the LOD for Alternative E-Shift Modified (Selected) with the existing agricultural resources. Impact types include prime agricultural land within Pennsylvania, overall farmland resources and impact to farmlands as per Pennsylvania regulations and policy.

There are 13 individual farm operations within the project area.

There are no unique farmland soils or soils of local importance present within the project area. None of the municipalities have adopted zoning regulations pertaining to agricultural properties. There are no preserved farms, agricultural easements or agricultural security areas located in the project area.

Pennsylvania has state specific laws relative to farmlands. This include the Agricultural Lands Protection Policy which defines Prime Agricultural Land as land currently in active agricultural use (not including the growing of timber) which has been devoted to active agricultural use for the preceding three years and falls into one of the following five priorities: Priority 1: Preserved farmland; Priority 2: Agricultural Security Areas (ASAs); Priority 3: Farmland enrolled in preferential tax assessments; Priority 4: Farmland planned for agricultural use and subject to effective agricultural zoning; Priority 5: Farmland classified as unique farmland or capability classes I, II, III, or IV land.

PA Act 1979-100 (also known as Act 100) established the Agricultural Lands Condemnation Approval Board (ALCAB) which has approval authority for the condemnation of productive agricultural land for new highway projects. PennDOT defines PAL as "any land used for production, for commercial purposes of livestock, and livestock products. Agricultural production includes the processing or retail marketing of such crops, livestock, or livestock products if more than 50 percent of such processed or merchandised products are produced by the farm operator.

PennDOT policy also considers barns and other agricultural buildings, land lying fallow due to crop rotation, and subsistence farms where the farm operator has land in agricultural production for his own 'subsistence' use rather than primarily for commercial purposes, as "PAL" (PennDOT Publication No. 324*, The Agricultural Resources Evaluation Handbook*, PennDOT 2016). Note, because Act 100 is a Pennsylvania law, it is not applicable to the portion of the project area in Maryland. There are approximately 50 acres of PAL in the Pennsylvania portion of the project area.

Alternative E-Shift Modified (Selected) would directly impact six farm operations, two in Pennsylvania, and four in Maryland. Of the six farm operations, one farms property in both Pennsylvania and Maryland. The total amount of direct impact on farm property is 38.07 acres.

For farmland resources in Pennsylvania only, Alternative E-Shift Modified (Selected) would result in 1.94 acres of impact to Priority 3 lands, 1.72 acres to Priority 5 lands and 3.67 acres to productive agricultural lands.

For Prime Agricultural Land Priority Areas, which applies to both Pennsylvania and Maryland, Alternative E-Shift Modified (Selected) would impact 21.2 acres of prime farmland soils, 83.3 acres of farmland soils of statewide importance, 8 farms operations totaling 76.1 acres of active farmland and 36.05 acres of preferential tax assessment property.

6.11 Hazardous or Residual Waste

The FEIS identified numerous surface and underground mining permits, and historical mining is within and adjacent to Alternative E-Shift Modified (Selected). Five properties were identified that will require a phase II/IIII environmental site assessment, water management plan and/or geophysical survey before any demolition or excavation occurs on them.

6.12 Geology, Hydrology and Groundwater

The project area is situated within the Allegheny Mountain section of the Appalachian Plateau physiographic province and lies on the eastern limb of the Berlin syncline. The bedrock beneath the project site dips towards the Casselman River Valley at a rate of 1200± feet per mile (or 13-degree dip) and is divided into six groups and formations based on their lithologic characteristics.

Many of the residents who live in the project area are dependent on private wells for their sole source of potable water.

A flowing artesian spring (Findley Spring) located approximately 3.5 miles to the southeast supplies groundwater to the Borough of Salisbury. The spring flows from the Loyalhanna limestone on the steep, east flank of the Berlin Syncline (Allegheny Mountain). A pipeline along the Piney Creek valley carries the water to an underground reservoir located in Salisbury. Findley Spring maintains a constant flow of 90 gpm; and the water is high quality, with the only treatment being chlorination. Seeps also occur in other rock types in the project area. However, flow is not consistent; and water quality is reportedly poor.

To better understand the geology and ground water yields, roadway borings in preliminary engineering will be located every 500± to 1,000± feet while roadway borings for final design will be located every 300± feet for Alternative E-Shift Modified (Selected). Additional borings will be drilled at locations of deep cuts and high fills during both phases. Individual boring programs will be completed during final design for the two proposed structures over Piney Creek and Meadow Run and will consist of a minimum of two borings per substructure unit. Additional borings for smaller structures such as culverts and retaining walls will likely be included, but locations of these structures have not been finalized at this time.

6.13 Mining

The greatest mining related impacts occur at the northern end of the project area where Alternative E-Shift Modified (Selected) impacts a large swath of land that has been both deep mined and strip mined. Alternative E-Shift Modified (Selected) will impact 214.0 acres of surface mine boundaries and 24.2 impact of deep mine boundaries.

The geotechnical impact from the deep mining includes the potential for mine related subsidence beneath the proposed roadway. The primary geotechnical impact from the strip (surface) mining includes the potential for excessive settlement of thick, unconsolidated (greater than 100± feet) mine spoil, particularly when high fill embankments are constructed over these areas. Cut slopes constructed through the surface mine spoil are more subject to erosion and slope failure due to the lack of cohesion within this material. Additionally, the surface mine spoil is more likely to be contaminated by acid mine drainage which presents the potential for a corrosive environment.

6.14 Soils and Erosion

Review of the available soil surveys indicated the following general soil types present: Rayne-Gilpin-

Wharton-Cavode and Hazelton-Cookport (Pennsylvania) and Dekalb-Gilpin-Cookport association (Maryland).

Additional borings will be drilled along Alternative E-Shift Modified (Selected) and at all major cut slopes and fill embankments to better evaluate any soft soil or sole stability related issues but given the placement of Alternative E-Shift Modified (Selected) it is expected to have coarser soils which is derived from the Pottsville group, making it a more stable soil for cuts.

6.15 Stormwater Management

Alternative E-Shift Modified (Selected) would result in impacts to stormwater runoff within and adjacent to the project area due to affecting existing drainage patterns, adding impervious area, compacting soils, and introducing additional pollutants such as de-icing materials, vehicular oils, and thermal pollution. These alterations produce an increase in peak rate of stormwater runoff, volume of stormwater runoff and water quality degradation that needs to be mitigated.

Stormwater generated from the project area will be managed utilizing a multitude of structural and non-structural Stormwater Control Measures/Best Management Practices that implement peak rate control, volume control and water quality improvements.

6.16 Waterway, Watershed, Surface Water Quality and Aquatic Biota

Alternative E-Shift Modified (Selected) will result in unavoidable impacts to 17,884 linear feet of streams, of which 11,409 linear feet are wild trout and 3,150 are trout stocked, and 5,257 linear feet of seasonable streams. Additionally, there is an impact to 5,257 linear feet of seasonal streams.

Impacts to waterways required that PennDOT and SHA receive provisional notification for a Section 404 Permit from the Pittsburgh District of USACE (in coordination with the Baltimore District), PA DEP, and MDE, contingent on receiving a Section 401 Water Quality Certification from the PA DEP and MDE.

None of the stream segments within the project area are federal or state wild or scenic rivers. None of the streams are recreationally navigable. The Casselman River is a recreationally navigable river but is not within the project area.

6.17 Wetlands

In accordance with 25 Pa. Code, Chapter 105.17(1)(iii), wetlands located in or along the floodplain of the reach of a Wild Trout Water and wetlands within the floodplain of a tributary to a Wild Trout Water, are Exceptional Value (EV) Wetlands. In addition, 25 Pa. Code, Chapter 105.17(1)(iv) categorizes wetlands located along an existing public or private drinking water supply, including both surface water and groundwater sources, that maintain the quality or quantity of the drinking water supply, as EV wetlands. Of the 85 wetlands in the Pennsylvania portion of the project area, 37 are considered EV wetlands based on these criteria.

In Maryland, the project is subject to COMAR 26.17 and 26.23. COMAR 26.17 presents the regulations for erosion and sediment control and stormwater management to reduce and manage stormwater runoff necessary to decrease stream erosion, pollution, and flooding. COMAR 26.23 is known as the Maryland Nontidal Wetlands Act. These regulations require permits for activities that disturb the nontidal wetland area and/or the associated 25-foot wetland buffer. Three vernal pools are located within the Maryland portion of the project area. These wetlands provide significant wildlife habitat as they are often used by amphibians in the spring.

