



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

State Highway  
Administration

Darrell B. Mobley, Acting Secretary  
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

May 9, 2013

RE: Project No. FR549M11  
MD 180/MD 351 from Greenfield Drive  
to South of Corporate Drive  
Frederick County, Maryland

Mr. Paul Dial, Division, Director  
Frederick County Department of  
Parks and Recreation  
118 North Market Street  
Frederick, Maryland 21701

Dear Mr. Dial:

The Maryland State Highway Administration (SHA) is continuing Project Planning studies for the MD 180 and MD 351 project from Greenfield Drive to south of Corporate Drive in Frederick, Maryland. The purpose of this letter is to request your concurrence that the proposed project would have *de minimis* impacts on Ballenger Creek Park that would not adversely affect the activities, features or attributes of the park. Impacts to the park are shown on a map included in **Attachment 1**.

The purpose of this project is to improve capacity and traffic operations along MD 180 and MD 351, while supporting existing and planned development in the area. Improvements to MD 180/MD 351 would accommodate projected traffic volumes, improve existing and future roadway capacity and traffic operations along the corridor, and improve access, mobility, and safety for local, regional, and inter-regional traffic.

The SHA previously coordinated with your office regarding this project in April 2006 (**Attachment 2**), September 2008 (**Attachment 3**), and January 2009 (**Attachment 4**). The April 2006 letter informed your office that the initial stages of Project Planning had commenced and to request information regarding public parks and recreation areas in the study area. The September 2008 letter updated your office on the status of the Project Planning study and to introduce the Alternatives Retained for Detailed Study and their associated impacts on Ballenger Creek Park (See the September 29, 2008 letter for detailed project descriptions).

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • [www.roads.maryland.gov](http://www.roads.maryland.gov)

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The January 2009 letter requested concurrence on the finding of *de minimis* for impacts to Ballenger Creek Park, a Section 4(f) resource. As stated in this letter, the proposed improvements would constitute a use of park property under Section 4(f) of the US DOT Act of 1966. However in this case, the proposed action may be determined to be a *de minimis* use as defined by 23CFR774. 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 Federal Highway Administration (FHWA) requires written concurrence in this determination from the official(s) with jurisdiction over the resource. In addition, public notice and opportunity for public review and comment on the finding is required.

Since the 2009 request, an Environmental Site Design (ESD) plan was developed in compliance with new requirements set forth by the Maryland Department of the Environment. Under the new limits of disturbance (LOD), impacts to Ballenger Creek Park will be 0.94 acre. Of this, 0.57 acre will be required for the widening of the road and the addition of the sidewalk (plus grading), and 0.37 acre will be required for drainage needs. Although the right-of-way required from Ballenger Creek Park is considered a Section 4(f) use, the land needed is not actively used for recreation purposes. In addition to the roadway improvements, the project will improve and enhance pedestrian facilities near the park by adding a new 5-foot, ADA compliant sidewalk along MD 351. A buffer will be provided for drainage and landscaping as well. Therefore this minor acquisition is not anticipated to adversely affect the recreational opportunities within Ballenger Creek Park.

We again request your concurrence that these minor impacts will not impair the activities, features and attributes of Ballenger Creek Park by May 31. Based on your agreement, the SHA intends to propose a *de minimis* impact finding to the FHWA for the use of the park property. Public comment on the proposed impacts will be sought prior to requesting final approval from FHWA on the *de minimis* impact finding. The *de minimis* impact finding will be posted on SHA's project website to solicit the public comments.

Should you have any questions or need additional information, please feel free to contact the Environmental Manager, Mr. Michael Sybert at 410-545-8471 or via email, [msybert@sha.state.md.us](mailto:msybert@sha.state.md.us).

Very truly yours,

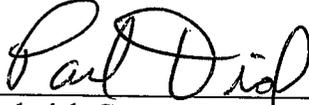


Digitally signed by Joseph Kresslein  
DN: cn=Joseph Kresslein, o, ou,  
email=jkresslein@sha.state.md.us, c=US  
Date: 2013.05.09 13:55:29 -04'00'

Joseph R. Kresslein  
Assistant Division Chief  
Environmental Planning Division

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**CONCURRENCE:**

  
Frederick County Department of  
Parks and Recreation

 5/28/13  
Printed Name Date

**APPROVAL:**

\_\_\_\_\_  
Federal Highway Administration Printed Name Date  
DelMAR Division

Enclosure w/ Attachments

- cc: Ms. Allison Grooms, Team Leader, SHA-EPLD [w/Attachments]  
Ms. Kameel Hall, Project Manager, SHA-PMD [w/Attachments]  
Mr. Joseph Kresslein, Assistant Division, SHA-EPLD [w/Attachments]  
Ms. Jeanette Mar, Environmental Program Manager, FHWA-DelMar Division  
[w/Attachments]  
Mr. Donald Sparklin, Chief, Environmental Planning Division, SHA [w/Attachments]  
Mr. Michael Sybert, Environmental Manager, SHA-EPLD [w/Attachments]  
Ms. Jorismar Torres, Area Engineer, FHWA-DelMar Division [w/Attachments]