

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

April 16, 2014

Re: Project No. AA510M11
MD 198 from MD 295 to MD 32
Anne Arundel County, MD
USGS *Laurel* 7.5' Quadrangle

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

Dear Mr. Little:

Introduction and Project Description

This letter serves to inform the Maryland Historical Trust (MHT) of changes to Project No. AA510M11, MD 198 from MD 295 to MD 32 in Anne Arundel County. The Maryland Highway Administration (SHA) continues to find that there will be no adverse effect to historic properties by the proposed project.

This project was previously coordinated with MHT by letters dated October 16, 2007; October 23, 2009; October 27, 2009; and March 16, 2011. These letters, along with correspondence received from the National Park Service (NPS) are enclosed collectively as **Attachment 1**. In the letter of October 23, 2009, SHA determined that the project would have no adverse effect on historic properties. MHT concurred with this finding on November 4, 2009. In the letter dated March 16, 2011, SHA described Alternative 4 Modified and determined that there continued to be no adverse effect on historic properties, conditioned on implementing a landscaping plan at the intersection of MD 198 and I-295. MHT concurred with this finding on April 14, 2011.

The project provides for two lanes along eastbound and westbound MD 198 divided by a grassy median that varies in width throughout the corridor from twenty-feet to six-feet. On-road bicycle facilities will be provided in both directions adjacent to outside travel lane. A five-foot grass buffer along the south side curb separates the on-road bicycle lane from the shared-use pedestrian/bicycle path. The shared-use path extends from east of MD 295 to the ball-fields east of Bald Eagle Drive, where it tapers into a five-foot sidewalk. Another five-foot grass buffer along the north side of the curb separates the on-road bicycle lane from a five-foot sidewalk. This sidewalk extends from the western limits of the project area to east of relocated Old

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Portland Road. Reductions have been made to travel lane width and to the buffer between the shoulder and the sidewalk to accommodate an increase in the widths of both the on-alignment bike lane and the shared use path. The ramp from southbound MD 295 to MD 198 will be widened to facilitate a free-flowing right turn onto westbound MD 198 and to accommodate an additional left turn lane onto eastbound MD 198. A traffic signal will be installed at the top of this off-ramp. The ramp from westbound MD 198 onto southbound MD 295 will be widened to two lanes that will merge back to the existing single lane over the length of approximately 400 feet. Additionally, two new structures will be constructed on MD 198: a new bridge over the Little Patuxent River and a flyover ramp at MD 32. The scope of work also includes stormwater management, grading, full depth road reconstruction in some areas, resurfacing, new signage and roadway striping. In order to complete the scope of work, the project will require new right-of-way acquisition as well as temporary and perpetual easements.

This letter presents changes to the type and location of stormwater facilities within the Environmental Site Design (ESD) plans for Alternative 4 Modified. Changes in ESD from the 2011 plans are the result of new regulations and an evolution in the stormwater management (SWM) design methodology. Developed under the new regulations, the proposed micro-scale ESD features will minimize visual and physical impacts on the historic Baltimore-Washington Parkway. The new ESD design has created changes to the Limits of Disturbance (LOD) along the length of the project. Plans are included as **Attachment 2**. Areas where the LOD has decreased are shown as a hatched pattern while areas where the LOD has increased are shown as solid. The callouts on the plans identify the area in square feet of these changes.

Funding

Federal funds are anticipated for this project.

Area of Potential Effects

In determining the Area of Potential Effects (APE) for this project, SHA considered direct, indirect and cumulative impacts to historic properties. The APE remains as defined in 2009 and 2011: it encompasses the LOD and extends 250 feet from the outermost edge of the LOD as indicated on the attached SHA quadrangle map for Laurel enclosed as **Attachment 3**. Although the LOD has changed, the overall impact to the APE is negligible. The archaeological survey area remains defined as the worst cast LOD.

Identification Methods and Results

Potentially significant architectural and archaeological resources were both researched as part of the historic investigation instigated by the proposed corridor improvement project.

Architecture: SHA Consultant Architectural Historian Jon Schmidt reviewed the SHA-GIS Cultural Resources Database, Maryland Inventory of Historic Properties (MIHP) forms, National Register of Historic Places (NRHP) nominations, historic maps and photographs, aerial photos,

land records, prior correspondence and as-built plans. A site visit was made on March 21, 2014 during which the project area was walked and photographs were taken.

