



Kent Conservation & Preservation Alliance

861 Washington Avenue, Suite 256 • Chestertown, MD 21620

May 28, 2018

Jeanette Mar
Federal Highway Administration
31 Hopkins Plaza, Suite 1520
Baltimore, MD 21201

Re: Historic Resources and the Bay Bridge Crossing Study: Comments by Kent Conservation and Preservation Alliance

Dear Ms. Mar:

Kent Conservation and Preservation Alliance (KCPA) submits the following comments pursuant to the (Chesapeake) Bay Crossing Study initiated by FHWA's notice of intent published on October 11, 2017. The study is being conducted in concert with the Maryland Transportation Authority and seven Cooperating Agencies. We are copying three of the Participating Agencies identified in the Coordination Plan of March 12, 2018, the Advisory Council on Historic Preservation, the National Park Service and the Maryland Historical Trust, as these comments focus on the potential problems of the study and potential adverse impacts on historic resources in our county.

To summarize the details presented in the following comments, KCPA's concern is that a fast-track NEPA Tier 1 EIS for a new Chesapeake Bay crossing under the National Environmental Policy Act will be reliant on flawed existing knowledge of Kent County's historic resources. Should any corridors be identified in Kent County for analysis to be detailed in the Draft Environmental Impact Statement, a further flaw is that existing information fails to take account of the entirety and significance of Kent County's cultural landscape.

This correspondence will also serve as Kent Conservation and Preservation Alliance's written request to be a consulting party in Section 106 of the National Historic Preservation Act review process.

Sincerely,

The Board of Directors of the Kent Conservation and Preservation Alliance

Janet Christensen-Lewis, Chair
John Lysinger, Secretary
Judy Gifford
A. Elizabeth Watson, FAICP

Pat Langenfelder, Vice-Chair
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cc: Governor Larry Hogan

Ms. Heather Lowe, Project Manager, Bay Crossing Study, Maryland Transportation Authority

Ms. Melissa Williams, Director, Planning and Project Development,

Maryland Transportation Authority

Secretary Pete K. Rahn, Maryland Department of Transportation

Ms. Elizabeth Hughes, Director/State Historic Preservation Officer, Maryland

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Mr. Robert McCord, Acting Secretary, Maryland Department of Planning

Ms. Sarah Stokely, Program Analyst, Federal Permitting, Licensing, and

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Delegate Jeff Ghrist

Ms. Elizabeth Beckley, Chairman, Kent County Historic Preservation Commission

Ms. Amy Moredock, Director of Planning, Zoning and Housing Development,

Kent County Department of Planning and Zoning

Ms. Bernadette Bowman, Kent County Coordinator, Chesapeake Country

National Scenic Byway and Director, Kent County Office of Tourism Development

Ms. Gail Owings, Executive Director of Stories of the Chesapeake

Heritage Area, Eastern Shore Heritage, Inc.

Nicholas Redding, Executive Director, Preservation Maryland

Senator Thomas M. Middleton, Chair, Senate Finance Committee

Delegate Kumar P. Barve, Chair, House Environment and Transportation Committee

Ms. Jeannie Haddaway-Ricco, Director, Intergovernmental Affairs, Office of the Governor,

State of Maryland

Professor John Seidel, Director, Center for Environment and Society, Washington College

Ms. Stephanie Meeks, President, National Trust for Historic Preservation

Mr. O. James Lighthizer, President, American Battlefield Trust

Mr. Jay Falstad, Executive Director, Queen Anne's Conservation Alliance



Historic Resources and the Bay Bridge Crossing Study: Comments by Kent Conservation and Preservation Alliance (KCPA), May 30, 2018

Part 1: Introduction

The Chesapeake Country National Scenic Byway bisects Kent County east from west, rising up from Chestertown, a former colonial port on the Chester River, to a broad, nearly level agricultural plain incised with a few wooded stream valleys. In adjoining territory in Delaware, a part of this land formation was called “the Levels.” What drivers see along this route—one of only 150 found in the United States—is an American landscape as valuable in its own right as such beloved American landscapes as Virginia’s Shenandoah Valley or the Berkshires in Massachusetts.

As the years have passed and others have failed across Maryland and the United States to protect similar places from sprawl-induced growth, Kent County has grown even more special. Today, it is not just the landscape, but the protections pursued here that are worthy of national recognition. Outside the American West, where much of the land is federally owned, only a few landscapes have achieved the level of protection found here.

