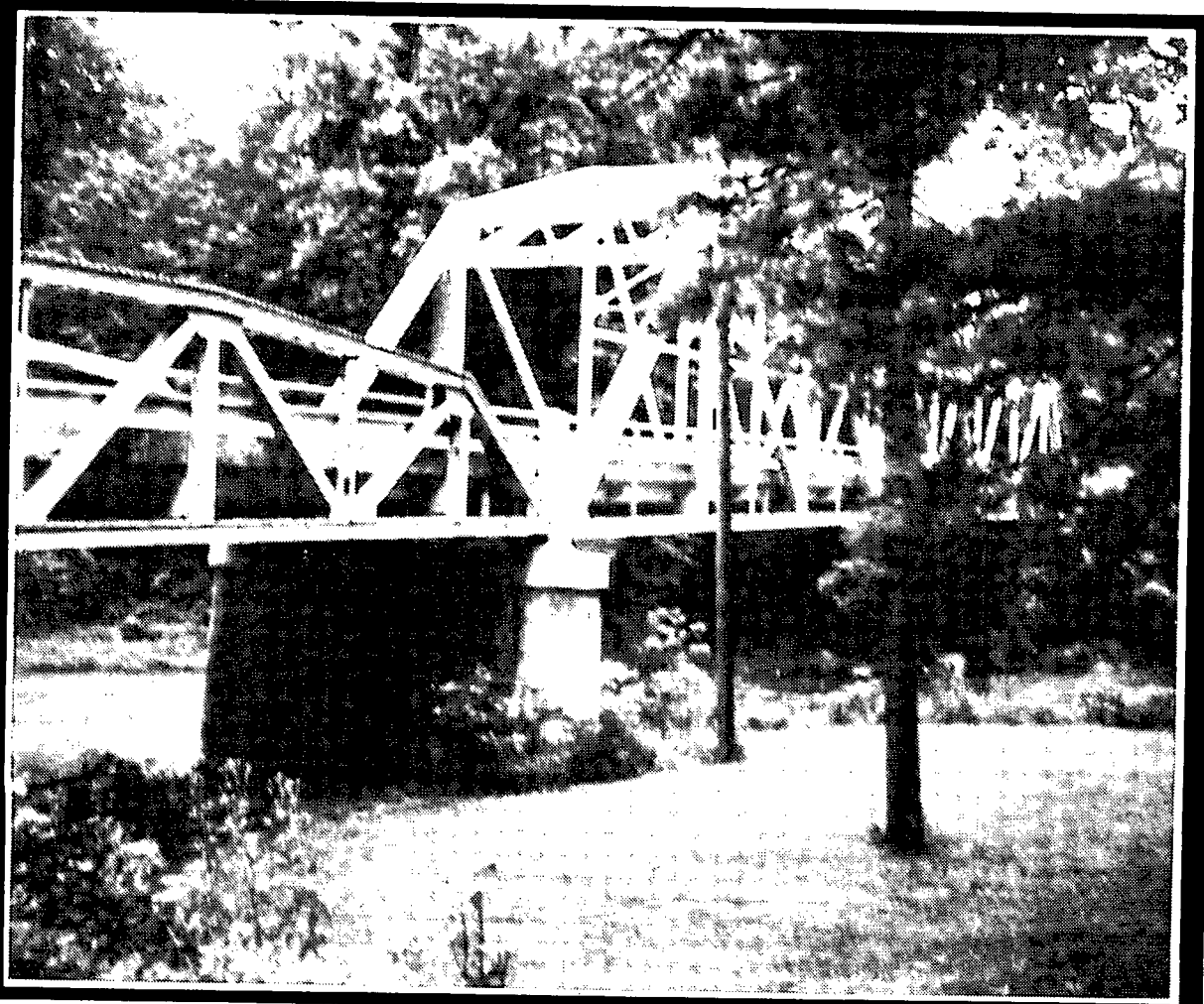
FINDING OF NO SIGNIFICANT IMPACT

Section 4(f) Evaluation

FOR

Contract No. H-896-201-471
Replacement of Bridge No. 12040
on MD 161 over Deer Creek

Harford County, Maryland



prepared by
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

and
MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

U.S. Department
of Transportation
**Federal Highway
Administration**

Region 3
Maryland Division

The Rotunda
Suite 220
711 West 40th Street
Baltimore, Maryland 21211-2187

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July 14, 1994

IN REPLY REFER TO:

**Contract #H 896-201-471
MD 161 Bridge over
Deer Creek**
Harford County

Mr. Hal Kassoff
State Highway Administrator
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

ATTENTION: Bruce Grey

Dear Mr. Kassoff:

It is with pleasure that we forward to you a copy of the signed FONSI {July 14, 1994} and the legal sufficiency statement for the subject project. Please insert the corrected Section 4(f) pages (forwarded to this office Thursday, July 14) and attach this FONSI statement to all copies of the environmental document.

Sincerely yours,

for A. P. Barrows
Division Administrator

Enclosure

FEDERAL HIGHWAY ADMINISTRATION
REGION III

FINDING OF NO SIGNIFICANT IMPACT

MARYLAND ROUTE 161 BRIDGE
over DEER CREEK
HARFORD COUNTY

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
and
STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

The FHWA has determined that the Build Alternative, Alternate 2 -Modified, consisting of a bridge located approximately 10 feet to the east of and parallel to the existing structure over Deer Creek with approximately 1000 feet of approach roadway to the south and 700 feet of approach roadway to the north to be relocated and upgraded, with a design speed of 35-mile-per-hour, will have no significant impact on the human environment. This FONSI has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an EIS is not required. The FHWA takes full responsibility for the accuracy, scope, and contents of the Environmental Assessment and attached documentation.

7/14/94
Date

FEDERAL HIGHWAY ADMINISTRATION
Division Administrator

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Statement of Legal Sufficiency
Section 4(f) Evaluation
Replacement of Bridge No. 12040 at Deer Creek
Harford County, Maryland
Reviewed as of July 14, 1994

We have reviewed the above Section 4(f) Evaluation for the replacement of the bridge at Deer Creek on Maryland Route 161 in Harford County, Maryland. The final document now demonstrates that there are no feasible or prudent alternatives to the use of land from the historic Wilson Mill Complex and the historic Allen property (and the Lower Deer Creek Valley Historic District). Rehabilitation is not feasible or prudent due to the time that a significant detour would have to be in place, due to the fact that a rehabilitated bridge would not meet current safety standards and due to the high accident rate caused by this substandard design. Alternatives away from the existing Route 161 would still have some impact on the historic district and would be so circuitous as to not meet the purposes and needs of the project.

The final design has been developed to minimize impacts to historic properties. The Advisory Counsel has approved an MOA.

The final statement is legally sufficient.

Francis J. Locke
Regional Counsel

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I.

RECORD OF DECISION

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

MEMORANDUM

TO: Mr. Neil J. Pedersen, Director
Office of Planning and
Preliminary Engineering

FROM: Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering

DATE: November 26, 1993

SUBJECT: Contract No. H 896-101-471
MD 161 - Darlington Road
Bridge No. 12040 over Deer Creek
PDMS No. 123158

RE: ALTERNATE SELECTION DOCUMENTATION

The purpose of this memorandum is to request your concurrence of Alternate 2-Modified as the selected alternate for the MD 161 at Deer Creek project planning study.

Alternate 2-Modified proposes the construction of a relocated crossing of Deer Creek by MD 161. The alternate meets a design speed of 35 mph. It includes the building of a new, two-span bridge, located downstream approximately ten feet to the east of and parallel to the existing structure. The typical section will consist of a clear roadway width of 30 feet (two 11-foot lanes and two 4-foot shoulders).

As a result of meetings with the community and the Maryland Historic Trust, the aesthetic appearance of the structure will receive special attention to make it compatible with the surrounding historic district and rural environment. A steel open railing, consistent with Federal Highway Administration specifications, will be used as a traffic barrier. Its appearance will be epoxy coated "park service brown", as will all of the bridge girders. The bridge endposts will be extended, instead of guardrail, alongside the road approaches to the intersecting roads. Both the endposts and the bridge substructure will have a stone facing to match or compliment that of the Wilson Mill.

My telephone number is 410-333-1130

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Approximately 1,000 feet of approach roadway to the south and 700 feet of approach roadway to the north would be relocated and upgraded. The typical section consists of a 22-foot roadway (two 11-foot lanes and 4-foot shoulders). The shoulders allow for improved sight distance, reducing the potential for accidents on the approach roads. The restricted shoulders and grading minimize the amount of right-of-way required from historic properties. During construction, the existing bridge and road approaches would continue to carry all traffic. Upon completion of construction, traffic would be shifted to the new alignment. The existing bridge and excess paving would then be removed and the area graded.

At the September 25, 1990 meeting with the Administrator, the project team recommended Alternate 2-Modified as the selected alternate, since it was the least costly, minimized impacts to adjoining properties, and best served the purpose and need of the project study. Mr. Kassoff concurred with the recommendation, based on the understanding that the Bridge Design Division must develop a design compatible with the surrounding environment. (See the October 23, 1990 memorandum.)

Federal and State agencies preferred a replacement structure on existing alignment, utilizing the existing pier to reduce impacts to the Maryland Darter habitat located two miles downstream. Use of the existing pier was not recommended because its design and deteriorated condition was found to be inadequate for the increased loading. A new pier at the same location would be on the predominately dry north bank and out of the main stream channel, reducing potential siltation impacts to the darter. We have coordinated with the U.S. Fish and Wildlife Service regarding specific erosion and sediment controls to be included in the construction contract. With those controls, that agency concurs there would be no effect to the Maryland Darter. These conditions are stipulated in the attached letter from the Fish and Wildlife Service. The conditions have been discussed with both the Chief Engineer's Office and the Bridge Design Division. They both concur that the conditions are acceptable. The conditions will be included in the environmental checklist prepared for the project.

Additionally, constructing a wider structure on existing alignment would increase impacts to the historic Wilson Mill property and would impose a 12 mile detour during the construction phase.

The Maryland Historical Trust currently holds an historic easement on the property donated by the owner, Ms. Alison Stokes MacLean. Following a series of meetings with a group of citizens in Harford County, including Ms. MacLean and the Maryland Historical Trust, it was concluded that replacement of the existing structure was the best solution, given the

restricted sight distance and substandard design of the existing structure. Any improvements to the crossing of Deer Creek would render an adverse impact to the historic sites, including the bridge. On June 10, 1990, we received Ms. MacLean's concurrence for a replacement bridge, and we were able to resolve concerns for the appearance of the new bridge with subsequent meetings. A Memorandum of Agreement has been developed in cooperation with the Maryland Historical Trust to mitigate the removal of the existing structure.

Therefore, with your concurrence of Alternate 2-Modified as the selected alternate for the MD 161 at Deer Creek study, we will proceed with the completion of the "Finding of No Significant Impact" document to seek location approval from the Federal Highway Administration.

CONCURRENCE:

Neil J Pedersen — 11/30/93

Neil J. Pedersen, Director
Office of Planning and
Preliminary Engineering

Date

cc: Mr. Charles B. Adams
Mr. Robert D. Douglass
Mr. Stephen Drumm
Mr. Robert J. Finck
Mr. Earle S. Freedman
Mr. Charles R. Harrison
Mr. Victor F. Janata
Mr. Charles R. Olsen
Ms. Sharon Preller
Ms. Cynthia D. Simpson
Mr. Jim Thompson
Mr. Jim Wynn

II.

COMPARISON OF ALTERNATES

TABLE S-1

SUMMARY OF IMPACTS

Alternatives	Alt. 1 No-Build	Alt. 3	Alt. 5	Alt. 2 Modified (Selected Alternative)
Social - Economic Impacts				
1. Residential Relocations	0	0	0	0
2. Minority Relocations	0	0	0	0
3. Business Displacements	0	0	0	0
4. Public Parks or Recreational Areas Affected (Acreage Required)	0	0	0	0
5. Historic Sites and Districts (Acreage Required)	0 0	4.0	3.1	3.2
6. Archeological Sites Impacted	0	0	0	0
7. Consistency with Local Land Use Plans	no	Yes	Yes	Yes
8. Required Acreage of Right-of-way	0	4.0	3.1	3.2
Air and Noise				
1. Sites Exceeding State/National Ambient Air Quality Standards (2015)	0	0	0	0
2. Noise Sensitive Areas exceeding FHWA Noise Abatement Criteria (2015)/or having noise levels increase by 10dBA or more over ambient (existing) levels.	0	0	0	0
Natural Environmental Impacts				
1. Woodlands Affected (Acreage)	0	2.22	1.80	1.87
2. New Stream Crossings	0	1	1	1
3. Stream Relocations	0	0	0	0
4. Non-tidal Wetlands Affected (Acreage)	0	0	0	0
5. 100 Year Floodplains Affected (Acreage)	0	0.1	0.1	0.1
6. Prime Farmland Soils Affected (Acreage)	0	1.28	1.93	1.46
7. Effect on Threatened and Endangered Species	0	0	0	0
Approximate Cost (1994 Dollars in Millions)		$5,570m	$4,764m	4,184m

III.

SUMMARY OF ACTIONS AND RECOMMENDATIONS

III. SUMMARY OF ACTIONS AND RECOMMENDATION

A. Background

1. Project Location

MD 161, a secondary roadway, extends in a north-south direction from US 1 (Conowingo Road) to MD 155 in the northeast portion of Harford County (see Figure 1). The MD 161 bridge crosses over Deer Creek south of the town of Darlington and west of the Susquehanna State Park. The project study limits extend 2800 feet along MD 161, from approximately 1400 feet south to about 1000 feet north of the Deer Creek Bridge (see Figure 2).

2. Purpose and Need for the Project

The need for this project arises from the high accident rate along MD 161 attributed to the current narrow design of the existing bridge, poor alignment of the approach roadways and the deteriorated condition of the existing structure. Many accidents occur at the bridge termini with contributing factors being poor sight distance, no recovery areas at the approach roads, and intersecting local roads and driveways at the bridge termini. A wider replacement bridge with greater sight distance provided by the improved approach roadway alignments is proposed to enhance safety in this area. Alternate 2 Modified, the Selected Alternate will enable traffic to be maintained on the existing structure at all times during construction. This avoids the need for approximately eight miles of detour for motorists and is especially vital for maintaining response times for county emergency services.

The existing bridge, consisting of a steel through truss and a pony truss, was built in 1931. It carries a substandard 19'8" wide clear roadway with no shoulders and is currently posted for a gross vehicle weight of 30,000 pounds and a 15 mph speed limit. According to AASHTO - A Policy on Geometric Design of Highways and Streets, 1984 - the minimum standard for roadway width is 30 feet. The existing width does not meet current standards and cannot allow busses, trucks, and emergency vehicles to pass each other in opposite directions at the same time. The structural configuration of the trusses does not allow the possibility of widening the existing structure. The bridge is in poor condition due to concrete deterioration and heavy rusting throughout the structure and has a current sufficiency rating of 6.0. At the time of the distribution of the EA/4(f) document (May, 1990), the bridge had a sufficiency rating of 33.0. The sufficiency rating is a criteria used to determine whether a bridge should be replaced. Any bridge with a sufficiency level less that 50 is eligible for replacement.

The existing approach roadways are approximately 20-feet wide and have no shoulders or safety grading and a design speed of 30 m.p.h. In addition, two private driveways are located at each end of the bridge which create an additional safety hazard. The lack of shoulders on the bridge and the approach roadways does not provide an adequate recovery area or allow for safe refuge for disabled vehicles. The existing roadway alignment is also deficient due to steep downgrades, and horizontal curves on the approach roadways resulting in limited sight distance.

MD 161, in the vicinity of the bridge, carries an average daily traffic (ADT) of 3200 vehicles which is considered average for such rural areas. The figure is expected to increase to 4500 vehicles by the year 2015. Trucks constitute approximately 6 percent of the current and design year ADT's. Level of service (LOS) for the project area is LOS C which indicates a stable uninterrupted flow of traffic on all 2-lane roadways with operating speeds of 40 mph.

MD 161 from Stokes Road to 0.3 mile north of the Deer Creek Bridge experienced a total of 11 accidents from 1990 to 1993. The average accident rate for the study section was 255.9 accidents for every one hundred million vehicle miles of travel (acc/100mvm). This accident rate is significantly higher than the statewide average rate of 151.5 acc/100 mvm for similar State maintained highways.

Poor roadway geometry in the bridge area appears to be the major factor in the significantly high rate of fixed objects and opposite direction accidents. Drivers on both approaches of the Deer Creek Bridge are required to decelerate to 35 mph on a downhill grade. Also, the sight distance approaching the bridge is very limited due to the substandard horizontal and vertical curves on MD 161. Drivers apparently have difficulty in adjusting their speed and direction of travel when approaching the bridge. The substandard 10-foot lanes on the bridge allow no margin of error for drivers to stay in the lane after their downhill travel.

The No-Build Alternate would not replace the existing structure or improve the approach roadways. No improvements, other than routine maintenance, would be implemented. Ultimately, the existing structure would need to be closed for safety purposes due to extreme deterioration. The State Highway does not consider the No-Build Alternate to be a reasonable solution to the study.

The Selected Alternate would provide a bridge with a 30-foot wide roadway comprised of two 11-foot travel lanes with 4-foot shoulders. The approach roadways would also consist of two 11-foot travel lanes with 4-foot shoulders and would have reduced safety grading to minimize impacts on adjacent historic properties. The replacement structure is designed in harmony with

the aesthetics of the Wilson Mill area located within the Lower Deer Creek Valley Historic District.

3. Planning History

The MD 161 bridge replacement project is included in the Secondary Development and Evaluation Program of the Maryland Department of Transportation's 1990 to 1995 Consolidated Transportation Program. The bridge is funded for planning and design and has been identified in the 1988 Highway Needs Inventory for replacement.

The concrete deck of the bridge was recommended for full replacement in 1973. In 1985, the backwalls were repaired and the bridge was recommended for replacement. An in-depth inspection in 1986, revealed that the string web was fractured in several locations. The bridge was then posted for 10,000 pounds and was later replaced with a 30,000 pound posting following repair. In 1989, the backwalls were repaired. In 1990, State Highway bridge engineers indicated that the connections and supports may require replacement. In 1992, some of the bottom chords of the steel truss were repaired due to deterioration.

Current remedial actions have been temporary holding measures until the truss can be replaced. SHA has painted the structure to arrest the corrosion problem and prevent lowering of the posted weight limit due to section loss of the truss members. Additionally, many stringer-floorbeam connections have been reinforced as they were rusted almost completely through.

Without replacement of the truss, future reduction in the weight limit is inevitable due to natural deterioration (steel section loss due to corrosion) and ultimately the bridge will have to be closed to traffic. The closure of the bridge would restrict all access on MD 161 at Deer Creek. This would alter circulation and travel patterns for all motorists especially those needing to cross Deer Creek to access services and goods in the communities of Darlington and Level. The closure would result in time delays, increased travel costs, and increased emergency response times which local police and fire departments have indicated is highly undesirable. The use of a detour could add as many as eight miles of travel for local and through travelers. Motorists would be required to utilize more lengthy alternative routes along narrow, winding local roads to cross Deer creek to reach their destinations. The nearest alternative crossings of Deer Creek are approximately 2.5 miles to the east on Stafford Road and 2 miles to the west on Noble Mill Road. The nearest State highway crossing of Deer creek is approximately 3.5 miles to the west on MD136. Finally, closure of the bridge, resulting in dead-ended roads, could create security and dumping problems.

B. ALTERNATES PRESENTED AT THE PUBLIC HEARING

1. Alternate 1 - No-Build Alternate

Under this alternate, the existing structure would not be replaced, and the approach roadways would not be substantially improved. No improvements, other than routine maintenance, would be implemented. Ultimately, the existing structure would be closed for safety purposes, due to continued bridge deterioration. The State Highway Administration does not consider the No-Build Alternate to be a reasonable solution to the study. Safety deficiencies on both the bridge and approach roadways will continue to threaten the safety of the motoring public along this segment of MD 161. This alternate was retained to serve as a baseline for comparisons with the build alternates.

2. Build Alternates

These project alternates were developed in detail and presented at the June 13, 1990 Location/Design Public Hearing as a result of public comments, engineering feasibility and preliminary construction costs. All three proposed build alternates include improvements to the approach roads on either side of the bridge which would provide a 22-foot wide roadway (two 11-foot lanes) with 4-foot shoulders and reduced safety grading. The 4-foot shoulders allow for improved sight distances which reduces the potential for accidents on the approach roads while minimizing the amount of right-of-way acquisition. The typical section of the bridge would consist of a clear roadway width of 30 feet, consisting of two, 11-foot travel lanes and 4-foot shoulders. All proposed alternates have a design speed of 35 to 40 mph. The overall bridge width would be approximately 34 feet. The approximate length of the new structure would be 325 feet. The structure would consists of two spans with a pier in Deer Creek. None of the build alternates would affect farming activities in the project area.

a. Alternate 3

Alternate 3 also proposed a new structure downstream, approximately 10 feet to the east parallel to the existing structure. Approximately 1400 feet of approach roadway to the south and 900 feet of approach roadway to the north would be relocated and upgraded. The estimated cost is approximately $5,570,911. While providing only a minimal increase in design speed, 40 mph., as compared to Alternate 2-Modified, Alternate 3 has a greater construction cost, and requires the greatest amount of right-of-way (4.0 acres) and impact to historic properties for improvements to the approach roadways. For these reasons Alternate 3 was not selected.

b. Alternate 5

Alternate 5 proposed the staged construction of the new replacement bridge in the same location as the existing structure but slightly offset to the east to allow for maintenance of traffic during construction (small cars only). Approximately one-half of the new bridge would be constructed as the first stage. Traffic would then be diverted to the partially completed bridge while the existing structure is dismantled. The remaining half of the new bridge would then be completed. Approximately 900 feet of approach roadway to the south and 100 feet of approach roadway to the north would also be relocated and upgraded. The design speed for this alternate is 35 mph. The estimated total cost for Alternate 5 is $4,764,790.

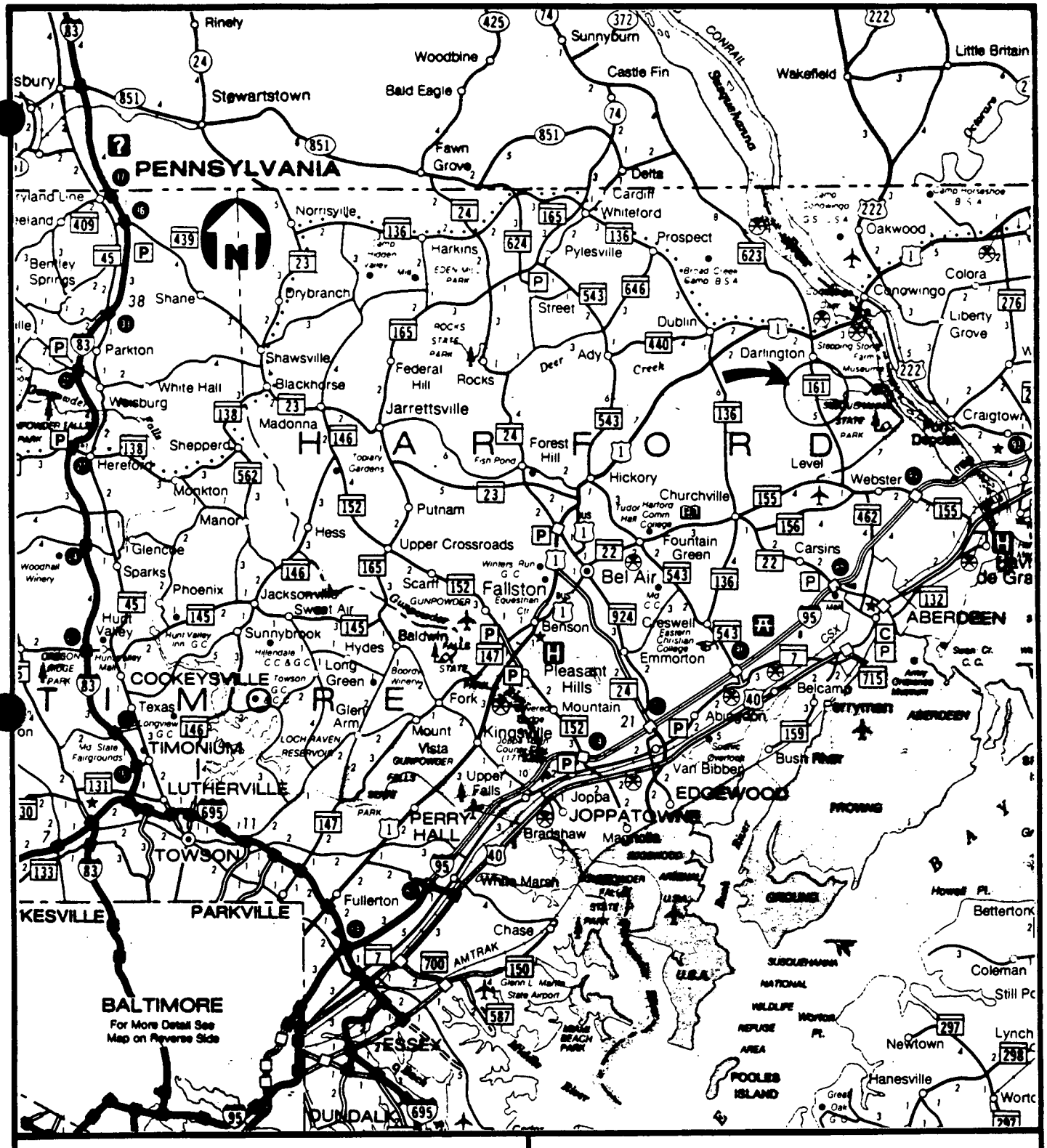
This alternate required extensive detours, unacceptable to local government agencies, during the construction period for all emergency vehicles as well as all other vehicles larger than the size of passenger cars. Also, constructing a wider structure on existing alignment would create proximity impacts to the historic Wilson Mill property, particularly the mill structure located immediately west of the existing bridge.

c. Alternate 2 Modified - Selected Alternate

Alternate 2 Modified is a variation to Alternate 2, which was presented at the Alternates Public Meeting held on March 22, 1989. Alternate 2 originally crossed Deer Creek on a slight angle which was thought to be necessary in order to obtain a 35 mph design speed. Detailed studies resulted in a design that allowed for a crossing downstream of the existing structure.

Alternate 2 Modified, the Selected Alternate, proposes the construction of a relocated crossing of Deer Creek by MD 161 approximately 10 feet east of and parallel to the existing structure. The alternate meets a design speed of 35 mph. During construction, the existing bridge and the approach roadways would continue to carry all traffic. Upon completion of construction, traffic would be shifted to the new alignment and superfluous paving then would be removed. SHA owns the right-of-way for the existing bridge and approach roadways to be taken out of service. SHA will retain this right-of-way for maintenance and grading to allow for adequate sight distance. The estimated cost for this alternate is $4,184,000.