The primary functions of wetlands in the project area include groundwater recharge/discharge, sediment/toxicant retention, wildlife habitat, nutrient removal, and flood flow alteration.

Alternative E-Shift Modified (Selected) has the fewest impacts to wetlands (10.02 acres) and exceptional value wetlands (3.13 acres).

6.18 Floodplains

EO 11988 prioritizes the avoidance of adverse impacts to floodplains and the avoidance of floodplain development. The EO also requires that federal agencies take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains. For the purposes of this EO, floodplain is defined as relatively flat areas adjoining inland and coastal waters, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year.

Furthermore, 25 PA Code Chapter 106 Floodplain Management and the Code of Maryland Regulations 26.17.04 contain planning and development regulations regarding floodplains. These regulations apply to highways obstructions or other obstructions.

The recorded 1% annual chance floodplains in the project area include Miller Run and Piney Creek in Pennsylvania, and Meadow Run and the Casselman River in both Pennsylvania and Maryland. The 1% annual chance floodplain refers to the areas along or adjacent to a stream or body of water that are capable of storing or conveying floodwaters during a 1% annual chance storm. The 1% annual chance storm is a rainfall event that statistically has a 1% chance of occurring in any given year.

Alternative E-Shift Modified (Selected) would impact approximately 4.1 acres of Piney Creek FEMA floodplain, 0.24 acres of the Miller Run floodplain and it would not impact either the Casselman River floodplain or the Meadow Run floodplain.

The project will be seeking authorization to impact the Piney Creek and Miller Run flooding under 25 PA Code Chapter 106 through the joint Section 404/PA Chapter 105 Permit process.

6.19 Vegetation, Terrestrial Habitat and Terrestrial Wildlife

A Land Use and Land Cover Classification System for Use with Remote Sensor Data (Anderson, et. al. 1976) (Anderson) assisted in classifying habitat units in the project area. The Anderson Method allows for classification to four levels of detail, Level I being the least detailed and Level IV being the most detailed. The target of this study was to classify terrestrial habitat in the project area to a Level III.

The second part of the terrestrial habitat assessment used the *Terrestrial and Palustrine Plant Communities of Pennsylvania* (Fike, 1999) method. Utilizing the methodologies described in this classification method, different plant communities were identified within the project area. The Fike method divides the state into eleven Ecological Regions of Pennsylvania. The project area is located within the Western Allegheny Mountains region. Global Positioning Survey (GPS) survey technology with sub-meter accuracy recorded the differing plant communities on hard copy field maps. Finally, each area received a specific habitat type appropriate for the region.

In Maryland, specimen trees, defined as trees having a diameter at breast height (DBH) greater than or equal to 30-inches, and champion trees, defined as trees within 75% or more of the diameter of the current state champion tree, were identified in the field, measured using a DBH tape, and located and mapped using a GPS receiver. A total of 31 trees of specimen size reside within the project area during field reconnaissance. None of these trees are champion trees or are within 75 percent of the state champion tree for a given species. A total of six different species reside in the project area and the largest tree found was a sugar maple with a 48-inch DBH measurement.

Additionally, in Maryland, Forest Interior Dwelling Species (FIDS) are regulated as a protected resource within the Chesapeake Bay Critical Area (Critical Area) (COMAR 27.01.09.04). Although there are no Critical Areas within or near the project area, and FIDS are not specifically regulated outside of the Critical Area, MD DNR encourages avoidance of impacts to FIDS habitat throughout the state. Two

small areas of FIDS habitat were within the project area. Both areas are in the northern portion of the Maryland section, north of Old Salisbury Road.

The largest land use impact for Alternative E-Shift Modified (Selected) is 388.8 acres. The second largest land use impact is farmland at 37.6 acres.

Alternative E-Shift Modified (Selected) will impact 24 specimen trees.

Both FIDS habitat areas will be impacted, FID Area #1 consists of approximately 1.0 acre of deciduous forestland and FIDS Area #2 consists of approximately 8.0 acres of deciduous forestland.

6.20 Rare, Threatened and Endangered Species

Multi-agency coordination has identified federally and state-listed rare, threatened, and endangered (RT&E) species known to be present within the project area and, if necessary, develop alternative, conservation, or avoidance measures for the protection of identified RT&E resources. Federal and state regulations such as the Endangered Species Act (ESA) of 1973, which establishes protections for threatened or endangered fish, wildlife, and plants, regulates RT&E species. Coordination for federally protected RT&E resources is ongoing through the USFWS-Pennsylvania and Chesapeake Bay Field Offices. State-level interagency coordination for RT&E species within the project area involved the following resource agencies: PFBC, PGC, Pennsylvania Department of Conservation of Natural Resources (DCNR), Maryland Department of Natural Resources - Wildlife and Heritage Service, and the Maryland Department of Natural Resources - Environmental Review Program.

Potential conflicts with species under the jurisdiction of PGC, PFBC, and USFWS-Pennsylvania Field Office exist within the project area. All RT&E species with a historic range within the state limits of Pennsylvania of the project area include:

- Indiana bat (*Myotis sodalis*) | Federally Endangered | Mammal
- Northern Long-eared Bat (*Myotis septentrionalis*) | Federally Endangered | Mammal
- Little Brown Bat (*Myotis lucifugus)* | State Endangered | Mammal Species
- Tricolored Bat (*Perimyotis subflavus*) | Proposed Federally Endangered | State Endangered | Mammal
- Long Nosed Sucker (*Catostomus Catostomus*) | State Endangered | Fish

The PGC noted that a significant winter bat hibernaculum (Special Concern) is near the project area.

According to MD DNR, three geographical areas within the project area are known to support RT&E species and species in need of conservation. These three geographic areas, identified by MD DNR as Sensitive Species Project Review Areas (SSPRAs), include parts of the Casselman River, Meadow Mountain, and a segment of Piney Creek. In the western part of the project area, the Casselman River is known to support 13 species listed as rare, threatened, endangered, or in need of conservation, and three species currently on the watchlist. Within the area of Meadow Mountain which encompasses the project area, records exist for two species listed as rare, and one species currently on the watchlist. In the eastern part of the project area, a segment of Piney Creek is known to support six species listed as rare, threatened, and in need of conservation. Refer to **Appendix X** for the complete listing of RT&E species known to exist within the project area as identified by MD DNR.

Consultation with USFWS-Chesapeake Bay Field Office resulted in an official species list, confirming the potential presence of two federally endangered species within the project area. RT&E species listed on the official species list include:

- Indiana bat (*Myotis sodalis*) | Federally Endangered | Mammal

- Northern long-eared bat (*Myotis septentrionalis*) | Federally Endangered | Mammal

A Biological Assessment (BA) has determined that the proposed action "may affect, likely to adversely affect" the Indiana bat, northern long-eared bat, or tricolored bat. A March 26, 2025, Biological Opinion concurred with the effect determinations in the BA that the proposed action "may affect, likely to adversely affect" all three bat species.

In Pennsylvania, Alternative E-Shift Modified (Selected) avoids impacts to State Game Lands #231; so, no further coordination with the PCG is required related to SGL #231. Alternative E-Shift Modified (Selected) would bridge known habitat associated with the longnose sucker, specifically Meadow Run and Piney Creek. The locations of new bridges, piers, causeways, and staging areas are currently unspecified at this phase of preliminary design. However, the Selected alternative would avoid pier and fill placement and the staging of materials within habitat known to support the longnose sucker. Coordination between PFBC and PennDOT is ongoing to conduct field investigations and surveys to evaluate Meadow Run and Piney Creek for the presence or absence of the longnose sucker.

In Maryland, Alternative E-Shift Modified (Selected) only crosses through the Meadow Mountain area and none of the species listed are threatened or endangered in that area.

6.21 Reasonably Foreseeable Effects

Currently there are no planned developments dependent on the completion of improved U.S. 219. However, the improvements to system linkage and reduced travel times would support potential future development in the project area. The proposed improvements are not anticipated to immediately induce new unplanned development that would affect changes in the current or planned land use, or population growth rate. However, Alternative E-Shift Modified (Selected) could cause reasonably foreseeable effects including new elements affecting visual quality of the natural and cultural environments, right-of-way acquisitions of community or agricultural resources, commercial and residential displacements, increased runoff and sedimentation, altered hydrology, and introduction of non-native plant species.

