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United States Department of the Interior

NATIONAL PARK SERVICE
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740



IN REPLY REFER TO:
I.A.2. (CHOH)

June 26, 2020

Ms. Elizabeth Hughes
State Historic Preservation Officer
Maryland Historical Trust
100 Community Place,
Crownsville, MD 21032

Subject: Determination of Effect for the City of Cumberland's Combined Sewer Overflow Installation Project within portions of the Chesapeake & Ohio Canal NHP, Allegany County, Maryland

Dear Ms. Hughes:

The National Park Service (NPS), Chesapeake and Ohio Canal National Historical Park (CHOH) wishes to continue consultation with the Maryland Historical Trust (MHT) under Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) regarding the City of Cumberland 78-inch CSO Pipeline Installation Project, in accordance with 36 CFR 800.3 of the regulations of the Advisory Council on Historic Preservation. This letter serves to inform the MHT of CHOH's determination that the proposed undertaking will result in No Adverse Effect to historic properties. Consultation between NPS and MHT was initiated by a letter sent on April 13, 2020.

Management Summary and Description of Undertaking

The City of Cumberland (City) proposes to mitigate mandated Combined Sewer Overflow (CSO) issues by installing a new 78-inch CSO pipeline along and adjacent to approximately 2.65 miles of the Chesapeake and Ohio Canal National Historical Park (CHOH), between mile posts 181.8 and 184.5. This pipeline will carry the overflows from the Mill Race CSO, Oldtown Road overflow, and Elizabeth Street diversion manholes and convey the flows to the City's Water Reclamation Facility (WRF). The City, in cooperation with CHOH, completed an Environmental Assessment of the proposed action. The portion of the project area within CHOH is located between Canal Place and Riverside Park in Allegany County, Maryland.

The purpose of the 78-inch CSO pipeline installation project is to provide a means to transport a greater capacity of combined sewage and stormwater from the Mill Race Screening Facility (which collects flow from several interceptors serving the northern portion of the City) to the City's WRF. A Consent Decree was issued by the Maryland Department of the Environment (MDE) in 2001, requiring the City of Cumberland to eliminate the combined sewer overflows (CSOs) by October 2023, per the Environmental Protection Agency's (EPA) 1994 CSO Control Policy. The Mill Race pipeline project serves to complete the capture of overflows from the Mill Race area, the second largest overflow location in the City. Two additional overflows at Oldtown Road and Elizabeth Street will also be captured by this pipeline.

Since issuance of the EPA CSO Policy in 1994, the City has completed the following projects: Mill Race Screening and Odor Control Facility; Evitts Creek Pumping Station, Force main, and Gravity Sewer Upgrades; Enhanced Nutrient Removal (ENR) Upgrades at the WRF; and multiple additional studies of the system. Phase I of the CSO Storage Facility is currently under construction and additional projects are planned.

The alignment of the proposed pipeline has been modified through several iterations in order to avoid and/or minimize impacts to the existing natural, environmental, historic, archeological, and park user

#2NA oc 7/29/2020 See Ph. I of Trussell 2020

resources. A gravity flow pipeline design was selected to both minimize cost and negate the need for unsightly pumping stations along the proposed corridor within and adjacent to the Park and towpath. Construction for the majority of the pipeline would involve the excavation of a trench at an engineered gradient. The pipeline would be installed within the trench, then the excavated area would be backfilled to reestablish the pre-existing grades. Certain obstacles along the alignment, such as the towpath, Canal Parkway, and railroad crossings will require the pipeline to be installed within a constructed tunnel to avoid impacts associated with above ground crossings.

Once complete, the vast majority of the CSO system would be concealed below grade, but there would be visible portions of the infrastructure. In its current stage of design, eight manholes would be located on NPS property and 18 manholes and three junction structures would be visible from the towpath and other points along the route of the CSO. However, the City proposes to match the character of above grade structures to existing historic materials in design, color, and texture to minimize the effect on the cultural landscape.