Approximately 1,000 feet of approach roadway to the south and 800 feet of approach roadway to the north would be relocated and upgraded. The restricted shoulders and reduced safety grading minimize the amount of right-of-way required from the historic district, Wilson Mill Complex and the Allen property. Alternate 2 Modified was selected because it minimized

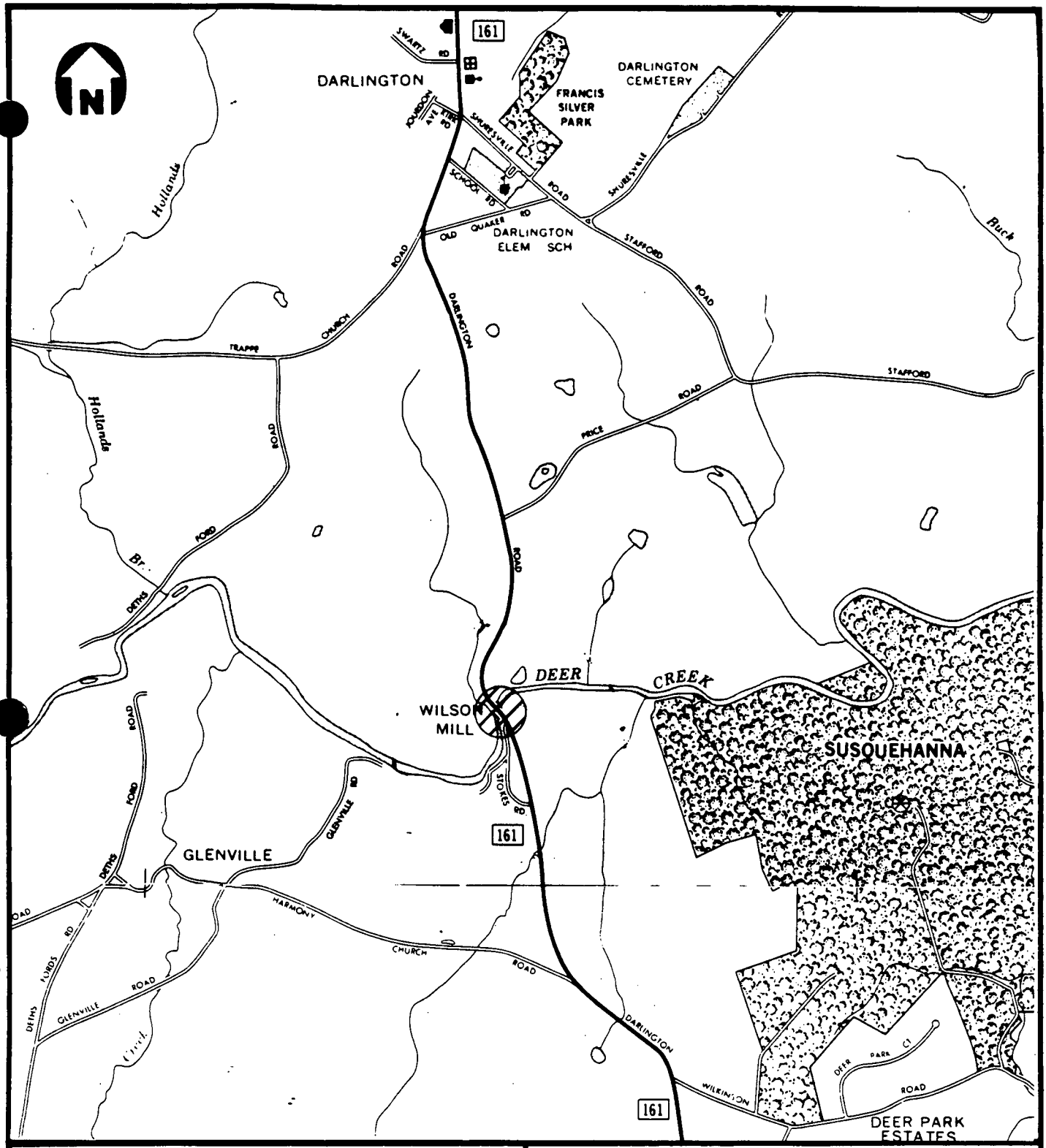


MD 161 BRIDGE OVER DEER CREEK

LOCATION MAP

NOT TO SCALE

FIGURE 1



Study Area

MD 161 BRIDGE OVER DEER CREEK

STUDY AREA

NOT TO SCALE

FIGURE 2

MD 161 BRIDGE OVER DEER CREEK

ALTERNATE 2 MOD.
Selected Alternate

SCALE: 1"= 200' FIGURE NO. 3

N

Millers House

Main House

WILSON MILL PROPERTY

DEER CREEK

GLENVILLE ROAD

Tennant House

STOKES ROAD

EXISTING R/W LINE

PROPOSED R/W LINE

MD 161

10+00

15+00

20+00

25+00

28+00

Mill

SWM POND

PROPOSED R/W LINE

EXISTING R/W LINE

DARLINGTON ROAD

Main House

Barn

POND

ALLEN PROPERTY

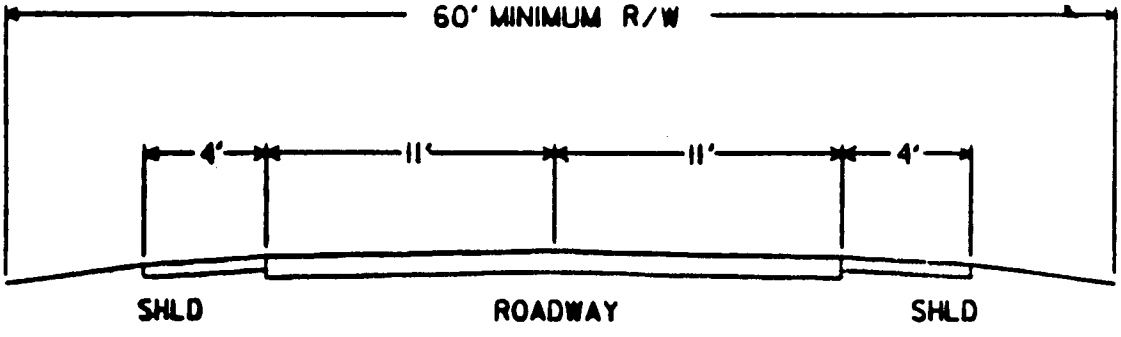
DEER CREEK

H

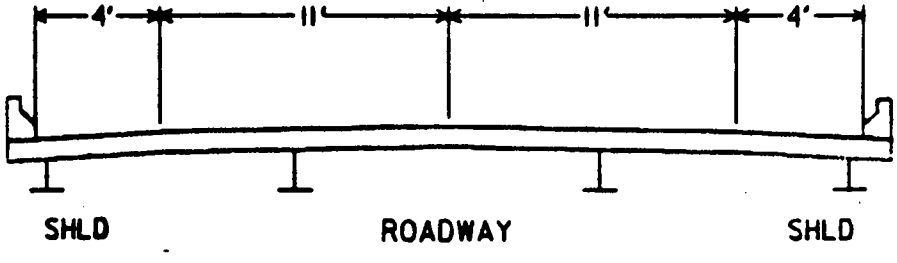
LEGEND

- EXISTING BRIDGE
- PROPOSED ALTERNATE
- —H— HISTORIC BOUNDARY
- – – – PROPOSED RIGHT-OF-WAY
- – – – PROPOSED RIGHT-OF-WAY

MD. RTE. 161 DARLINGTON ROAD
BRIDGE REPLACEMENT OVER DEER CREEK



PROPOSED MARYLAND ROUTE 161
APPROACH ROADWAYS



PROPOSED DEER CREEK BRIDGE

THE DIMENSIONS SHOWN ARE FOR THE PURPOSES OF DETERMINING COST ESTIMATES AND ENVIRONMENTAL IMPACTS, AND ARE SUBJECT TO CHANGE DURING THE FINAL DESIGN PHASE.

TYPICAL SECTION

Figure 4

impacts to historic properties while permitting maintenance of traffic during construction with a lower cost than the other alternates considered.

4. Environmental Consequences Of the Selected Alternate

An Environmental Assessment/Section 4(f) Evaluation was approved by the Federal Highway Administration on May 25, 1990 and distributed prior to the Public Hearing for the project. The following is a summary of the environmental impacts associated with Selected Alternate 2 Modified.

a. Social, Economic and Land Use Impacts

Alternate 2 Modified, the Selected Alternate, would not require any residential or business displacements, nor would it impact any known minority, elderly or handicapped individuals. The Selected Alternate would not disrupt the integrity and cohesion of existing communities in the project area or create changes to patterns of social interaction and behavior.

Selected Alternate 2 Modified would not require any detour to community facilities or services since traffic would be maintained on the existing bridge during the construction of the new bridge. Upon completion of construction, traffic would be shifted to the new alignment. The improved approach roadways and the wider bridge structure will provide safer access to local facilities and services. Response time for emergency vehicles would be improved by providing the wider lane and shoulder capacity on the new bridge allowing two vehicles to safely pass in opposite directions at the same time while improving sight distance on the approach roadways. Some minor traffic disruptions may occur during the construction of the improved approach roadways.

The communities of Darlington and Level, located several miles to the north and south of the project area respectively, are focal points for population and minor economic uses in the area. Although agriculture is the dominant land use in the study area, it does not provide employment for many people. An analysis of the 1990 Census data indicates that a majority of the work force living in Darlington, Level and surrounding areas commute to jobs within and outside the county. Implementation of Selected Alternate 2 Modified would not require any detours for residents traveling to employment centers. The wider bridge structure will provide a more efficient and safer structure for commuters to and from areas of employment.

Approximately 3.2 acres of strip right-of-way will be required by Selected Alternate 2 Modified. Much of this acreage is currently wooded or cultivated private property. Required right-of-way along the outside edges of the adjacent properties approaching the bridge is so minor that property access would not be adversely affected. No farming areas or operations would be disturbed or rendered dysfunctional. No farming areas would be bisected. It is not anticipated that the project would affect any water wells or septic systems. This will be verified during the design phase.

Selected Alternate 2 Modified is consistent with the 1988 Harford County Land Use Plan and Major Roads Plans. The Land Use Plan indicates that the study area is to retain its rural residential/agricultural character. The Selected Alternate would not increase roadway capacity nor result in additional growth pressures inconsistent with the goals and objectives of the Land Use Plan. The study area is located outside any designated growth area in the County.

TITLE VI STATEMENT

It is the policy of the Maryland State Highway Administration to ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, and related civil rights laws and regulations which prohibit discrimination on the grounds of race, color, sex, national origin, age, religion, physical or mental handicap in all State Highway Administration program projects funded in whole or in part by the Federal Highway Administration. The State Highway Administration will not discriminate in highway planning, highway design, highway construction, the acquisition of right-of-way, or the provision of relocation advisory assistance. This policy has been incorporated into all levels of the highway planning process in order that proper consideration may be given to the social, economic, and environmental effects of all highway projects. Alleged discriminatory actions should be addressed to the Equal Opportunity Section of the Maryland State Highway Administration for investigation. The project will be designed and constructed to comply with the accessibility requirements of the Americans with Disabilities Act of 1990 and related laws and regulations.

b. Historical and Archeological Resources Impacts Historic Resources

Historic Resources

The entire project occurs within the Lower Deer Creek Valley Historic District which was listed in the National Register of Historic Places on November 3, 1993. Also, there are several contributing historic properties to the District in the project area, namely the Wilson Mill Complex, the Edward Allen House and the Wilson Mill Bridge over Deer Creek.

Alternate 2 Modified, the Selected Alternate, requires the demolition and removal of the existing Wilson Mill Bridge. On March 27, 1990, the Maryland Historical Trust rendered an adverse effect determination for the proposed removal of the National Register eligible Wilson Mill Bridge and the proposed property acquisition from the National Register eligible Wilson Mill and Allen Properties. On December 2, 1993, the Maryland Historical Trust rendered an adverse effect on the Lower Deer Creek Valley Historic District.

The Wilson Mill Bridge is a unique combination of a pony steel triangular truss and a Parker steel through truss built in 1931. The State Historic Preservation Officer (SHPO) believes that the combination of a pony truss is unique among Maryland's state-owned bridges built before 1935. The August 14, 1987 letter from the Maryland Historical Trust regarding the bridge is included in the Comments and Coordination Section.

The Allen property, consisting of a late 19th century stone house and a frame tenant house, is associated with Edward Allen, the owner of numerous mills in the District and a major figure in the economic history of the area.

The Wilson Mill Complex is one of the oldest and most complete mill complexes on Deer Creek in Harford County and as such had a primary role in the settlement of the area and growth of industry in the 18th and 19th centuries.

Selected Alternate 2 Modified best meets the requirements for providing a safe transportation facility while limiting the effect of the project on the surrounding area and its historic resources. Selected Alternate 2 Modified would require approximately 3.2 acres of right-of-way within the Lower Deer Creek Valley Historic District for the construction of the replacement bridge and approach roadways which includes acreage from the Wilson Mill Complex (0.52 acre) the Allen Property (0.30 acre), and the historic easement (0.17 acre) located east of the existing bridge. The encroachment will occur directly adjacent to the edge of the roadway north and south of the most sensitive portion of the Wilson Mill property at the edge of the roadway; that is, the Mill building itself located at the crossing of Deer Creek. The Mill structure would then be located approximately 100 feet from the new edge of the pavement. The main house would be located about 300 feet from the edge of new pavement. The right-of-way which would be required from the Allen Property is located directly adjacent to the existing roadway southwest of the house and primarily in an area of cultivated lawn and woodland. The new bridge would be located approximately 450 feet from the Allen House. The necessary acquisition would taper into the existing roadway at the existing entrance to the property.

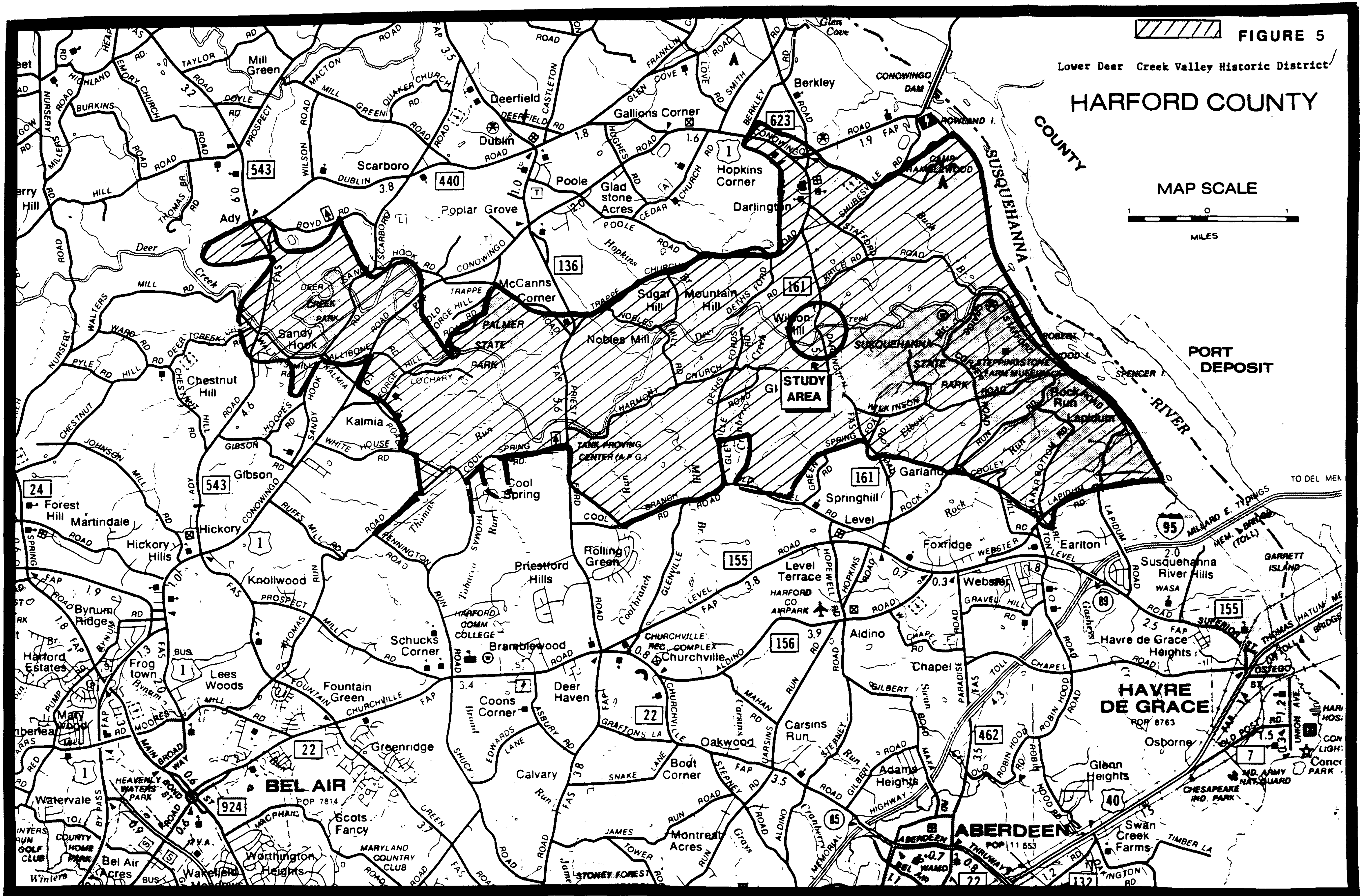


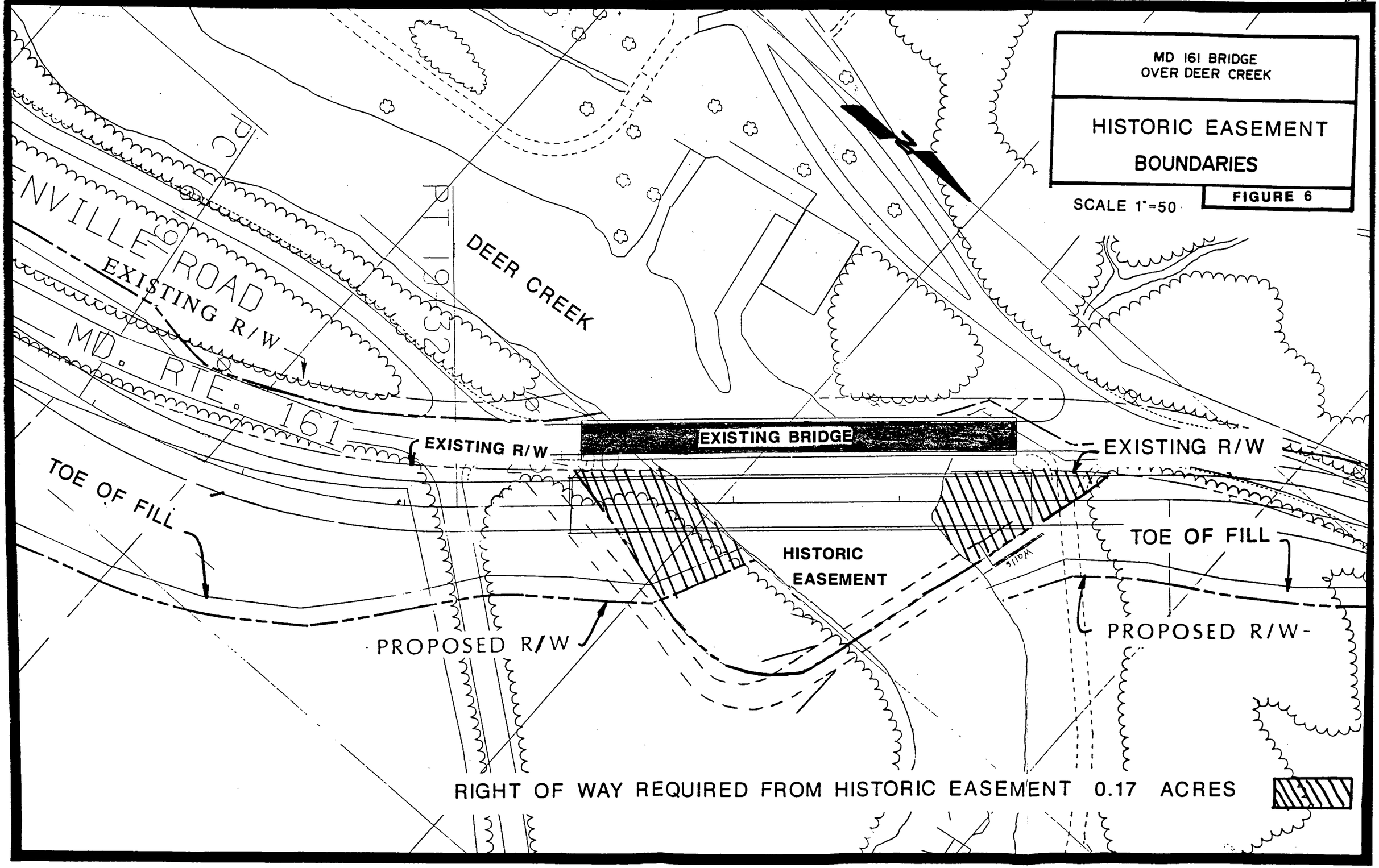
FIGURE 5
Lower Deer Creek Valley Historic District
HARFORD COUNTY
MAP SCALE
MILES
STUDY AREA
SUSQUEHANNA RIVER
PORT DEPOSIT
HAVRE DE GRACE
POP 8763
BEL AIR
POP 7814
ABERDEEN
POP 11 553
SUSQUEHANNA STATE PARK
PALMER STATE PARK
DEER CREEK PARK
TANK PROVING CENTER (A.P.G.)
STEPPINGSTONE FARM MUSEUM
CONOWINGO DAM
Mill Green
Deerfield
Dublin
Gallions Corner
Berkley
Scarboro
Poole
Glad stone Acres
Hopkins Corner
Darlington
Ady
Poplar Grove
McCanns Corner
Sugar Hill
Mountain Hill
Wilson Mill
Nobles Mill
Sandy Hook
Chestnut Hill
Kalmia
Gibson
Hickory
Forest Hill
Martindale
Hickory Hills
Cool Spring
Priestford Hills
Rolling Green
Garland
Springhill
Level
Rock Run
Lapidum
Foxridge
Earlton
Level Terrace
Webster
Susquehanna River Hills
Havre de Grace Heights
Knollwood
Bynum Ridge
Harford Estates
Frogtown
Lees Woods
Schucks Corner
Bramblewood
Churchville
Aldino
Chapel
Fountain Green
Coons Corner
Deer Haven
Carsins Run
Oakwood
Glenn Heights
Osborne
Greenridge
Calvary
Boot Corner
Adams Heights
Swan Creek Farms
Watervale
Scots Fancy
Montreal Acres
Bel Air Acres
Worthington Heights
TO DEL MEM

MD 161 BRIDGE
OVER DEER CREEK

HISTORIC EASEMENT BOUNDARIES

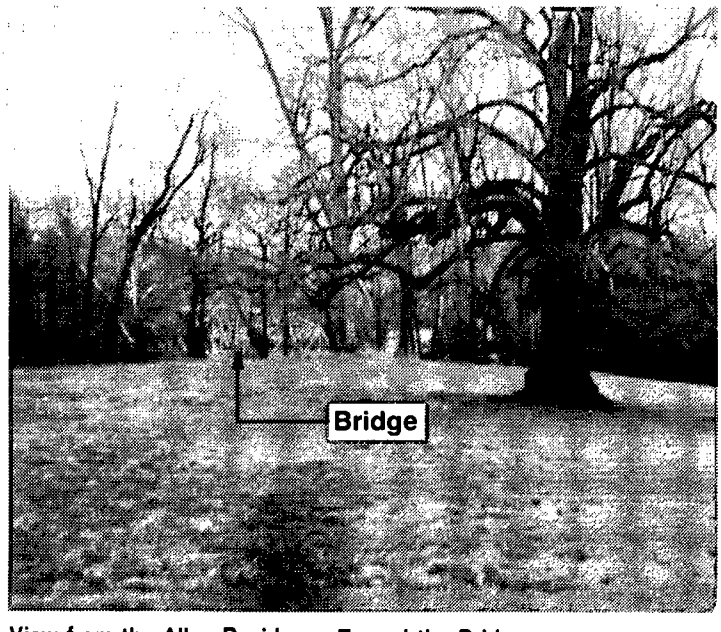
SCALE 1"=50

FIGURE 6

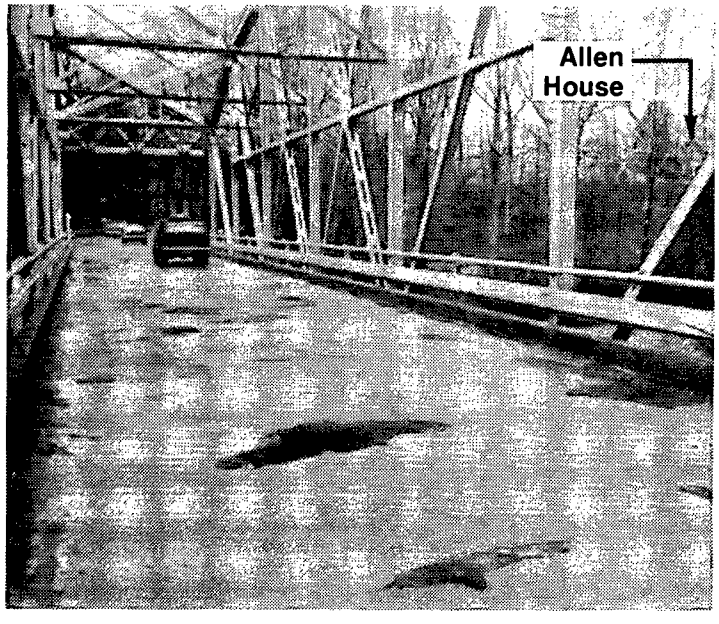


View from Wilson Mill Residence Toward Bridge

View from the Bridge Toward the Wilson Mill Property



View from the Allen Residence Toward the Bridge

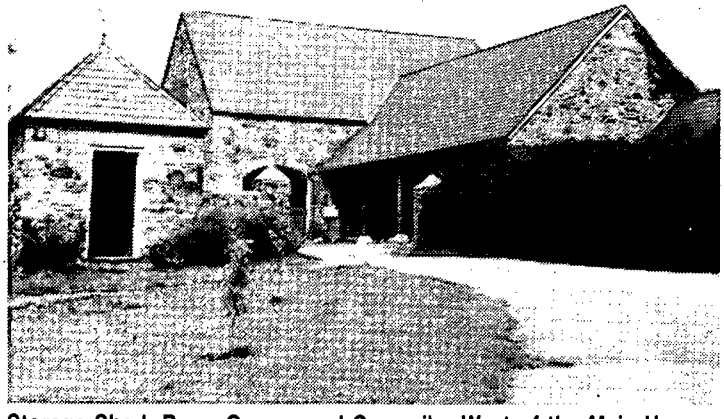


View from the Bridge Toward the Allen Residence

MD 161
BRIDGE OVER DEER CREEK

VIEWS FROM HISTORIC SITES AND BRIDGE

FIGURE 7



Storage Shed, Barn, Garage and Corncrib—West of the Main House

Main House

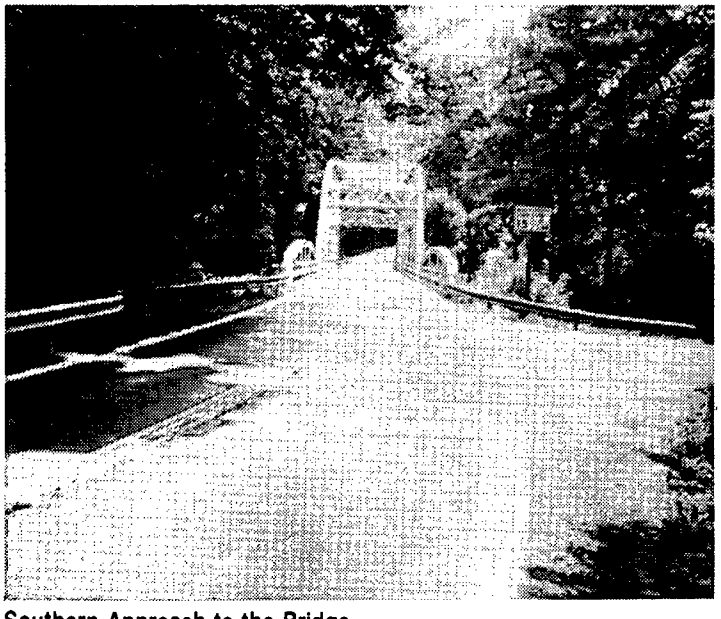
Mill Building

Mill Building and Bridge

MD 161 BRIDGE OVER DEER CREEK	
WILSON MILL PROPERTY	
	FIGURE 8

Allen Residence

Allen Residence with Wings



Southern Approach to the Bridge

View of Historic Bridge

MD 161
BRIDGE OVER DEER CREEK

ALLEN PROPERTY AND BRIDGE

FIGURE 9

SHA initiated a marketing plan in 1989 for the existing bridge over Deer Creek which would be removed with the Selected Alternate. Local and national preservation organizations were notified including the Harford County Planning Office, Historical Society and Historic District Commission. There was no response to the offer of the bridge by any interested party. In January 1994, efforts to remarket the bridge were renewed by this Administration with no results. Therefore, the bridge will be removed (see March 28, 1994, Howard County Government letter).

A Memorandum of Agreement for the execution of specific actions and measures designed to constitute adequate and acceptable mitigation of adverse effects on the historic properties with required signatures is included in the Comments and Coordination Section.

Archeological Resources

Four archeological sites were identified within the project area and vicinity. Site 18HA177, the Silver Site, includes the remains of a probable 19th century structure and its deposits. Since the site is located outside the proposed right-of-way, further testing was not recommended.

The Lehnerd site (18HA175) is not considered eligible for inclusion in the National Register of Historic Places. This site is located east of the proposed right-of-way and should be fenced to avoid any impacts during the construction phase.

The other two archeological sites, Wilson Mill (18HA178) and Allen Bishop (18HA176), represent large and dense archeological deposits associated with extant historic structures. Both sites are moderately dense historic and prehistoric sites on the floodplain of Deer Creek. On December 21, 1994, the Maryland Historical Trust concurred that Alternate 2 Modified, the Selected Alternate, would not impact any significant archeological resources as determined by a Phase II survey. Therefore, further archeological investigations are not warranted for this project (see December 21, 1994 letter).

C. Natural Environment

1. Topography, Geology and Soils

Selected Alternate 2 Modified would not result in any effects, either beneficial or adverse, to the topography or geologic formations of the study area. The new bridge would be constructed at essentially the same grade as the existing bridge and the horizontal alignment would not vary significantly from the existing structure. The new structure would be located up to 10 feet east

of the existing bridge at a location south of Deer Creek. The maximum deviation for the approach roadway by Selected Alternate 2 Modified would be 50 feet.

Approximately 1.28 acres of prime farmland soils would be impacted by the Selected Alternate. This impact is extremely minor compared to the overall amount of available prime farmland located in the Deer Creek area as well as the County.

Coordination was undertaken with the USDA, Soil Conservation Service (SCS) through submission of the Farmland Conversion Impact Rating Form as required by the Farmland Protection Policy Act (FPPA). A copy of the Rating Form is included in Section VI-B, Agency Coordination and Responses.

2. Floodplain

The replacement of the MD 161 Bridge occurs within the 100-year floodplain of Deer Creek. Designated as Zone A by the Federal Emergency Management Agency, Deer Creek is not a regulatory floodway at MD 161. Selected Alternate 2 Modified would encroach upon approximately 0.1 acre (5000 sq. ft.) of the floodplain at Deer Creek by the placement of riprap to both sides of Deer Creek. Once the existing bridge is removed following completion of the new bridge, the net impact will be less than 0.1 acre. This floodplain encroachment was evaluated in accordance with the requirements of 23 CFR 650.111 and Executive Order 11988 to determine if the encroachment is significant. The floodplain encroachment will not involve the following:

* A significant potential for interruption or termination of a transportation facility which is needed for emergency vehicles or provides a community's only evacuation route.
* A significant risk, or
* A significant adverse impact on natural and beneficial floodplain values.