Adherence to current regulatory requirements and planning practices will help minimize, mitigate, or avoid both direct and reasonably foreseeable effects from the Selected Alternative.

6.22 Construction Impacts

Alternative E-Shift Modified (Selected) will take three years to construct. Construction effects will include temporary increases in noise, erosion and sedimentation to nearly streams and/or wetlands, emissions from construction equipment, traffic detours, short-term road closures and changes in visual appearance near construction zones. PennDOT and SHA will seek temporary easements during construction, but these easements will not require any permanent relocation of residents or businesses. PennDOT and SHA will maintain access to residences and businesses through detour routes, as necessary.

As previously noted, Alternative E-Shift Modified (Selected) will result in the demolition of several sites of concern for hazardous wastes and contaminated materials, which may contain residual waste from mining activities. PennDOT and SHA will require its Contractors to follow established protocols for the proposed abatement of these sites and for the proper disposal of materials removed from these sites.

As described in **Section 9** of this ROD, PennDOT and SHA have developed numerous commitments to minimize the effects of constructing Alternative E-Shift Modified (Selected).

7 SECTION 4(F) FINDING

Section 4(f) of the U.S. Department of Transportation (USDO1) Act of 1966 (49 USC § 303, as amended), prohibits the "use" of land from parks and recreational areas of national, state, or local significance that are both publicly owned and open to the public, or from any significant historic or archaeological site, as part of a federally funded or approved transportation project unless no feasible and prudent alternative exists for the use of the site and all possible alternatives have been evaluated to minimize harm to the Section 4(f) resource. The Project is subject to review by the USDOT and FHWA and is therefore subject to Section 4(f) review.

As documented in the FEIS for the Project (see Chapter 3.10 of the FEIS), Alternative E-Shift Modified (Selected) will result in the de minimis use of one historic property (Miller Farm) in the Area of Potential Effects (APE) for the Project due to the permanent incorporation of land (minor takings of open space or parking areas) from the property into the transportation facility. By way of signature on July 24, 2024, the FHWA determined that Alternative E-Shift Modified (Selected) will result in the de minimis use of one historic property and stated that these findings are supported by the SHPO's April 24, 2024, concurrence with the no adverse effect determination for known effects under Section 106, in accordance with 36 CFR Part 800.

As documented in the Determination of Section 4(f) De Minimis Use for Historic Property Use form, Alternative E-Shift Modified (Selected) will result in 0.78 acres of permanent impact to the eastern boundary of the 199.45-acre historic Miller Farm.

The use of the Miller Farm is considered de minimis because the effect of the Project will "not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f)."

Based on the scope of the undertaking; the fact that the undertaking does not adversely affect the function/qualities of the Section 4(f)/Section 2002 property on a permanent or temporary basis; and with agreement from the official with jurisdiction (SHPO), the proposed action constitutes a de minimis/no adverse use; and therefore, no analysis of avoidance alternatives is required.

8 PERMITS AND APPROVALS

In addition to NEPA compliance, several permits and approvals are being coordinated concurrently with the NEPA process. **Table 2** summarizes the federal, state, and local permits, authorizations, and approvals that are required for the Selected Alternative based on the preliminary design and associated impacts.

9 ENVIRONMENTAL COMMITMENTS

See **Table 3** for a complete list of impacts and commitment/mitigation measures for resources analyzed in the FEIS.

Table 2: Permits and Approvals

Permit/Approval	Responsible Agency	Anticipated Timeframe
Clean Water Act Section 404 Permit and Section 401 Water Quality Certification	USACE PA DEP MDE	Provisional notification for Section 404 Permit: 90-Days from FHWA FEIS and Record of Decision approval PA DEP & MDE must provide MDE must provide a Section 401 Conditional Water Quality Certification prior to USACE issuing its Proffered Section 404 Permit
Clean Water Act **National Pollutant Discharge Elimination System**	PA DEP & MDE	Prior to construction
Section 7 of the Endangered Species Act	USFWS	A Biological Assessment was prepared for the project's "may affect, likely to adversely affect" determination. In response, the USFWS prepared a biological opinion to analyze the effect of the proposed action to the listed species, and the conclusion of the biological opinion states whether FHWA has ensured the project is not likely to jeopardize the continued existence of the Indiana bat, northern long-eared bat or tricolored bat and/or result in the destruction or adverse modification of critical habitat. A Biological Opinion was issued by USFWS on March 26, 2025, and concurred with the Biological Assessment's determination.
Section 106 of the National Historic Preservation Act	PHMC & MHT	Alternative E-Shift Modified is anticipated to result in No Adverse Effect to one historic property at the northern end of the project. Areas of medium-to-high potential for archaeological resources will be evaluated prior to construction. A Programmatic Agreement has been executed between PennDOT, SHA, Pennsylvania Historical and Museum Commission, and MHT regarding archaeological resources that are identified prior to construction, or archaeological resources discovered during construction.
Section 4(f) of the USDOT Act of 1966	FHWA	Alternatives E Modified and E-Shift Modified effectively are Section 4(f) Avoidance Alternatives to Alternatives DU Modified and DU-Shift Modified except a *de minimis* use of the historic Miller Farm
Pennsylvania Acts 100 and 43 (Farmlands)	PA Dept of Agriculture	The Selected Alternative will be designed to minimize farmland impacts in accordance with state regulations and guidance. PennDOT would continue coordination with the Pennsylvania Department of Agriculture throughout the project and into final design and construction
Maryland Priority Funding Area (PFA) Law	MDP	Spring 2025; This law directs State funding for growth-related infrastructure including major transportation capital projects to PFAs, providing a geographical focus for state investment in growth. Since a large portion of the US 219 project in Maryland is outside a PFA, SHA and MDP are coordinating to secure an exception.

Permit/Approval	Responsible Agency	Anticipated Timeframe
PA Code Title 12, Chapter 113 (Floodplain Impacts) **MD COMAR 26.17.04.03 (Floodplain Impacts)**	PA DEP MDE	Construction in nontidal waters and floodplains requires PA DEP or MDE permits respectively, prior to changing in any manner the course, current, or cross section of a stream or body of water including any changes to the 1% annual chance floodplain of free-flowing streams.
FHWA Act of 1970, 23 USC 109(h)	FHWA	The Act requires that federal projects be developed in the best overall public interest, considering the need for safe/efficient transportation, public services, and costs of eliminating or minimizing human environmental effects. The Selected Alternative would be the least environmentally impactive alternative and complies with 23 USC 109(h).
Maryland Reforestation Law 5-103	MD DNR	The law requires an acre for acre replacement for any forest removed during road construction. Potential forest impacts have been identified, and the final design will address mitigation.
Maryland Environmental Policy Act (MEPA)	MD SHA	Completed; This requires completion of an Environmental Assessment Form for projects utilizing state funding.

Table 3: Impacts and Mitigation Summary

Resource	Anticipated Impact of Preferred Alternative (E-Shift Modified)	Commitment/Mitigation for Preferred Alternative (E-Shift Modified)
Land Use & Zoning, Planning, and Development (See FEIS Chapter 3.1)	• Permanent conversion to transportation right-of-way would occur to 388.8 acres of forestland and *37.6* acres of productive agricultural land.	• No specific mitigation is proposed. In Pennsylvania, the Municipalities Planning Code, Sound Land Use policies, and Keystone Principles establish guidelines for investment in public infrastructure. In Maryland, the Economic Growth, Resource Protection, and Planning Act of 1992 *established the State Planning Policy which organizes and directs land use and growth comprehensive planning, regulation, and funding by state, county, and municipal governments. The MD Department of Planning and SHA have determined that the Alternative E-Shift Modified is consistent with the Maryland State* Planning Policy.
Population & Demographics (See FEIS Chapter 3.2)	• The new expressway would improve north and south project area access. *The project area encompasses an eight-mile corridor, including six miles in Pennsylvania and two miles in Maryland.* • Property impacts and acquisitions would be scattered along forested, agricultural, or rural residential areas with low population densities. • The objective of the preferred alternative is to stimulate project area economic growth by facilitating improved mobility for freight and labor.	• No specific mitigation is proposed. *No significant adverse effect to the populations or demographics of the project area is anticipated as a result of the project.*
Communities & Community Facilities (See FEIS Chapter 3.5)	• The alternative is anticipated to improve community access to schools, police, fire protection, medical treatment, emergency medical services, and recreational resources. No impacts to pedestrian facilities are anticipated. • No Plain Sect population travel issues are anticipated since the project would maintain the existing local roadway network. U.S. 219 would no longer be directly accessible from Clark Road or Mountain Road, however, the proposed *Mountain* Road Extension, would allow Plain Sect travelling along these roads to use *Mountain* Road to reach Mason Dixon Highway and maintain similar east-west travel routes.	• Coordination with community service providers (i.e. school districts and emergency service providers) will continue through preliminary engineering, final design, and construction to ensure access benefits of the project are maximized for all communities.
Parks & Recreational Facilities (See FEIS Chapter 3.6)	• No adverse or direct impacts to parks or recreational facilities are anticipated.	• A 300-foot long retaining wall will be constructed to avoid impacts to State Game Lands (SGL) 231. Alignment shifts, profile shifts and bifurcation could be considered *in final design but will continue to* avoid PA SGL 231. Coordination with PA Game Commission (PGC) will continue through final design and construction.