Area of Potential Effect

The current alignment generally runs in between and parallel to the NPS towpath and the North Branch of the Potomac River (hereinafter referred to as the North Branch) for the majority of the alignment, from the Mill Race facility at Canal Place to the Cumberland WRF. The proposed alignment for the 78-inch pipeline avoids crossing the canal itself but will require one crossing of Canal Parkway and one crossing of the towpath. The limits of disturbance for the installation of the pipeline consists of an 80-foot wide corridor, with bump-outs for staging areas, access points, and areas where a wider construction footprint is necessary.

A portion of the project is located within the Chesapeake and Ohio National Historical Park Historic District. Although the proposed project has been designed to avoid the contributing elements to the District, including the towpath, the canal prism, the stop gate, and the waste weir, the project will temporarily disturb the land within the Park, and will require the installation of manhole covers and above ground structures, which will be visible from the towpath.

The APE includes the approximately 2.65-mile route of the CSO, construction access points, and staging areas. Additionally, the entire section of the towpath adjacent to the route is included as visual impacts may occur from construction and permanent above grade infrastructure, such as manholes.

Identification of Historic Properties

The APE, as proposed, has been surveyed for cultural resources for the Chesapeake and Ohio Canal National Historical Park Historic District. Surveys were conducted of the National Register of Historic Places listing (listed 1979; boundary increase February 3, 2015), the List of Classified Structures database, and the Systemwide Archeological Inventory Program. Additionally, the City has initiated its own cultural resource surveys, including a Phase I archeological survey, to which the MHT has already been notified.

Contributing elements to the C&O Canal NHP Historic District (MIHP AL-I-B-086) within the APE include the following:

- C&O Canal Prism from approximately milepost 181.82 to 184.44.
- C&O Canal Towpath from approximately milepost 181.82 to 184.44.
- Culvert 241 (LCS# 12857; dating between 1840 – 1850; modified in the 20th century, probably during the Canal Parkway construction).
- Masonry Stop Gate (LCS # 12859; dating between 1840 – 1850; date of concrete additions unknown but likely early twentieth century).
- Spillway and Wasteweir (LCS# 11775; dating between 1840 – 1850; date of concrete additions unknown but likely early twentieth century).
- C&O Canal National Historical Park: Western Terminus (Canal Place, Crescent Lawn) (MIHP AL-IV-A-048; mixed ownership of the location).

Consultation and Potential Effects to Historic Properties

Based on known information about Native American Groups in the study area, we have determined that there are Federally recognized Tribes that may attach cultural or religious significance to portions of the APE. Although CHOH recognizes that the APE, as it pertains directly to activities within the boundaries of the park, has low potential for intact prehistoric contexts owing to the extent of historic and modern disturbances, separate consultations with Native American Groups are prudent, nonetheless. Letters inviting Tribal consultation have been sent to the Delaware Nation, the Eastern Shawnee Nation, and the Seneca Cayuga Nation. Additionally, it is not believed that this action will affect ethnographic resources or museum collections.

Our analysis of the APE, level of baseline documentation of the park's resources, employment of safety measures to avoid impacts to potentially new resources, and consultation with National Capital Area staff leads us to conclude that the proposed City of Cumberland 78-inch CSO Pipeline Installation Project will have No Adverse Effect on historic properties under Section 106 of the National Historic Preservation Act. Ground disturbance is required but the project area has been heavily disturbed by the installation of utilities and Army Corps of Engineers flood control projects.

This letter is accompanied by the proposed design and additional supporting documents. If you have any questions, please feel free to contact Jeri DeYoung, Chief of Resources Management, at 301-714-2210 or jeri_deyoung@nps.gov, or Justin Ebersole, Archeological Technician, at 301-714-2224 or justin_ebersole@nps.gov.