This is all to begin our explanation that Kent County is home to a valuable cultural landscape comprising not only the hundreds of historic resources individually identified in the Maryland Inventory of Historic Properties (MIHP) but also, and significantly, a substantially intact working rural landscape. The natural qualities of this landscape (soils, topography, water, climate) and its location within the Chesapeake Bay region (relating to its geology, latitude, and water access) governed its evolution. The extent of its prime farmland and other agricultural soils of statewide importance in particular make this landscape unique. The highly productive land led directly to the wealth of historic sites and districts found here.

These qualities and resources remain important to this day in conveying Kent County’s identity and significance.

KCPA’s concern is that the methodology and assumptions in force by the MDTA as it pursues a fast-track study to produce a Tier 1 Environmental Impact Statement (EIS) for a new Chesapeake Bay crossing under the National Environmental Policy Act (NEPA) will likely rely on flawed existing knowledge of Kent County’s cultural landscape and individual historic resources. The process will therefore likely fail to take account of the entirety and significance of Kent County’s historic resources, including the cultural landscape.

There are many reasons to argue against siting a new bridge across the Chesapeake Bay to Kent County. The protection of the cultural landscape and historic resources of Kent County is most certainly among those reasons. A bridge would require the taking of many miles, acres, and historic sites and landscapes required for approach roads. It would surely result in many negative indirect and cumulative effects on Kent County’s culture and heritage spreading out from that intrusion, including loss of farms and their historic character-defining agricultural land use. MDTA, and Participating Parties Maryland Historical Trust and (federal) Advisory Council on Historic Preservation, must ensure a complete understanding of these resources during the Tier 1 process. This is critical to ensuring an adequate environmental review under both NEPA and Section 106 of the National Historic Preservation Act of 1966 (NHPA) and a well-informed decision-making process that those reviews are designed to guide.

Part 2: Kent County's Cultural Landscape

Kent County is bounded by the Sassafras River to the north, the Chesapeake Bay to the west, the Chester River to the southeast and south, and the Mason-Dixon line to the east, dividing Maryland from Delaware and although an artificial boundary, a boundary that is historic in its own way. The county's 279 square miles of land area, mingled with another 136 square miles of rivers and the Chesapeake Bay, comprise a significant cultural landscape. It was occupied by American Indians for thousands of years before European contact, and it has continuously evolved as an agricultural and maritime landscape since European exploration in the early 1600s.

Kent County (a "mother county" from which Talbot, Queen Anne's and Caroline Counties were carved) is among the earliest landscapes settled in eastern North America by English and African American colonists. Maryland was pioneered on a site not far away by water from Kent County in 1634, Jamestown in 1606, Plymouth in 1620, and the Massachusetts Bay Colony in 1630.

While no buildings survive from the earliest colonial times, archeological resources from that period remain, and landscape patterns likely follow those set by earlier indigenous use (fields, stream crossings, and pathways) and may remain in place to an appreciable degree (as suggested in another Chesapeake landscape described in *Potomac River Country* by James D. Rice—see references). Moreover, archeological predictive modeling and known archeological sites suggest a rich number of unstudied pre-contact sites.

The economic conditions that favored the agricultural and maritime settlements of the county since the early 1600s have remained virtually unchanged. This agricultural county and its small towns and villages have prospered through the good times and the hard times of American history while responding to evolving technological and architectural changes. It is possible to "read" that layered history in the individual historic resources as well as the landscape patterns associated with the matrix of highly connected landscape systems and features that survive.

A large agricultural landscape on the East Coast that has such a high level of continuity of land use and surviving physical characteristics is among the rarest of the rare, especially one that was densely settled so early in the history of the nation and which has so many identified historic resources. Unless the entire landscape is accounted for, it is impossible to truly understand the 717 known historic resources (sites and districts¹) shown on our accompanying map—not to mention sites not seen on our map, that is, those yet to be surveyed and still others found in MHT's archeological records. The known number includes the Chestertown National Historic Landmark District, the nation's highest form of recognition for historic

¹ This number is derived from the GIS attribute tables associated with shapefiles obtained from Maryland iMap, Maryland's official GIS data portal (<http://imap.maryland.gov/Pages/default.aspx>). Our map's legend notes 657 sites and districts entered in the MIHP and an additional 36 sites and districts listed in the National Register of Historic Places; there are also 23 easements (8 NR individually listed plus 14 in the Chestertown NR/NHL HD, plus 1 museum property not NR but originating from Chestertown). Our map does not include 3 vessels (K-439, K-440, K-442) and one demolished (K-705, Board of Education Building). An additional 36 sites have been determined eligible for the National Register, out of 105 MIHP entries that have been so evaluated (that is, an additional 24 have been evaluated and found ineligible; 18 of these—DOE-KE-0001 through 0018—are not shown on our map). The accompanying map is illustrative only and will be revised in the process of producing the Preliminary Cultural Landscape Assessment of Kent County as described in Part 6.

resources; fewer than six percent of the nation's landmark recognitions have been granted to historic districts (154 out of 2,623; April 2017 figures).