Resource	Anticipated Impact of Preferred Alternative (E-Shift Modified)	Commitment/Mitigation for Preferred Alternative (E-Shift Modified)
Displacements (See FEIS Chapter 3.7)	• The alternative includes property impacts to *110* parcels. This includes *ten* residential displacements and two commercial displacements. • Additionally, the alternative requires acquisition of an existing outdoor advertising device along U.S. 219 and is likely to require acquisition of an antenna tower along existing U.S. 219 in Maryland due to access issues. The alternative also requires displacement and acquisition of a sludge drying bed associated with the Weimer Strip and Auger post mining remediation activities.	• Preliminary and final design will continue to minimize impacts to the residential and commercial properties and restore property access where feasible. Mitigation measures for displacements include relocating residences into available and comparable housing. If, under normal relocation procedures, available and comparable replacement housing cannot be identified, PennDOT and MD SHA shall provide "Housing of Last Resort" options to ensure that all displaced individuals are properly relocated. • In accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR 24) and PennDOT and SHA's Relocation Assistance Programs, all displaced residential and commercial establishments shall be eligible to receive replacement payments. This includes fair market value of real and personal property and moving expenses. Under no circumstances will the project require any business to vacate before the 90-day Notice to Vacate expiration date. • *PennDOT will incur the cost to design, relocate, and build a new sludge drying bed associated with the Weimer Strip and Auger post mining remediation site. The sludge drying bed will be relocated to a similar environment on the same property and its function and access will be restored. The relocated sludge drying bed will not be sited within a floodplain or wetland.* • *If the antenna tower along existing U.S. 219 in Maryland, near the south end of the project area is deemed inaccessible and would need to be displaced, SHA will incur the cost to design and relocate the new antenna.* • *Highway fencing will be placed at the edge of PennDOT and SHA's right-of-way to minimize the likelihood of person using the adjacent properties interacting with those using the roadway. The design is still in the very early stages and the specific details about the fencing has not been determined at this time. Future public meetings, to be held prior to construction will have details about the location and style of fencing.*
Historic Architectural Resources (See FEIS Chapter 3.8)	• The alternative was determined to have no adverse effect to historic architectural resources.	• No specific mitigation is proposed *because this alternative was determined to have No Adverse Effect to historic architectural resources. Minimization efforts undertaken in the early phases of project development have avoided any adverse effects.*

Resource	Anticipated Impact of Preferred Alternative (E-Shift Modified)	Commitment/Mitigation for Preferred Alternative (E-Shift Modified)
Archaeological Resources (See FEIS Chapter 3.9)	• Through ground disturbance, the alternative has the potential to impact archaeological resources. This includes impacts to: • *48.8* acres of high pre-*contact* probability • *32.8* acres of moderate pre-*contact* probability • *191.9* acres of low pre-*contact* probability • *14.4* acres of high historic probability • *11.9* acres of moderate historic probability • *147.0* acres of low historic probability	• A Programmatic Agreement for the project *was executed* to ensure compliance with Section 106 Process for archaeological resources *(See Appendix M)*. Detailed field investigations to identify intact archaeological properties will be conducted within the archaeological Area of Potential Effects (APE) for the Preferred Alternative. If National Register of Historic Places (NRHP) eligible archaeological properties are identified, and it is determined the project would have an Adverse Effect to the properties, then PennDOT will identify mitigation measures in consultation with both Pennsylvania and Maryland State Historic Preservation Offices (SHPOs), Federally Recognized Tribal Nations, and other consulting parties. The Programmatic Agreement will ensure that if the project needs any archaeological mitigation measures, they will be appropriately completed.
Section 4(f) Resources (See FEIS Chapter 3.10)	• The alternative requires use of 0.78 acres along the eastern boundary of the Miller Farm / Earnest and Carrie V. Miller Residence, a historic Section 4(f) resource. The historic boundary of the Miller Farm / Earnest and Carrie V. Miller Residence abuts the former Mason Dixon Highway (Old U.S. 219) right-of-way line. Old U.S. 219 in this area needs to be re-established. The PA SHPO concurred with a no adverse effect determination and Section 4(f) *de minimis* use finding for the impact.	• *Temporary construction fencing will be installed along the required right-of-way across the Miller Farm to avoid any additional, unforeseen encroachments onto the property. The fencing shall be removed after the completion of construction.*
Air Quality (See FEIS Chapter 3.11)	• No significant adverse impact on air quality is anticipated within the project area as a result of the proposed build alternatives. The anticipated annual average daily traffic of the project would have no significant adverse impact on air quality as a result of transportation related CO or mobile-source air toxics emissions.	• No specific mitigation is proposed. *No significant adverse effect to the populations of the project area is anticipated as a result of the project.*
Noise (See FEIS Chapter 3.12)	• Nine noise impacts were identified for the alternative, with eight in Pennsylvania (NSAs 12, 13, 14 and 18) and one in Maryland (NSA 1). These impacts are associated with predicted noise levels equaling or exceeding the NAC (66 dB(A) for residential land uses) or substantially exceeding existing noise levels by 10 dB(A) or more.	• Preliminary noise barriers were evaluated for the *five* NSAs warranting noise abatement consideration. *The evaluation determined that noise barriers were not feasible for NSAs 1 and 18 due to driveway and roadway access. For NSAs 12, 13 and 14 noise barriers were* found feasible but not reasonable per PennDOT's and SHA's traffic noise policy due to failing the cost per benefitted receptor criteria. Additional noise analyses, including of undeveloped lands, using more detailed engineering data will be conducted during the final design stage of the project and documented in the *Final Design Noise Report*. Local officials will be notified of the final design noise analyses.

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Farmlands (See FEIS Chapter 3.13)	• The alternative would result in the following impacts to agricultural resources:
	  • 3.66 acres of Primary Agricultural Land
	  • 3.67 acres of Productive Agricultural Land
	  • *21.2* acres of Prime Farmland Soils
	  • 83.3 acres of Farmland Soils of Statewide Importance
	  • *37.6* acres of active farmland
	  • 6 farmland operations
	  • *36.1* acres of preferential tax assessment parcels
		• No specific mitigation is proposed *at this time*.
		• *Avoidance and minimization measures for the Preferred Alternative will be evaluated during Final Design. This will include coordination with farm owners and operators to reduce farmland impacts, provide access to remnant parcels where possible, develop detours, and/or provide access during construction, etc.*

Hazardous Materials (See FEIS Chapter 3.14)	• Numerous surface and underground mining permits, and historical mining are within and adjacent to the alternative. The possibility of residual waste from mining activities could impact the alternative.
	• Two locations of significant mounds of spoils, assumedly associated with abandoned mines, were located adjacent to the alternative, just south of the Pennsylvania/Maryland state line. Stained surface soils were identified in a sludge drying bed within the alternative. The sludge drying bed is reportedly part of a nearby active water treatment operation and is located within the former Weimer Strip and Auger mine.
	• The alternative also impacts two properties that have stained surface soil, historical releases of petroleum products, and/or dumping, as well as a buried gas pipeline.
		• A waste management plan and/or Phase II/III Environmental Site Assessments (ESAs) (i.e., geophysical survey, soil, and groundwater sampling) will address impacts and the handling and disposal of waste encountered during construction within the Preferred Alternative.
		• The Areas of Concern (AOC) listed below will be impacted by the Preferred Alternative, and the following studies will be conducted:
		  • AOC-2 (Gas Pipeline/ Abandoned Mine) - Geophysical Survey with Contingent Phase II/III ESAs
		  • AOC-4 (Weimer Strip & Auger Post Mining Remediation) - Waste Management Plan and/or Phase II/III ESAs
		  • AOC-5 (Mountain Road, AML & Underground Mining Permits) - Waste Management Plan, Geophysical Survey, and/or Phase II/III ESAs
		  • Undocumented hazardous waste sites or contaminants encountered during construction will be managed and remediated in accordance with applicable federal, state, and local requirements.
		• *PennDOT will incur the cost to design, relocate, and build a new sludge drying bed associated with the Weimer Strip and Auger post mining remediation site. The sludge drying bed will be relocated to a similar environment on the same property and its function and access will be restored. The relocated sludge drying bed will not be sited within a floodplain or wetland.*