Since Selected Alternate 2 Modified will be essentially the same grade and horizontal alignment as the existing bridge traversing Deer Creek, the new alignment will not significantly change upstream water surface elevations or storage capacity. During the final design stage, standard hydraulic design techniques will be utilized for the waterway openings to limit upstream flood level increases and approximate downstream flow rates. The new structure will be designed to meet criteria set forth by SHA and DNR, Water Resources Administration.

MD 161 BRIDGE OVER DEER CREEK

ALTERNATE 2 MOD.
WETLAND-FLOODPLAINS

SCALE: 1"= 200' FIGURE NO.10

N

SCALE
0 100 200 400 FEET

DEER CREEK

GLENVILLE ROAD

STOKES ROAD

MD 161

20+00

15+00

10+00

25+00

28+00

EXISTING R/W LINE

PROPOSED R/W LINE

EXISTING R/W LINE

PROPOSED R/W LINE

DARLINGTON ROAD

POND

DEER CREEK

LEGEND

- EXISTING BRIDGE
- PROPOSED ALTERNATE
- WETLAND
- PROPOSED RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- 100 YEAR FLOOD PLAIN

Sediment and erosion control and stormwater management plans, approved by the Department of the Environment, will be implemented to minimize impacts to Deer Creek. There is no indication that this encroachment will cause any adverse effects on storage capacity or water surface elevations, result in risks or impacts to the beneficial floodplain values, or provide direct or indirect support to any development within the floodplain.

Therefore, in consideration of these factors, the floodplain encroachment was determined to be nonsignificant. In accordance with Executive Order 11988, a floodplain finding is not required for the Selected Alternate.

3. Wetlands

Pursuant to Executive Order 11990 (Protection of Wetlands) and Section 404 of the Clean Water Act, wetland areas potentially affected by the proposed project have been identified.

On March 14, 1990, a wetland field review was held with agency representatives from the Army Corps of Engineers and the Department of Natural Resources. Minutes of this meeting may be found in the Appendix.

One wetland was found within the study area which is riverine (Deer Creek) and extends up and downstream of the creek. This wetland is classified as riverine, upper perennial with a varied bottom of bedrock, cobbles and gravel. An unnamed tributary flows south through a corrugated metal pipe into this wetland on the north side of the creek just east of the MD 161 bridge.

No wetland vegetation was found within the creek given that the rapidly moving water restricts the possibility for floating or rooted hydrophytic vegetation. The hydrology of this wetland is noted by the inundated condition of the stream channel. The width of the creek varies from 60 to 100 feet and the channel depth from about 1 to 5 feet. The channel contains large pool areas and shallow rocky areas which create riffles.

Pursuant to Executive Order 11990, efforts were made to avoid and minimize harm to the riverine wetland. Studies to rehabilitate the existing structure revealed that there is no practical alternative other than to construct a replacement bridge due to safety and capacity problems of the existing deteriorated structure. Designs of a replacement structure which utilized two piers to be located in Deer Creek were rejected in the effort to minimize harm to the riverine wetland. The Selected Alternate incorporates all practicable measures to minimize harm to the wetland.

The riverine wetland will be affected by the construction of the new pier and the removal of the existing bridge and pier. The Selected Alternate proposes placement of one pier located approximately at the center of the stream. The construction related disturbance of the creek bed will likely create some short term turbidity. Some of the stream bed will be excavated to construct the pier footing. A diversion dike (sheet piling, sandbag, etc.) will be used to divert the water flow while this work is being done. Extensive outcropping of bedrock throughout the project area restricts the use of steel sheet piles in many areas. In these areas, sandbags or silt fencing will be used. These sandbags will be placed around the work areas before any stream bank disturbances are initiated. Placement and removal of the stream diversion will coincide with standard in-stream construction restrictions for Use IV streams. With good instream control of the work area, sediment dislodged during construction of the pier and footers should not have any significant impact on downstream areas. Given that the Deer Creek streambed is composed of primarily sand, gravel and cobble, it is unlikely that significant amounts of fine sediment would become suspended and travel great distances downstream.

The unnamed tributary flows through a 72" corrugated metal pipe which will be extended on a skew approximately 53 feet to the edge of the creek under the new structure. The bridge abutments will be located in the upland areas outside of the waterway. The corrugated metal pipe (referenced by Brighwater Consultants, as a "culvert", see May 29, 1991 letter in Section VI) is located under the existing bridge and extends from the north side of the Wilson Mill Property. Due to the potential impacts on the historic mill on the upstream side and the extensive work and right-of-way that will be needed to replace the pipe, a replacment option is not reasonable. The pipe is to be extended to provide adequate erosion protection for the new bridge.

A Section 404 Permit (COE), Non-Tidal Wetlands License (DNR) and a Waterway Construction Permit will be required for the proposed project. Given that the only wetland impact is to the riverine wetland of Deer Creek by the placement of the new pier and removal of the existing pier, it is not anticipated that a wetland mitigation plan will be required.

Wetland Finding

Pursuant to Executive order 11990, studies were made to avoid and minimize harm to the riverine wetland of Deer Creek. These studies proved that there are no practical alternatives that would correct the safety and capacity problems experienced with the existing deteriorated structure without a bridge replacement.

4. Surface Water

Selected Alternate 2 Modified will not require any relocation of Deer Creek. Deer Creek is classified by the Maryland Department of the Environment (MDE) as Use IV Waters. Use IV Waters have a designated use as recreational trout waters. Although these waters are classified as Use IV, due to the presence of anadromous fish in Deer Creek, Use I time-of-year restrictions will be implemented. Therefore, in-stream construction will be prohibited from March 1 to June 15 inclusive.

Minor grading on the banks of the creek is expected to occur where the new abutments will be located. This grading will consist of some filling in and cutting away of the slopes which is necessary to have a smooth groundline going from the creek's edge up to the proposed roadway.

Sediment and erosion control and stormwater management practices, also approved by the MDE, would be implemented to minimize water quality impacts during construction. The area disturbed by the construction will be held to a minimum and revegetated after grading to minimize the potential for erosion and sedimentation. These measures would be especially strict given the purported habitat of the Maryland Darter two miles downstream. In accordance with the Maryland Stormwater Management Act, stormwater management practices will be investigated in the following order of preference:

* On-site infiltration.

* Flow attenuation by open vegetated swales and natural depressions.

* Stormwater retention structures.

* Stormwater detention structures.

These practices tend to filter out pollutants and decrease their concentrations before entering groundwater. Approximately 0.25 acre of perpetual easement will be required for the construction of a stormwater management pond should an infiltration system not be feasible. Should the stormwater pond be necessary, it is planned for the pond to be located outside the historic boundaries of the Allen property and situated adjacent to the north side of the existing access road located northeast of the replacement bridge (see Figure 3). With the use of the above-described procedures and techniques, no significant long-term impacts on surface waters are anticipated.

5. Threatened and Endangered Species

The U.S. Fish and Wildlife Service recognizes the Maryland Darter as a federally endangered fish species located two miles downstream of the project site. The Biological Assessment included in the Environmental Assessment was updated in October, 1992, by SHA for the US Route 1 bridge project over Deer Creek in Harford County. The last sighting of the darter population was in 1989. In 1990 and 1991, additional investigations and studies were conducted by Dr. Rich Raesly, which yielded no trace of the Maryland Darter. As a result of these studies it is inferred that the Maryland Darter population has disappeared. However the report concludes that: "Despite indications that the Maryland Darter may have been extirpated , the specie has not been proven extinct; nor has it been removed from the Federal Endangered Species list. (USFWS, 8/92). Therefore, every effort should be made to mitigate any potential impacts of the bridge replacement on the stream and the Maryland Darter."

The Maryland Department of Natural Resources identified three additional fish species (northern logperch, Atlantic strugeon, and shortnose sturgeon) which may live or spawn within Deer Creek. No state or federal protective regulations apply to these three species nor have any been sighted in the vicinity of the project during field investigations.

On September 7, 1993, the United States Department of the Interior, Fish and Wildlife Service recommended the implementation of the following seven mitigative measures to eliminate any potential impacts on the endangered species and reduce potential harm to aquatic life located at and downstream from the project site. These mitigation measures have been incorporated into the Selected Alternate and include:

* No in-stream construction or demolition activities will take place between March 1 to June 15 inclusive.

* All sediment controls (to include sheet piling and sandbag barriers) shown on plans will be installed prior to land disturbance. Trenches for storm drain and utility installation, that are not backfilled and compacted at the end of the day, will be installed prior to land disturbance. Trenches for storm drain and utility installation, that are not backfilled and compacted at the end of the day, will have slope silt fence placed downstream of the excavated trench material.

* All sandbags (or sheet piling) will be removed during periods of low water flow in combination with a weather forecast of no rain for 48 hours. Sediment and soil

extracted during sandbag removal will be reinserted and compacted for stabilization. All sediment removed from within the Deer Creek riverine wetland will be pumped into a dewatering pit for settling and containment. This sediment will eventually be placed in a secured upland disposal area.

* All water removed from within the cofferdams will be pumped into a dewatering pit before being discharged into Deer Creek. All excavated soil will be stockpiled outside the Deer Creek 100-year floodplain.

* Following clearing and grubbing, grading and stabilization of side ditches will be implemented at the end of each working day. Within 12 hours following completion of construction activities in any portion of the work area, soils will be stabilized with anchored mulch. Where specified, disturbed areas will be stabilized at the end of the working day and upon completion of the project restored with vegetation.

* Measures will be taken to prevent debris from entering the waterway during the dismantling and demolition of the existing structure. No scaffolding system or construction equipment will be allowed in Deer Creek.

* Where streambanks are to be cut or graded, steel sheet piling or sandbag barriers shall be placed around the work area before any streambank disturbance are initiated

6. Designated Scenic River

Deer Creek is designated as a State Scenic River by the Maryland DNR, Scenic and Wild Rivers Program. As defined by the Maryland Scenic and Wild Rivers Act of 1987, a Scenic River is a "free-flowing river, whose shoreline and related land are predominantly forested, agricultural, grassland, marshland, or swampland with a minimum of development for at least 2 miles of the river length." Selected Alternate 2 Modified would not adversely affect the natural aesthetics or qualities of Deer Creek as a Scenic River since the new bridge is designed to maintain the historic character of the area and will not be substantially different than the existing bridge. A new pier would be provided in Deer Creek and the existing one will be removed when the current bridge is demolished. The new center pier will be located in this main channel of Deer Creek and will be aligned parallel to the stream flow to reduce obstruction to the flow and the resulting streambed scour.

7. Air Quality

An air quality analysis is not required for this project. This determination is based on previous analysis for similar projects located in a rural area with extremely low traffic volumes associated with MD 161. The Average Daily Traffic for the year 2015 is 2800 vehicles; Design Hour Volume for the year 2015 is 224 vehicles.

The proposed improvement will not increase capacity, and the predicted traffic volume is the same for the No-Build and Build Alternates. Extremely low carbon monoxide (CO) concentrations are expected due to the extremely low traffic volumes. Predicted concentrations would consist almost totally of background concentrations.

This project is exempt from the requirement that a conformity determination be made (U.S. EPA Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans, Programs, or Projects - Final Rule). In addition, as cited in the Final Rule, project level analyses of carbon monoxide (CO) impacts are not required. No violation of the State/National Ambient Air Quality Standards (1 HR - 35ppm, 8 HR - 9ppm) are expected to occur with the No-Build or Build Alternates in 1995 or 2015.

8. Noise Impacts

A detailed noise quality analysis is not required for this project. This determination is based on previous analyses for similar projects and extremely low traffic volumes associated with MD 161 (2015 Average Daily Traffic = 2800 vehicles; 2015 Design Hour Volume = 224 vehicles) and the land use adjacent to the study area of MD 161 which is rural residential and agricultural.

The proposed improvement will not increase roadway capacity and the predicted traffic volume is the same for the Build and No-Build. Also, the improvements will not substantially change the current roadway capacity nor increase above the current ambient noise levels. Actual field measurements were not taken.

C. SUMMARY OF PUBLIC INVOLVEMENT

An Alternates Public Meeting was held on March 22, 1989 to offer citizens in the project area an opportunity for an informal review of the proposals. Five alternates were presented including the No-Build Alternate. Some citizens supported the bridge replacement while others wanted the existing structure rehabilitated with improvements to the approach roadways. Following the

Alternates Meeting, Alternate 4 was dropped from further consideration due to proximity impacts to Wilson Mill. Alternate 2 was modified in that the bridge would be located 10 feet from the existing structure rather than on a skew varying 10 to 40 feet to the east of the existing Wilson Mill bridge.

On June 13, 1990, the Combined Location/Design Public Hearing was held in Darlington. Following the Public Hearing, a series of meetings were held with representatives of the Harford County Government, Maryland Historical Trust and property owners in and near the project area to determine avoidance of detour routes, use of the Wilson Mill easement property and the design choice for the replacement structure.

As a result of these meetings, it was determined that the existing structure would not be removed until the proposed structure was completed so as to avoid lengthy and dangerous detours. Also, Ms. Alison Stokes MacLean, donor of the perpetual easement, removed her objection to the replacement of the Deer Creek Bridge and consented to the use of the easement property located east of the existing bridge structure for the construction of the Selected Alternate (see letter dated October 5, 1992).

On April 19, 1994, the Maryland Historical Trust stated that they do not object to such use of the preservation easement, conditional upon the following:

- Submission of written concurrence by all the owners of the preservation easement.

- Review and concurrence by MHT on the Final Review Plans for removal and replacement of the bridge, realignment of approach roads and the reclamation and revegetation of the area in conformance with the terms of the Memorandum of Agreement for the project (See MHT letter 4-19-94).

D. POSITIONS TAKEN

1. Elected Officials

No written or verbal comments have been received, other than that from Senator Amoss of Harford County who expressed support for the replacement structure due to the unsafe condition and geometric design of the existing structure.

2. Citizens

The majority of written comments received from citizens expressed support for rehabilitating the existing structure or preserving it for pedestrian purposes only, based on the uniqueness of the structure which is a contributing element to the historic character of the area. Conversely, Mr. Oakie Bishop, owner of the Allen property, and other residents expressed a need for a wider bridge to reduce the number of accidents and to provide the roadway capacity needed. As earlier stated, numerous meetings were held with concerned citizens to discuss the need for a bridge replacement. Several meetings with the local community, Harford County representatives and the Maryland Historic Trust resulted in an agreement for a replacement structure given that the design of the new structure will reflect the historic and rural character of the area. (see Coordination Section - Memorandum (6/3/93))

3. Agencies

Coordination with the Maryland Historical Trust (MHT) is ongoing. Numerous meetings have been held with MHT, the Advisory Council on Historic Preservation and FHWA to discuss the alternates under consideration, their impacts to the cultural resources, the resolution of the easement to the east of the Wilson Mill Bridge and the Memorandum of Agreement.

On October 18, 1993, a meeting was held between the Maryland Historical Trust and the State Highway Administration to discuss the effects of the project upon the recently listed Lower Deer Creek Valley Historic District to the National Register of Historic Places. A Memorandum of Agreement (MOA) has been developed in cooperation with the Maryland Historical Trust to mitigate the removal of the existing structure.

This project was presented at the Interagency Meeting on January 18, 1989. The Department of Natural Resources (DNR), U.S. Fish and Wildlife Service, Environmental Protection Agency, and the U.S. Army Corps of Engineers were in attendance. Among the issues discussed were the number and location of piers for the potential replacement structure and protection of the Maryland Darter.

On September 27, 1991, a meeting was held with several representatives of DNR to discuss potential impacts to Deer Creek and the Maryland Darter. No objections were given for any of the alternates under consideration but concern was voiced regarding erosion control, stormwater management procedures, extension of the corrugated metal pipe and construction techniques. SHA forwarded plans to both federal and state agencies incorporating mitigative measures to be

implemented during the construction phase for erosion and sediment control. With the implementation of specific sediment and erosion controls, the Department of the Interior, U.S. Fish and Wildlife Service concurred that there would be no effect to the Maryland Darter, which has not been sighted since 1989 (see letter dated 9/7/93). The stipulated mitigative conditions are acceptable by SHA and will be implemented. These measures are described in Section III of this document.

The Harford County Government objected to any detour or disruption of service that may occur as a result of this project. Any detour would have a direct impact on the ability to efficiently and effectively provide emergency services (see letter dated 1/5/91). SHA chose Alternate 2 Modified as the Selected Alternate which maintains service throughout the construction phase.

E. TEAM RECOMMENDATION

The Project Planning Team recommended Alternate 2 Modified as the Selected Alternate for the new bridge over Deer Creek, because it meets the needs of the project by providing for a safe transportation facility while minimizing the effects on the historic resources and enabling traffic to be maintained during construction. The new bridge would be located approximately 10 feet to the east of the existing structure with a clear roadway width of 30 feet (two 11-foot travel lanes and four-foot shoulders). The project is currently funded for construction through fiscal year 1996.

IV.

SECTION 4(f) EVALUATION

IV. SECTION 4(f) EVALUATION

A. Introduction

Section 4 (f) of the U.S. Department of Transportation Act (now Section 303(C) of Title 49 U.S.C.) states that utilizing land from a significant publicly owned public park, recreation area, wildlife or waterfowl refuge, or any significant historic site for a federally funded or approved transportation project is permissible only if there is no feasible and prudent alternative to the use of such lands and if all possible planning to minimize harm to the resource is included as part.

B. Description of Proposed Action

The proposed project consists of the replacement of the MD 161 Bridge over Deer Creek and improvements to the approach roadways. Bridge No. 12040 carries traffic north and south on MD 161 over Deer Creek. The existing structure is a two-span supported truss bridge built in 1931, with a clear roadway width of 19'-8". Span 1 is a 180' + long, steel, through truss; Span 2 is an 81' + long, steel, pony truss. The bridge is currently posted for a gross vehicle weight of 30,000 pounds and has a 15 mph speed limit.

The State Highway Administration's evaluation of the deterioration, inadequacy and deficiency of MD 161 Bridge over Deer Creek resulted in the identification of several measures to improve safety and capacity of the bridge and approach roadways.

The No-Build Alternate would not address the limited vehicle capacity or safety issues due to geometric deficiencies of the approach roads and structural deterioration which would ultimately require a closing of the bridge for safety purposes. The State Highway Administration does not consider the No-Build Alternate to be a reasonable solution.

Subsequent to the Public Hearing, Alternate 2 Modified was chosen as the Selected Alternate. This alternate would locate the new bridge approximately 10 feet to the east of the existing structure with a clear roadway width of 30 feet (two 11-foot travel lanes and four-foot shoulders). This would permit maintenance of all traffic (including emergency vehicles) on the existing bridge during construction (see p. 19 and Section VI for Harford County comments on this issue). The underclearance of the proposed bridge over Deer Creek will be approximately 21 feet compared to 36 feet of the existing structure. The new structure will have a center pier in the main channel of Deer Creek that will be aligned

parallel to the stream flow to reduce obstruction to the flow and the resulting streambed scour. This alternate also includes the relocation and upgrading of approximately 1000 feet of approach roadway to the south and 800 feet of approach roadway to the north to improve sight distance and correct the high accident rate on this section of roadway (see p.2).

C. Description of Section 4(f) Resources

The Lower Deer Creek Valley Historic District

The Historic District represents a 250-year evolution of all aspects of rural development - residential, agricultural, industrial, and religious. The District is comprised of approximately 12,000 acres located in north central Harford County and is preserved as an entity, easily distinguished from those sections of Harford County which abut it. Centered around the east-flowing Deer Creek, the District lies entirely within the hilly Piedmont region of the state (See Figure 5). The Valley is listed by Maryland statute as a "Scenic and Wild River".

Several hundreds of inventoried sites in the District have historical, architectural, and familial links with each other that span several generations. The valley contains approximately 350 separate sites included in the Maryland Inventory of Historic Properties and probably represents the greatest and best-preserved concentration of significant sites in Harford County.

The District, overwhelmingly rural in nature, is centered around Deer Creek, a state Scenic River as certified in the Annotated Code of Maryland. The District's northern and southern boundaries parallel Deer Creek at a distance of approximately one mile, with the exact distance determined by such factors as historic property lines, views, use patterns, presence of intrusions, etc. The western boundary is marked by the Walters Mill complex near Ady Road (MD 543) and the highly important 18th-century house Deer Park; the eastern by the Susquehanna River. Several lesser streams feed Deer Creek, most notably Hopkins Branch, Holland's Branch, and Buck Branch, Thomas Run, Elbow Branch and Rock Run including the many unnamed smaller streams. Most of the land is forested in native hardwoods with substantial sections cleared in the 18th century for large and prosperous grain farms (See Figure 5).

The rolling terrain meant that the creek and its tributaries flowed with a water power that lured settlers to the valley in the first half of the 18th century. Lower Deer Creek was lined with grist mills, sawmills, iron forges and furnaces, tanneries and tanbark mills, and flint mills by the close of the century. Farms appeared among these industrial sites and virtually every piece of property in the District contains a structure or site which contributes to the valley's significance.

The District is comprised of 306 contributing resources, namely 243 buildings, 32 sites and 31 structures. Also, there are 111 non-contributing resources contained within the historic district. All of the historic resources affected by this project, namely, the Wilson Mill Bridge (Bridge No. 12040), the Wilson Mill property and the Allen property are specifically cited as

contributing elements within the historic district. The Wilson Mill Complex and the Allen Property are privately owned properties. The State Highway Administration owns and maintains the existing bridge.

The three following resources, which are contributing elements of the District, are within the area of potential effect of the Selected Alternate.

Deer Creek Bridge

The Deer Creek Bridge (Bridge No. 12040, HA1578), built in 1931, has the distinction of being one of six historic truss bridges in Harford County and one of 26 bridges of the same general structural type throughout the state road network. The bridge consists of a Parker steel through truss, 180 feet long, and a steel pony triangular truss, 81 feet long to the south of the larger truss. The combination of a pony truss with a large central through truss is unique among Maryland's State owned bridges built before 1935. The relative scarcity of the bridge type makes it potentially eligible for National Register listing according to the SHPO.

The SHPO determined that the bridge was eligible for the National Register based on its engineering aspects solely. It is an example of a Parker Truss, not uncommon in neighboring states but rare in Maryland, used in conjunction with a pony truss.

On July 23, 1930, the State Road Commission acquired a right-of-way by written agreement from Gilpie Wilson "for the bridge over Deer Creek and tributary only, together with approaches on either side " for highway purposes. This acquisition occurred forty-five years prior to the acquisition of a perpetual preservation easement for the Wilson Mill property by the Maryland Historical Trust (MHT). It has been legally determined that the existing bridge and approach roads are excluded from the exact limits of the MHT easement donated by Ms. Alison Stokes MacLean on a property east of the existing bridge where the replacement structure is to be located.

The Maryland Historical Trust holds an easement on a portion of the property which extends to the east side of the existing bridge. This historic easement, located east of the existing structure, is currently owned in part by Ms Allison Stokes MacLean with other members of the Stokes family. Approximately 0.17 acre of right-of-way held in easement by the Maryland Historical Trust is required for this project. Following a series of meetings with a group of citizens in Harford County and the Maryland Historical Trust, including Ms. MacLean, it was concluded that replacement of the existing structure was the best solution given the restricted sight distance

and substandard design of the existing structure. On June 10, 1990, and October 5, 1992, SHA received Ms. MacLean's concurrence for a replacement bridge east of the existing structure. In addition, signatures were received from the four other owners within the Stokes family signifying their approval (See Correspondence Section). These letters demonstrate approval, by the owners of the historic easement, to utilize such easement for the construction of the new MD 161 bridge at Deer Creek. The Maryland Historical Trust has concurred for the use of the easement for the replacement bridge on MD 161 over Deer Creek since SHA has fully executed terms stated in the Trust letter of 4/19/94.

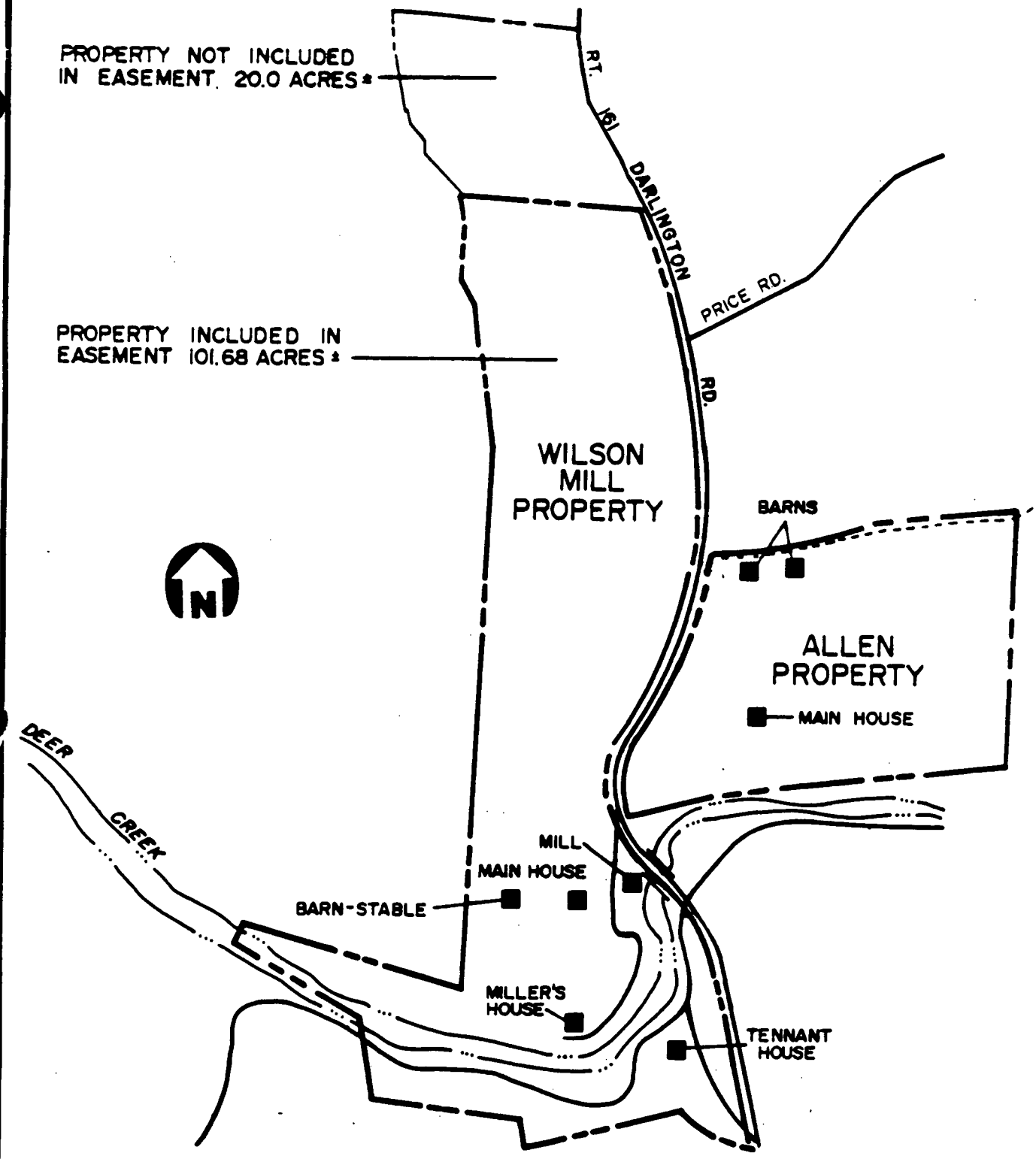
Wilson Mill Complex

The Wilson Mill Complex, which is located on the west side of MD 161 is coterminous with SHA's right-of-way. It is one of the oldest and most complete mill groups on Deer Creek in Harford County and is significant architecturally. As such, it had an important role in the settlement and growth of the area in the eighteenth and nineteenth centuries. The historic boundary includes approximately 101.668 acres and is part of the tract formerly called "Parker's Choice" acquired by Nathan Rigbie in 1743.

The mansion house which is currently occupied and the stone mill set among period outbuildings, retain excellent integrity. The Mill building (HA 11) possibly dating to 1760, is a two and one --half story stone building located on the north bank of Deer Creek which is not occupied. A shed houses the miller's office with the original furniture. It originally opened as a grist and sawmill. The grist mill machinery was replaced by a water-powered electric generator in the 1930s to provide electricity for the Complex.

The Wilson Mill main house is a two-story building built in the mid-nineteenth century to replace the original log dwelling which had burned. It consists of a three-bay wide main section with an el off the rear which contains the original kitchen. A storage shed, barn, garage, corncrib and chicken coop are located west of the house. It is located on a rise overlooking the Mill and Deer Creek. Apple orchards are located to both ends of the complex property.

Two additional buildings remain of the original Mill Complex. The Miller's House is a two-story stone building dating from the first quarter of the nineteenth century. The Tenant House is located on the southern side of Deer Creek and also probably dates to the early nineteenth century. It is constructed of stone like the three other buildings.