While technically not a criterion in assessing a cultural landscape's significance and integrity, it should also be noted that the reason for the extraordinary integrity exhibited in this landscape is exceptional local stewardship. Private property owners and the county government have collaborated to such a degree that today nearly 28 percent of the landscape is permanently protected. Still more acreage is formally identified for permanent protection by candidate easement sellers (owners) who have enrolled their properties in local agricultural districts (thus qualifying for purchase of agricultural easements when the time is right for the owner and funds are available). The remainder of the agricultural use zone established by the county (more than 75 percent of the county's land area) is strictly managed under land use rules created more than thirty years ago. Kent County's five municipalities have collaborated with the county government in establishing secure priority investment areas where development is permitted.

Because of such stewardship, the county has drawn talented farmers who moved to the area from other places where farming was not as valued, joining families who have farmed successfully in Kent County for generations. Investment in modern farming methods is high, and high land values reflect the county's desirability for farming, not development. In 2008, Kent County was named #1 among "Best Rural Places to Live in America." In recognizing the county, *Progressive Farmer* stated, "What makes Kent stand out is its residents' resolve to maintain a solid rural heritage."

Such determination, however, can go only so far in the face of the overwhelming growth pressures that would result from much closer access to the western shore than is already available—Baltimore and Washington, DC, are both less than two hours away from Chestertown (less than three for anywhere else in the county), and Annapolis is only an hour or two away. Even a county that has permanently protected more than a quarter of its land area stands to see enormous impacts from the direct loss of farms and income-producing farmland combined with the decisions over time of other owners throughout the immediate region (including lower Cecil and upper Queen Anne's counties) to pursue alternate, more lucrative land uses and to pressure local government leaders for the necessary zoning, subdivision, and other regulatory changes. These losses would lead ultimately to loss of the critical services nearby that farmers need to stay profitable, as such off-farm businesses as tractor dealers and large-animal veterinarians see their customer base shrink to unsustainable levels. Ultimately, as can be seen in Baltimore County and nearby states in such suburbanizing areas as northern New Jersey and counties around Philadelphia, even preserved lands may lose their farmers, who may find it difficult to farm in the face of lost services, habitat fragmentation and disturbance that encourages crop loss to deer and noxious vegetation, and farming in close proximity to non-farm neighbors. Abandonment of farm structures and residences would not be far away in this scenario. There is no alternative to preserving a working cultural landscape than keeping the profitable private ownership and agricultural patterns in place that gave rise to that landscape in the first place.

Part 3: Defining "Cultural Landscapes"

Cultural landscapes have been an object of formal study since at least 1981, when the National Park Service first defined "cultural landscape" as a cultural resource type, after a precursor definition of "historic scene" in 1973. It similarly defined the "cultural landscape report" in 1985 as the official NPS

planning document for cultural landscape treatment plans.² In response to the need to address the challenges associated with nominating cultural landscapes to the National Register of Historic Places (NRHP), a survey of recent work and important topics is summarized in *Acknowledging Landscapes: Presentations from the National Register Landscape Initiative*. The National Register Landscape Initiative's website is also an important source for those unfamiliar with National Park Service concerns (see references).

The National Park Service defines cultural landscapes as follows (Preservation Brief 36):

A cultural landscape is defined as "a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values." There are four general types of cultural landscapes, not mutually exclusive: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes....

Historic landscapes include residential gardens and community parks, scenic highways, rural communities, institutional grounds, cemeteries, battlefields and zoological gardens. They are composed of a number of character-defining features which, individually or collectively contribute to the landscape's physical appearance as they have evolved over time. In addition to vegetation and topography, cultural landscapes may include water features, such as ponds, streams, and fountains; circulation features, such as roads, paths, steps, and walls; buildings; and furnishings, including fences, benches, lights and sculptural objects.

Most historic properties have a cultural landscape component that is integral to the significance of the resource. Imagine a residential district without sidewalks, lawns and trees or a plantation with buildings but no adjacent lands. A historic property consists of all its cultural resources—landscapes, buildings, archeological sites and collections.