Geology, Hydrology, & Groundwater (See FEIS Chapter 3.15)	• All build alternatives are anticipated to encounter similar geologic conditions, and therefore, no constructability or design advantage was identified for any of the build alternatives with respect to local geology. However, geologic features would impact potential construction methods.	• Boring programs for preliminary engineering and final design will follow the guidelines set forth in *PennDOT Publication No. 293, Geotechnical Engineering Manual*. Roadway borings in preliminary engineering will be located every 500± to 1,000± feet while roadway borings for final design will be located every 300± feet. Additional borings will be drilled at locations of deep cuts and high fills during both phases. Individual boring programs will be completed during final design for the two proposed structures over Piney Creek and Meadow Run and will consist of a minimum of two borings per substructure unit. Additional borings for smaller structures such as culverts

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		and retaining walls will likely be included, but locations of these structures have not been finalized. • Roadway borings at embankments will extend a depth of two-times the embankment height, unless competent material with sufficient thickness is encountered. Roadway borings in the cuts will extend ten feet below the proposed subgrade elevation. Finally, roadway borings at grade will extend to a depth of five feet below subgrade. • It is assumed that the Piney Creek and Meadow Run structure foundations will consist of spread footings on bedrock or piles bearing on/in bedrock. In this instance, the borings will extend to a depth of ten feet below bottom of footing or pile tip elevation unless claystone is encountered, in which case the boring will be extended an additional ten feet into bedrock. • Future boring programs will likely include supplemental borings for acid bearing rock. The number of borings will be based on the minimum boring requirements shown on Table 10.5.1-1 of the *PennDOT Publication No. 293, Geotechnical Engineering Manual*. • Detailed soil and rock slope stability analyses using site specific information will be conducted to determine a slope ratio that ensures an acceptable factor of safety is achieved. Benching on the cut slopes may reduce the potential for rock falls encroaching on the constructed roadway. If benching or flattening of the rock cuts cannot be achieved, other appropriate measures such as rock fall collection zones at the toe of the cut, rock removal (scaling, trimming), or rock reinforcement with mesh may be designed. • Acid Base Accounting (ABA) tests will be performed on rock samples obtained from test borings to determine the extent of acid bearing rock along the Selected Alternative and the appropriate treatments. • Piezometers will be set in several test borings along the Selected Alternative to measure and continuously monitor the ground water level and to collect samples for testing to identify potential impacts and to assist in design of positive mitigation measures. Intercepting springs during construction is highly likely and will require the construction of drainage swales, rock blankets, and finger drains to convey water away from the cut slopes. Properly sized stormwater management basins will also be required. • Special provisions shall be included in the contract stating that the contractor will coordinate with the Borough of Salisbury to ensure that there are no interruptions in water flow or degradation of water quality caused by construction activities. Temporary rerouting of the water supply from Findley Spring may be required if construction along the Selected Alternative interferes with the water supply line located within the Piney

Resource	Anticipated Impact of Preferred Alternative (E-Shift Modified)	Commitment/Mitigation for Preferred Alternative (E-Shift Modified)
		Creek valley. *Prior to construction, the project team will meet with the Salisbury Borough Water Commission to discuss the location of water lines within the project LOD. The project team will also work with the Salisbury Borough Water Commission to verify the location of the water lines. Water quality from Findley Spring also will be monitored during construction to identify possible construction impacts.* • Special provisions shall also be included to perform water quality tests and sounding to static water level on residential wells before, during, and after construction to verify that the well water quality and volume has not been negatively impacted by facets of construction, such as acid mine drainage and dewatering the water bearing zone. If private wells are determined to be impacted resulting in the loss of water or degradation of water quality, the wells will be replaced or remediated, as appropriate. • *As part of the construction phase, a monitoring program of perennial watercourses is anticipated. This program is planned to consist of pre-construction, ongoing construction, and post construction sampling at locations upstream, within, and downstream of the constructed alignment.*
Mining (See FEIS Chapter 3.16)	• Impacts from mining could occur at the northern end of the project area where the alternative includes a large swath of land that has been both deep mined and strip mined. • Geotechnical concerns include the potential for mine related subsidence, settlement, and slope stability of thick (greater than 100± feet) unconsolidated surface mine spoils and the potential for acid mine drainage. Surface mine spoils and soil contaminated by acid mine drainage can be corrosive and damaging to the environment.	• Where the overburden above deep mined areas is relatively thin, concern for future mine subsidence *will* be mitigated by means of deep mine grouting. Methods such as deep dynamic compaction, stone columns, or pre-loading *will* mitigate settlement of thick unconsolidated strip mine spoils beneath roadways and embankments. Properly sized rock toes or bonding benches *will* be incorporated in sidehill fills while flatter slope ratios *will* be used for cut slopes to make sure an acceptable factor of safety can be achieved. • Acid mine drainage will be collected and treated following all environmental regulations. Corrosive soils will be mitigated by the same means as acid bearing rock, if necessary. • Additional test borings will be drilled along the Selected Alternative and at all major cut slopes and fill embankments to better evaluate any soft soil or slope stability related issues, respectively.
Soils & Erosion (See FEIS Chapter 3.17)	• The alternative is underlain by coarse soils, such as those derived from the sandstone bedrock of the Pottsville group rocks. Coarser soils are more stable and have a higher factor of safety. Similarly, fill embankments comprised of coarser soils may be constructed on steeper slopes with a sufficient factor of safety. Settlement of embankments due to consolidation of residual soils under the weight of fill or post-construction consolidation of fill under self-mass would be smaller and faster in coarse soils compared to fine-grained soils. • Additionally, colluvial soils, human-made fill, and strip mine spoils also occur throughout the alternative. Thick colluvial zones comprised of large sandstone float from the sandstone outcrops along Allegheny Mountain. These soils present	• Special subgrade treatment for low strength clays exposed immediately below roadway grades may involve undercutting and backfilling with more suitable material, base reinforcement with geogrids, or surficial treatment with moisture resistant solutions. When incorporated in fill embankments, their mixing with better materials or selective placement may be suggested. Soft alluvial soils encountered in narrow gullies at the base of fill embankments may have to be removed and replaced with coarser material either as rock toe or rock base. The same means that mitigate strip mine spoils can mitigate settlement of embankments due to consolidation of thick colluvial and man-made fill deposits. Cuts and sidehill fills through these same soils will require similar mitigation as the strip mine spoils.