Historic Property Boundary

MD 161 BRIDGE
OVER DEER CREEK

WILSON MILL AND ALLEN HISTORIC PROPERTY BOUNDARIES

NOT TO SCALE

FIGURE 11

The Wilson Mill property has passed through several ownerships since 1784 including such owners as the Rigbie family and the Stump family from whom William Wilson purchased the mill complex. The Wilson Mill Complex (116.7 acres) was later purchased by the Stokes family who sold the property to the British Virgin Islands Corporation. It should be noted that the transfer of the former Stokes property to the present owners refers only to the 116.7 acre parcel on the west side of MD 161 and does not specifically include the Stokes Family historic easement east of the existing structure.

Allen Property

Located on the east side of MD 161, north of the bridge is the Allen Property (HA 319,320) consisting of approximately 92 acres. Its boundary is also coterminous with current SHA right-of-way. This late nineteenth century stone house and a frame tenant house located northeast of it are important architecturally. The Edward M. Allen House is important for its association with Allen, the owner after 1880 of the Stafford Mill near the mouth of Deer Creek. First recorded in 1970, the building was re-assessed by the Harford County Department of Planning and Zoning in 1982. The Allen Tenant House is significant for its apparent connection with the Edward M. Allen House and may pre-date the Allen House. He was a major figure in the nineteenth century economic history of the area as the owner of Stafford Mill near the mouth of Deer Creek which he converted from a gristmill to a bone mill. He also owned the flint mill at Stafford and the Conowingo Flint Mill.

The E. M. Allen House site and the neighboring Wilson Mill property have, since the eighteenth century, been at the core of development in the Deer Creek Valley. The Allen property, consisting of a late 19th century stone house and a frame tenant house, is associated with Edward Allen, the owner of numerous mills in the District and a major figure in the economic history of the area. The current dwelling was constructed ca. 1880 following the destruction by fire of the earlier dwelling. The house appears to incorporate portions of that original dwelling. The E. M. Allen House is privately owned by Mr. Oakie Bishop.

The current rambling structure was evidently built around what remained of a earlier dwelling which was burned prior to the building of the present house. The older house was owned by Rachael Wilson, Allen's mother-in-law. The oldest section is a 1-1/2 story portion with a small springhouse or dairy extension. It consists of a three-bay wide main section with an el off the rear which contains the original kitchen. A storage shed, barn, garage, corncrib and chicken coop are located west of the house. The MHT has established a new boundary for the property consisting of approximately 10.5 acres. (See Figure 11)

D. Impacts on the Section 4 (f) Properties

Lower Deer Creek Valley Historic District

All of the three build alternates considered required the removal of the existing truss bridge over Deer Creek on MD 161 within the Lower Deer Creek Valley Historic District. Alternate 5 proposed the staged construction of the new replacement bridge in the same location as the existing structure, whereas Alternate 2 Modified, the Selected Alternate and Alternate 3 proposed a new structure located approximately 10 feet east of the existing alignment.

The Selected Alternate would require approximately 3.2 acres of right-of-way within the Lower Deer Creek Valley Historic District for the construction of the replacement bridge and approach roadways. This includes approximately 0.52 acres from the Wilson Mill property, 0.30 acres from the Allen property and 0.17 acre of the perpetual preservation easement located east of the existing structure. The 3.2 acres of right-of-way also includes the right-of-way requirements in the southeast quadrant of the bridge. The Selected Alternate represents the least amount of required right-of-way from contributing elements to the Deer Creek Valley Historic District. The Selected Alternate 2 Modified avoids proximity impacts to the mill structure located west of the existing bridge.

Alternate 3 required the greatest amount of right-of-way from the historic district, a total of 4.0 acres. The acquisition included 0.32 acres from the Wilson Mill historic area and 1.25 acres of right-of-way from the Allen historic site. This alternate also avoided proximity impacts to the mill structure located west of the existing bridge.

Alternate 5, which proposed the staged construction of the new replacement bridge in the same location as the existing structure, required a total of 3.1 acres of right-of-way from the Lower Deer Creek Valley Historic District and included 0.64 acre from the Wilson Mill Property and 1.03 acres from the Allen Property.

The historic property where right-of-way is required for the Selected Alternate as well as for the other build alternates considered is located in the southwest quadrant of the Wilson Mill property and is primarily wooded. Property required for the proposed approach roadway improvements from the Allen property is landscaped lawn and trees.

The Selected Alternate would not require residential or business displacements within the historic district nor would it disturb or render dysfunctional any farming operations of the Wilson Mill

or Allen properties. The Selected Alternate would not require any detour to community facilities or services within the District since traffic would be maintained on the existing bridge during the construction of the new bridge. The improved approach roadways and new bridge structure will provide safer access to local facilities and service within the historic district.

The Selected Alternates would not adversley affect the natural aesthetics or qualities of Deer Creek as a Scenic River. The location of a new pier out in the main channel of the creek has been coordinated with U.S. Fish and Wildlife Service, Department of Natural Resources and the Army Corps of Engineers. The Selected Alternate as well as the other build alternates considered, would require approximately 0.25 acre of perpetual easement from the Lower Deer Creek Valley Historic District for the construction of a stormwater management pond should an infiltration system not be feasible. Should the stormwater pond be necessary, it is planned for the pond to be located outside the historic boundaries of the Allen property and situated adjacent to the north side of the existing access road located northeast of the replacement bridge.

Deer Creek Bridge

The Selected Alternate requires the removal of Bridge No. 12040 and straightening of the approach roads to make a safer facility. The alternate for the bridge and approach roadways is based upon a two-lane, 22-foot roadway typical section with 4-foot shoulders. When the new structure and approaches are completed, the existing bridge and old roadway approaches would be removed.

Wilson Mill Complex and Allen Property

Right-of-way required from the Wilson Mill Complex and the Allen Property is necessary for improvement of the approach roadways and ultimate slope configuration. The cutting back of the slopes is necessary to increase the safety of the road.

Selected Alternate 2 Modified would require approximately 0.52 acre from the Wilson Mill site from stations 10 to 15 (see Figure 3) with a return to existing right-of-way at Glenville Road. A triangular piece of right-of-way will be required from the west side of MD 161 just south of the Mill entrance. An additional strip is required from the area between stations 24 and 30, again to cut back the slopes to allow better sight distance. The section between stations 10 and 15 will require the lowering of the roadway with slopes south of station 11.50 being 2:1 in configuration and constructed on fill, and from 11.50 north being 4:1 and 3:1 cut slopes.

Between stations 24 and 30, the roadbed will be slightly raised or at-grade with predominantly 2:1 slopes.

Concerning the historic Allen property, strip right-of-way will be required for approximately 0.30 acre. The new approach roadway will be at the same grade, as the existing roadway with a slight raising of the roadbed between stations 24 and 26 + 50. The cut slopes will vary between 2:1 and 3:1 in their configuration.

E. Avoidance, Minimization and Mitigation Alternates

1. The No-Build Alternate

The No-Build Alternate avoids impacts to the Lower Deer Creek Valley and its contributing elements namely, MD 161 bridge, the Wilson Mill Complex and the Allen property. Under this alternate, only those structural elements of the existing bridge would be repaired to keep the bridge open with normal maintenance costs. This would not address the on-going deterioration process of the existing structure nor the sub-standard load capacity and safety features. Ultimately the bridge would be closed to traffic. Remedial repairs such as replacement of deck or other members of the bridge are regarded as temporary holding measures which do not correct the safety hazards associated with the geometries of the bridge nor are they cost effective. The No-Build Alternate does not meet the goals of this study to provide additional capacity and improve safety conditions. Therefore, it is not considered a prudent and feasible alternate because the No-Build Alternate does not address the safety issues and would eventually result in the closing of the bridge.

Since the Lower Deer Creek Valley Historic District was placed on the National Register of Historical Places, the Eastern and Western Shift alignments ceased to be considered avoidance alternates for which purpose they were originally developed. Due to the vast expanse of the District, Eastern or Western alignment shifts are not considered to be prudent and feasible alternatives.

2. Rehabilitation

Two rehabilitation/repair alternates were studied and are summarized below. These alternates minimize impacts to the bridge and would not require the acquisition of property from either the Wilson Mill or Allen properties.

a. Upgrade to Current Standards and Remove Posting

Under this alternate, Jersey parapets or Jersey-type steel facing would be added. The bridge deck would be replaced as would all floor beams, exterior stringers, truss members and bracing, and gussett plates where deteriorated. To increase the live load capacity, truss members would be replaced or modified. Minor gunite repairs on the piers would be needed as well as replacement of the abutment backwalls. The bridge would then have a twenty-year life. This upgrading would not change the appearance of the bridge; however, the width would not be upgraded to current standards. This narrow bridge width would not allow buses, trucks, or emergency vehicles and cars to pass each other in opposite directions at the same time. Futhermore, fixed-object collisions would continue to occur at the bridge approach roadways which have limited sight distance, narrow widths and no shoulders.

Although rehabilitation cost of the bridge ($1,831,000) would be less than the cost of a new structure, the life of the bridge would only be approximately 15-20 years. A new structure would have a life of 80 - 100 years and no truck weight restrictions. Therefore, this alternate is not considered prudent and feasible due to the uncorrected safety deficiencies and shorter life span.

b. Repair As Necessary for a 20-Year Life but Keep Existing Posting

Under rehabilitation option b, the deck, floorbeams, exterior stringers, bottom chords, and abutment backwalls would be replaced as well as the gracing and gusset plates. Jersey parapets or Jersey-type steel facing would be added. This would add a 20-year life to the bridge with a cost of $1,786,000 but would maintain the existing posting of 30,000 pounds. Repairing the bridge to obtain a 20-year life would not change its historic appearance. The existing substandard bridge of 19'8" would remain. Furthermore, with the continued weight restriction, heavy traffic usage would be restricted. Also, the lack of shoulders and safety grading on the approach roadways would maintain the high accident location.

Partial bridge closure could not be avoided for the rehabilitation options a and b. At best, only one traffic lane could remain open during stage construction of the concrete deck. With normal stage construction, the open traffic lane width would be 6' 10" which is unacceptable. However, by utilizing a W-beam traffic barrier in lieu of a temporary Jersey type barrier and by utilizing special reinforcing steel splicing, the traffic lane could be increased to 9'4" plus or minus. All truck traffic would still be prohibited from crossing the bridge.

Floorbeam replacement presents a special problem. Three schemes may be possible for supporting stringers during floorbeam replacement: 1) support provided from the riverbed; 2)

support provided by connections to verticals and lower chords; 3) support provided by connections to floorbeams on either side of the floorbeam being replaced. Removal of the existing floorbeam would be as follows:

Remove deck in lane closed to traffic.
Remove two stringers in lane closed to traffic.
Cut sections of floorbeam and remove.

Removing the floorbeam as described above is only possible if the floorbeam is not attached to the existing deck. If it is attached to the existing deck, and removal is attempted, the integrity of the deck under the open traffic lane would be compromised.

Setting the new floorbeam presents even greater problems. The new floorbeam cannot be lowered into place since one lane is open to traffic. The new floorbeam cannot be raised into position since the two remaining stringers under the open traffic lane interfere. The new floorbeam cannot be inserted from one side of the truss since the bottom chord, vertical, diagonals, and gusset plates interfere. The conclusion is that floorbeam removal is possible while maintaining traffic. However, new floorbeam placement is virtually impossible without closing the bridge to traffic. Since it is highly desirable to maintain traffic during construction, overnight bridge closure appears to be the best solution for placing new floorbeams. The following is the probable construction sequence for night closure:

Close the bridge
Remove the deck in two adjacent panels.
Remove four stringers in two adjacent panels.
Replace floorbeam.
Reset stringers.

Place temporary steel grate decking over stringers in the open traffic lane. Note that steel grate decking is required if overnight closure is to be utilized. The only other alternative for replacing the floorbeams is closure of the bridge for the duration of the project. This alternate is not considered prudent and feasible because it does not correct the substandard width of the bridge, restricts heavy traffic usage and would require overnight closure of the bridge which is strongly opposed by local emergency services.

3. Eastern Shift

An avoidance alignment east of the Allen property would require a new bridge span approximately 1000 feet downstream from its present location. This alignment would be approximately one and a half miles long and would impact an additional five properties, four which are contributing elements to the Lower Deer Creek Valley Historic District while still impacti g a small portion of the Allen property outside of the historic site boundaries. Three of the contributing elements are farms which would be bisected by the proposed Eastern Shift.

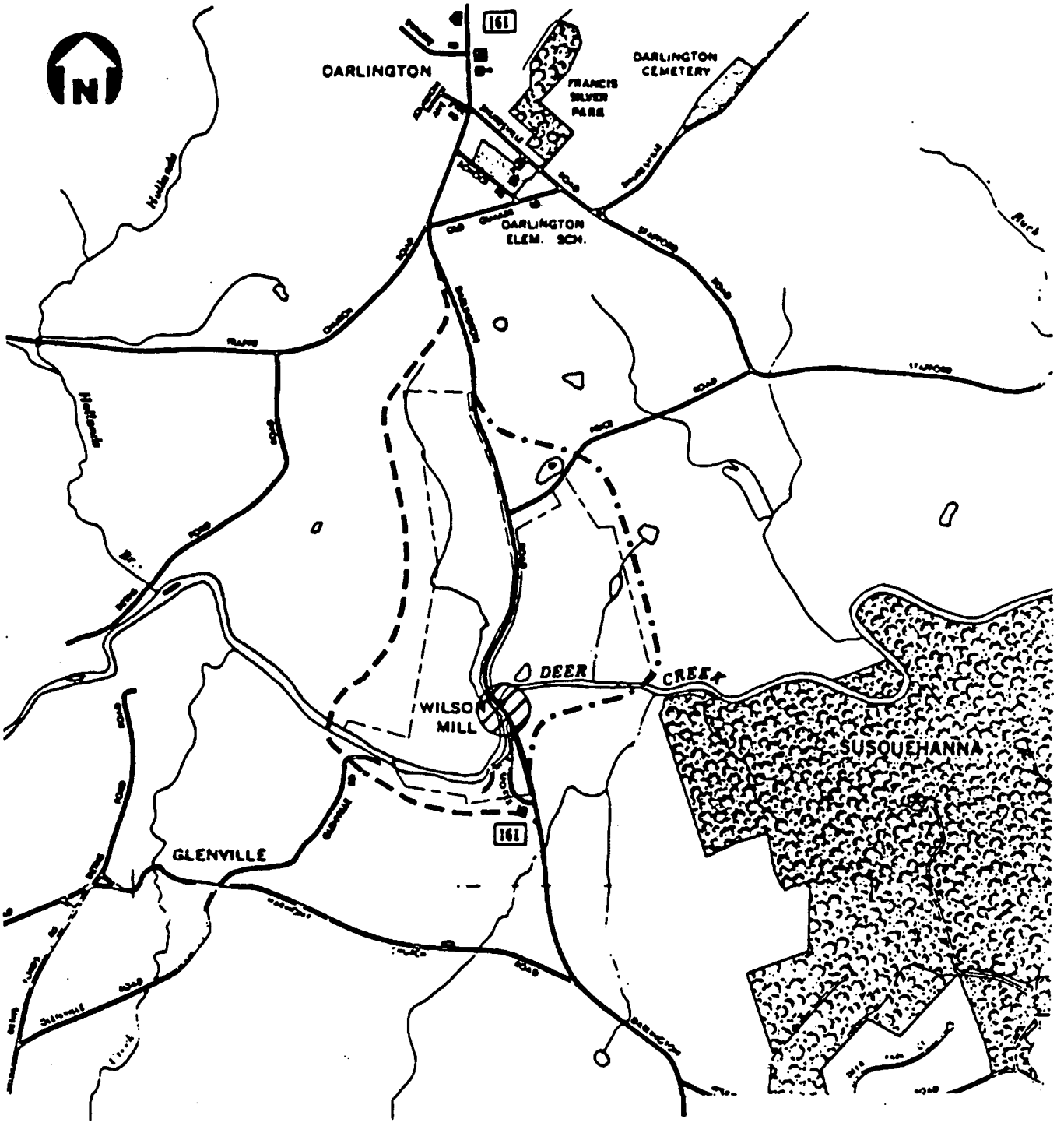
This alignment would also require a relocation of the MD 161/Price Road intersection. The new bridge and approach roadways would be located closer to the downstream habitat of the Maryland Darter. Also, Deer Creek would be crossed at a wider area and would traverse a small tributary to Deer Creek. Avoidance alignments to either side of the historic site would require circuitous travel for residents along the north side of existing MD 161 desiring to travel southbound. This would not be a prudent and feasible alternative because it would require approximately 12 acres of right-of-way from the Lower Deer Creek Valley Historic District, of which 8.5 acres would be required from contributing historic resources and 3.5 acres from a non-contributing parcel within the historic district. The Eastern Shift would cut through a large wooded knoll south of Deer Creek, introduce a new roadway into the historic setting and sever four farm properties and would approximately double the project cost to an estimated $8.4 million dollars (See Figure 12).

4. Western Shift

An alignment located to the west was investigated in order to avoid the Wilson Mill historic boundary. The alignment would require that a bridge be located approximately 2000 feet upstream from its present location. The avoidance alignment would be approximately two miles long and would require approximately 19 acres of right-of-way within the Lower Deer Creek Valley Historic District and impacts a total of seven properties, all of which are contributing elements to the historic district. Three of these contributing historic resources are farms and would be severed by the avoidance alignment. The Western Shift would also traverse along a section of Deer Creek and would require a new intersection with Glenville Road. Deer Creek is wider at this location and would require a longer bridge structure. This alignment would also require circuitous travel for residents along the north side of existing MD 161 desiring to travel southbound. An avoidance alignment to the west is not a prudent and feasible alternative since it requires the greatest amount of acreage in the

time travel and would introduce a new roadway into the historic setting. Its cost is approximately $12.0 million dollars which is nearly triple the cost of the Selected Alternate.

Total avoidance of the historic district is not feasible and prudent because of the distance both east and west involved from the project site, the proximity of the Susquehanna River, the greater cost and the fact that this solution would be out of scale for a localized problem.



EASTERN SHIFT

WESTERN SHIFT

STUDY AREA

HISTORIC PROPERTIES

MD 161 BRIDGE
OVER DEER CREEK

EASTERN AND WESTERN SHIFT ALIGNMENTS

NOT TO SCALE

FIGURE 12

purposes. A plan to adapt it for non-vehicular uses would include a budget for maintenance costs, methods for restricting vehicular usage and retaining liability insurance against personal injuries. In addition, there are no bicycle or walking paths, trails or shoulders on either side of the approach roadways or parking areas to provide access for pedestrians. Some residents were concerned that retaining the existing bridge for pedestrian uses would encourage loitering. For these reasons, retaining the existing structure for pedestrian purposes was rejected.

In 1989, a marketing packet for the existing bridge was developed and advertised with no success. In January 1994, efforts to market the bridge for potential purchasers was renewed, without any success. (See Harford County Government letter dated 3/28/94 and Baltimore Museum of Industry letter of 1/26/94)

An important aspect was to provide an appropriate bridge design which would be compatible with the historic character of the area. A modern designed bridge was not selected since it would diminish the historic setting of the Wilson Mill property. Such a design would not have harmonized with the aesthetics of the Historic District. As a result of several meetings with the community, Harford County and the Maryland Historical Trust, the aesthetic appearance of the new bridge will be in accord with the surrounding historic district and rural environment. A steel open railing, consistent with Federal Highway Administration specifications, will be used as a traffic barrier. Its appearance will be epoxy coated "park service brown", as will all of the bridge girders. The bridge endposts will be extended, instead of guardrail, alongside the road approaches to the intersecting roads. Both the endposts and the bridge substructure will have a stone facing to match or compliment that of the Wilson Mill. Upon completion of construction, the existing bridge and excess paving would then be removed and the area graded.

On April 19, 1994, the Maryland Historical Trust stated that they do not object to such use of the preservation easement, conditional upon the following:

- Submission of written concurrence by all the owners of the preservation easement (the Stokes Family) for use of their property.

- Review and concurrence by MHT on the Final Review Plans for removal and replacement of the bridge, realignment of approach roads and the reclamation and revegetation of the area in conformance with the terms of the Memorandum of Agreement for the project (See MHT letter 4-19-94).

A Memorandum of Agreement for the execution of specific actions and measures designed to constitute adequate and acceptable mitigation of adverse effects on the historic properties and District has been signed. The highlights of the MOA consists of the following:

* To ensure documentation by the Historic American Building Survey/Historic American Engineering Record for the recordation of the bridge prior to removal and/or relocation of the bridge.

* Should remarketing of the existing bridge be successful, SHA shall provide the SHPO 30 days to review and approve the relocation of the structure. SHA will permit the SHPO to select bridge elements for salvage.

* Final Review Plans will be submitted to MHT to ensure that the design of the new bridge is compatible with the historic character of surrounding properties.

* SHA will periodically monitor the Wilson Mill property and its associated archeological resources. Should previously unidentified archeological resources be identified during construction, SHA will halt construction in the area of discovered resource until a determination is made, and if required, appropriate mitigation measures completed.

F. Coordination

This project has been coordinated with the Maryland Historical Trust and the Advisory Council on Historic Preservation. A Memorandum of Agreement (MOA) has been developed in cooperation with the Maryland Historical Trust to mitigate the removal of the existing structure.

On October 18, 1993, a meeting was held between the Maryland Historical Trust and the State Highway Administration to discuss the effects of the project upon the recently listed Lower Deer Creek Valley Historic District to the National Register of Historic Places and to discuss revisions to the MOA.

Several meetings with the community, property owners, Harford County representatives, and the Maryland Historic Trust resulted in an agreement for a replacement structure given that the design of the new structure will reflect the historic and rural character of the area.

G. Concluding Statement

Based upon the above considerations and coordination with federal, state, local agencies and residents, there are no feasible and prudent alternatives to replacing the existing bridge and that the proposed action includes all possible planning to minimize harm to the historic properties and the sensitive components of Deer Creek.

V.

PUBLIC HEARING COMMENTS

V. PUBLIC HEARING COMMENTS

A Combined Location/Design Public Hearing was held on June 26, 1989 in Darlington, Md. The purpose of the hearing was to present the results of the detailed engineering and environmental studies and to receive public comment on the project. Approximately 40 to 50 people attended the hearing and 4 people testified. In addition to the No-Build (Alternate 1), Alternate 2 Modified, Alternate 3 and Alternate 5 were presented.

The following is a summary of the statements made at the Hearing and response by SHA. A complete transcript of the Hearing is available for review in the Project Planning Division offices, State Highway Administration, 707 N. Calvert Street, Baltimore, MD 21203. Written comments received after the Hearing are included and addressed in the Correspondence Section of this document

1.Comments - Questions

Mr. Bill Shimek, 2000 Nobles Mill Road, Darlington - Mr. Skimek stated that improved maintenance of the existing structure would probably render the same life expectency of a new structure. Other narrow bridges in the area , MD 136 and Noble Mills which is approximately 6-feet narrower than MD 161 allowing the passage of one car at a time, have no or few accidents due to the visibility of the approach roads. Mr. Shimek also stated that if the approach roads are straightened to give good sight distance and a low speed posted, the narrowness of the bridge would not cause accidents. He feels that the bridge is an important feature to the historic significance of the area and should be preserved.

SHA Response: Rehabilitation of the existing structure to bring it up to current safety standards would compromise the historic integrity of the bridge while maintaining the existing substandard width. The bridge is in poor condition due to concrete deterioration and 50 % loss of steel section due to extreme rusting in certain members of the structure. Also, the bridge would still be too narrow and incapable of bearing unrestricted loadings. Emergency vehicles which exceed the 15 ton weight limit would be at risk. Extensive improvements to the approach roadways to correct inadequate sight distance would require property impacts to the Lower Deer Creek Valley Historic District as well as to the historic properties to either side of MD 161.

2.Comments - Questions

Mr. Ron Paterno, 1021 Main Street, Darlington - Mr. Paterno was concerned about the poor geometrics of the intersecting roads to either end of the existing bridge. How will the project address the poor sight distance of these intersections?

SHA Response: The intersection issue (Glenville Road) has been coordinated with the county since MD 161 intersects a county road. SHA recommended to the county the closing of this road to reconstruct it into a more acceptable roadway. With the alignment shift of the approach roadways on both sides of the bridge, minor geometric improvements will be made to Glenville Road for it to be extended to tie into MD 161.

3.Comments - Questions

Ms. Colleen Grady, 2102 Shuresville Road, Darlington - During the staged construction, would school buses be able to use the bridge or would there be a lesser weight constriction?

SHA Response: The Selected Alternate would allow for two-way full traffic movements during the construction period. School buses would not be restricted.

4.Comments - Questions

Mr. Jim Hanna, 2106 Shuresville Road - Improvements to the north curve approaching the bridge do not seem to be sufficient to relieve the tightness of that curve. The safety problem is not the bridge but the curves approaching the bridge at both ends. SHA proposed improvements to the south curve seem adequate but the north curve is still tight. Except for the weight limit, you are not addressing the safety problem.

SHA Response: The proposed project essentially addresses the primary problem of replacing a deteriorated bridge and not a major improvement of the existing roadway. Although the proposed improvements to the approach roadways on either side of the bridge do provide improved sight distance, there are substantial design constraints due to our efforts to minimize impacts to cultural resources in the project area.

VI.

CORRESPONDENCE

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MARYLAND HISTORICAL TRUST

Office of Preservation Services

William Donald Schaefer
Governor

Jacqueline H. Rogers
Secretary, DHCD

April 19, 1994

Mr. Louis J. Ege, Jr.
Deputy Director
Office of Planning and Preliminary Engineering
State Highway Administration
Maryland Department of Transportation
P.O. Box 717
Baltimore, Maryland 21203-0717

Re: Contract No. H 896-201-471
Bridge No. 12040
MD 161 over Deer Creek
Harford County, Maryland

Dear ~~Mr. Ege~~ Lou:

Thank you for your letter dated March 9, 1994, which we received on March 15, 1994, on the project referenced above. The purpose of the correspondence was to request the approval of the Maryland Historical Trust of the State Highway Administration's proposal to utilize approximately .17 acres of the Wilson (Stokes) Mill property, east of the current bridge, for the construction of a replacement bridge. The Trust holds a perpetual preservation easement on the Wilson Mill property.

The Trust does not object to such use of the property, conditional upon the following:

1. Submission of evidence of the written concurrence of the owners of the property, the Stokes family, that they do not object to such use of the property. The letters from Alison Stokes MacLean attached to your March 9 letter address only Ms. MacLean's views on the general project, not the specific views or concurrence of all of the owners on the use of their property. Such written concurrence could consist of a copy of the executed purchase or use agreement.

2. Review and concurrence by the Trust on the Final Review Plans for the removal and replacement of the bridge, the realignment of approach roads and the reclamation and revegetation

of the area, in conformance with the terms and conditions of the Memorandum of Agreement for the project, and the preservation easement dated February 3, 1976.

Please contact Bill Pencek (514-7629) should you have any questions or concerns in these matters.

Sincerely,

J. Rodney Little
Director

cc: Alison Stokes MacLean
William Shimek
Sallie VanRensselaer
Katie Dallam
Chris Weeks
Janet Crocker
Beth Cole
Richard Brand

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MARYLAND HISTORICAL TRUST

Office of Preservation Services

PROJECT DEVELOPMENT DIVISION

JAN 13 2 55 PM '94

William Donald Schaefer
Governor

Jacqueline H. Rogers
Secretary, DHCD

January 7, 1994

Ms. Cynthia D. Simpson
Deputy Division Chief
Project Planning Division
State Highway Administration
Maryland Department of Transportation
P.O. Box 717
Baltimore, Maryland 21203-0717

Re: Project No: H 896-101-471
Bridge No. 12040
MD 161 over Deer Creek

Dear Ms. Simpson:

Enclosed please find a copy of the Memorandum of Agreement (MOA) for the project referenced above, which has been executed by J. Rodney Little. Per our conversations, this version of the MOA is a clean copy of the marked up draft forwarded to you under letter dated December 2, 1993.

We understand that the State Highway Administration will work with the Federal Highway Administration to assemble the background documentation for submission of the project to the Advisory Council on Historic Preservation, and to circulate the MOA for signature.

Please contact me should you have any questions or concerns.

Sincerely,

William J. Pencek, Jr.
Deputy SHPO

cc: Don Klima
Alison Stokes MacLean
William Shimek
Sallie VanRensselaer
Katie Dallam
Chris Weeks
Janet Crocker
Beth Cole

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MARYLAND HISTORICAL TRUST

Office of Preservation Services

PROJECT DEVELOPMENT DIVISION
DEC 22 1 35 PM '93

William Donald Schaefer
Governor

Jacqueline H. Rogers
Secretary, DHCD

December 21, 1993

Ms. Cynthia D. Simpson
Deputy Division Chief
Project Planning Division
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21203-0717

RE: Contract No. H 896-201-471
MD 161 Over Deer Creek
Phase II Evaluation of 18HA176
Harford County, Maryland

Dear Ms. Simpson:

Thank you for your recent letter, dated 10 November 1993 and received by the Trust on 16 November 1993, requesting our comments on the above-referenced Phase II investigations. We have reviewed the following draft report submitted with your letter: "Phase II Archeological Evaluations of Site 18HA176: Maryland Route 161 Bridge over Deer Creek, Harford County, Maryland." The report was prepared by R. Christopher Goodwin & Associates, Inc.

The report presents detailed documentation of the study's goals, methods, and results. The level of effort and resulting report are consistent with the "Guidelines for Archeological Investigations in Maryland" (McNamara 1981) for a Phase II project. We appreciate SHA's efforts at examining the Bishop Site (18HA176) as a whole, and not just confining the testing to the limits of proposed disturbance. This Phase II approach has provided an appropriate context for the evaluation and interpretation of the historic property. The study also included a landscape reconnaissance which generated important information and documentation on the property's evolving historic landscape.