Historic structures eligibility was previously coordinated with MHT via letters dated October 16, 2007 and October 23, 2009. MHT concurred on December 4, 2007 and November 4, 2009 that the only historic properties within the APE are the D.C. Children's Center-Forest Haven Historic District, determined eligible for the NRHP on April 17, 2007, and the Baltimore-Washington Parkway (AA-5/P.G: 69-26), listed on the NRHP on May 9, 1991. Although the project extends within the historic boundary of Fort Meade (AA-34), on December 4, 2007 MHT concurred that no NRHP eligible portions of the fort are located within the APE.

Since 2011, four additional properties within the APE have reached fifty years of age: 3250 Fort Meade Road, 3249 Fort Meade Road, 3242 Fort Meade Road, and 3240 Fort Meade Road. Each of these properties was evaluated for NRHP eligibility on a DOE short form and determined not eligible. These forms are enclosed as **Attachment 4**.

A portion of the project involves reconfiguring the entrance to the D.C. Children's Center – Forest Haven Historic District from MD 198. As coordinated in 2009 and 2011, the entrance is not located within the property's historic boundary. The proposed project will not impact NRHP eligible portions of the D.C. Children's Center - Forest Haven Historic District.

The Baltimore-Washington Parkway is a 1,353 acre linear resource eligible for the NRHP under Criteria A and C. It is significant for its association with transportation as well as for its landscape architecture. The federal portion of the property maintained by the NPS is coterminous with its historic right-of-way boundary that extends from the eastern border of the District of Columbia through Prince George's and Anne Arundel counties. The irregularly shaped right-of-way is between 400 and 800 feet wide comprising a dual lane roadway, variable width median, flanking buffer of natural forest and cultivated native landscaping, twenty-two bridges and scores of culverts. The character defining features are the "high-speed elements of modern freeway design" and "natural topography and vegetation for scenic purposes." No right-of-way will be acquired from the Baltimore-Washington Parkway, however temporary easements are needed to complete aspects of the scope of work.

Previously Coordinated Improvements: Elements of the current project previously coordinated in 2009 are: altering the travel surface of the MD 198 bridge over the parkway to include sidewalks, constructing sidewalks on the bridge approaches along MD 198, and widening the off-ramp from southbound MD 295 to MD 198. The proposed off-ramp widening would add 0.38 acres of new pavement. Along with the new sidewalks and anticipated slope improvements, the 2009 scope required approximately 4.7 acres of temporary construction easements from NPS property.

The project scope was expanded in 2011 to include: widening the existing onramp from westbound MD 198 onto southbound MD 295 to accommodate a second travel lane; constructing

ESD and SWM features; and landscaping around the interchange of MD 198 and MD 295 as a measure to preserve the character defining features of the Baltimore-Washington Parkway. The area of the temporary construction easements required from NPS property increased to approximately 6 acres, composed of 3.8 acres related to corridor improvement activities such as new pavement, resurfacing, sidewalks, bike path, ESD and grading; and 2.25 acres for the landscape mitigation plan. MHT's concurrence with the no adverse effect finding in 2011 was contingent upon coordinating with MHT and NPS to implement the landscaping plan.

Revised Improvements: The ESD plans have been revised to accommodate changes to the regulations. The current design calls for ESD and SWM facilities to be located within and adjacent to the parkway's historic boundary. Five micro-scale stormwater features are proposed within the boundary of the Baltimore-Washington Parkway: two micro-bioretenment facilities, a bio-swale, a planter box and a grass swale. These features are smaller, more efficient, and less impactful than those proposed in 2011. In an effort to shrink the footprint of the project within the historic boundary, the ESD facilities are located adjacent to the southbound MD 295 ramp and within the median of MD 198 on the westbound approach to MD 295. Making use of organic materials and native plantings, the new ESD features are designed to integrate into the existing landscape. The new ESD plan results in a general reduction of permanent impacts to the historic boundary from the 3.8 acres coordinated in 2011 to 3.1 acres.

A new ESD facility has been added to the northeast quadrant of the intersection within the cloverleaf between northbound MD 295 and westbound MD 198. The proposed facility will be constructed at grade in a cleared area beneath high-tension power lines that is outside the historic boundary of the Baltimore-Washington Parkway. Within the historic boundary, a thick stand of trees to the east will shield the parkway from the proposed facility. No visual or physical impacts to the Baltimore-Washington Parkway's character defining features will occur.