Resource	Anticipated Impact of Preferred Alternative (E-Shift Modified)	Commitment/Mitigation for Preferred Alternative (E-Shift Modified)
	potential settlement problems and may be subject to extensive surface erosion and potential slope stability problems in cut and fill areas. • Soils exposed and stockpiled during construction could result in soil erosion and sedimentation.	• Implementing standard erosion and sediment pollution control (E&SPC) best management practices (BMPs) in accordance with the *PA DEP Erosion and Sediment Pollution Control Program Manual*, 25 PA Code Chapter 102 Erosion and Sediment Control, Code of Maryland Regulations (COMAR) 26.17.01 Erosion and Sediment Control, and the *Maryland Standards and Specifications for Soil Erosion and Sediment Control* will mitigate erosion and sediment pollution during construction. E&SPC BMPs implemented may include, but are not limited to, compost filter sock, silt fence, pumped water filter bags, drainage inlet protection, rolled erosion control products, sediment traps and basins, rock armoring, flocculants, natural vegetation for both temporary and permanent stabilization, and construction sequencing to limit exposed earth. National Pollution Discharge Elimination System (NPDES) permits will authorize earth disturbance required for construction in both Pennsylvania and Maryland. E&SPC BMPs will be designed in coordination with the Post Construction Stormwater Management (PCSM) plan to ensure that temporary BMPs such as sediment traps and basins can be converted to permanent stormwater management BMPs with minimal disturbance to the features constructed. Furthermore, areas subject to PCSM infiltration BMPs shall have compaction minimized during construction to promote infiltration of stormwater.
Stormwater Management (See FEIS Chapter 3.18)	• The alternative would result in impacts to stormwater runoff within and adjacent to the project area due to affecting existing drainage patterns, adding impervious area, compacting soils, and introducing additional pollutants such as deicing materials, vehicular oils, and thermal pollution. These alterations produce an increase in peak rate of stormwater runoff, volume of stormwater runoff and water quality degradation.	• Stormwater generated from the Preferred Alternative will be managed utilizing a multitude of structural and non-structural SCMs/BMPs that implement peak rate control, volume control and water quality improvements. These SCMs/BMPs may include detention basins; infiltration basins and/or trenches; bioretention and/or microbioretention; constructed wetlands and/or submerged gravel wetlands; amended soil to improve absorption and water quality; Managed Release Concept basins for areas with poor infiltration; level spreaders; bioswales/vegetated swales; vegetated filter strips; disconnection from storm sewers; revegetation/reforestation; and minimization of disturbed areas. *These stormwater control features are intended to maximize infiltration to improve water quality, reduce rate of runoff to pre-project conditions and reduce volume of runoff from impervious surfaces. The SCMs/BMPs would also aid in reducing thermal pollution by providing shade, detention time, and infiltration of runoff, in conjunction with vegetated channels where practical.* • *The state NPDES Construction Activity permit programs in both PA and MD will regulate stormwater management design, construction, and post-construction inspection/maintenance. The design and NPDES permitting process will determine the frequency of post-construction inspection and monitoring. No post-construction water quality monitoring is anticipated since NPDES Municipal Separate Storm Sewer System (MS4) permit coverage is not required in the project area.*

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Waterways, Watersheds, Surface Water Quality, & Aquatic Biota (See FEIS Chapter 3.19)	• The alternative includes impacts to the following waterways in Pennsylvania:
	  • *16,451* linear feet of perennial streams
	  • *1,829* linear feet of *seasonal* streams
	  • *6,708* linear feet of wild trout streams
	  • *3,150* linear feet of trout stocked streams
	
	• The alternative includes impacts to the following waterways in Maryland:
	  • 1,433 linear feet of perennial streams
	  • 3,428 linear feet of *seasonal* streams
		• Impacts to waterways required that PennDOT and SHA receive provisional notification for a Section 404 Permit from the Pittsburgh District of USACE (in coordination with the Baltimore District), PA DEP, and MDE, contingent on receiving a Section 401 Water Quality Certification from the PA DEP and MDE. The Section 404 Permit and Section 401 Water Quality Certification will address avoidance and minimization to Waters of the US, along with the plan to mitigate unavoidable impacts. Additionally, Pennsylvania and Maryland have state regulations governing waterway encroachments and alterations, including Pa. Code Title 25, Chapter 105 in Pennsylvania and Title 5 in Maryland, that require project review by state environmental agencies. In Pennsylvania, PennDOT will request a Section 401 Water Quality Certification in conjunction with the Section 404 Permit and will apply for a Chapter 105 Permit during final design.
		• Construction timing restrictions will apply to Wild Trout Waters and Stocked Trout Waters and their tributaries in Pennsylvania. These streams include Piney Creek and its tributaries and Meadow Run. The PFBC restricts in-stream work between the dates of February 15 and June 1, inclusive, for Stocked Trout Waters and restricts in-stream work between the dates of October 1 and December 31, inclusive, for Wild Trout Waters.
		• In Maryland, all *regulated* streams are Use *III*. In-stream work will not occur within Use *III* waters during the period of *October 1* to *April 30*, inclusive, during any year (COMAR 26.08.02.11).
		• Compensatory mitigation is required for unavoidable permanent impacts to streams. PennDOT will mitigate stream impacts occurring within Pennsylvania and SHA will mitigate for stream impacts occurring in Maryland. Federal and state permitting processes will coordinate and approve specific compensatory stream mitigation.
		• PennDOT and SHA will avoid and minimize impacts to streams. Efforts to minimize stream impacts could include crossing streams at right angles and using retaining walls in areas of cut or fill. In-kind stream relocations will be constructed where practicable to reduce the total compensatory stream mitigation required.
		• In Pennsylvania, *once impacts are finalized*, PennDOT will purchase credits from an approved private mitigation bank. Maryland does not have a private mitigation bank that can service the impacts related to the project. SHA will develop a permittee responsible mitigation (PRM) plan.

Wetlands (See FEIS Chapter 3.20)	• The alternative includes impacts to the following wetland types in Pennsylvania:
	  • *1.50* acres of palustrine emergent (PEM) wetlands
	  • *4.16* acres of palustrine forested (PFO) wetlands
	  • *0.50* acre of PEM/PFO wetlands
		• PennDOT and SHA will avoid and minimize wetland impacts to the maximum extent practicable. Compensatory mitigation is required for unavoidable permanent impacts to wetlands. PennDOT will mitigate wetland impacts occurring in Pennsylvania and SHA will mitigate wetland impacts occurring in Maryland. Specific compensatory

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	• *1.28* acres of palustrine scrub/shrub (PSS) wetlands • *1.97* acres of PFO/PSS wetlands • 0.01 acre of palustrine open water (POW) wetlands • The alternative includes impacts to the following wetland types in Maryland: • 0.45 acre of PEM wetlands • 0.15 acre PFO wetlands	wetland mitigation will be coordinated and approved through the federal and state permitting processes. • In Pennsylvania, *once impacts are finalized*, PennDOT will purchase credits from an approved private wetland mitigation bank. Maryland does not have a private wetland mitigation bank that can service the impacts related to the project; SHA will develop a PRM plan. • *Five years of monitoring for specific wetlands that are partially impacted by construction of the project will be conducted. The purpose of this monitoring is to ensure there are no unanticipated secondary impacts to those resources.* • *Additional compensatory mitigation will be required for temporary fills that remain in place for longer than 12 months to address the associated temporal loss to the resources.*
Floodplains (See FEIS Chapter 3.21)	• None of the build alternatives would result in a significant floodplain encroachment per *Executive Order 11988 (Floodplain Management)*. The alternative includes minor impacts to the Miller Run (0.6 acres) and Piney Creek (4.1 acres) Federal Emergency Management Agency (FEMA) 1% annual chance floodplains as a result of roadway crossings.	• PennDOT and SHA will minimize and avoid impacts to FEMA 1% annual chance floodplains throughout the final design process. During final design and prior to construction, permitting procedures will be instituted in accordance with PA DEP, MDE, and USACE. All action taken with respect to construction will conform to Executive Order 11988 (Floodplain Management).
Vegetation, Terrestrial Habitat, & Terrestrial Wildlife (See FEIS Chapter 3.22)	• The alternative includes impacts to the following terrestrial and aquatic habitats: • 388.8 acres of forestland • 4.7 acres of floodplains • *10.02* acres of wetlands • *23,141* linear feet of streams	• Coordination of mitigation is ongoing between PennDOT, SHA, USFWS, PGC, PFBC, PA DEP, MDE, and MD Department of Natural Resources (DNR), *and mitigation will be finalized during final design*. These mitigation efforts include, but are not limited to, following approved E&SPC plans which include native seed mixes and plantings. The project team will utilize best management practices from the *PennDOT Publication No. 756, Invasive Species Best Management Practices*. • *The project team has committed to incorporating at least one wildlife crossing into the project.* Wildlife crossings will be considered at locations to be determined along the Preferred Alternative in order to facilitate safe wildlife crossing and to prevent collisions. PennDOT will continue to evaluate the use and locations of wildlife crossings in the design phase and will coordinate with USFWS, PGC, and PFBC to ensure that habitat connectivity is maintained as much as possible. The details of these mitigation efforts will be finalized in final design and will follow guidance from *PennDOT Publication No. 13M, Design Manual Part 2 Highway Design– March 2015 Edition*. • In accordance with the Maryland Reforestation Law, before in-kind forest replacement is considered, every reasonable effort will be made to minimize the cutting or clearing of trees in Maryland. Additionally, replacement of forestland in Maryland will occur on a one-to-one basis. SHA will locate state or publicly owned land of equivalent size to be reforested. If no state or publicly owned land is available, SHA will pay into the MD DNR Reforestation Fund. Acre-for-acre reforestation either within the immediate