The Bishop Site (18HA176) is located on the property of the E.M. Allen House, an historic building recorded in the Maryland Inventory of Historic Properties as HA 319. The Allen House was constructed c. 1880 by Edward M. Allen, a leading industrialist who was prominent in the flint milling industry. The current house was

built on the location of an earlier structure, formerly owned by Rachel Price Wilson, which burned in 1879. The date of construction of this prior dwelling remains unknown. SHA and the Trust previously agreed that the Allen House (HA 319) is eligible for the National Register for its association with Edward Allen and for its architectural merit.

The Bishop Site is also located within the boundaries of the Lower Deer Creek Valley Historic District (HA 1551), which was listed in the National Register of Historic Places in November 1993. According to the nomination form (Weeks 1992):

> The Lower Deer Creek Valley Historic District represents a 250-year evolution of all aspects of rural development--residential, agricultural, industrial, religious. The district is beautifully preserved as a discreet entity, easily recognizable from those sections of Harford County which abut it.

The district currently contains 306 contributing resources, including 243 buildings, 32 sites, and 31 structures. The district's period of significance extends from c. 1608 to c. 1940. We have enclosed a copy of the nomination's significance summary for your information.

The Phase II investigations recovered a variety of domestic and architectural artifacts dating from the second quarter of the 18th century through the 19th century. Testing in Area 2 revealed the presence of a former sheet midden in the yard area, landscaping elements, and evidence of the rebuilding and construction of the existing dwelling. The majority of the recovered diagnostic artifacts pre-date the current building. Historic and modern landscaping activities have partially disturbed the archeological components. However, the site still has the potential to contribute important information regarding the property's inhabitants, functions, and land use patterns. The site has been associated with prominent families and individuals (including Nathaniel Rigbie, the Stumps, the Prices, Rachel Wilson,, and the Allens) who played an important role in the settlement and industries of the Lower Deer Creek Valley. The archeological resources hold the only surviving record (aside from historical documents) of the property's occupation during the 18th and first half of the 19th centuries.

SHA requested our concurrence that the Bishop Site (18HA176) is a contributing resource of the E.M. Allen House historic property. We believe the Bishop Site is more appropriately evaluated as a contributing resource of the Lower Deer Creek Valley Historic District, since the archeological resources predate the period of significance of the Allen House. In our opinion, the

Bishop Site (18HA176) is eligible for the National Register as a contributing resource to this historic district, because it represents over 200 years of occupation and is associated with several prominent families and individuals important in the rural development of the Lower Deer Creek Valley.

Based on the information presented in the report, testing did not identify significant archeological deposits within Area 1 of the Bishop Site (18HA176). Area 2 is situated outside the limits of the proposed right-of-way for this project. Therefore, we concur that further archeological investigations are not warranted for this project. However, SHA and its contractors should avoid Area 2 with all construction related activities and equipment.

The enclosure lists our specific comments on the draft report itself. We ask SHA to have the consultant address these issues, in addition to the items outlined in your correspondence, in the preparation of the final document. We look forward to receiving a copy of the final report and completed NADB - Reports Recording Form, when available.

If you have questions or require additional information, please call Ms. Beth Cole at (410) 514-7631. Thank you for your cooperation and assistance.

Sincerely,

J. Rodney Little
Director/State Historic
Preservation Officer

JRL/EJC/
9302763
Enclosure

cc: Dr. Charles Hall
Mr. Rick Ervin
Mrs. Jayne Foard
Mrs. Sallie Van Rensselaer
Mrs. Margaret Lucas

MHT COMMENTS ON DRAFT PHASE II REPORT
THE BISHOP SITE (18HA176)

1) The report should include discussions of the Lower Deer Creek Valley Historic District in the Historic Setting, Research Design, and Recommendations sections. We recognize that information on this district may not have been readily available in the Trust's library at the time the investigations were conducted. However, information on the District is critical for providing an appropriate historic context for the site and enabling an accurate evaluation of its significance.

2) The Research Design should be expanded to include pertinent research issues/questions, beyond the obvious goal of determining the National Register eligibility of the archeological site. This section should discuss the importance and relevance of these research issues and describe the expected results of the study.

3) The Laboratory Analysis and Curation section (p. 40) states that: "Provenience data were recorded on the outside of each bag." We trust that the artifacts were also individually marked with the site and lot number, in accordance with the Trust's "Interim Minimum standards for Collections to be Curated by MHT" (1991).

4) Figure 7 should label the various landscape components discussed in the report. It should also delineate the National Register eligible boundaries of the Bishop site, and show the approximate limits of prior landscaping disturbances.

   In addition, the shovel test symbols in Area 1 should be keyed to show the locations of tests containing pre-1820 and pre-1762 artifacts, as illustrated for Area 2 shovel tests. The report states that the Area 1 artifact collection includes late 18th to early 19th century diagnostic artifacts, and Area 1 had a mean ceramic date of 1809.

5) We agree that the report must include more detailed description, discussion, and interpretation of the Bishop Site's significant archeological component. The report should include more thorough artifact analyses, artifact distribution and density maps, plus illustrations of representative and unusual artifacts.

6) The reference to the Trust on page 84 should be corrected to read Maryland Historical Trust.

7) The final document should be carefully proofread.

→JEF
F
SHA/
FJC/WJP

9302970

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

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PROJECT EVALUATION DIVISION
JAN 6 9 18 AM '94

December 3, 1993

RE: Contract No. H 896-201-471
MD 161 over Deer Creek
Harford County, Maryland

RECEIVED
DEC 15 1993

Mr. J. Rodney Little
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville MD 21032-2023

Dear Mr. Little:

As we indicated in our November 10, 1993 letter, our archeological consultant reported the presence of a large silver maple tree within the proposed right-of-way, and suggested the tree may be a contributing landscape element to the National Register eligible Allen house, HA 319 (**Phase II Archaeological Evaluations of Site 18HA176**, by Davis et al. 1993 [draft]). A recent field review to evaluate the tree was attended by Mark Muir of the Department of Natural Resources, and by representatives of the State Highway Administration Offices of Environmental Design, Bridge Design, and Project Planning Division.

Mr. Muir and Mr. Joe Vervier of Environmental Design determined that the tree is in poor physical condition (see attached photographs). The top of the tree exhibits severe die back on all major branches, as well as fungal growth indicative of decaying wood. The trunk is undermined by a cavity that appears to encompass the entire diameter of the tree for most of its height. Remnants of major branches on the truck indicate the past loss of large elements, and its poor health leaves the tree vulnerable to wind damage, infestation, and disease. Given its poor physical condition, we believe that the tree does not constitute a positive element of the viewscape, and therefore does not add to the characteristics that make the Allen house eligible to the National Register.

Our offices previously agreed that the bridge project will have an adverse effect on the Allen house. In our November 10 letter, we indicated that the tree might be outside the construction limits. Further evaluation indicates that the tree will, in fact, be taken by the preferred alternate. Due to its declining condition and close proximity to the road, avoidance of the tree (even if desirable) would create a safety hazard. Furthermore,

Aberdeen Quad

My telephone number is 333-1177

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Inches: #18 BC 12/21/93

avoidance would not guarantee its preservation because of its declining health. For these reasons, and because the tree does not contribute to the characteristics that make the Allen house eligible for the National Register of Historic Places, we believe that no further action regarding the tree is warranted.

Based on this information, we seek your signature on the line below within 30 days, signifying your concurrence that the tree is not a contributing element to the Allen house, and that no further action is warranted. If you have any questions, please feel free to contact Mr. Richard Ervin at 321-2213. Thank you for your continued assistance on this project.

Very truly yours,

Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering

by: Cynthia D. Simpson
Cynthia D. Simpson
Deputy Division Chief
Project Planning Division

Concurrence:

W J Pencek Jr.
State Historic Preservation Officer

1-3-94
Date

LHE:RGE:ejs
cc: Dr. Charles Hall
Mr. Charles Harrison
Mr. Ralph Manna
Ms. Sharon Preller
Ms. Rita Suffness
Mr. Joe Vervier
Mr. George Walton

MARYLAND HISTORICAL TRUST

Office of Preservation Services

William Donald Schaefer
Governor

Jacqueline H. Rogers
Secretary, DHCD

December 17, 1993

Ms. Cynthia D. Simpson
Deputy Division Chief
Project Planning Division
State Highway Administration
Maryland Department of Transportation
P.O. Box 717
Baltimore, Maryland 21203-0717

Re: Project No. H 896-101-471
Bridge No. 12040
MD 161 over Deer Creek
Harford County, Maryland

Dear Ms. Simpson:

Thank you for your letter of November 5, 1993, which we received on November 22, 1993, concerning the marketing plan for the project referenced above. The marketing plan has been developed in conformance with the as yet unexecuted draft Memorandum of Agreement (MOA) for the project.

We have the following comments about the draft:

1. The following sentence should be deleted from the "Suitable Locations" paragraph of the "Costs and Requirements" section of Attachment 1:

> The degree of suitability of the new location may factor into the building rehabilitation being eligible for tax incentives.

The project is not eligible for Federal rehabilitation tax incentives.

2. We would recommend that Attachment #2, the list of Potential Transferees, be expanded to include the list of Harford County organizations on the attached sheets, as well as the following:

Maryland
Division of Historical and Cultural Programs
Department of Housing and Community Development
100 Community Place, Crownsville, Maryland 21032-2023 (410) 514-7600

Baltimore Museum of Industry
1415 Key Highway
Baltimore, Maryland 21231

Alice Merrill
Office of Museum Services
Division of Historical and Cultural Programs
Department of Housing and Community Development
100 Community Place
Crownsville, Maryland 21032

3. Please place the ad in the Baltimore Sun Sunday Real Estate Section, if your budget will not permit advertisements in both the Sun and Preservation News.

We otherwise take no exception to the materials submitted, and believe that this plan will fulfill the requirements of the draft MOA.

We appreciate your cooperation in these matters. Please contact me should you have any questions or concerns.

Sincerely,

William J. Pencek, Jr.
Deputy State Historic
Preservation Officer

cc: Alison Stokes MacLean
William Shimek
Sallie VanRensslaer
Katie Dallam
Chris Weeks
Janet Crocker
Beth Hannold

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MARYLAND HISTORICAL TRUST

Office of Preservation Services

William Donald Schaefer
Governor

Jacqueline H. Rogers
Secretary, DHCD

December 2, 1993

Ms. Cynthia D. Simpson
Deputy Division Chief
Project Planning Division
State Highway Administration
Maryland Department of Transportation
P.O. Box 717
Baltimore, Maryland 21203-0717

Re: Project No. H 896-101-471
Bridge No. 12040
MD 161 over Deer Creek

Dear Ms. Simpson:

Thank you for forwarding minutes of the October 18 meeting at which we discussed the draft Memorandum of Agreement (MOA) for the project referenced above. Enclosed please find a copy of the draft, revised to reflect our discussions. For ease of review, we have stricken the proposed deletions and shaded the proposed additions to the previous draft. If the revised draft is acceptable, we would be pleased to prepare and execute the final draft.

The minutes refer to our discussion about the Lower Deer Creek Valley Historic District. The District was listed in the National Register of Historic Places on November 3, 1993 and comprises roughly 12,000 acres. Bridge No. 12040 (HA-1578) is specifically cited as a contributing structure within the District (Section 7, Page 64) of the National Register Registration Form, a copy of which is enclosed for the future use of your office. As we discussed, the demolition of a contributing structure within a National Register listed district constitutes an adverse effect on the district, and the proposed new construction, unless undertaken in conformance with the Secretary of the Interior's Standards, could result in additional adverse effects. The MOA is thus proposed to avoid or mitigate the full range of adverse effects to individual contributing resources as well as to the District.

Maryland
Division of Historical and Cultural Programs
Department of Housing and Community Development
100 Community Place, Crownsville, Maryland 21032-2023 (410) 514-7600

Please contact me should you have any questions or concerns in these matters.

Sincerely,

William J. Pencek, Jr.
Deputy State Historic
Preservation Officer

cc: Don Klima
Alison Stokes MacLean
William Shimek
Sallie VanRensselaer
Katie Dallam
Chris Weeks
Janet Crocker
Beth Cole

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MARYLAND HISTORICAL TRUST

Office of Preservation Services

William Donald Schaefer
Governor

Jacqueline H. Rogers
Secretary, DHCD

September 24, 1993

Ms. Cynthia D. Simpson
Deputy Division Chief
Project Planning Division
State Highway Administration
Maryland Department of Transportation
707 North Calvert Street
Baltimore, Maryland 21203-0717

Re: Contract No. H 896-201-471
MD 161 Bridge over Deer Creek
Harford County, Maryland

Dear Ms. Simpson:

Thank you for your letters of August 10 and August 16, 1993 on the project referenced above, which contain the State Highway Administration's (SHA) proposal for additional archeological investigation and a draft Memorandum of Agreement (MOA) for the mitigation of the overall project, respectively.

We concur with SHA that Phase II investigations of the Wilson Mill site (18HA178) are not warranted for Alternate 2 Modified, since the proposed alignment would not impact archeologically sensitive portions of the site. We also agree that SHA should fence the right-of-way limits along the Wilson's Mill property and prohibit construction related activities beyond those limits. We have added a provision to the draft MOA for protection of the property during construction.

Based on a recent telephone converstaion with Mr. Rick Ervin of your staff, we understand that SHA consultants have completed Phase II fieldwork at the Bishop site (18HA176). Preliminary results indicate that the project area does not contain National Register eligible archeological resources. We look forward to receiving a copy of the draft report and SHA's determination of eligiblity for the Bishop site, when available. If the site is dęrermined eligible for the National Register, the draft MOA should be modified to include a stipulation addressing the appropriate mitigation strategy for the Bishop site.

We have otherwise proposed some revision to the draft MOA. For ease of review we have shaded the proposed additions and lined through the proposed deletions. We believe that most of the proposed changes will be self explanatory. Proposed new stipulation V.A., Protection of Wilsons Mill Property, and the inclusion of the Maryland Historical Trust as a consulting party to the MOA, apart from the Maryland State Historic Preservation Office, raises several principles about which our offices should have further discussion.

We would be pleased to discuss the project and the revised draft MOA once you have had opportunity to complete review.

Sincerely,

William J. Pencek, Jr.
Deputy State Historic Preservation Officer

cc: Don Klima
Alison Stokes MacLean
William Shimek
Sallie VanRensselaer
Katie Dallam
Chris Weeks
Janet Crocker
Philip Deters
Rodney Little
Beth Cole

MARYLAND HISTORICAL TRUST

Office of Preservation Services

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William Donald Schaefer
Governor

Jacqueline H. Rogers
Secretary, DHCD

April 14, 1992

Mr. Louis H. Ege, Jr.
Deputy Director
Office of Planning and Preliminary Engineering
Maryland Department of Transportation
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21203-0717

Re: Bridge No. 12040
MD 161 over Deer Creek
PDMS No. 123158

Dear Mr. Ege:

Per conversation with Ms. Sharon Preller of your staff, the purpose of this correspondence is to report to you on the results of my recent meeting with a group of citizens in Harford County to discuss the proposed replacement of the bridge referenced above.

At the request of SHA, I arranged a meeting with the following individuals:

Christopher Weeks- staff to the Harford County Historic District Commission

Alison Stokes MacLean- one of the donors of the perpetual preservation easement which the Maryland Historical Trust holds on the 116+/- acre Stokes (Wilsons) Mill property

Katy Dallam- Chairperson, Harford County Historic District Commission

William Shimek- Harford County Committee of the Maryland Historical Trust

The meeting took place on March 19, 1992 at the offices of Christopher Weeks, in the Harford County Department of Planning and Zoning. Mr. Weeks also invited Henry, Dorsey and Janet Crocker to participate in the meeting. The Crockers are residents of Darlington, and Janet Crocker is a member of the Lower Deer Creek Valley Association which, in partnership with the Harford County Department of Planning and Zoning, had just completed and submitted to the Trust a draft National Register nomination for the Lower Deer Creek Valley Historic District. The district consists of roughly 15,000 acres. The Route 161 Bridge is near the geographic center of the district, and is identified as a contributing resource.

I generally described the proposed project, and summarized the nature of the correspondence and discussions which have taken place between SHA and the Trust. I described that among the principal purposes of the meeting was to share the renderings of the proposed new bridge, and to gauge the sentiment of Ms. MacLean on the impacts and compatibility of the proposed new bridge in relation to the historic mill. It was pointed out to the attendees that the site for the proposed new bridge was on land apparently owned in part by Ms. MacLean and to which the Trust's easement applied. It was also discussed that the proposed site for the new bridge was actually closer to the site of the bridge that the existing bridge had been built to replace.

Ms. MacLean stated that she was not in favor of a proposal which would require the demolition of the existing bridge and the construction of a new bridge. She was sympathetic to the concerns of interested persons in the area to rehabilitate and preserve the existing bridge, with improvements to sight lines and the control of speed limits. The attendees were unanimous in their concern to pursue the rehabilitation of the existing bridge.

As a consequence of the meeting, and particularly given the sentiments of Ms. MacLean, the Trust would continue to urge SHA to pursue the rehabilitation of the existing bridge. As we have previously described, the proposed demolition of the bridge and the proposed physical changes to the Stokes Mill and Allen properties have considerable potential for adverse effects to National Register eligible resources. The estimated rehabilitation costs are less than estimated costs for new construction. The Trust is not prepared to encourage or approve of construction activity on an easement property, in opposition to the wishes of an easement property owner, particularly when that owner is the donor of the easement.

Please contact me should you have any questions or concerns.

Sincerely,

William J. Pencek, Jr.
Chief
Office of Preservation Services

WJP/meh
cc: Mr. Alison Stokes MacLean
Ms. Katy Dallam
Ms. Janet Crocker
Mr. Bill Shimek
Ms. Sally Van Rensselaer
Mr. Christopher Weeks
Ms. Judith Price
Mr. Rodney Little
Mr. Richard Brand

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

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JUN 15 1990

Mr. A. P. Barrows
Division Administrator
Federal Highway Administration
The Rotunda, Suite 200
711 West 40th Street
Baltimore, MD 21211-2187

REF: Replacement of the Deer Creek Bridge
Contract No. H896-201-471
Hartford County, Maryland

Dear Mr. Barrows:

We have received copies of several letters between the Maryland State Historic Preservation Officer (SHPO) and the Maryland Department of Transportation (DOT) concerning the referenced project. Based on review of those letters and the Maryland SHPO's assertion that replacement of the Deer Creek Bridge would have an adverse effect on that Bridge and Wilson's Mill, we want to participate in the consultation process pursuant to Section 800.5 (e) of our regulations "Protection of Historic Properties" (36 CFR Part 800). As participants in the consultation process we hope to work with you, Maryland DOT, the Maryland SHPO and any other interested parties in identifying ways to avoid or reduce adverse effects to these historic properties.

To facilitate our review of this undertaking we request that you send us the following information:

1. A description of the undertaking, with photographs, maps, and drawings, as necessary;

2. A description of the efforts to identify historic properties, including any archaeological testing that has been completed;

3. A description of the affected historic properties with information on the significant characteristics of each property;

4. A description of the effects of the undertaking on historic properties and the basis for the determinations;

5. A description and evaluation of any alternatives or mitigation measures that the Federal Highway Administration proposes for dealing with the undertaking's effects;

6. A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection;

7. Documentation of consultation with the Maryland SHPO regarding the identification and evaluation of historic properties, assessment of effect, and any consideration of alternatives or mitigation measures;

8. A description of FHWA's efforts to obtain and consider the views of affected local governments or other interested persons;

9. The planning and approval schedule for the undertaking; and,

10. Copies or summaries of any written views submitted to FHWA concerning the effects of the undertaking on historic properties and alternatives to reduce or avoid those effects.

After receipt and review of the material outlined above we will contact you to determine what further steps are necessary to complete the consultation process.

Thank you for your cooperation in this matter. Please call Sharon Conway at 786-0505 (an FTS number) if you have any questions.

Sincerely,

John L. Klima
Director, Eastern Office
of Project Review

S.P

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MARYLAND HISTORICAL TRUST

William Donald Schaefer
Governor

Jacqueline H. Rogers
Secretary, DHCD

March 27, 1990

Ms. Cynthia D. Simpson
Assistant Division Chief
Maryland Department of Transportation
State Highway Administration
Project Development Division
707 North Calvert Street
Baltimore, Maryland 21203-0717

Re: Contract No. H896-201-471
Bridge No. 12040
MD 161 over Deer Creek
PDMS No. 123158

Dear Ms. Simpson:

Thank you for your letter of November 17, 1989 and the extensive supporting materials. Based upon those materials and the considerable correspondence between the Trust, State Highway Administration (SHA), Mr. William G. Shimek, and others since that date, we can not concur in your determination that the project referenced above will have no adverse effect on historical and cultural resources. The proposed demolition of the National Register eligible Deer Creek Bridge and the proposed physical changes to the Register eligible Wilson's Mill (on which we hold a perpetual preservation easement) and Allen Properties potentially constitute adverse effects. We have concerns that archeological resources which contribute to these Register eligible properties may be adversely effect.

We believe that the most direct route to resolution of these issues, with regard to the Section 106 process, is for SHA to schedule a meeting with Advisory Council staff as soon as possible. Ideally, such a meeting would include a site visit, and should involve, at least, FHWA, Council and Trust staff. We would encourage you to consider including Mr. Shimek and Sallie Van Rensselaer at such a meeting, as well as representatives of the relevant County agencies.

The discussion agenda for such a meeting should include, but not necessarily be limited to:

1. The justification for improved vehicular approaches and crossing at Deer Creek;

2. The condition of the existing bridge;

3. The consequences of leaving the bridge in place for vehicular or pedestrian use;

4. The physical effects of road widening on the Allen and Wilson's Mill properties, including archeological resources, under the various alternates;

5. Opportunities for community and affected property owner input in the process;

6. The revival of the Harford County Bridges Programmatic Agreement; and

7. The Trust easement on the Wilson Mill property and the implications for project work outside SHA's current right of way.

We would be happy to assist in coordinating such a meeting. Please contact me should you have any questions or concerns.

Sincerely,

William J. Pencek, Jr.
Chief
Office of Preservation Services

WJP:lcb

cc: Mr. Herman Rodrigo
Mr. Don Klima
Mr. Thomas P. Smith
Mr. Charles Montgomery
Mrs. Sallie Van Rensselaer
Mrs. Margaret S. Lucas
Mr. J. Rodney Little
Mr. Mark R. Edwards
Ms. Katherine Mahood
Ms. Elizabeth J. Cole

MARYLAND HISTORICAL TRUST

William Donald Schaefer
Governor

J. Randall Evans
Secretary, DECD

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August 14, 1987

Ms Cynthia Simpson, Chief
Environmental Management
Maryland Department of Transportation
State Highway Administration
P. O. Box 717
707 North Calvert Street
Baltimore, Maryland 21203-0717

RE: Bridge No. 12040
Maryland Route 161
over Deer Creek
Harford County, Maryland

Dear Ms. Simpson:

Thank you for your letter of June 25, 1987 concerning the above-referenced project. Our office concurs with the following proposed levels of significance:

1. Wilson's Mill District - Possibly NR-eligible
2. Silver Houses Historic District - National Register

Our office disagrees concerning the proposed boundary for the Wilson's Mill complex. MHT holds a historic easement on this complex and we wish to propose that boundary as more suitable (see enclosed map). We would note that the complex would contain the following sites:

1. HA 10 Wilson's Mill House
2. HA 11 Wilson's Mill
3. HA 25 Wilson's Mill Miller's House
4. HA 392 Wilson's Mill Tenant House
5. HA 393 Old Darlington Road
6. HA 394 Wilson's Mill Bridge Site

Our office further disagrees with your proposed levels of significance for the Allen Property (HA 319, 320) and the Deer Creek Bridge (HA 1578). Having discussed these properties with Mr. Chris Weeks (Harford County, Historic Sites Planner) our office has concluded that both are possibly National Register-eligible.

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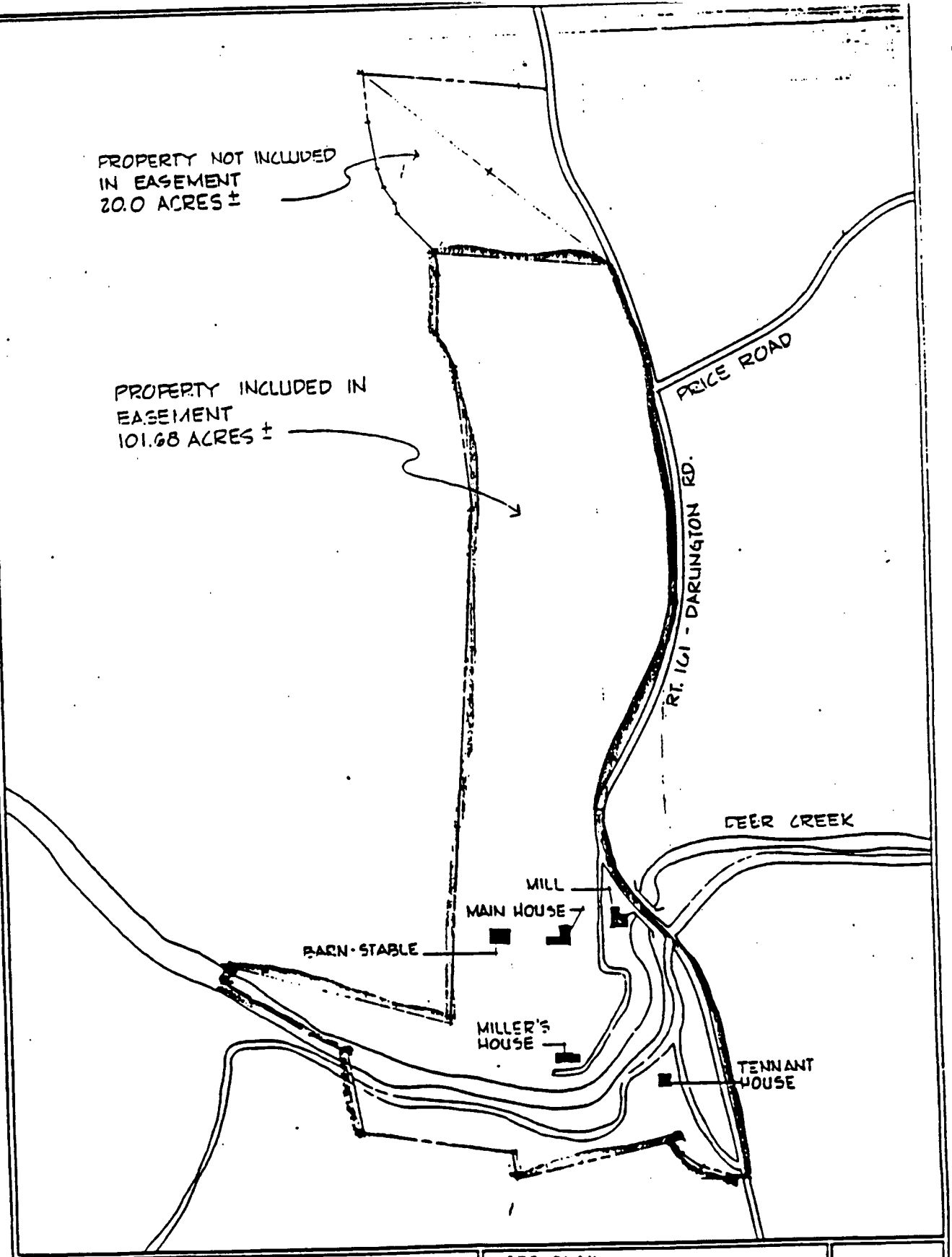
As always, your cooperation is appreciated. If you have any questions or comments please contact Dr. Al Luckenbach at 974-4450.

Sincerely,

J. Rodney Little
Director-State Historic
Preservation Officer

JRL/AHL/mmc
cc: Ms. Rita Suffness
Mr. Paul Wettlaufer
Mr. Chris Weeks
Ms. Sallie Van Rensselaer
Mr. Charles Montgomery



STOKES (WILSONS) MILL
HARFORD COUNTY - DARLINGTON
liber 994 folio 825
EASEMENT EXHIBIT NO. A, page 3 of 3

SITE PLAN
SCALE: 1" = 600' ±
PREPARED: 1/76 JAC
MARYLAND HISTORICAL TRUST

NORTH

SIGNED ORIGINAL ON FILE WITH THE M.H.T. GRANTOR GRANTEE

Darlington
EASEMENT EXHIBIT NO. 1 of 25

MARYLAND HISTORICAL TRUST

92

Alison Stokes MacLean
9916 Logan Drive
Potomac, Maryland 20854

June 10, 1990

Mr. Frank DeSantis
Project Manager
707 North Calvert Street
Baltimore, MD 21203-0717

Dear Mr. DeSantis:

Thank you very much for putting me on the mailing list for the Maryland Route 161 Project and the bridge replacement over the Deer Creek. I am only sorry that I will be unable to attend the June 13, 1990 Public Hearing.

As someone who has been closely associated with Wilson's Mill since 1932, the year my father bought it, and as someone who well remembers the original covered bridge. you can imagine my great interest in the outcome of any planning decision made by the State Highway Department. I was also the one who saw that the land and buildings connected with The Mill were put into scenic easement with the Maryland Historical Trust.