The National Register of Historic Places (NRHP), a National Park Service program operated under the NHPA, has defined a "rural historic landscape" as follows (National Register Bulletin 30):

The rural historic landscape is one of the categories of property qualifying for listing in the National Register as a historic site or district. For the purposes of the National Register, a rural historic landscape is defined as a geographical area that historically has been used by people, or shaped or modified by human activity, occupancy, or intervention, and that possesses a significant concentration, linkage, or continuity of areas of land use, vegetation, buildings and structures, roads and waterways, and natural features.

Rural landscapes commonly reflect the day-to-day occupational activities of people engaged in traditional work such as mining, fishing, and various types of agriculture. Often, they have developed and evolved in response to both the forces of nature and the pragmatic need to make a living. Landscapes small in size and having no buildings or structures, such as an experimental

² Cultural Resource Management Guideline, NPS 28, Release No. 2 was the 1981 document. Release No. 3 in 1985 defined the cultural landscape report. The current version is available at https://www.nps.gov/parkhistory/online_books/nps28/28intro.htm. It is possible to argue that cultural landscapes have been objects of preservation since 1858 (preservation of Mount Vernon), as the National Park Service does here in a comprehensive timeline that provided the 1973, 1981, and 1985 dates in this paragraph: https://www.nps.gov/subjects/culturallandscapes/upload/CL_Timeline_PCLP_2016-2.pdf.

orchard, are classified as sites. Most, however, being extensive in acreage and containing a number of buildings, sites, and structures—such as a ranch or farming community—are classified as historic districts. Large acreage and a proportionately small number of buildings and structures differentiate rural historic landscapes from other kinds of historic properties....

An understanding of historic contexts is essential for identifying the significant properties of a rural area and determining the eligibility of any particular property.

Primary is significance, ascribed by specific criteria and weighed within the framework of a community, region, or State's historic contexts. Historic contexts provide background information about the patterns of history and development that shaped a particular geographical area. This information links a rural property with important historic trends or themes, such as dairy farming or cattle grazing, indicating whether the property is unique or representative of its time and place. Contextual information also allows the grouping of properties having similar patterns of historic development, making it possible to weigh their relative importance.

Historic integrity, a measure of a property's evolution and current condition, is also necessary. A comparison of the changes experienced by a group of properties related by common historic contexts helps define the historic characteristics and qualities of integrity that qualify a rural property for listing. Recent changes that have erased historic characteristics, and do not have exceptional importance, make a property ineligible, even if scenic qualities are still present.

Spatial organization, concentration of historic characteristics, and evidence of the historic period of development distinguish a rural historic landscape from its immediate surroundings. In most instances, the natural environment has influenced the character and composition of a rural area, as well as the ways that people have used the land. In turn, people, through traditions, tastes, technologies, and activities, have consciously and unconsciously modified the natural environment. Politics, social customs, ownership, economics, and natural resources have determined the organization of rural communities and the historic properties they contain.

Part 4: Tier 1 Offers a Flawed Approach for Evaluating Historic Resources

The Tier 1 process is underinvested: MDTA is spending just \$5 million on the Tier 1 study to choose a single two-mile-wide corridor³ somewhere within the hundred-mile length of the Bay. This includes not only environmental review, but also such expensive tasks as data-gathering and projections for traffic demand and feasibility determinations in terms of cost, revenues, and engineering. MDTA has said that Tier 2 will require six times the cost of Tier 1, \$30 million, for the intensive environmental studies needed for the resources within the preferred corridor in order to select the exact alignment. The underinvestment in Tier 1 has serious implications for the potential to miss significant historic resources in the current environmental review. This concern applies throughout Tier 1: to the selection of (1) the Range of Corridor Alternatives, (2) Corridor Alternatives Retained for Analysis (which will be detailed in

³ Source for the idea that prospective corridors might be two miles wide is a conversation with Planning and Project Development Director Melissa Williams at the MDTA's open house in Chestertown on May 10, 2018. The Notice of Intent states that "Each potential corridor alternative will consist of a corridor band approximately one mile wide. This width may be adjusted to accommodate the specific conditions at each crossing as the study progresses." <https://www.federalregister.gov/documents/2017/10/11/2017-21916/tier-1-environmental-impact-statement-for-the-chesapeake-bay-crossing-study-anne-arundel-county>

the Draft Environmental Impact Statement (DEIS)), and (3) the Recommended Preferred Corridor Alternative (also expected to be identified in the DEIS).

Existing information available for identifying historic resources is inadequate: In Tier 1, MDTA has said the process will use existing information available through “desktop GIS” (geographic information systems) to select potential corridors and ultimately to winnow corridor choices down to just one. Existing information for historic resources in Kent County (and no doubt on the Eastern Shore in general) is inadequate to properly support this process, not least because cultural landscapes there have not been studied to any appreciable degree. The inadequacy of historic resource information is discussed further in Part 5 below.