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		project right-of-way, within other SHA-owned land, or payment into the MD DNR Reforestation Fund will mitigate unavoidable impacts to forest resources. Reforestation plans will be coordinated by SHA's Landscape Operations Division, and a MD DNR Reforestation Site Review form will be prepared during final design.
Rare, Threatened, & Endangered Species (See FEIS Chapter 3.23)	• The 2024 Biological Assessment for the alternative has determined that the proposed action "may affect, likely to adversely affect" the Indiana bat, northern long-eared bat, and/or tricolored bat. *A Biological Opinion was issued by USFWS on March 26, 2025, and concurred with this determination.* The alternative would not directly affect any known hibernacula. • The alternative would bridge known habitat associated with the longnose sucker, specifically Meadow Run and Piney Creek. • The alternative would impact the Meadow Mountain area in Maryland, which is known to provide habitat for the linear-leaved willowherb, alder flycatcher, and North American porcupine.	*The 2024 Biological Assessment proposed numerous mitigation measures to compensate for the impacts to protected bat species. These measures were finalized based on consultation with the USFWS through the Biological Opinion issued by USFWS on March 26, 2025. Avoidance, minimization, and conservation measures will include:* • *Direct impacts to hibernacula outside of the LOD identified within the Biological Opinion must be avoided.* • *To avoid harming or disturbing hibernating Indiana bats, northern long-eared bats and tricolored bats, all earth disturbance activities within 0.5 miles of any known hibernaculum will only occur from April 1 to November 15.* • *All trees shall be cut from November 15 to March 31.* • *Demolition of buildings or structures shall occur from November 15 to March 31. Alternatively, an emergence survey may be conducted.* • *All disturbance of rocky bat habitat (i.e., construction activities and associated noise) shall occur from November 15 to March 31. Where feasible, identified rocky habitats may be avoided.* • *No materials, waste, or fill will be deposited in areas that would result in additional forest clearing or sedimentation to any streams in areas providing habitat to Indiana bats, northern long-eared bats, or tricolored bats.* • *All temporary lighting concurrent with construction activities shall be directed downward to face the work area.* • *A Pollution Prevention and Contingency Plan will be developed and maintained.* • *A dust control strategy will be developed and be reviewed by USFWS.* • *A blasting plan will be prepared by the contractor to DEP and PGC guidelines and submitted to the USFWS, PGC, and PennDOT for review and approval prior to commencement. All blasting will be monitored with sound and seismographic equipment and monitoring points will be coordinated with the USFWS and PGC. Blasting shall be conducted between November 1 to March 31. Blasting will not be permitted within one mile to the north and south of the Piney Creek bridge during the winter hibernation period from October 31 to March 31. No blasting shall occur within 0.2 miles of any known hibernacula. A record of each blast shall be maintained for a period of five years.*

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		• *FHWA, through PennDOT and MD SHA, will develop a system to track the implementation of each mitigation measure, the completion date, and results of the mitigation action. The tracking system summary will be provided to the Service quarterly, and available upon request. Additionally, FHWA, PennDOT, and MD SHA will provide an Environmental Monitor.*
		• *A planting plan will be developed, in coordination with the USFWS/PGC and DNR guidance.*
		• *FHWA, PennDOT, and MD SHA will offset the total loss of 400 acres of forest habitat by purchasing the large mine-cave rights or a perpetual easement on this property for perpetual protection of bats and their habitat to offset impacts to hibernacula and suitable forest habitat. Following construction of the project, the property or easement will be transferred to a land manager.*
		  ○ *If purchase of the large mine-cave is unsuccessful, FHWA, PennDOT, and MD SHA will offset impacts to hibernacula and suitable forest habitat in the form of purchasing conservation credits from a USFWS-approved conservation banking entity to compensate for the loss of 400 acres of forested habitat.*
		  ▪ *Additionally, PennDOT will purchase and install four artificial roost structures, designed to the PGC/USFWS requirements, at locations designated by the USFWS and the PGC, or similar effort to offset direct impacts to known hibernaculum.*
		• *FHWA, PennDOT, and MD SHA will provide pre-construction, two years of construction, and one-year post-construction monitoring of the large mine-cave opening. Monitoring results will be shared with PennDOT, SHA, FHWA, PGC, and the USFWS.*
		• *Any dead Indiana bats, northern long-eared bats, or tricolored bats found in the action area will be reported to USFWS within 48 hours of discovery.*
		• *Construction equipment will be fitted with properly functioning mufflers to minimize noise impact. To minimize impacts to air quality, the contractor will comply with Pennsylvania Department of Environmental Protection Rules and Regulations, Title 25.*
		• *To offset unavoidable impacts to rocky outcroppings, FHWA/PennDOT/SHA, with input from bat experts, proposes to design, create and/or rebuild rock outcroppings that are conducive to bat roosting and potential hibernation. Although anticipated to be minor in occurrence, these impacts and coordination can occur during final design activities.*

Resource	Anticipated Impact of Preferred Alternative (E-Shift Modified)	Commitment/Mitigation for Preferred Alternative (E-Shift Modified)
		• *Excavation will occur during daytime hours to avoid impacts during nighttime foraging.* • *An approved erosion, sedimentation, and pollution control plan will be implemented to avoid degradation of receiving waters.* • *Lengths of stream crossing culvert structures will be minimized to the extent possible to reduce alteration to existing aquatic habitats that serve as potential habitats and flyways.* • Pertaining to the longnose sucker, the design of avoidance measures will be evaluated and forwarded to PFBC upon finalization of the ongoing field investigations. E&SPC BMPs will be implemented to avoid sedimentation and minimize habitat impacts. Additionally, stormwater management will be designed to ensure that discharge into streams will minimize elevated stream temperatures, as requested by PFBC. *The cutting of trees along stream corridors will also be kept to a minimum. Furthermore, in-stream construction restrictions will be implemented from March 15 to July 1 for streams known to support longnose suckers and their tributaries, including the Casselman River and its tributaries.* • In accordance with MD DNR requirements, sediment and erosion controls with supplemental measures shall be implemented to maximize stormwater infiltration to and avoid degrading wetland areas supporting rare species along Meadow Run. Caution will also be used to avoid significant instream pH changes on-site and downstream of the project area. Project design shall maintain or enhance fish passage through the project area, particularly during low flow periods. Additionally, Forest Interior Dwelling Bird Species habitat shall be conserved where possible.
Reasonably Foreseeable Effects (See FEIS Chapter 3.24)	• *The project would complete ADHS Corridor N & improve travel times for potential new employers and employees within the U.S. 219 Corridor. As such, it has the potential to induce and facilitate regional economic growth by improving system linkage and providing infrastructure that supports economic development within designated growth areas. Potential new development in these locations could impact environmental resources within the growth areas.* • *The four build alternatives, DU Modified, DU-Shift Modified, E Modified, and E-Shift Modified will have various levels of direct and reasonably foreseeable impacts on land use, socioeconomic, environmental, and cultural resources within the RFE Study Area.*	• *State and local regulatory agencies would enforce any mitigation requirements caused by such development.*
Construction (See Chapter 3.26)	• Construction activities could result in disruptions to local residents and the traveling public. Construction of the Preferred Alternative would require temporary road closures and reduced speed work zones, which would cause minor	• Maintenance and protection of traffic plans will be developed during final design to mitigate construction access impacts and to minimize travel delays throughout the project area. These plans will include appropriate signs and pavement markings.