In studying the alternate routes I would make my first choice # 5 My 2nd choice would be # 2-modified. I am very familiar with the cut and dried regulations of the State Highway Dept. I believe one rule is to cut all trees 20 feet on either side of the new road - no matter how beautiful they are. I would hope that in this case an exception can be made. We are doing that now in Montgomery County and designating some country roads historic and rural. The less obstructed a road is the greater the speed of the drivers it would seem.

In closing I would like to say that I hope Glen Road will not be affected. It is one of the most beautiful little stretches of road I know as it winds along the Deer Creek.

Sincerely yours,

Alison Stokes MacLean

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

93

June 27, 1990

Ms. Alison Stokes MacLean
9916 Logan Drive
Potomac, Maryland 20854

Dear Ms. MacLean:

Thank you for your letter of June 10, 1990 to Frank DeSantis, the project manager. I regret that you were unable to attend the June 13th Public Hearing.

It is our intention to protect the historic and scenic nature of the area to the maximum extent possible. We are working closely with citizens, agencies, the county, and the Maryland Historic Trust to assure that impacts to the Wilson Mill Property are kept to a minimum. An alternate to the west of the existing bridge and closer to the mill has been eliminated from the study. All remaining alternates would place the new bridge to the east of the existing bridge and farther away from the mill.

It is the policy of the State Highway Administration to preserve as many trees as possible, while at the same time assuring the safety of the motorist. There is no cut and dry rule regarding trees and each project is handled appropriately to meet safety and aesthetic needs. Please be assured that we are very sensitive to the scenic nature of the area and every effort will be made to protect existing trees.

Your preference for Alternate 5 and Alternate 2-modified as your second choice will be considered in the decision making process. We anticipate that the Administrator will make a selection during the summer of this year.

The only impact to Glenville Road would be to improve its intersection with MD 161, which is currently a safety hazard because of its poor alignment and obstructed view. The road as it stretches along Deer Creek will remain undisturbed.

My telephone number is (301) 333-1109

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Thank you for taking the time to write expressing your support for the project. We appreciate your interest.

Very truly yours,

Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering

by: Frank De Santis
Frank De Santis
Project Manager
Project Planning Division

LHE:FDS:as
cc: Ms. Sharon Preller

95

Alison Stokes MacLean
9916 Logan Drive
Potomac, MD 20854
tel: 301 299-9200

October 5, 1992

Mr. Hal Kassoff
State Highway Administration
707 North Calvert Street
P.O. Box 717
Baltimore, MD 21203

Dear Mr. Kassoff,

I was very pleased to be included in the group to give input on the construction of the Deer Creek bridge on Route 161. And I must say I was delighted by the sincerity of your wish to receive input.

As I stated at the meeting on October lst. held at Harmony Church in Darlington, I have little sentiment about the present truss bridge. I fully agree with you that it would not be an economy to try to restore it. I think the major holdout on retaining the present bridge will be Bill Schimick of Noble's Mill. May I suggest that it might help to have some statistics of how many of these bridges are still in place in Maryland and if they are in more appropriate places. A few photos would also help.

I look forward to seeing the photographs of possible replacement bridges. It just seems like yesterday when I saw that bridge being built!!

With all best wishes to you and your staff,

Sincerely,

Alison S. MacLean

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

96

May 4, 1994

RE: Bridge No. 12040
MD 161 over Deer Creek
Harford County, Maryland
Preservation Easement

Mr. David E. Stokes
Star Route
P.O. Box 3671
Jackson WY 83001

Dear Mr. Stokes:

The Maryland State Highway Administration is proposing to replace the existing MD 161 bridge over Deer Creek located in Harford County, Maryland. The narrow existing bridge does not meet current geometric standards for vehicles to safely cross the bridge at the same time in opposite directions. This has created a high accident location at the bridge site. Also, the bridge is in such an advanced state of deterioration, rehabilitation is not cost effective.

The new bridge will be located approximately ten feet east of the existing bridge and requires the use of an historic preservation easement owned by the Stokes Family and held by the Maryland Historical Trust. The replacement structure has been designed to compliment the historic setting of the project area and received approval from county officials and local residents. Following the completion of the new bridge, the existing structure will be removed and all disturbed areas restored to a natural setting.

Through a series of community meetings with elected officials and local residents, including Ms. Alison Stokes MacLean, written approval was obtained from Ms. Alison Stokes MacLean for use of the preservation easement to construct the replacement bridge and improve the approach roadways. However, approval to use such property is required from all the owners of the preservation easement, hence the purpose of this letter.

If you agree with our use of the historic preservation easement to construct the new bridge, please indicate your approval on the signature line below and return this signed correspondence before May 15, 1994. A stamped addressed envelope is enclosed for your convenience.

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Your prompt attention to this matter is greatly appreciated so that we may provide a safe transportation facility for the general public as soon as possible. Should you have any questions, please contact Ms. Sharon Preller at (410) 333-6744.

Very truly yours,

Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering

by: Cynthia D. Simpson
Cynthia D. Simpson
Deputy Division Chief
Project Planning Division

Concurrence:

David E. Stokes

5-11-94
Date

LHE:SP
cc: Ms. Jareene Barkdoll
Mr. Rodney Little
Mr. Steven Sabolcik
Ms. Rita Suffness

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Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

May 4, 1994

RE: Bridge No. 12040
MD 161 over Deer Creek
Harford County, Maryland
Preservation Easement

Mr. F. Joseph Stokes
Cathedral Village
No. K-103
600 E. Cathedral Road
Philadelphia PA 19128

Dear Mr. Stokes:

The Maryland State Highway Administration is proposing to replace the existing MD 161 bridge over Deer Creek located in Harford County, Maryland. The narrow existing bridge does not meet current geometric standards for vehicles to safely cross the bridge at the same time in opposite directions. This has created a high accident location at the bridge site. Also, the bridge is in such an advanced state of deterioration, rehabilitation is not cost effective.

The new bridge will be located approximately ten feet east of the existing bridge and requires the use of an historic preservation easement owned by the Stokes Family and held by the Maryland Historical Trust. The replacement structure has been designed to compliment the historic setting of the project area and received approval from county officials and local residents. Following the completion of the new bridge, the existing structure will be removed and all disturbed areas restored to a natural setting.

Through a series of community meetings with elected officials and local residents, including Ms. Alison Stokes MacLean, written approval was obtained from Ms. Alison Stokes MacLean for use of the preservation easement to construct the replacement bridge and improve the approach roadways. However, approval to use such property is required from all the owners of the preservation easement, hence the purpose of this letter.

If you agree with our use of the historic preservation easement to construct the new bridge, please indicate your approval on the signature line below and return this signed correspondence before May 15, 1994. A stamped addressed envelope is enclosed for your convenience.

My telephone number is (215) 924-[illegible]

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Your prompt attention to this matter is greatly appreciated so that we may provide a safe transportation facility for the general public as soon as possible. Should you have any questions, please contact Ms. Sharon Preller at (410) 333-6744.

Very truly yours,

Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering

by: Cynthia D. Simpson
Cynthia D. Simpson
Deputy Division Chief
Project Planning Division

Concurrence:

F. Joseph Stokes

5/11/94
Date

LHE:SP
cc: Ms. Jareene Barkdoll
Mr. Rodney Little
Mr. Steven Sabolcik
Ms. Rita Suffness

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

180

May 4, 1994

RE: Bridge No. 12040
MD 161 over Deer Creek
Harford County, Maryland
Preservation Easement

Mr. Henry Stokes
153 Otis Street
Hingham MA 02043

Dear Mr. Stokes:

The Maryland State Highway Administration is proposing to replace the existing MD 161 bridge over Deer Creek located in Harford County, Maryland. The narrow existing bridge does not meet current geometric standards for vehicles to safely cross the bridge at the same time in opposite directions. This has created a high accident location at the bridge site. Also, the bridge is in such an advanced state of deterioration, rehabilitation is not cost effective.

The new bridge will be located approximately ten feet east of the existing bridge and requires the use of an historic preservation easement owned by the Stokes Family and held by the Maryland Historical Trust. The replacement structure has been designed to compliment the historic setting of the project area and received approval from county officials and local residents. Following the completion of the new bridge, the existing structure will be removed and all disturbed areas restored to a natural setting.

Through a series of community meetings with elected officials and local residents, including Ms. Alison Stokes MacLean, written approval was obtained from Ms. Alison Stokes MacLean for use of the preservation easement to construct the replacement bridge and improve the approach roadways. However, approval to use such property is required from all the owners of the preservation easement, hence the purpose of this letter.

If you agree with our use of the historic preservation easement to construct the new bridge, please indicate your approval on the signature line below and return this signed correspondence before May 15, 1994. A stamped addressed envelope is enclosed for your convenience.

My telephone number is 617-749-4383

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

101

Your prompt attention to this matter is greatly appreciated so that we may provide a safe transportation facility for the general public as soon as possible. Should you have any questions, please contact Ms. Sharon Preller at (410) 333-6744.

Very truly yours,

Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering

by: Cynthia D. Simpson
Cynthia D. Simpson
Deputy Division Chief
Project Planning Division

Concurrence:

Henry Stokes

MAY 10 1994
Date

LHE:SP
cc: Ms. Jareene Barkdoll
Mr. Rodney Little
Mr. Steven Sabolcik
Ms. Rita Suffness

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

102

May 4, 1994

RE: Bridge No. 12040
MD 161 over Deer Creek
Harford County, Maryland
Preservation Easement

Mr. Allen Stokes
1722 Saddle Hill Drive
Logan UT 84321

Dear Mr. Stokes:

The Maryland State Highway Administration is proposing to replace the existing MD 161 bridge over Deer Creek located in Harford County, Maryland. The narrow existing bridge does not meet current geometric standards for vehicles to safely cross the bridge at the same time in opposite directions. This has created a high accident location at the bridge site. Also, the bridge is in such an advanced state of deterioration, rehabilitation is not cost effective.

The new bridge will be located approximately ten feet east of the existing bridge and requires the use of an historic preservation easement owned by the Stokes Family and held by the Maryland Historical Trust. The replacement structure has been designed to compliment the historic setting of the project area and received approval from county officials and local residents. Following the completion of the new bridge, the existing structure will be removed and all disturbed areas restored to a natural setting.

Through a series of community meetings with elected officials and local residents, including Ms. Alison Stokes MacLean, written approval was obtained from Ms. Alison Stokes MacLean for use of the preservation easement to construct the replacement bridge and improve the approach roadways. However, approval to use such property is required from all the owners of the preservation easement, hence the purpose of this letter.

If you agree with our use of the historic preservation easement to construct the new bridge, please indicate your approval on the signature line below and return this signed correspondence before May 15, 1994. A stamped addressed envelope is enclosed for your convenience.

My telephone number is 801-752-2702

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Your prompt attention to this matter is greatly appreciated so that we may provide a safe transportation facility for the general public as soon as possible. Should you have any questions, please contact Ms. Sharon Preller at (410) 333-6744.

Very truly yours,

Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering

by: Cynthia D. Simpson
Cynthia D. Simpson
Deputy Division Chief
Project Planning Division

Concurrence:

Allen W Stokes
Allen Stokes

5/10/94
Date

LHE:SP
cc: Ms. Jareene Barkdoll
Mr. Rodney Little
Mr. Steven Sabolcik
Ms. Rita Suffness

BALTIMORE
MUSEUM OF INDUSTRY
1415 Key Highway • Baltimore, MD 21230 • 410/727-4808

JAN 31 9:25 AM '94

104

January 26, 1994

Mr. Louis H. Ege, Jr.
Deputy Director
Office of Planning abnd Preliminary Engineering
Maryland Department of Transportation
State Highway Administration
P.O. Box 717
Baltimore, Maryland 21203-0717

Dear Mr. Ege:

I am writing in response to your letter of January 12, offering us the Wilson Mill Bridge.

Although we recognize the historic nature of the structure, we must decline your offer. We do not have a site suitable for the re-erection and proper interpretation of the bridge.

We hope you will be able to find a new location for this interesting and valuable artifact of Maryland's civil engineering heritage.

Sincerely,

Dennis Zembala
Executive Director

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

PROJECT DEVELOPMENT DIV.

APR 4 9 53 AM '94

105

March 28, 1994

Mr. Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering
Maryland Department of Transportation
State Highways Administration
707 North Calvert Street
Baltimore, Maryland 21202

Dear Mr. Ege:

I want to thank you for your letter concerning the possibility of taking possession of the MD 161 bridge over Deer Creek once it has been removed from its present location. Agencies within the county government and interest groups were contacted to determine their interest in entering into an agreement to relocate and preserve the structure. Unfortunately, no group or agency expressed interest in participating in this project.

Since no interest has been expressed, we assume the state will proceed with the demolition of the bridge when the new adjacent bridge is completed. I want to thank you for the opportunity to assist in this matter.

Sincerely,

William G. Carroll, Director
Department of Planning and Zoning

WGC/SF/cm

MY DIRECT PHONE NUMBER IS (410)
220 SOUTH MAIN STREET/BEL AIR, MARYLAND 21014-3865
General Information (410) 638-3000 (410) 879-2000
Deaf TTY (410) 638-3086

106

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

MAY 31 1994

Mr. A. Porter Barrows
Division Administrator
Federal Highway Administration
The Rotunda, Suite 220
711 West 40th Street
Baltimore, MD 21211-2187

REF: Bridge No. 12040 Replacement
MD 161 over Deer Creek
Hartford County, Maryland

Dear Mr. Barrows:

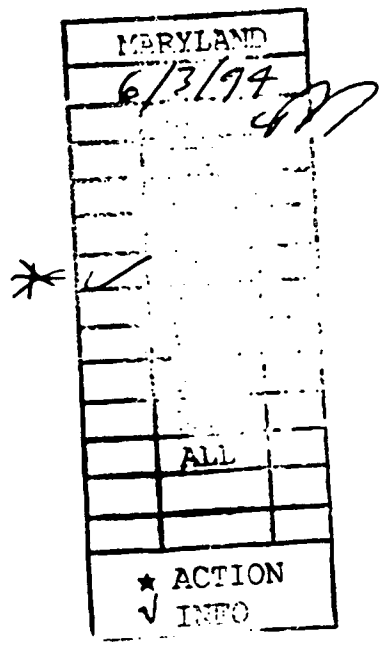
Enclosed is the Memorandum of Agreement for the referenced project. We noticed it has not yet been signed by the Maryland State Historic Preservation Officer. Please have the agreement signed at the line indicated for the SHPO. Once it has been fully executed, you should provide a copy of the agreement to each of the signatories and return the original to this office where it will remain on file. By carrying out the terms of the fully executed agreement, you will have fulfilled your responsibilities under Section 106 of the National Historic Preservation Act and the Council's regulations.

Thank you for your cooperation.

Sincerely,

Don L. Klima
Director
Eastern Office of Review

Enclosure



MEMORANDUM OF AGREEMENT

WHEREAS, the Federal Highway Administration (FHWA) proposes to assist the Maryland State Highway Administration (SHA) in the replacement of Bridge 12040, MD 161 over Deer Creek in Harford County, Maryland; and

WHEREAS, the FHWA in consultation with the Maryland State Historic Preservation Officer, has determined that the undertaking will adversely affect the Lower Deer Creek Valley Historic District (HA-1551), Bridge 12040 (HA-1578), the Wilson Mill Complex (HA 10, 11, 25, 392-3), and the Allen House (HA 319-320), properties considered eligible for listing in the National Register of Historic Places and has consulted with the Maryland State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act, as amended (16 U.S.C. 470f); and

WHEREAS, the SHA and the Maryland Historical Trust (MHT) participated in consultation and have been invited to concur in this Memorandum of Agreement;

NOW, THEREFORE, the FHWA, the Maryland SHPO, the Council, and the SHA agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

Stipulations

FHWA will ensure that the following measures are carried out:

I. Documentation

A. HABS/HAER Recordation of Bridge -SHA will contact the Historic American Building Survey/Historic American Engineering Record (HABS/HAER), Ms. Tina LeCoff, Mid-Atlantic Regional Office to determine what level and kind of HAER documentation, if any, is required for Bridge No. 12040, the Wilson Mill Bridge. SHA will ensure all documentation is completed and accepted by HABS/HAER prior to demolition or removal and relocation of the bridge.

B. Scheduling - HAER recordation, if required, will be submitted to HAER for approval prior to demolition.

C. Reporting - In addition to the copy of the bridge recordation, if required, to be submitted to HAER, SHA will also provide copies of the report to the Maryland SHPO and the Harford County Department of Planning and Zoning.

II. Marketing Plan - In consultation with the SHPO, SHA will prepare and implement a marketing plan for the relocation and re-use of Bridge 12040, which shall include the following elements:

A. An information package, containing photographs, a parcel map, a description of the structure's significance, and costs and requirements regarding acquisition, rehabilitation and maintenance. Transfer of the structure will include a standard Maryland Historical Trust preservation easement.

B. A distribution list of potential purchasers or transferees.

C. An advertising plan and schedule.

D. A schedule for receiving and reviewing offers.

III. Selection of Transferee

A. SHA shall review all offers in consultation with the SHPO prior to acceptance. If there is no acceptable offer which will conform to the rehabilitation and maintenance requirements, SHA with the approval of the SHPO, may transfer the structure without a preservation easement.

B. If marketing of the bridge is successful, SHA shall provide the SHPO 30 days to review and approve the proposed relocation of the structure. Before relocation, SHA will document the bridge as noted in Stipulation I, if required by HAER.

C. If no purchaser or transferee is identified as the result of the marketing effort, the bridge will be documented as noted in Stipulation I, if required, and demolished. At least 30 days prior to the solicitation of demolition contractor bids, SHA will permit the SHPO to select bridge elements for salvage for public education, display, or interpretation. The selected elements will be removed by SHA in a manner that minimizes damage and will be delivered to the SHPO with clear title.

IV. Construction Plans

Final Review Plans for the removal and replacement of Bridge No. 12040, the realignment of approach roads and the reclamation and revegetation of the area of Bridge 12040 will be submitted to the SHPO and the MHT for review and concurrence to ensure that the design of the new bridge is compatible with the historic character of the surrounding historic properties.

V. Protection of Wilsons Mill Property

A. SHA shall erect temporary protective fencing along the limits of the right-of-way at the Wilson's Mill property for the duration of project construction activities. SHA shall ensure that particular care is taken during construction to avoid impacts to the Wilson Mill property and its associated archeological resources. SHA shall include provisions for the avoidance of the fenced property in its construction contractor's specifications. The provisions shall contain a penalty clause for willful

disturbance of the protected zone.

B. SHA archeologists will periodically monitor construction to assess the effectiveness of the protection measures. Representatives of the SHPO may visit the project during construction to examine the site protection.

VI. Unanticipated Archeological Discoveries

In the event that a previously unidentified archeological resource is identified during construction, SHA will halt all construction work involving subsurface disturbance in the area of the discovered resource, and in the area immediately surrounding where further subsurface remains may reasonably be expected. Construction work may continue without further interruption in other portions of the project area. Upon notification of discovery, SHA archeologists will: (a) inspect the resource and determine if it meets the National Register Criteria for Evaluation (36 CFR Part 60.4) as an individual or contributing resource; and b) inform the Maryland SHPO of the discovery and of SHA's determination of National Register eligibility. If the Maryland SHPO concurs that the resource is eligible for the National Register, SHA will develop and implement an appropriate mitigation plan for its avoidance, protection, recovery, or destruction without recovery in consultation with the Maryland SHPO. Work in the immediate area of the resource shall not proceed after notification of discovery, until appropriate mitigation measures are completed, or it has been determined that the resource does not meet National Register criteria.

VII. Dispute Resolution

Should the Maryland SHPO or Council object within 30 days to any plans or actions proposed pursuant to this Agreement, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall request further comments from the Council pursuant to 36 CFR Section 800.6(b). Any Council comment provided in response to such a request will be taken into account by the FHWA in accordance with 36 CFR Section 800.6(c)(2) with reference only to the subject of the dispute; the FHWA's responsibility to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

VI. Performance Standards

All work carried out pursuant to this Agreement will be carried out by or under the direct supervision of individuals meeting, at a minimum, the appropriate federal qualifications presented in "Professional Qualifications" (36 CFR Part 66, Appendix C).

Execution of the Memorandum of Agreement and implementation of its terms evidence that FHWA has afforded the Council an

opportunity to comment on the replacement of Bridge 12040, MD 161 over Deer Creek in Harford County, Maryland, and its effects on historic properties, and that FHWA has taken into account the effects of the undertaking on historic properties.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: 5/26/94
Robert D. Bush
Executive Director

FEDERAL HIGHWAY ADMINISTRATION

By: _____ Date: 3/4/94
A. Porter Barrows
Division Administrator

MARYLAND STATE HISTORIC PRESERVATION OFFICE

By: _____ Date: 6/6/94
J. Rodney Little
State Historic Preservation Officer

CONCUR:

MARYLAND STATE HIGHWAY ADMINISTRATION

By: _____ Date: 1/31/94
Hal Kassoff, Administrator

MARYLAND HISTORICAL TRUST

By: _____ Date: 1/11/93
J. Rodney Little, Director

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office
1825 Virginia Street
Annapolis, Maryland 21401
(410) 269-5448

September 7, 1993

Hal Kassoff
Administrator
Maryland State Highway Administration
707 N. Calvert Street
Baltimore, MD 21203

Attn: Sharon Preller
Project Planning Division

Re: Contract No. H 896-101-471
Replacement of Bridge No. 12040
on MD 161 over Deer Creek
Harford County, Maryland

Dear Mr. Kassoff:

This respond to your letter of July 30, 1993, in regard to the referenced project and its potential effects on the endangered Maryland darter (Etheostoma sellare). Your letter indicates that the following mitigative measures will be included in the project:

1. No construction or demolition will take place between March 1 to May 31 inclusive.

2. All sediment controls (to include sheet piling and sandbag barriers) shown on the plans shall be installed prior to land disturbance. Trenches for storm drain and utility installation, that are not backfilled and compacted at the end of the day, will have slope silt fence placed downstream of the excavated trench material.

3. All sediment removed from within the Deer Creek riverine wetland will be pumped into a dewatering pit for settling and containment. This sediment will eventually be placed in a secured upland disposal area.

4. All water removed from within the cofferdams will be pumped into a dewatering pit before being discharged into Deer Creek. All excavated soil will be stockpiled outside the Deer Creek 100-year floodplain.

5. Following clearing and grubbing, grading and stabilization of side ditches will be implemented by the end of each working day. Within 12 hours following completion of construction activities in any portion of the work area, soils will be stabilized with anchored

mulch. Where specified, disturbed areas will be stabilized at the end of the working day and upon completion of the project restored with vegetation.

6. Measures will be taken to prevent debris from entering the waterway during the dismantling and demolition of the existing structure. No scaffolding system or construction equipment will be allowed in Deer Creek.

One additional measure is needed to prevent excessive siltation of Deer Creek:

7. Where streambanks are to be cut or graded, steel sheet piling or sandbag barriers shall be placed around the work area before any streambank disturbances are initiated.

These measures should be included as conditions on any Corps of Engineers permit issued for the project. Provided that these seven measures are strictly enforced, the project is expected to have no effect on the Maryland darter.

We appreciate the efforts you have made to eliminate any impact on endangered species. Should you have any questions regarding this letter, please contact Andy Moser of my Endangered Species staff at (410) 269-5448.

Sincerely,

G. A. Moser

for John P. Wolflin
Field Supervisor
Chesapeake Bay Field Office

cc: Paul Wettlaufer
Baltimore Corps of Engineers
Regulatory Branch

SHA Response to the United States Department of the Interior Letter (9/7/1993)

Measures stipulated will be implemented and strictly enforced to avoid potential impacts to water quality and the Maryland Darter.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
DIVISION OF ECOLOGICAL SERVICES
1825 VIRGINIA STREET
ANNAPOLIS, MARYLAND 21401

114

June 18, 1990

Ms. Cynthia D. Simpson, Chief
Environmental Management
Maryland Department of Transportation
707 N. Calvert Street
Baltimore, Maryland 21203

Attn: Ms. Sharon Preller

Re: Contract No: H 896-201-471
Maryland Route 161 over
Deer Creek, Harford County

Dear Ms. Simpson:

We have reviewed your Environmental Assessment for the cited bridge project and are providing comments in accordance with Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et. seq.)

The Environmental Assessment and appended Biological Assessment (pp. VII-5 to VII-10) provide an adequate compilation of available information on the biology of the Maryland darter and potential measures to mitigate project impacts on this species. The assessments do not provide a complete evaluation of impacts on the Maryland darter or any commitment to specific mitigation measures.

To remedy this situation, we request that, you send us a more detailed description of the project and those mitigation measures which the Department of Transportation intends to implement. The project description should include: drawings showing pier locations, any areas to be filled or dredged, and a brief description of construction methods including any instream equipment operation, causeways or other structures needed for equipment access, coffer dams, and other pertinent measures. Unless measures can be developed which eliminate any appreciable potential for impact on the Maryland darter and its critical habitat, formal consultation under Section 7 of the Endangered Species Act will be required.

This response relates only to endangered species under our jurisdiction. It does not address other Service concerns under the Fish and Wildlife Coordination Act. If you need further assistance, please contact Andy Moser of our Endangered Species staff at (301-269-5448).

Sincerely yours,

John P. Wolflin
Supervisor
Annapolis Field Office

cc: Aaron Keel, MD Natural Heritage Program

William Donald Schaefer
Governor

Maryland Department of Natural Resources

Tidewater Administration
Power Plant and Environmental Review Division
Tawes State Office Building B-3
Annapolis, Maryland 21401

Torrey C. Brown, M.D.
Secretary

James M. Teitt
Director

DEVEL... 116

JUL 1... 90

July 5, 1990

Mr. Louis H. Ege, Jr.
Deputy Director
Project Planning Division, Room 506
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

Re: Environmental Assessment: SHA Contract H-896-201-471, Replacement Bridge on MD 161

Dear Mr. Ege:

The above referenced project has been reviewed by the Power Plant and Environmental Review Division (PPER) for associated environmental impacts. Activities proposed include the replacement of a bridge over Deer Creek and improvements in the approach roadways in the immediate area of the structure.

PPER is concerned with the proposed activities because of the potential adverse impacts to the aquatic resources associated with Deer Creek. Land disturbances within the 100-year floodplain and/or the buffering riparian corridor could adversely impact resident and anadromous finfish and the population of endangered Maryland Darters in the downstream areas.

We are particularly concerned with sediment loadings over the short term, with respect to both physical and chemical stress. Sediment in the water column can have direct deleterious effects on finfish, particularly during the early life stages. As some of the soils in the area, particularly those which are subsurface, are characterized as being moderately to strongly acid, they may be conducive to reductions in pH in the water column, thereby causing additional impacts to resident aquatic species.

Telephone: (301) 974-2261
DNR TTY for the Deaf: 301-974-3683

Over the long term, the adverse modification of natural floodplain areas and the destruction of the vegetated riparian corridor results in the loss of the functions these areas provide in the aquatic system. Vegetated floodplain areas provide inputs of allocthonous materials and energy essential to organisms at the base of the food chain in aquatic systems. Also, floodplain areas naturally control pollutant loadings to their associated waterways by trapping sediment, providing natural contaminant controlling interactions, and affording the opportunity for assimilation or immobilization of nutrients by the vegetation.

Of greatest concern are the potential adverse impacts to the Maryland Darter, a State and Federally endangered fish. It is speculated that the only remaining permanent population of the Maryland Darter is located in Deer Creek in the vicinity of the Stafford Bridge, located approximately 2 miles downstream from the proposed bridge replacement (Stauffer, et.al., 1986). The mainstem of Deer Creek from the junction with Elbow Branch to the confluence with the Susquehanna River was designated as Critical Habitat for the species in August 29, 1984. The protection of this area against factors which could adversely affect water quality and habitat is vital to protection of the Maryland Darter. The Recovery Plan for the Maryland Darter prepared by the U.S. Fish and Wildlife Service (1985) states the greatest problem associated with the preservation of the species to be the protection of Deer Creek from the detrimental effects of unrestricted water and land uses within the watershed. Siltation and pollution within the Deer Creek system are believed to be significant threats to the Darter's habitat.

Alternative #2 (modified) was the most acceptable of the alternatives submitted because it requires the minimum impact to both the Deer Creek floodplain and wooded areas in the watershed. According to the submitted document, the study area is to retain its rural character in the future and development in the Deer Creek watershed is to be minimized. Therefore, we feel that this alternative best conserves the essential water quality and habitat functions while meeting the transportation needs in the area.

We also recommend that the following considerations and recommendations be incorporated into the plans for this project:

1) The direct disturbances to the stream bed proposed by the placement of bridge piers would be likely to result in deleterious effects on water quality downstream from increases in turbidity. These impacts would be difficult to mitigate because of their location in the stream itself. Accordingly, it is imperative that in-stream impacts be avoided, then minimized, to the maximum extent

possible. This should include consideration of relocating the bridge piers to upland areas.

2) As the most significant impacts on the endangered Maryland Darter are likely to be caused by increases in turbidity in Deer Creek, the proposed sediment control plans for this project should be submitted to this Department for review and approval. The submitted information should include a schedule for the proposed construction activities.

3) Finfish species of concern documented in Deer Creek include not only the resident endangered Maryland Darter, but also several anadromous finfish species, including yellow perch, white perch, herring, and hickory shad. To ensure protection of these species during sensitive periods of the year when spawning occurs, and to accommodate the applicable Class IV waterway restriction, no in-stream work should be conducted from March 1 through June 15.

