



Request for Public Comment

Section 4(f) of the US Department of Transportation Act- *de minimis* Finding

MD 77 from Stottlemeyer Road to Pryor Road Culvert Replacement

PROJECT DESCRIPTION

The Maryland Department of Transportation State Highway Administration (MDOT SHA) proposes a drainage maintenance project along MD 77 between Stottlemeyer Road and Pryor Road (4.8 miles) in Frederick County, Maryland. Proposed work will include replacing eight (8) small structures and 39 pipe culverts of various sizes. This project will impact the DNR Cunningham Falls State Park, a publicly owned public park protected under Section 4(f) of the U.S. Department of Transportation Act of 1966 (Section 4(f)).

QUESTIONS AND ANSWERS ABOUT THE PROJECT

Why is this work necessary and what improvements are proposed?

The purpose of the project is to replace corroded or damaged culverts and structures and upgrade non-standard outfall structures with standard MDOT SHA structures, as part of MDOT SHA's regular roadway maintenance. The scope of work involves replacing eight (8) small structures and 39 pipe culverts of various sizes. Thirty-three (33) of the thirty-nine (39) culverts will be replaced in-kind; the remaining six will be replaced with larger pipes due to flooding concerns.

Why are comments being requested?

23 CFR 774.5(b) of Section 4(f) allows the Federal Highway Administration (FHWA) to determine that certain transportation uses of Section 4(f) land will have no adverse effect on the protected resource. With respect to publicly owned parks and recreation areas, a finding of *de minimis* impact may occur if a transportation project does not "adversely affect the activities, features and attributes" of the Section 4(f) resource. When this is the case, the finding of FHWA requires written concurrence from the officials with jurisdiction over the resource. In addition, public notice and opportunity for public review and comment on the finding is required.

What are the impacts to protected Section 4(f) resources?

The project will require fee simple right of way and temporary construction easements from Cunningham Falls State Park, owned by the Maryland Department of Natural Resources. The proposed maintenance of traffic will allow access to the state park at all times, with a three-week spring detour for small structure work, and the potential for a second three-week detour in the fall. To limit impacts to park users, MDOT SHA has split the road closure along MD 77 into two parts; from Pryor Road to Catoctin Hollow Road, and from Catoctin Hollow Road to Stottlemeyer Road, which will allow for the park to remain open during the duration of the detour period(s). All other work will occur under flagging operations. Although the permanent and temporary easements needed from DNR Cunningham Falls State Park would constitute a "use" as defined under Section 4(f), there will be no negative impact on activities, features, and attributes that qualify the recreation area for protection under Section 4(f). MDOT SHA, through this notice, is advising the public that it will request that FHWA make a *de minimis* (or minor) impact finding, in accordance with Section 4(f). The MD DNR was informed of MDOT SHA's intent to seek a *de minimis* impact finding on August 2, 2018. With this notice, the public is afforded the opportunity to provide comments on this finding.

How do I comment?

Please contact Mr. Michael Lloyd, MDOT SHA Project Manager at (301) 624-8173 or MLloyd@sha.state.md.us or Ms. Marissa Lenoce, MDOT SHA Environmental Manager at (410) 545-8020 or MLenoce@sha.state.md.us; or visit us at www.roads.maryland.gov.