Sincerely,

TINA
CAPPETTA

Digitally signed by TINA
CAPPETTA
Date: 2020.06.26
10:19:29 -04'00'

Tina Cappetta
Superintendent
Chesapeake and Ohio Canal National Historical Park

Attachments

Supporting Documents
60% Design Submission
Maps of Project Area

References

Balicki, Joseph, Reginald Pitts, Kerri Culhane, Lisa Young, Douglas C. Kellogg, Bryan Corle, and Jennifer Green

- 2000 The End of the Line: Phase I and II Archeological Investigations at the Terminus of the C&O Canal, Crescent Lawn Site (18AG227), Cumberland, Allegany County, Maryland. (SHA Archeological Report No. 213) (John Milner Associates) AG 57

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- 2000 Mile Post 184.5 on the C&O Canal: Phase I Archeological Investigations of the Proposed Rewatered Turning Basin, Crescent Lawn Archeological District (18AG227), Cumberland, Allegany County, Maryland. (John Milner Associates, Inc.) AG 65
- 2001 Basin of Boats: The 2001 Archeological Monitoring of Proposed Sewer Enhancements within the Crescent Lawn Archeological District (18AG227), Cumberland, Allegany County, Maryland. (John Milner Associates) AG 73

Balicki, Joseph F. and Bryan Corle

- 2005 On the Waterfront: Cultural Resource Investigations for the Cumberland Flood Mitigation Proposed Chesapeake & Ohio Canal Rewatering Project, C&O Canal National Historic Park, Cumberland, Allegany County, Maryland. (John Milner Associates, Inc.) AG 83

Bedell, John, Jason Shellenhamer, Charles LeeDecker, Stuart Fidel

- 2011 River and Mountain, War and Peace: Archeological Identification and Evaluation Study of Chesapeake & Ohio Canal National Historical Park, Hancock to Cumberland (Mile Markers 123 to 184), Volumes I, II, and III. The Louis Berger Group, Inc., Washington, DC.

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- 1979 Classification of Wetlands and Deepwater Habitats of the United States. Office of Biological Services, U.W. Fish and Wildlife Service. FWS/OBS-79-31.

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- 1995 Preliminary Significance Statement for the Taylor Tin Mill Archeological Site, Canal Parkway Development Project. Short Reports Compendium, 1992-1998. (State Highway Administration) MHT # GA 47

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- 2001 Miscellaneous Archeological Research on State Highway Administration Projects in District 6, Washington and Allegany Counties, Maryland: Clear Spring Streetscape; Hancock Stone Arch Drainage System; Midland Streetscape; Canal Parkway: Taylor Tin Mill; Canal Parkway: Other Construction Finds; Cumberland and Pennsylvania Railroad Tunnel in Frostburg (SHA Report No. 243.) MHT # WA 105

Helms, Alison, and Kathy Fobes-Jacoby, Robert Jacoby, Kim Kratzer, Karen Orrence, Kay Simpson, John H. Sprinkle, Jr., Ingrid Wuebber

- 1993 Phase II-Level Background Research for the Canal Parkway Development Study, Allegany County, Maryland. Prepared for Maryland State Highway Administration Project Planning

The Maryland Historical Trust concurs with the Chesapeake and Ohio Canal National Historical Park that the proposed City of Cumberland's Combined Sewer Overflow Installation Project located in the section of the park passing near the city of Cumberland in Allegany County, Maryland will have no adverse effect on historic properties. → For the entire undertaking.

Signature: Both Cole Date: 7/28/2020

The Maryland Historical Trust does not concur with the Chesapeake and Ohio Canal National Historical Park that the proposed City of Cumberland's Combined Sewer Overflow Installation Project located in the section of the park passing near the city of Cumberland in Allegany County, Maryland will have no adverse effect on historic properties. Additional consultation will be required.

~~Signature:~~ _____ ~~Date:~~ _____

Comments: On 7/21/2020 MHT received and reviewed the report on the Phase I archeological and geomorphological investigations the City conducted for this project (Trussell 2020). Based on the information in the report, MHT concurs that the following 3 sites do not meet the criteria for eligibility in the NRHP and further work is not needed: 18AG299, 18AG303, 18AG304. The site 18AG302 (South End pump) extends beyond the APE for this project and a formal evaluation of its eligibility is beyond the scope of this project. Further work is not needed for the current undertaking.

MHT appreciated the diligent efforts the City of Cumberland has taken to identify archeological sites and to work with NPS to ensure the project has no adverse effect on historic properties.

cc: Suzanne Trussell (trussell.suzanne@yahoo.com)