4) The plans for the demolition of the existing bridge structure should incorporate provisions to prohibit the discharge of debris into the waterway.

5) All temporarily disturbed areas should be restored to preconstruction condition, including vegetation. Any scarified roadway surfaces should be permanently stabilized with vegetation following completion of bridge and roadway construction.

6) Stormwater management plans should incorporate quality management for the first flush of runoff from all created impervious surfaces.

If you have any questions regarding these comments, you may contact Sean M. Smith of my staff at 301-974-2788.

Sincerely,

James Teitt, Director
Power Plant and Environmental
Review Division

JMT:SMS:swp

Citation

Stauffer, Jr., Jay R., and Dean E. Arnold. 1986. Survey to Locate Additional Populations of the Endangered Maryland Darter (Etheostoma sellare), Cooperative Agreement Number 14-16-0009-1548. Prepared for the U.S. Fish and Wildlife Service, Delmarva Area Office.

U.S. Fish and Wildlife Service, Region 5. 1985. The Maryland Darter Recovery Plan, First Revision.

SHA Response to the Maryland Department of Natural Resources, Power Plant and Environmental Review Division's Letter (July 5, 1990).

An updated Biological Assessment of October, 1992, states that experts are uncertain if the Deer Creek population of the Maryland darter still exists since the last sighting of the darter population was in 1989. See Section III

State of Maryland

DEPARTMENT OF THE ENVIRONMENT

2500 Broening Highway, Baltimore, Maryland 21224
Area Code 301 • 631-

William Donald Schaefer
Governor

Martin W. Walsh, Jr.
Secretary

June 26, 1990

Mr. Louis H. Ege, Jr., Deputy Director
Project Planning Division, Room 506
Maryland State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

Dear Mr. Edge:

RE: Environmental Assessment for MD 161 Bridge Replacement in Harford County. Contract No. H 896-201-471

We are in receipt of the above-referenced document and offer the following comments.

1. Impacts to Maryland's waters are limited to construction of pier support structures for the relocated bridge over Deer Creek, a Use IV water. Such an activity has potential for suspended solid impacts to water quality. For these reasons, a time of year restriction of March 1 to May 31 shall be observed.

2. Deer Creek is designated as a Maryland scenic and wild river. The Maryland darter, a federally listed endangered species, has been identified approximately two miles downstream. A detailed construction plan should be included with any permit applications. Construction practices causing excessive turbidity and contaminant spillage should be avoided. Jetting of piers should be avoided.

3. All newly constructed approach road surfaces causing stormwater runoff to Deer Creek and its tributaries shall incorporate pollutant control strategies to effectively remove pollutants from the first one half inch of runoff from impervious surfaces prior to delivery of runoff into State waters.

Thank you for the opportunity to comment. If you have any questions, please contact me at (301) 631-3609.

Sincerely,

Andrew T. Der
Natural Resources Biologist
Division of Standards & Certification

ATD:lah
cc: Linda Michling

SHA response to Department of the Environment's Letter (June 26, 1990).

Time of year restrictions will be observed.

The results of the recent Biological Assessment of Deer Creek states that there is no evidence that the Maryland Darter still exists. See Section III.

Maryland Department Of Natural Resources

Forest, Park and Wildlife Service
Tawes State Office Building
Annapolis, Maryland 21401

William Donald Schaefer
Governor

Torrey C. Brown, M.D.
Secretary

Donald E. MacLauchlan
Assistant Secretary

June 14, 1990

MEMORANDUM

TO: JIM BURTIS

FROM: AARON KEEL, NATURAL HERITAGE

SUBJECT: ER# 90.06.425, HA Co., MD 161 Bridge over Deer Creek

Due to the outstanding ecological significance of this creek we reiterate the FPWS recommendations of November 30, 1987. Currently the wording of this project's Environmental Assessment section 7. Wildlife and Endangered Species (pg.IV-7) is too lax and should reflect that protection measures will be taken for the creek.

We agree with the US Fish and Wildlife Service's concerns that the "Environmental Assessment and appended Biological Assessment... do not provide a complete evaluation of impacts on the Maryland Darter or any commitment to specific mitigation measures". We also require a more detailed description of the project and the planned mitigation measures.

While no Federal Threatened or Endangered species are known from the project site, the project could negatively impact Maryland Darter habitat downstream. As described in the Environmental Assessment, disturbance of the creek bed would create turbidity, and construction of an in-stream pier and removal of the existing bridge could cause other impacts to Maryland Darter habitat. Additional details on expected sediment loading at the Route 161 bridge and at the occupied Maryland Darter site need to be provided before the severity of impacts can be determined. None-the-less, this project may be in violation of State and Federal laws to protect endangered species. Unless mitigation measures are developed and defined which eliminate potential negative impacts on the Maryland Darter and it's habitat, formal consultation with the USFWS under Section 7 of the Endangered Species Act will be required. Consequently, statements in the Environmental Assessment saying that there are no potential effects on threatened and endangered species are probably incorrect.

Telephone (301) 974-2870
DNR TTY for Deaf 301-974-3683

SHA's response to Maryland Department of Natural Resources, Forest, Park and Wildlife Service Letter (June 14, 1990)

See Section III

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MARYLAND 21203-1715

REPLY TO ATTENTION OF:

PROJECT DEVELOPMENT DIVISION 125

AUG 15 1 38 PM '90

August 7, 1990

Planning Division

Mr. Neil J. Pedersen
Director
Office of Planning and
Preliminary Engineering
Maryland Department of Transportation
707 North Calvert Street
Baltimore, Maryland 21203-0717

Dear Mr. Pedersen:

Reference your letter requesting Baltimore District comments regarding the replacement of Bridge No. 12040 on MD 161 over Deer Creek, Harford County, Maryland. The comments provided below address the Corps of Engineers (Corps) areas of concern, including direct and indirect impacts on existing and/or proposed Corps projects, flood control hazard potential, and permit requirements under Section 404 of the Clean Water Act.

There are no existing or proposed Corps projects that would be affected by the work.

In accordance with the subject report, portions of the proposed work will be located within the flood plain. New construction or major replacements within the flood plain requires full compliance with Executive Order (E.O.) No. 11988, Flood Plain Management, May 24, 1977; Federal Emergency Management Agency (FEMA) regulations; and other Federal, State, and local flood plain regulations. The objectives of the E.O. and the other flood plain regulations are to avoid the adverse effects of occupying and modifying the flood plain and to avoid direct and indirect support of development in the flood plain. The E.O. requires that activities not be located in the flood plain unless it is the only practicable alternative. Activities which must be located in the flood plain must incorporate measures to: (1) reduce the hazard and risks associated with floods, (2) minimize the adverse effects on human health, safety, and welfare, and (3) restore and preserve the natural and beneficial values of the flood plain.

The proposed bridge may cause an increase in water surface elevation (surcharge). Federal Emergency Management Agency (FEMA) regulations require that the surcharge not increase more than 1.0 foot. It is also suggested that the state and local resource agencies be contacted as some states and local governments have more stringent surcharge requirements than FEMA.

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A preliminary field review for this project was conducted on March 14, 1990 by Mr. Richard Spencer, Ms. Karen Craven, and Mr. Terry Dean of the District's Regulatory Branch with representatives of the Maryland State Highway Administration. The proposed bridge replacement does require Department of the Army (DA) authorization and full compliance with the National Environmental Policy Act (NEPA) of 1969 during the review and evaluation of the permit application. The District has the following concerns:

a. Resolution of the issues with Maryland Historical Trust.

b. A Federally listed endangered species, the Maryland Darter, Etheostoma sellare, and its critical habitat have been identified as occurring downstream and in close proximity to the proposed project. Since the proposed project will require instream work and may adversely affect the listed species or critical habitat, the District will initiate formal Section 7 consultation with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. Section 7 consultation will be initiated upon the submittal of a complete application. Any project specific conditions that are developed through the Section 7 consultation will be made part of the conditions of the DA permit, if issued, and must be strictly complied with.

c. Alternative 5 or 2 should be modified, so that the proposed bridge replacement most closely aligns with the existing bridge.

d. Prior to submitting an application to the District, all waters of the United States, including jurisdictional wetlands, need to be delineated in accordance with the Federal Manual and shown on the plans. A precursory review suggests additional wetlands above what was mapped on the alternatives sheets may exist, especially to the west side of the bridge. All associated fills and impacts need to be assessed and noted on the application and plans. If you have any questions or need additional information regarding this project, the point of contact is Ms. Karen Craven, Western Shore Permits Section at (301) 962-4252.

If you have any questions on this matter, please call me or my action officer, Mr. John Brzezenski, at (301) 962-4997.

Sincerely,

Harold L. Nelson

James F. Johnson
for Chief, Planning Division

Brightwater Consulting Services
J.W. Gracie & Associates, Inc.

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Memo to: Frank DeSantis, Project Manager May 29, 1991
From: J.W. Gracie
Subject: MD 161 Bridge Replacement over Deer Creek

The author met with Bill Malone, SHA Bridge, Frank DeSantis, Sharon Preller and Chuck Buelis, SHA Project Planning, to discuss a strategy for addressing the environmental issues associated with the replacement of the MD 161 Bridge over Deer Creek.

There were basically three issues that we dealt with:

(1) The number and location of piers in the channel or flood plain of Deer Creek;

(2) Sediment and erosion control during construction of the realigned approach road from both sides of the bridge; and

(3) Culvert extension for the tributary that enters Deer Creek under the bridge.

One of the concerns that makes this project so environmentally sensitive is the presence of the Maryland Darter, an endangered Maryland fish species in Deer Creek. Its only documented habitat is in Deer Creek with spawning occurring about two miles downstream of the bridge.

In spite of agency comments we agreed that the issue of the number of piers (one or two have been considered) was not in itself a significant issue environmentally. Agency opinion that one pier has the potential for less downstream sediment delivery than two piers, while plausible, is not supported by the evidence. The Deer Creek streambed is primarily sand, gravel and cobble with almost no fine sediment that will become suspended and travel great distances. With good instream control of the work area sediment dislodged during construction of the piers and footers should not have any significant impact on downstream ares.

On the other hand, sediment and erosion control during the construction of the realigned approach road is very significant. The potential for damage from the grading operation is great because the upland soils contain much smaller particles than anything in the channel. Thus sediment delivery to Deer Creek from this source has the potential for being transported great distances, in addition to the fact that there can be a great deal of it unless sediment and erosion control devices are well designed and maintained.

The issue surrounding the culvert relates to the fact that it will probably need to be extended. There is already an

314 B CROSBY ROAD • BALTIMORE, MARYLAND 21228 • (301) 788-4468

erosion problem that is related to the confinement at the existing bridge pier as well as a significant slope/velocity problem with the outfall of the existing culvert. The existing culvert is probably a barrier to fish migration and in any case would not comply with requirements for a permit under current WRA regulations. The extension of the culvert will probably require that the entire culvert be designed for fish migration. A baffle system can be built into the extension easily, but may not be feasible to install in the existing culvert. If it can be installed in the existing culvert (sufficient capacity and conveyance left for acceptable hydraulics) then all issues can be resolved easily.

We agreed to get together by the end of May after Bill Malone had time to review some information and come up with some proposals:

(1) Placement of pier or piers including the temporary construction measures (coffer dam?) so that an evaluation of the relationship of pier placement to channel stability could be made.

(2) Configuration of the culvert extension, and relation to fill slopes if it were possible to avoid the culvert replacement.

I suggested another in-house meeting and then a preliminary meeting with Water Resources when we had a proposal ready to get their input and/or blessing.

cc: Chuck Buelis
Bill Malone
Sharon Preller

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JOHN C. NORTH, II
CHAIRMAN

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREAS COMMISSION
WEST GARRETT PLACE, SUITE 320
275 WEST STREET
ANNAPOLIS, MARYLAND 21401
974-2418 or 974-2426

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR

August 31, 1989

SEP 5 9 51 AM '89
PROJECT DEVELOPMENT DIVISION

Mr. Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21203

Dear Mr. Ege:

Thank you for sending us notification of the State Highway Administration projects listed below. We concur with the determination of the Environmental Evaluation Section that these projects are not in the Critical Area, and are therefore not subject to Critical Area Commission review. The above-referenced projects are:

Contract No.	AA 936-151-570	MD 3	Reconstruction
"	" B 813-101-471	US 1	Silver Spring Road
"	" B 881-101-471	MD 45, MD 145	
"	" CH 566-151-571	MD 5	Relocated
"	" H 888-101-471	US 1	Business
"	" H 899-101-471	MD 152, US 1	
"	" H 873-101-470	US 1	Hickory/MD 23
"	" H 896-101-471	MD 161	Bridge Replacement
"	" H 887-101-471	MD 7,	Stepney Road
"	" SM 752-251-271	MD 471,	Bridge No. 18028
"	" S 365-101-171	MD 362	Extended

Again, we appreciate your consideration.

Sincerely,

Abi Rome

Abi Rome
Natural Resources Planner

AR:msl

cc: Cynthia Simpson
Thomas Osborne
Eugene [illegible]
William Carroll
David Flowers
Jackie Magness
Jon Grimm
Ron Adkins

United States Department of Agriculture
Soil Conservation Service

1208 CHURCHVILLE ROAD, SUITE 201
BEL AIR, MARYLAND 21014

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February 7, 1990

Mr. Louis H. Ege, Jr.
Deputy Director
Office of Planning and Preliminary Engineering
Maryland Department of Transportation
State Highway Administration
707 N. Calvert Street
Baltimore, Maryland 21202

RE: Farmland Conversion Impact Rating (AD-1006)
Contract # H 896-101-471, Md. 161 Bridge over Deer Creek
PDMS #123158 Harford County

Dear Mr. Ege:

As requested in your transmittal of the Farmland Conversion Impact Rating Form AD-1006 and related maps, received January 10, 1990, our office has correlated the project with soil maps and completed the SCS portions of the form.

For clarification purposes:

1. The percent of "Farmland as defined in FPPA" was taken as a percentage of the total land in Harford County.

2. Part IV C - Percent of Prime and Statewide Important Farmlands to be converted is taken as a percentage of the total "Farmland as defined in FPPA" acreage.

3. Part IV D - Percent of Farmland with same or higher relative value is taken as a percentage or the total "Farmland as defined in FPPA" acreage.

If I can be of further assistance, please do not hesitate to contact me at (301) 838-6181.

Sincerely,

Michael K. Shockley
District Conservationist

enclosure

cc: Jeff Loser, SCS, State Resource Conservationist, Annapolis, Md

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request: January 4, 1990
Name Of Project: MD 161 Bridge Replacement over Deer Creek	Federal Agency Involved: Federal Highway Administration
Prooosed Land Use: see attached	County And State: Harford County, Maryland
PART II *(To be completed by SCS)*	Date Request Received By SCS: January 10, 1990

Does the site contain prime, unique, statewide or local important farmland? *(If no, the FPPA does not apply – do not complete additional parts of this form).*	Yes ☒	No ☐	Acres Irrigated: NONE	Average Farm Size: 148

Major Crop(s)	Farmable Land In Govt. Jurisdiction	Amount Of Farmland As Defined in FPPA
CORN, Small grain, hay, soybeans	Acres: 151,000 %62.1	Acres: 128,100 % 52.5

Name Of Land Evaluation System Used	Name Of Local Site Assessment System	Date Land Evaluation Returned By SCS
Harford Co. Land Evaluation	USE FPPA	February 7, 1990

PART III *(To be completed by Federal Agency)*	Alt. 2 Mod. Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	3.2	4.7	3.1	
B. Total Acres To Be Converted Indirectly	0	0	0	
C. Total Acres In Site	3.2	4.7	3.1	
PART IV *(To be completed by SCS)* Land Evaluation Information				
A. Total Acres Prime And Unioue Farmland	1.28	1.93	1.46	
B. Total Acres Statewide And Local Important Farmland	0	0.28	0	
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	0.001	0.001	0.001	
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	41.9	41.9	41.9	
PART V *(To be completed by SCS)* Land Evaluation Criterion Relative Value Of Farmland To Be Converted *(Scale of 0 to 100 Points)*	88	88	88	

RT VI *(To be completed by Federal Agency)* ...e Assessment Criteria *(These criteria are explained in 7 CFR 658.5(b)*	Maximum Points
1. Area In Nonurban Use	
2. Perimeter In Nonurban Use	
3. Percent Of Site Being Farmed	
4. Protection Provided By State And Local Government	
5. Distance From Urban Built-up Area	
6. Distance To Urban Support Services	
7. Size Of Present Farm Unit Compared To Average	
8. Creation Of Nonfarmable Farmland	
9. Availability Of Farm Support Services	
10. On-Farm Investments	
11. Effects Of Conversion On Farm Support Services	
12. Compatibility With Existing Agricultural Use	
TOTAL SITE ASSESSMENT POINTS	160

PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland *(From Part V)*	100				
Total Site Assessment *(From Part VI above or a local site assessment)*	160				
TOTAL POINTS *(Total of above 2 lines)*	260				

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes ☐ No ☐

Reason For Selection

(See Instructions on reverse side)

Form AD-1006 (10-83)

HARFORD COUNTY GOVERNMENT

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January 5, 1991

Mr. Charles R. Harrison
District 4
Metropolitan District Engineer
State Highway Administration
Maryland Department of Transportation
2323 W. Joppa Road
Brooklandville, Maryland 21022

Dear Mr. Harrison,

Pursuant to our meeting on December 20 at SHA in Churchville regarding options in replacement of the Md. Rt. 161 bridge at Deer Creek, the public safety agencies present would like to offer some comments for consideration. Our concerns are offered in light of information received that the procedure chosen by SHA currently calls for the closure of this structure for nearly a year. We were introduced to the proposed detour routes should this avenue become a reality in replacement of the existing bridge, and frankly found them unacceptable to all agencies present. Please examine our concerns individually as each has a direct impact on the ability to efficiently and effectively provide fire, ambulance and police protection in the immediate area.

1. **DECREASED ABILITY TO PROVIDE RAPID AND EFFICIENT FIRE, EMS AND POLICE PROTECTION TO THE AREA.**

The Darlington Volunteer Fire Company provides first due fire and EMS protection to the bridge area. This is done from two stations, one in Darlington, one in Dublin. First due mutual aid is received in the Darlington area from Level VFC. All structure fires in Darlington's first due area east of Md. Rt. 136 receive an Engine and a Drafting Unit on first alarm from Level. All boxes east of Poole Road these units utilize Rt. 161 as their route of response. Units utilized from other mutual aid companies such as Aberdeen and Havre De Grace respond up Rt. 155 to Rt. 161 to reach Darlington. The Darlington VFC houses one (1) class A Engine at their # 1 House in Darlington and two (2) class A Engines at their Dublin Station. This means that on many responses in the southern and eastern areas of their

2220 ADY ROAD / FOREST HILL, MARYLAND 21050
(301) 838-3341 • (301) 879-0014 • FAX 879-5091 • (301) 838-5800

district, Darlington relies on units from Level as arriving rapidly to assist. By common sense, units from Level are miles closer to a call at Rt. 161 near the bridge. The opposite is obviously true for the engine from Darlington responding to assist Level on calls in proximity to the bridge as well. Following the proposed detour route would increase response distance for either company by approximately 7 to 9 miles. I know no method to convert miles into minutes accurately, but on a working house fire the water in one 1,000 gallon engine normally lasts from 3-4 minutes!

Police and EMS response will also be greatly effected by this closure as well. Areas of heavy patrol in the southern sections of the county will be limited as to how efficiently they can respond to assist officers north of Deer Creek. An officer in the Havre de Grace/Aberdeen area receiving a call of robbery in progress would normally access Rt. 155 to Rt. 161 into Darlington. Now the same officer must travel country roads or many extra miles to reach the same destination. Either means greatly increased response time and increased possibility of injury to civilians or escape of perpetrators.

2. LACK OF AN ACCEPTABLE DETOUR ROUTE FOR EMERGENCY SERVICE RESPONSE

The alternative response route offered at our meeting was virtually unacceptable to all parties. Rt. 136 to Rt. 1 into Darlington adds considerable mileage, uphill and curving routes on a road without adequate shoulders. Increased vehicular traffic encountered on this route alone would severely effect the ability of emergency vehicles to respond safely and in a timely manner.

Use of county roads as an alternative is acceptable to small vehicles and police cars, but still cannot overcome the increase in response time due to narrow, curving roads and greater miles to be covered. Many county roads are homes to narrow and weight restricted bridges which will not allow larger fire apparatus to cross. A 6 ton bridge on Stafford Road will allow police vehicles and ambulances to cross. The bridge on Nobles Mill Road is 3 tons, and only cars can utilize this route. The angle required to make a left turn onto Stafford Road off of Craig's Corner Road is prohibitive for any vehicle larger than an ambulance. Craig's Corner Road is also extremely narrow and subject to frequent flooding along Deer Creek.

3. INCREASED TRANSPORT TIME FOR PATIENTS TO LOCAL HOSPITAL

Rt. 161 is a major route of travel for many ambulances in the northeastern section of Harford County and northwestern areas of Cecil County. EMS units from Delta-Cardiff, Darlington, Rising Sun, Port Deposit and Wakefield Ambulance (Robert Fulton in Lancaster County) normally utilize this route to transport sick and injured patients to Harford Memorial Hospital in Havre De Grace. Critical situations involving human lives do not need to be delayed or given extra miles to travel. In many cases where back and neck injuries are involved the last thing the patient needs is a ride over more miles of narrow, bumpy and curving county roadways.

4. EFFECTS OF INCREASED TRAFFIC ON EMERGENCY RESPONSE

Although Rt. 161 is not considered a primary evacuation route in time of emergency at Peach Bottom, it is an alternate. The increased traffic flow created on detour routes will have its own effect on response abilities of public safety agencies. With only one major thoroughfare available that is capable of handling all types of emergency response vehicles, imagine the effect of a serious traffic accident on Rt. 136 between Churchville and Poplar Grove. Last year Rt. 136 was closed to all traffic between Rt. 1 and Deer Creek due to a fuel spill. This closure lasted some 12 hours! What detour route do the engines from Level, Aberdeen and Havre de Grace follow now to reach a multiple alarm fire in Darlington. What efficient route does the State Trooper take from Churchville to assist a fellow officer being assaulted on Main Street in Darlington?

5. ISOLATION OF DARLINGTON VFC FROM PART OF THEIR DISTRICT

If closure of the Rt. 161 bridge at Deer Creek were to be a reality, a portion Darlington's first due fire and EMS protection area would be isolated and have to be covered by mutual aid companies. All areas south of the bridge would be virtually inaccessible to Darlington except by travelling great distances over poor roadways. While this area is small in relative terms, it is vital that citizens receive emergency services from the closest available resource.

In making our statements regarding diminished response abilities should this bridge close we realize that assistance can come from other areas and directions. The unique situation with Darlington regarding fire protection centers around their distance from other fire companies. While assistance can come from north, west and Cecil County, the increased distances make time of arrival a critical factor. We should also consider what might happen if any type of lane closure repairs should have to be made on Conowingo Dam during this time period.

We hope that our concerns are presented in a straight forward and common sense manner. It is further recognized that fire and EMS services will be more greatly effected by closure of the Rt. 161 bridge than will police. We present a unified plea, on behalf of all public safety agencies to develop and follow a replacement plan that will allow the existing bridge to remain open and operating during all phases. We sincerely believe that our collective ability to provide fire, EMS and police protection for the citizens of the immediate area will be negatively affected. While we applaud you for your time and efforts in meeting with us, we ask from the umbrella of public safety providers that you develop an alternate plan to replace the Rt. 161 bridge at Deer Creek.

Sincerely,

Sheriff R. E. Cowles
Harford Co. Sheriff's Office

H. Ray A. Pugh
Maryland State Police

Darlington Vol. Fire Company

Level Vol. Fire Company

Aberdeen Vol. Fire Department

Merrill R. Dougherty, Chief
Susquehanna Hose Company

Harry A. Mabe, Deputy Chief
Harford Co. Emergency Operations

Distribution list:

Chief, Emergency Operations
Deputy Chief, Emergency Operations
County Executive
Director of Administration
1 Each County Council Member
1 Each State Senator
1 Each State Delegate
Chief, Darlington VFC
Chief, Level VFC
Chief, Aberdeen VFD
Chief, Susquehanna Hose Company
Major Higgins, Harford Co. Sheriff's Office
Lt. Neigh, Maryland State Police - Bel Air

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

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MEMORANDUM

TO: Mr. Neil J. Pedersen, Director
Office of Planning and
Preliminary Engineering

FROM: Earle S. Freedman 7/27/93
Deputy Chief Engineer
Office of Bridge Development

DATE: July 27, 1993

SUBJECT: MD 161 Bridge over Deer Creek

A meeting was held on July 21, at the Level Volunteer Fire Department. This meeting was a follow-up meeting to the May 25th meeting run by Mr. Hal Kassoff. The meeting was attended by the following individuals:

Bill Shimek	Citizen
J. Robert Tibbs, Jr.	Citizen
Martha Hopkins	Darlington Community
Cole Nelson	Darlington Volunteer Fire Company
Katy Dallam	Harford County Historic Preservation
Chris Weeks	Harford County Planning and Zoning
Russell Dallion, Sr.	Level Volunteer Fire Company
Jeffrey M. Stratmeyer	Harford County Department of Public Works
Dick Harrison	District Engineer, SHA
Jock Freedman	Deputy Chief Engineer, Bridge, SHA
Louis Ege	Deputy Director, Office of Planning & Pre. Engr., SHA
Kalon Manna	Project Engineer, Bridge Design Division, SHA
Kevin Sadoleik	Project Engineer, Bridge Design Division, SHA

The topics discussed at this meeting consisted of aesthetic treatment of the proposed bridge and the overall alignment of the new roadway. Dick Harrison and Jock Freedman ran the meeting. The Bridge Design Division provided visual displays.

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From the previous meeting several issues concerning the bridge appearance were discussed. First was the choice of traffic barriers available that were acceptable to the Federal Highway Administration. Artist renderings were used to illustrate the driver's view as he drove across the bridge. Three barriers were presented: a concrete wall option with stone facing, a concrete open railing and a steel open railing. After some discussion, the committee decided that the steel open railing was the best choice for this location. The railing will be epoxy coated dark Service Brown, the same color as the girders. The committee also decided that the endposts should continue, without guardrail, to the intersecting roads. Both the endposts and the substructure will have a stone facing to match the mill.

Also presented at this meeting were some highway issues brought up at the initial meeting. First, there were concerns of traffic conditions during construction. Dick Harrison stated that the proposed bridge was on a new alignment and traffic would remain as it is now throughout construction. This point was illustrated by a plan view of the proposed roadway showing how all the work could be done without impacting traffic. The local citizens were also concerned how much of MD 161 would be impacted. Dick, using the plan, stated that a minimum length of road would be affected and that the character of road would not be changed. The Glenville Road intersection was discussed. Presently traffic can only turn from MD 161 onto Glenville however the local citizens expressed a desire that this be converted into a two-way road. Mr. Jeff Stratmeyer, Harford County Public Works, stated that sight distance was the major restraint in converting the intersection. Jack Freedman said that this could be studied in design and addressed at that time.

Overall, the community input was of great assistance to the development of this project. The final product will satisfy all the concerns of this community while meeting design constraints. This meeting concludes the committee's task. Bridge Design will now proceed with preparation of contract documents necessary to meet the June 1994 Ad Date.

ESF:RJS:lc

cc: Attendees
Mr. Hal Kassoff
Mr. Robert Douglas
Committee Members

RJS
RJM

William Donald Schaefer
Governor

Maryland Department of Natural Resources

Water Resources Administration
Tawes State Office Building
Annapolis, Maryland 21401

Torrey C. Brown, M.D. —
Secretary

Catherine P. Stevenson
Director

March 27, 1990

Mr. Louis H. Ege, Jr., Deputy Director
Office of Planning and
Preliminary Engineering
State Highway Administration
707 N. Calvert Street
Baltimore, Maryland 21202

Dear Mr. Ege:

After attending the agency field review of the following three SHA projects, I have the following comments:

1. Contract No. 656-000-471
MD. 22 - Northern Churchville bypass

During this review, the Corps of Engineers requested the consulting firm re-delineate the western boundary which will increase the area of the wetland. This Division recommends moving the proposed bypass farther north to cross the narrowest portion of the wetland. This would have less impact on the wetland and the ground water flow supporting the wetland.

2. Contract No. 896-201-471
MD. 161 - Bridge at Deer Creek

No comment.

3. MD. 7A east of Lewis Lane to MD. 490

These two very small sites are essentially storm drain ditches.
The proposed sidewalk construction in wetland areas W-1, W-2 can be accomplished with minimal impacts if these areas are considered in the [illegible]

If you have any questions, please call me at 974-3841.

Sincerely,

George E. Beston

George E. Beston
Nontidal Wetlands Division

GEB:dat

Telephone: 974-3841
DNR TTY for the Deaf: 301-974-3683

140

JAN 2[illegible]

3646 Harmony Church Road
Havre de Grace, Md. 21078

January 18, 1991

Mr. Hal Kassoff
Administrator
State Highway Administration
Dept. of Transportation
707 N. Calvert Street
Baltimore, Md. 21202

Dear Mr. Kassoff:

I am interested in knowing the purpose of surveying by the State Highway Administration on my property.

A crew of SHA was surveying on Rt 161 across from Harmony Church north toward Deer Creek Bridge. They are surveying 600-700' off the road into my field and the adjoining property owned by Alvin Lehnard.

A few months ago I went to a hearing on the proposals for the Deer Creek Bridge and nothing was mentioned about this property.