Changes to the ESD and SWM design have also affected impacts to the existing buffer of trees along the west side of MD 295 at the intersection with MD 198. The use and location of smaller facilities requires fewer tree removals. As a result forest impacts have decreased from 1.98 acres to .94 acres. Decreasing the amount of impacts to the buffer accomplishes two goals: it conceals the adjacent commercial development from view and preserves the historic viewshed along the parkway.

Since more of the existing tree buffer along the west side of MD 295 will remain, fewer new plantings are needed within the parkway to mitigate impacts to the historic viewshed. As a result, the landscaping mitigation plan has been reduced from 2.25 acres to 1.7 acres. The landscape mitigation remains located within the medians between southbound MD 295 and the on and off-ramps. The goal of this mitigation is to maintain the overall quantity of vegetation at the intersection, create a healthy ecosystem through the use of native plant species and preserve the historic viewshed of the parkway. As concurred upon during previous consultation and

requested most recently by the NPS in a letter dated April 7, 2011, final landscape plans will be coordinated with NPS and MHT when they are available.

The current changes to the project involve constructing five smaller, more efficient ESD features within the historic boundary of the Baltimore-Washington Parkway. These features will be integrated into the landscape directly adjacent to the roadway, requiring fewer changes to the extant "high speed elements of modern freeway design" that contributes to the significance of the parkway. Impacts to the existing tree buffer that contributes to the significance of the parkway have also been reduced. While the installation of these ESD facilities will cause visual and physical impacts to the parkway, the landscape will be restored and the impacts will be temporary. The proposed changes reduce the amount of impacts from those previously coordinated and will not adversely impact any of the characteristics that qualify the Baltimore-Washington Parkway for listing in the National Register of Historic Places.

In 2011, NPS requested that SHA consider cumulative impacts to the Baltimore-Washington Parkway. Because the current scope of work decreases the amount of impacts to the parkway from the previous design, SHA has determined that cumulative impacts are not a concern at this time.

Conditioned upon implementation of the landscaping plan, SHA continues to find that the proposed roadway and intersection improvement project along MD 198 between MD 295 and MD 32 will have no adverse impacts on historic standing structures. An Eligibility and Effects Table indicating SHA's finding is enclosed as **Attachment 5**.

Upon your concurrence that there will be no adverse impacts to the Baltimore-Washington Parkway conditioned upon implementation of the landscaping plan, SHA intends to request that the Federal Highway Administration make a *de minimis* impact finding for the minor Section 4(f) use of the Baltimore-Washington Parkway.

The project will require temporary construction easements from the Baltimore-Washington Parkway in order to complete some elements of the scope of work. Given that this impact will occur by temporary occupancy, the requirements of Section 4(f) would not apply for these activities, based on your agreement with the following criteria as the official with jurisdiction.

- The duration of the impact will be temporary, i.e., less than the time needed for construction of the project;
- There will be no change in the ownership of the land;
- The scope of work will be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) resource are minimal;
- There are no anticipated permanent adverse physical impacts; and
- The land being used will be fully restored, i.e., the resource will be returned to a condition which is at least as good as that which existed prior to the project.

Archaeology: SHA Archaeologist April Fehr assessed the potential of the revised survey area through consultation of project files, previous archaeological investigations, the SHA-GIS Cultural Resources Database, the county soil survey, and historic maps. A site visit was made by SHA Archaeologist Carol Ebright on March 27, 2014 and map notations made during the site visit also informed this assessment.

Numerous prior investigations have been conducted in or adjacent to the MD 198 corridor (Conrad 1975, Curry 1978 and 1985, Cunningham and Gardner 1979, Epperson 1980, Wesler et al. 1981, Decicco 1987, Collier et al. 1990, Rutherford and Petraglia 1990, Hopkins et al. 1992, and Barse and Scheerer 2000. SHA also conducted an investigation of the LOD in 2009 (Child et al. 2009). This survey found only modern artifacts and recorded no archaeological sites.

Most of the proposed ESD locations are within the previously surveyed LOD, are disturbed, or are located on poorly drained soils. Two expanded ESD facilities have small portions in undisturbed and better drained soil. The first is an approximate 20 x 150 foot sliver (0.09 acre) located in Parcel 49 on Map Sheet 2 of **Attachment 2**. This is adjacent to two prior surveys with negative results (Child et al. 2009; Wesler et al. 1981). It is unlikely that additional testing would find significant archaeological resources. The second expanded ESD location is along Waters Road on Parcel 70 on Map Sheet 3 of **Attachment 2**. Most of this expansion has been previously surveyed or is in poorly drained soils. An approximately 60 x 60 foot (0.08 acre) area is on better drained soils. This location is partly disturbed by the prior construction of Waters Road and is adjacent to two negative prior surveys (Child 1009; Wesler et al. 1981). It is unlikely that additional testing would locate significant archaeological resources.