Resource	Anticipated Impact of Preferred Alternative (E-Shift Modified)	Commitment/Mitigation for Preferred Alternative (E-Shift Modified)
	inconveniences to residents and the traveling public. These delays could result in decreased access and potential increased response time for emergency service providers. These disruptions would be temporary and localized occurring during the construction period. • Clearing and grubbing of existing vegetation and earthwork would be required. Exposed soils would result in the potential increase for soil erosion and sedimentation to nearby streams and/or wetlands. • Construction could temporarily impact existing air quality due to particulate matter in the air in the form of windblown dust resulting from earthmoving activities. Temporary noise impacts would occur as well from construction equipment and blasting activities.	Access to all businesses and residences will be maintained through construction. Advanced coordination with emergency service providers, municipalities, school districts, Plain Sect populations, and the general public will occur to give notice of traffic and detour information. • The use of approved dust palliatives such as calcium chloride or water will be required to control windblown dust. Methods for reducing impacts to existing air quality may also include covering of stockpiles during storage or transport, and restoration of vegetation as quickly as possible to prevent windblown dust. • Measures to reduce construction noise levels may include requiring the contractor to utilize proper mufflers on construction vehicles and equipment, and the restriction of certain activities to specified hours. • Pennsylvania Act 38 and Maryland's Miss Utility Dig Law requires notification of excavators, designers, or any person preparing to disturb the earth's surface to coordinate and locate all utilities within the limits of work. Therefore, coordination will be undertaken for any relocation or grade adjustments (manholes, inlets, etc.) that may be required. • *The state NPDES Construction Activity permit programs in both PA and MD will require and regulate the Erosion and Sediment Control design for the project. Typically, regulatory inspections occur throughout the project.* • *Additional geotechnical testing and analysis, testing of potentially contaminated areas based on historical land use and investigation of historically mined areas will be required as the design progresses. The extent of these efforts and types of soil erosion and sedimentation mitigation practices are unknown until further investigation/testing is conducted. Specialized mitigation measures will be implemented as needed based on results of further investigation into historical land use and potential areas of hazardous materials. These measures will be coordinated with the Somerset County Conservation District, PA DEP, and MDE through the permitting process.* • *If soil contamination is present in Maryland, a permit for soil remediation is required from MDE's Air and Radiation Management Administration. Any above ground or underground petroleum storage tanks that may be within the construction area must have contents and tanks along with any contamination removed. The MDE Oil Control Program or PA DEP Division of Storage Tanks should be contacted for additional guidance.* • *There will be meeting(s) held during final design to present details on items such as fencing, landscaping and lighting.* • *If contractors suspect that asbestos is present in any portion of a structure that will be renovated/demolished, then the contractor shall contact the MDE Community*

Resource	Anticipated Impact of Preferred Alternative (E-Shift Modified)	Commitment/Mitigation for Preferred Alternative (E-Shift Modified)
		Environmental Services Program, Air and Radiation Management Administration, or the PA DEP Bureau of Air Quality to learn about the State's requirements for asbestos handling and complete any required asbestos notifications. • *Construction, renovation and/or demolition of buildings and roadways must be performed in conformance with State regulations. This includes regulations relating to "Particulate Matter from Materials Handling and Construction" (COMAR 26.11.06.03D) in Maryland and "Prohibition of Certain Fugitive Emissions" (PA Code Title 25, Chapter 123) in Pennsylvania. These regulations require that during any construction and/or demolition work, reasonable precautions be taken to prevent particulate matter, such as fugitive dust, from becoming airborne.* • *Any solid waste including construction, demolition and land clearing debris, generated from the project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. The MDE Solid Waste Program or PA DEP Residual Waste Program should be contacted for additional information regarding solid waste activities. The MDE Resource Management Program or a PA DEP Recycling Coordinator should be contacted for additional information regarding recycling activities.* • *The MDE Solid Waste Program or PA DEP Hazardous Waste Program should be contacted directly if construction is anticipated to generate or require handling of hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. These Programs should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes will be conducted in compliance with applicable State and federal laws and regulations.* • *Borrow areas used to provide clean earth back fill material may require a surface mine permit. Disposal of excess cut material at a surface mine may require site approval. The MDE Mining Program or PA DEP District Mining Office should be contacted for further guidance.* • *A wetland and waterway delineation must be conducted for any proposed borrow or placement site prior to use. Borrow or placement sites must be located in uplands; no waters or wetlands will be used for excess material disposal unless permitted. All borrow or placement sites must receive the appropriate Endangered Species Act and Cultural Resource clearance prior to use. PennDOT and SHA may also choose to have field views with the resource agencies prior to use of proposed waste areas.*

10 MONITORING OR ENFORCEMENT PROGRAM

The Project will be subject to further review by Federal and State Agencies. As outlined above, permits will be required from the USACE, Pennsylvania Department of Environmental Protection (PA DEP), and Maryland Department of the Environment (MDE). These approvals and permits will ensure that mitigation measures related to the waters of the United States, including stormwater management and erosion and sediment control, are obtained before construction of the Project.

The Contractor will secure a National Pollutant Discharge Elimination System Permit from both PA DEP and MDE. The Contractor will be directed to install erosion and sediment controls in accordance with the *PA DEP Erosion and Sediment Pollution Control Program Manual*, 25 PA Code Chapter 102 Erosion and Sediment Control, Code of Maryland Regulations (COMAR) 26.17.01 Erosion and Sediment Control, and the *Maryland Standards and Specifications for Soil Erosion and Sediment Control*.

The Section 106 Programmatic Agreement outlines procedures for consultation among FHWA, PennDOT, MD SHA, Pennsylvania and Maryland SHPOs to evaluate archeological resources and seek measures to avoid, minimize, or mitigate any adverse effects on National Register eligible archaeological properties.

The Biological Opinion from the USFWS for the Indiana bat, Northern long-eared bat and Tricolored bat outlines avoidance, minimization, and conservation measures as well as reasonable and prudent measures, terms and conditions which includes reporting and monitoring requirements and discretionary conservation recommendations.

11 PUBLIC OUTREACH/ OPPORTUNITIES TO COMMENT

An extensive outreach program began during the development of the purpose and need starting in 1998. A scoping meeting was held with the resource agencies on November 16, 2021. An introductory meeting was held in person with the public on June 23, 2022, and virtually on June 27, 2022. Following these meetings, a NOI was prepared and published in the Federal Register on June 2, 2023.

A Community Advisory Committee (CAC) was formed to provide an additional method of communication between PennDOT, SHA, FHWA, and the local communities, and to provide input into project development. Four CAC meetings were held since November 2012.

One additional public meeting was held on November 16, 2023, and virtually on November 21, 2023. The public survey results have always shown that Alternative E-Shift Modified is the most favored alternative, followed closely by Alternative E Modified.

Notifications for all public meetings were provided through websites, newspaper advertisements, direct mail invitations, electronic mail invitations, social media, and targeted media relations. Project newsletters have been distributed to a comprehensive database of interested stakeholders. A project-specific web page is on the PennDOT District 9-0 website and on the SHA Project Portal.

Public Hearings were held in December 2024 with one in person meeting in Pennsylvania and one in Maryland. A virtual Public Hearing was also conducted. The DEIS comment period closed on January 13, 2025.

12 STATUTE OF LIMITATIONS

Pursuant to 23 USC Section 139(1), FHWA will publish a statute of limitations (SOL) notice in the Federal Register upon issuance of this ROD. A

claim arising under federal law seeking judicial review of the Federal agency actions on the U.S. 6219, Section 050 Transportation Improvement Project, Meyersdale, Pennsylvania to Old Salisbury Road, Maryland will be barred unless the claim is filed within 150 days of publication of the SOL notice in the Federal Register.

13 CONCLUSION

FHWA has considered all the alternatives, information, and analyses submitted by federal, tribal, state, and local governments and public comments for consideration by the lead and cooperating agencies in the development of this ROD. The FHWA, having considered this information, has determined:

- Adequate opportunity was afforded for the presentation of all views by all parties with a substantive economic, environmental, cultural, or social interest;
- Fair deliberation has been provided to the preservation and enhancement of the environment and to the communities near and in which the Selected Alternative is proposed;
- All practicable measures to avoid or minimize environmental harm have been included in this decision, and where adverse effects remain, there exists no reasonable alternative to avoid and further mitigate these effects;
- Based on a balanced deliberation of the need for safe and efficient transportation, the social economic, cultural, and environmental effects of the proposed project, national, tribal, state, and local environmental protection goals, and the FEIS and public and agency comments submitted, in accordance with 23 CFR 771, FHWA has determined that:
  - The requirements of 23 CFR 771 have been met;
  - The action, to the fullest extent practicable, incorporates the environmental investigations, analyses, reviews, and consultations in a single coordinated process;
  - Compliance with all applicable environmental requirements is reported in the environmental impact statement required by NEPA;
  - Public involvement and an established and comprehensive interdisciplinary approach were integral in the development process for the proposed action; and
  - Consistent with social, economic, or other essential considerations, from among reasonable alternatives, the action to be directly undertaken by PennDOT and by Maryland SHA, is an alternative that minimizes or avoids adverse environmental effects to the maximum practicable extent, including the effects reported in the environmental impact statement.

David Snyder
Interim Division Administrator
Federal Highway Administration
Pennsylvania Division Office

5/29/2025
Date of Approval

Vince Greenland, P.E
District Executive
Pennsylvania Department of Transportation
Engineering District 9-0

5/27/2025
Date of Approval