So, I am concerned and would appreciate your reply (and a plat, if there is one) regarding any planning and/or construction you might be considering regarding my farmland.

Your prompt reply would be appreciated.

Yours truly,

Howard N. Moxley

Howard N. Moxley

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

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FEB 30 '91

February 7, 1991

Mr. Howard N. Moxley
3646 Harmony Church Road
Havre de Grace, Maryland 21078

Dear Mr. Moxley:

Thank you for your January 18th letter concerning the survey crew you observed on your property.

We are currently performing property line surveys in the area for the purpose of future right-of-way acquisition for the replacement of the MD 161 Bridge over Deer Creek. This type of survey is solely for the purpose of tying properties together by establishing property lines and corners. Additional surveys will be done in the future if a decision is made to carry the project to the next phase of final design. The project is currently in the planning phase, which is expected to be completed in the fall of this year. There are no funds programmed for right-of-way acquisition or construction at this time.

The southern limit of the project is just beyond Stokes Road and would not impact your property. Please feel free to contact the project manager, Mr. Frank De Santis, if you wish to discuss this project further. Mr. De Santis' telephone number is (301) 333-1109 or toll free 1-800-548-5026.

Thank you for your interest in this project.

Sincerely,

Hal Kassoff
Administrator

HK:cmc

cc: Mr. Neil J. Pedersen
Mr. Louis H. Ege, Jr.
Mr. Harry Whitsel

My telephone number is 333-1111

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707 North Calvert St., Baltimore, Maryland 21203-0717

STATE HIGHWAY ADMINISTRATION
QUESTIONS AND/OR COMMENTS

LOCATION DESIGN PUBLIC HEARING
CONTRACT NO. H 896-101-471
MARYLAND ROUTE 161
BRIDGE REPLACEMENT OVER DEER CREEK
INCLUDING APPROACH ROADWAYS

PLEASE PRINT

NAME Mrs Paul Jargo DATE ____

ADDRESS 4544 Conowingo Rd

CITY/TOWN Darlington STATE Md ZIP CODE 21034

I/We wish to comment or inquire about the following aspects of this project:

Nothing constructive - talk about bridge & approaches
what about the road itself How about Road people
and bridge people getting together & tell us exactly
how the road and the hazards of the curves
North of Price road thru the woods where every time it
rains there is an accident. How about
cutting of the embankment on left side of beginning
of Glenville road .. Making Glenville Rd a one
way only as a safety measure -
There is an old road bed at edge of Bishop property when
the road went [illegible] moved & part of Bishop lawn
Take that old road bed back & cut down on way to
bridge.
There were many people at meeting but Nothing came
of their time & effort. Bridge is one thing road &
bridge are the whole problem. Exit from
Glenville road come out Stokes Road.

☐ Please add my/our name(s) to the Mailing List.*

☐ Please delete my/our name(s) from the Mailing List.

*Persons who have received a copy of this brochure through the mail are already on the project Mailing List.

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Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

July 2, 1990

Mrs. Paul Jaeger
4544 Conawingo Road
Darlington, Maryland 21034

Dear Mrs. Jaeger:

Thank you for your comments which we received June 19th concerning the proposed bridge replacement on MD 161 over Deer Creek.

The purpose of the study is to address the structural deficiencies of the bridge and the safety problems in the immediate vicinity of the bridge. The study area has been identified as a high accident location, experiencing an accident rate over three time higher than roads of similar design.

We have forwarded a copy of your comments to the District Engineer concerning the safety problem on MD 161 north of Price Road. He will be contacting you to discuss if remedial measures are necessary.

Your suggestion to cut away the embankment on the east side of MD 161 is in fact included in our study proposal and is necessary in order to provide the proposed shoulder width and safety grading.

We agree that making Glenville Road one-way to improve safety in the area is an option that could be implemented. We have had discussions with the county but they are reluctant to implement such a change. By relocating the bridge, and providing a clear graded area, we hope to improve the sight distance so that this intersection is no longer a problem.

Your suggestion to use the old road bed would result in an alignment that would be of unacceptable and sub-standard design. In addition utilizing the old alignment would have severe impact to the Allen Property. This property is listed as eligible for the National Register of Historic Places.

My telephone number is (301) 333-1109

Teletypewriter for Impaired Hearing or Speech

We do appreciate your taking the time to express your views and thank you for your interest.

Very truly yours,

Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering

by: Frank De Santis
Frank De Santis
Project Manager
Project Planning Division

LHE:FDS:as

cc: Mr. Richard Harrison (w/Jaeger letter)
Mr. Thomas Smith

JEAN S. EWING
3300 JOURDAN AVENUE
DARLINGTON, MARYLAND 21034

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State Highway Department

Gentlemen:

I trust you will build a new concrete span over Deer Creek that will

1. Avoid the Wilsons Mill by a wide margin. This is our oldest mill, and very beautiful.
2. Straighten out both curves that approach the bridge on both ends
3. Present a view into the Creek as on the Stafford Bridge
4. Omit any hideous safety structure that obscures the bridge traffic from approaches on either end.

I would like a reply! 457 4557

Thank you

Jean Ewing
EWING

5

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

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June 27, 1990

Ms. Jean S. Ewing
3300 Jourdan Avenue
Darlington, Maryland 21034

Dear Ms. Ewing:

This is in response to the note that you hand delivered at the recent public hearing held for the Deer Creek Bridge. The points that you mentioned in your note are well taken.

All of the alternates under consideration will place a new structure farther away from the Wilson Mill. We agree that the mill is very beautiful and a very valuable historic resource and we are working with the Maryland Historic Trust to reach the best solution possible. A previous alignment to the west of the existing bridge and closer to the mill has been eliminated from the study.

Improvements to the approach roadways are included as part of the study and we intend to improve them to the most reasonable extent possible. This will include improving the sight distance to the bridge.

During the design phase, which is anticipated to begin in the winter of this year, our design team will be coordinating with appropriate staff and the county to develop a bridge design which will be compatible with the historic and aesthetic nature of the surrounding area.

We do appreciate your taking the time to provide us your views and thank you for your interest.

Very truly yours,

Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering

by: Frank De Santis
Frank De Santis
Project Manager
Project Planning Division

LHE:FDS:as
cc: Mr. William Malone
Mr. Leroy Tyree

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PROJECT DEVELOPMENT

STATE HIGHWAY ADMINISTRATION
QUESTIONS AND/OR COMMENTS

LOCATION DESIGN PUBLIC HEARING June 20 [illegible] '90
CONTRACT NO. H 896-101-471
MARYLAND ROUTE 161
BRIDGE REPLACEMENT OVER DEER CREEK
INCLUDING APPROACH ROADWAYS

NAME Sallie Van Rensselaer DATE 6/20/90

PLEASE PRINT

ADDRESS 813 Marie Court

CITY/TOWN Bel Air STATE MD ZIP CODE 21014

I/We wish to comment or inquire about the following aspects of this project:

Replacing the bridge will not solve the traffic problems since the approaches will not be corrected. Meanwhile, even with Alternate 5, State Roads will be affecting the historic Wilson Mill property and the environmentally important Deer Creek. No matter what you say or plan you will be unable to avoid destruction - of the historic bridge, of the historic Wilson's Mill, and of Deer Creek —— and the problem won't be solved — a ~~new~~ speed way will be created - making traffic problems even more intense. I favor the "No Build Option", then State Roads should get busy and fix up the present bridge which wouldn't be in such bad shape had you all maintained it properly through the years; maintain it properly in the future; and retain the aesthetic value of the area.

☐ Please add my/our name(s) to the Mailing List.*

☐ Please delete my/our name(s) from the Mailing List.

*Persons who have received a copy of this brochure through the mail are already on the project Mailing List.

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

July 6, 1990

Ms. Sallie Van Rensselaer
913 Marcie Court
Bel Air, Maryland 21014

Dear Ms. Rensselaer:

Thank you for your comments of June 21, 1990 regarding the proposed replacement of the Deer Creek bridge on MD 161.

This study also includes relocation of the approach roadways slightly to the west of the existing approach roadways, thereby improving the alignment. We have made every effort to save the existing truss structure by offering it to interested groups or agencies. While it is true that the old bridge will have to be dismantled if a build alternative is selected, we will not destroy the historic Wilson Mill or Deer Creek. At worst, approximately 1+ acre of land from the Wilson Mill will be required and efforts are underway to further reduce impacts to the site. Our coordination with the Maryland Historic Trust is continuing in order to minimize impacts to the most reasonable extent possible.

We are well aware of the sensitive nature of Deer Creek. In view of this, strict limitations will be placed in the construction contract which will protect aquatic wildlife and the creek bed.

A detailed analysis was performed by a consultant to determine the feasibility of rehabilitating the old bridge in lieu of replacement. That analysis found that it would not be a cost effective measure to do so. In addition, even if the bridge were totally rehabilitated, the structure would still be of sub-standard design and would continue to be functionally obsolete.

If a build alternate is selected in the Fall, our design staff will be working closely with Harford County staff to develop a bridge design that will be aesthetically pleasing and compatible with the nature of the area.

My telephone number is (301) 333-1109

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We do thank you for taking the time to write and express your concerns. Your preference for the no-build alternate will be considered in the decision making process.

Very truly yours,

Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering

by: Frank De Santis
Frank De Santis
Project Manager
Project Planning Division

LHE:fds:as
cc: William Malone

161

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6/16/93

MEMORANDUM

TO: Mr. Neil J. Pedersen, Director
Office of Planning and
Preliminary Engineering

FROM: Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering

DATE: June 3, 1993

SUBJECT: MD 161 Bridge over Deer Creek

A meeting was held on May 25th at the Deer Creek Harmony Presbyterian church. The purpose of the meeting was to discuss the general location and aesthetic design of the proposed replacement bridge. The meeting was attended by the following individuals:

Bob Tibbs	-- Citizen
Bill Shimek	-- Citizen
Alison Stokes MacLean	-- Citizen
Rosalie Hopkins	-- Citizen
Martha Hopkins	-- Citizen - Elberton Hill Farm
Chris Weeks	-- Harford County Planning and Zoning
Paul E. Welch	-- Harford County Public Schools
Jeff Stratmeyer	-- Harford County Department of Public Works
Cole Nelson	-- Darlington Fire Department
Cpl. Steve Bodway	-- Harford County Sheriff's Department
Anne Von Sweringen	-- Harford County Planning and Zoning
Beth Hannold	-- Maryland Historical Trust
Hal Kassoff	-- State Highway Administration
Jock Freedman	-- Dep. Chief Engineer, Bridge Design Division, SHA
Louis Ege	-- Dep. Director, Office of Planning & Pre. Engr., SHA
Ralph Manna	-- Project Engineer, Bridge Design Div., SHA
Kevin Sabolick	-- Project Engineer, Bridge Design Div., SHA
Dick Harrison	-- District Engineer, SHA

My telephone number is 333-1130

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Hal started the meeting by providing a brief history of the project and explained the purpose of the citizen committee. He then suggested that structured brainstorming take place in order to identify the concerns and goals of each of the participants. Seventeen issues were identified:

1. Safety first
2. Design a low aesthetically-pleasing bridge
3. Should be able to see the creek when driving over it -- no solid guardrail
4. Safety for school buses and fire trucks
5. Put in two-lane bridge with no weight limit
6. Protect historic resources
7. New bridge should be wide enough for agricultural machinery to pass in one direction (need 15 feet)
8. Accommodate school buses
9. Protect water resources -- endangered species, Maryland Darter and Shortnose Sturgeon
10. Rehabilitate existing bridge and slow down traffic with rumble strips
11. Maintain traffic during construction
12. Treatment of the Glenville Road intersection
13. Economics
14. Deer Creek is a Wild and Scenic River
15. No center pier
16. Durability
17. Reasonable cost

Jock then provided a description of the proposed replacement bridge. He indicated that a new bridge would be located on the east side of the existing bridge away from the Wilson Mill historic site. The proposed bridge would consist of a clear roadway width of 30 feet, consisting of two 11-foot travel lanes and four-foot shoulders. The height of the underside of the bridge over the creek will be approximately the same as the existing bridge. A new bridge would have a center pier that would be aligned parallel to the stream flow. This will help keep the flow and hydraulics of the stream as it now exists. No change in hydraulic capacity will take place.

Jock then showed two renderings of possible bridge replacements. One had stone parapets inside and out with a concrete cap. The pier was rectangular and completely stone faced with stone facing on the abutments. The stone would match that of the existing mill and the painted steel would match the clapboard trim on the mill. The other rendering showed open bridge rails made of concrete. The majority of the citizens preferred the stone parapets. Both the stone and concrete rail design have been crash tested and could be used. Beth Hannold, Maryland Historical Trust, inquired about the use of a metal bridge railing. Jock will investigate what types of metal railing are available and have been crash tested. That information will be provided to the Maryland Historical Trust. Chris Weeks of Harford County Planning and Zoning indicated he knew where the stone used on the original bridge was quarried. Basically, the group bought into the bridge design presented except for a

further discussion on the railing. Jock also indicated that the existing bridge would be completely removed and the area regraded and landscaped.

A general discussion followed and areas for the next meeting were established. We will present information on:

- Proposed maintenance of traffic plan
- Proposed treatment for the Glenville Road intersection
- Show how the relocated approach roads will taper back into the existing road
- Provide a graphic or rendering that would show a driver's view of the creek and surrounding area while crossing the new bridge with various types of railings and parapets.

At the conclusion of the meeting, the group concurred that the proposed relocated bridge should be to the east of the existing structure.

The next meeting is tentatively scheduled for the week of July 12th. It will be held at the Level Volunteer Fire Department. All committee members will receive written notice of the meeting. Dick Harrison will chair the next meeting.

LHE:eh
cc: Attendees
Mr. William T. Baker, Jr.
Ms. Katie Dallam
Mr. George Gregory
Mr. Victor Janata
Ms. Sharon Preller
Mr. James Wynn

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Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

TO: Louis H. Ege, Jr.
Deputy Director
Office of Planning and
Preliminary Engineering

July 9, 1990

FROM: Frank De Santis
Project Manager

SUBJECT: Contract H-896-101-470
Bridge Replacement
MD 161 over Deer Creek,
Including Approach Roadways

On July 5th a meeting was held in room 506 with Harford County staff to discuss environmental issues relative to the subject project. Those in attendance were:

Robert Houst	Assistant Division Chief-SHA
James Wynn	Assistant Division Chief-SHA
Frank De Santis	Project Manager-SHA
Chuck Buellis	Project Engineer-SHA
Sharon Preller	Environmental Manager-SHA
William Malone	Engineer-Bridge Design
Richard Best	Planning and Zoning-Harford Co.
Shahriar Etemadi	Planning and Zoning-Harford Co.
Patricia Farr	Biologist-Harford Co.

Harford County indicated that they supported the project concept to replace the bridge, but required verification of the issues in order to formulate a specific alternate recommendation. They were advised that they would be invited to attend upcoming decision meetings in order to provide their input. These meetings are the project team recommendation meeting with the Director of the Office of Planning and Preliminary Engineering, Neil Pedersen. The second would be the final alternate selection meeting with State Highway Administrator Hal Kassoff, which is anticipated to occur in late August or early September.

The county was assured that they would be actively involved in the design of the structure with respect to aesthetic enhancements. It was pointed out that the best time to assure that their concerns are addressed would be at the field P.I. stage of final design, although their views would be considered at any time in the design process.

The county expressed concern about the need for a bridge pier in the creek and thought that we were on record as stating that a pier would not be necessary. The SHA is unaware of any commitment to no pier in the creek. The length of the proposed bridge from abutment to abutment is approximately 285 feet and it would not be practical to attempt to span that distance without a

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pier, since it would result in a structure of massive girder design and excessive cost. It was agreed that this would not be in keeping with the goal of the study to provide an aesthetic design at an acceptable cost.

The possibility of constructing a new truss structure was discussed. The cost would exceed a conventional design by approximately 1 million dollars and could not be justified.

Discussion focused on environmental issues relative to endangered species and their protection during construction. The county was assured that provisions of the construction contract would require protection of aquatic wildlife. Also included would be provisions for controlling siltation during construction. State construction inspectors would be on site to assure that construction requirements are followed. The Department of Natural Resources would perform site inspections to assure that environmental regulations are followed. It was pointed out that, because of the sensitive nature of the creek and its inhabitants, restrictions would be placed on the contractor that would prohibit any work in the creek bed during the spawning season. Further, it would be emphasized to any prospective contractor that he must take special precautions when performing work.

Discussion about pier placement to minimize impacts to the creek centered on the potential for some flexibility regarding the number of piers and their location away from the main flow of water. Bill Malone indicated that there would be some flexibility, but this could not be determined until such time as the project surveys were completed and some preliminary designs were developed.

Concern was expressed about protecting the integrity of the old mill on the historic Wilson Mill Property. We advised that consideration would be given to setting up a seismic monitor, if it was felt to be necessary. This will be discussed at the upcoming decision meetings. We advised the county that efforts are still underway to further reduce impacts to the site by a possible elimination of roadside grading. This may be done if it would not compromise the safety goals needed for the project.

Questions arose relative to the types of construction equipment that would be used and how the pier(s) would be built. It was stated that with alternate 5, the staging alternate, it would be necessary to work within the creek bed twice.

Please contact the writer if there are questions regarding this summary.

FDS:as

cc: Mr. Neil J. Pedersen
Ms. Cynthia Simpson
Mr. Leroy Tyree
Attendees

MEMORANDUM OF MEETING

DATE: March 14, 1990

ATTENDEES: Sharon Preller, Environ. Mgr., SHA
Frank DeSantis, Project Mgr., SHA
Charles Buellis, Project Engineer, SHA
George Beston, DNR, Non-Tidal Wetlands
Richard Spencer, Army Corps of Engineers (ACOE)
Karen Craven, ACOE
Terry Dean, ACOE
Jill Kulig, McCormick, Taylor and Associates, Inc.
Elizabeth Bick, " " "

SUBJECT: Wetland Field Review
MD 161 Bridge over Deer Creek
Harford County

The purpose of the wetland field review was to obtain the agencies concurrence of the wetland boundaries. The Environmental Protection Agency, U.S. Fish and Wildlife Service and the National Marine Fisheries Service were invited to attend this field review but did not attend.

A modified version of the Natural Environmental Technical Report was provided as a source of information regarding vegetation, hydrology, soils, wetlands, and stream classification.

The purpose and need of the project including alternates descriptions were explained. All inquired as to the position of the Maryland Historical Trust regarding replacement of the bridge. They were informed that several issues are currently unresolved.

George Beston of DNR had no comments.

ACOE representatives concurred that wetland boundaries were limited to the stream embankment since other areas observed were upland soils. Questions were raised regarding construction of piers in the stream-bed - how many and where would they be located? The ACOE recommended that one pier be placed near or where the existing one is. They were advised that a pier would be needed but at this time the exact location has not been determined.

One person questioned whether one upland area in the northeast quadrant of the bridge area, to the southeast portion of the Allen property which would be impacted by improvements to the approach roadway, was a wetland.

Because this area was wet due to roadway runoff, it was determined by Richard Spencer (ACOE) that this was not considered as a wetland.

With no further questions or comments, the review adjourned.

Biological Assessment
MD Route 1 Bridge over Deer Creek
Harford County, Maryland
October 23, 1992

Prepared for:
MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

By:

Coastal Resources, Inc.

Under contract to:
John E. Harms and Associates
P.O. Box 5
Pasadena, MD 21122

Biological Assessment
MD Route 1 Bridge over Deer Creek
Harford County, Maryland

Introduction

The Maryland State Highway Administration proposes to rehabilitate the MD Route 1 bridge crossing of Deer Creek, southwest of Poplar Grove in Harford County, Maryland. Deer Creek, a tributary to the Susquehanna River, is the home of last known population of the Maryland darter (Etheostoma sellare). This small fish species is listed as both a state and federal endangered specie. Although the site of the bridge replacement is approximately eight-and-a-half miles upstream from the location of thelast darter population (Stafford Road Bridge), the U.S. Fish and Wildlife Service has asked that a Biological Assessment be prepared for the project in accordance with Section 7 of the Endangered Species Act.

The Biological Assessment was performed in order to determine the effects of the proposed project on the Maryland darter and to develop appropriate techniques to mitigate any potential impacts to the highly endangered specie. This was accomplished through field investigations, review of published materials, and interviews with agency personnel and experts on the Maryland darter.

Field Assessment

Site visits were made to Deer Creek at the crossings of Route 1, the site of the proposed bridge replacement. Route 136, Route 161 and Stafford Road. Additional study and brief stream assessments were completed at Route 1 and Stafford Road (the field sheets have been included in the appendix of this report).

At Route 1, the stream channel is approximately 100' wide. except under the bridge itself where it is approximately 115' wide. This section of Deer Creek is a fast-flowing upper-perennial stream with good water clarity and a primarily rubble/gravel bottom. There are minor sand deposits located in the riffle eddies. The substrate is significantly more silty directly beneath and upstream of the bridge where the stream velocity is reduced. The stream banks are forested and mostly stable with minimal undercuts. Results from the brief stream assessment on this portion of the Creek show it to be in good condition. Samples within the stream revealed that food supply for the MD darter and numerous other fish species is abundant at the site. Food sources found include, caddis fly larvae, stonefly and snails. Also found were water-pennies, water beetles, limpets, and water striders.

The existing Route 1 bridge has one center pier within the stream. Over the years, sediment has been deposited on the downstream side of the pier, creating a small vegetated island. The project proposes to remove the center pier down to one foot below the stream bottom. This will cause the island to erode over time. Due to the fact the island is only 15' wide and 50' long, both US Fish and Wildlife and MD Natural Heritage feel that the erosion would be gradual and cause no adverse affects to the stream.

The area of the Creek at Stafford Road bridge was also ranked in good condition with the stream characteristics being largely similar to those upstream at Route 1. Although the substrate of the riffles appears relatively free of silt, notable siltation was observed just upstream of the bridge. As directed by USFWS, no attempts to collect or document the Maryland darter at the location of its last siting was undertaken.

History of the Maryland Darter in Harford County

A thorough review of available information on the Maryland darter was conducted in order to determine the history, biological needs and current status of populations in Harford County, Maryland. In addition to investigating published sources, Andy Moser, of USFWS and Dr. Rich Raesly of Frostburg University were consulted for more information.

The Maryland darter (Etheostoma sellare) is a small member of the perch family (approximately 2 1/2 inches in length) endemic to Maryland. Documented sitings of this specie have been limited to a few small tributaries of the Susquehanna River and Chesapeake Bay, located in Harford County. Due to the narrow range and small number of fish collected over the years, the Maryland darter is listed as both a state and federal endangered species. The first documentations of the species occurred in 1912 in Swan Creek near Aberdeen. None were found again until 1962 when a juvenile darter was found in Gasheys Run, southeast of the Route 1 project. Following the 1962 siting, collecting efforts increased and a population was located in a Deer Creek riffle at the Stafford Road bridge, near the creek's confluence with the Susquehanna River. Various collections have been attempted since that time in nearby creeks with similar habitat characteristics. However, since 1962, the specie has only been found at the Stafford Road riffle in Deer Creek.

Currently, experts are uncertain if even the Deer Creek population of the Maryland darter still exists. According to Dr. Rich Raesly, who conducted extensive studies and collecting efforts in Deer Creek, the last siting of this

darter population was in 1989. In 1990, Dr. Raesly sampled 10 sites in the creek from the Susquehanna to the Route 23 bridge near Ivory Mill and found no trace of the darter. Intensive samplings using seining and shocking techniques at the Stafford Road bridge riffle in 1991, also yielded no specimens. Due to these studies, it is Dr. Raesly's opinion that the population may have been extirpated.

Biologic Requirements

Little is known about the specific biologic and habitat requirements of the Maryland darter, however, studies have yielded reasonable assumptions and theories. Breeding is thought to occur from May through June and eggs are most likely buried in the gravelly stream substrate (Raesly, 10/92). From studies conducted in the 1970's, food sources for the darter appear to include snails, caddisfly larvae, stoneflies and mayflies, most of which are found only in relatively healthy stream systems. The sites where the Maryland darter has been collected historically have usually been characterized by a riffle with a rock and gravel bottom located near the stream's confluence with the Susquehanna or the Bay. Notable amounts of vascular riverweed (Podostemum ceratophyllum), were also observed at the Deer Creek site (Knapp, 1976, Raesly, 10/92). After the Deer Creek population was found, studies were conducted to determine if the darter existed in any of the numerous riffles further upstream with similar habitat. None were found.

Changes in the severely restricted habitat at the Stafford Road Bridge riffle were cited by Dr. Raesly as the possible cause for the suspected loss of the only known Maryland darter population. Deer Creek is a very diverse stream system and historically, has been relatively pristine. Sediment loads and siltation have remained low over the years in comparison with other area streams like Gasheys Run and Swan Creek (Raesly, 10/92). During his studies from 1987 to 1989, Dr. Raesly noticed a marked decline in the Maryland darter population at the Stafford Road riffle. At the same time, he noted that a number of other species who lay their eggs in the stream substrate appeared to be in decline as well. In 1989 and 1990, Dr. Raesly observed that many of the sandy areas within the riffle had been covered with silt and patches of filamentous algae, however, no overt chemical problems were detected. Also the once abundant riverweed, had decreased in numbers. In 1990 and 1991, no Maryland darter specimens were found, and the diversity and population size of the other species previously observed in Deer Creek had also declined. Dr. Raesly hypothesizes that increased siltation during the spring may have caused or contributed to the apparent extirpation of the Maryland darter from Deer Creek.

Mitigation Recommendations

Despite indications that the Maryland darter may have been extirpated, "the specie has not been proven extinct; nor has it been removed from the Federal Endangered Species list" (USFWS, 8/92). Therefore, every effort should be made to mitigate any potential impacts of the bridge replacement on the stream and the Maryland darter.

The recommendations listed below were made by U.S. Fish and Wildlife Service, Maryland's Department of Natural Resources, Forest Park and Wildlife Service and Maryland State Highway Administration. Also included are recommendations given to SHA by McCormick, Taylor and Associates, Inc. in their biological assessment of Maryland Route 161 Bridge at Deer Creek.

permit says May 31

1. No bridge construction or demolition should take place between March 1 and June 30 as this period includes the assumed breeding of the Maryland darter.

2. During construction, concurrent weekly inspection should be made by a State Highway Administration representative and the regional, state and county sediment control inspectors.

3. Construction equipment should be kept out of all watered areas of the stream at all times.

4. The area and duration of soil disturbance should be minimized to the maximum extent practicable.

5. A temporary protective shield supported from the existing bridge superstructure should be constructed to protect any material from entering Deer Creek.

6. Structural soil erosion measures, such as hay bale berms, and/or silt fences, should be placed downslope of disturbed areas and between same and surface waters. Structural soil erosion measures should be installed prior to commencement of soil disturbance activities and should be properly maintained during construction. Structural measures should remain in place and properly maintained until upstream contributory areas have been stabilized.

7. Discharge of dewatering wastes should be made to stable, upland areas. Where practicable, discharges of dewatering wastes should be to temporary sediment basins to allow settlement of soil particles. Dewatering wastes should not be discharged to surface waters, wetlands or drainageways.

8. Immediately following completion of construction activities, disturbed areas should be stabilized with either permanent vegetation or anchored mulch, as applicable.

Stabilization with permanent vegetation should be in accordance with the Standards and Specifications for Permanent Stabilization, Permanent Seedings as contained in the "Maryland Standard and Specifications for Soil Erosion and Sediment Control". In the event that stabilization with permanent vegetation is not feasible (i.e. weather conditions), stabilization of disturbed areas should be accomplished by anchored mulch in accordance with "Maryland Standard and Specifications for Soil Erosion and Sediment Control".

References Cited

Knapp, Leslie. 1976. "Redescription, Relationships and Status of the Maryland Darter, Etheostoma Sellare (Radcliffe and Welsh), an Endangered Species". Proc. Biol. Soc. Wash., Vol. 89, No. 6, pp. 99-118.

McCormick, Taylor & Associates, Inc., Philadelphia, Pennsylvania, "Maryland Route 161 Bridge at Deer Creek", September, 1989.

Raesly, Dr. Richard, Professor at Frostburg State University, Personal Interview, October 9, 1992.

Agency Field View
Maryland Route 161 at Deer Creek
Harford County
H-896-201-471

March 14, 1990

Field View Minutes

Attendees	Representing	Phone Number*
Frank DeSantis	MD SHA Project Planning	333-1109
C. Buellis	MD SHA Project Planning	333-1109
George Beston	MD DNR Nontidal Wetlands	974-3841
Elizabeth Bick	McCormick, Taylor	215-592-4200
Jill O. Kulig	McCormick, Taylor	215-592-4200
Bruce Grey	MD SHA Project Planning	333-1136
Terry Dean	U.S. Army Corps of Engineers	962-4252
Richard Spencer	U.S. Army Corps of Engineers	962-4253
Karen Craven	U.S. Army Corps of Engineers	962-4253
Sharon Prellar	MD SHA Project Planning	333-6744

The U.S. Army Corps of Engineers (USACOE) agreed with the wetland boundaries as delineated and flagged by McCormick, Taylor. The forested banks of Deer Creek were field checked for evidence of hydric soils. No indicators of hydric soils, wetland hydrology or hydrophytic vegetation were present outside of the channel of Deer Creek.

Since the USACOE arrived at the project site behind schedule, this field check was conducted in the absence of the consultants.

* Area code 301 unless otherwise noted

Reported by:

for

Elizabeth A. Bick

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