The proposed new work will occur in areas that have been previously surveyed, are on poorly drained or disturbed soils, or are small slivers adjacent to prior negative surveys. It is unlikely that significant archaeological resources will be impacted by the revised ESD locations and no additional investigation is recommended.

Review Request

Please examine the attached letters, plans, map, DOE short forms and Eligibility and Effects Table. We request your concurrence by May 15, 2014 that there would be no adverse effects on historic properties by Project AA510M11, MD 198 from MD 295 to MD 32. By carbon copy, we invite the Anne Arundel County Office of Environmental and Cultural Resources and the National Park Service to provide comments and participate in the Section 106 process. Pursuant to the requirements of the implementing regulations found at 36 CFR Part 800, SHA seeks their assistance in identifying historic preservation issues as they relate to this specific project (see 36 CFR §800.2(c)(3) and (5), and §800.3(f) for information regarding the identification and participation of consulting parties, and §800.4, and §800.5 regarding the identification of historic properties and assessment of effects). For additional information regarding the Section 106 regulations, see the Advisory Council on Historic Preservation's

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website, www.achp.gov, or contact the Maryland State Highway Administration or the Maryland Historical Trust. If no response is received by May 15, 2014 we will assume that these offices decline to participate. Please call Jon Schmidt at 410-545-2899 (or via email at jschmidt3@sha.state.md.us) with questions regarding standing structures for this project. April Fehr may be reached at 410-545-8848 (or via email at afehr@sha.state.md.us) with concerns regarding archaeology.

Very truly yours,


For

Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division

Digitally signed by April Fehr for
DN: cn=April Fehr for, o=SHA,
ou=EPLD-CRS,
email=afehr@sha.state.md.us, c=US
Date: 2014.04.16 08:50:06 -04'00'

- Attachments:
- 1) Previous Section 106 Correspondence
 - 2) Project Plans
 - 3) APE Map
 - 4) DOE short forms
 - 5) Eligibility and Effects Table

cc: Ms Karen Arnold, SHA-EPLD (w/Attachments)
Mr. William Carver, SHA-PPD
Ms. April Fehr, SHA-EPLD (w/Attachments)
Mr. Jon Schmidt, SHA-EPLD (w/Attachments)
Mr. Gopaul Noojibail, National Capital Parks – East
Ms. Tammy Stidham, National Capital Region of the National Park Service
Dr. Julie M. Schablitsky, SHA-EPLD
Ms. Darian Beverungen, Anne Arundel County, Office of Environmental & Cultural Resources (w/Attachments)

**Concurrence with the MD State Highway Administration's
Determination(s) of Eligibility and/or Effects**

Project Number: AA510M11 MHT Log No. 201401851
Project Name: MD 198 from MD 295 to MD 32
County: Anne Arundel
Letter Date: April 16, 2014

The Maryland Historical Trust has reviewed the documentation attached to the referenced letter and concurs with the MD State Highway Administration's determinations as follows:

Eligibility (as noted in the Eligibility and Effects Table [Attachment 4]):

☒ Concur
☐ Do Not Concur

Effect (as noted in the Eligibility and Effects Table [Attachment 4]):

☐ No Properties Affected
☒ No Adverse Effect
☐ Conditioned upon the following action(s) (see comments below)
☐ Adverse Effect

Agreement with FHWA's Section 4(f) criteria of temporary use (as detailed in the referenced letter, if applicable):

☒ Agree

Acknowledgment of FHWA's intent to make a *de minimis* impact finding (as detailed in the referenced letter, if applicable):

☒ Acknowledge

Comments:

We look forward to reviewing the final landscaping plans,
when available.

By:

Jim J. [Signature]
MD State Historic Preservation Office/
Maryland Historical Trust

5/8/2014
Date

Section 4(f) Criteria of Temporary Occupancy and *de minimis* Finding Approval, if applicable:

Federal Highway
Administration

Printed Name

Date

Return by U S Mail or Facsimile to:
Dr Julie M Schablitsky, Assistant Division Chief, Environmental Planning Division,
MD State Highway Administration, P O Box 717, Baltimore, MD 21203-0717
Telephone 410-545-8870 and Facsimile 410-209-5046