The likelihood is high that significant cultural landscapes could be “discovered” in the Preferred Corridor Alternative during Tier 2: During Tier 2, further investment in studies is promised, but this will come at a point when it will be impossible to entirely avoid significant cultural landscapes, since they can take in quite extensive areas of land. The rule in conducting Section 106 review under the NHPA (and environmental review generally) is first to seek to **avoid** negative impacts to historic resources, second to seek to **minimize** those impacts, and only as a third step when necessary, to **mitigate** impacts identified during the review that cannot be avoided or minimized. During Tier 1, it is theoretically possible for MDTA to generate enough information to avoid larger areas of significant landscapes altogether, by working to understand all historic resources and the direct, cumulative, and indirect impacts of the project. **Without investment in proper inventorying during Tier 1, however, significant rural cultural landscapes dominated by land, not buildings, that should be avoided could remain targets of opportunity for selection as the Preferred Corridor Alternative. Without such proper inventorying, in Tier 2 it may not be possible entirely to avoid large historic cultural landscapes** that deserve the legal protections afforded to historic resources under relevant laws.

Expertise is required: Many, if not most, cultural resource experts hired to undertake NEPA and Section 106 compliance-related research, identification of resources, and assessment of impacts on resources have little or no expertise and experience regarding cultural landscapes in general and large-scale cultural landscapes like those found in Kent County and the Eastern Shore in particular. Does the Tier 1 team include an expert on cultural landscapes comparable to Kent County? If not, then the absence of this critical expertise further buttresses the likelihood of a flawed Tier 1 process.

The methodology for the study of historic resources has not been made public and may not be known until provided in the DEIS, a Catch-22 setup: In the project’s Coordination Plan of January 9, MDTA stated an intention to complete the methodologies to be used in the Tier 1 study in February—that is, by the end of that month, the expectation was that the methodologies in their final form would receive concurrence by Cooperating Agencies (which do not include the Advisory Council and MHT). Once complete, they would be available for public review (drafts are not). Now, in a revised Coordination Plan dated March 12 and issued in early April with the Scoping Report, there is no mention of any action on any methodology

or methodologies other than in draft.⁴ We have been given to understand, through interaction with the MDTA team guiding Tier 1, that MDTA now intends to make those methodologies public at the point that the DEIS itself is made public, scheduled for the fall of 2019 (“Publish Draft EIS and Identify MDTA’s Recommended Preferred Corridor Alternative: Fall 2019”—found on page 14 of the Scoping Report). The methodologies to be used to gather critical environmental information will be among the determinants of the all-important recommendation for a Preferred Corridor Alternative. The most critical of those methodologies may be the one pertaining to historic resources. Because of known limits to information on historical resources as detailed in Part 5, how will those limits be identified and addressed effectively? **The Catch-22 setup here is that without the public’s ability to study the methodology, it is anyone’s guess on what technical basis the decision on the Preferred Corridor Alternative will be made, and by the time the DEIS is published and the work on which it is based is complete, it will be too late for public comment to have any practical effect on the methodology or the choice of preferred alternative.** The Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) are scheduled to follow the DEIS in a matter of months, leaving little time for public deliberation. (“Identify the Preferred Corridor Alternative: Winter 2019/2020”; “Publish Final EIS / Record of Decision: Summer 2020”—op. cit.)

Signoffs of Tier 1 will compound problems during Tier 2: One practice expected in this project in dividing Tier 1 from Tier 2 is that agencies that sign off on Tier 1 are committing themselves to supporting Tier 2, apparently based on this guidance in the regulations, intended to promote “efficient environmental reviews for project decisionmaking”: “Any issue resolved by the lead agency with the concurrence of participating agencies may not be reconsidered unless significant new information or circumstances arise.” (23 USC 139.h(4)) So, if information on cultural landscapes and associated historic resources is limited in Tier 1, the flaws in data collection and analysis are likely to be perpetuated in Tier 2. KCPA learned from MHT in a meeting in late January that the agency is considering bowing out of Tier 2 by creating a programmatic agreement at the end of Tier 1 to allow the MDTA to execute Section 106 on its own during Tier 2. This could compound errors in the initial environmental review under Tier 1.

Part 5: Inadequate Information for Historic Resources—“What Gets Mapped Gets Managed”

The Tier 1 process should take full account of the historic resources in Kent County’s landscape, all of them, in context—including recognition of the value of the landscape as a whole. Such a large-scale landscape at this level of protection and integrity increasingly has been and continues to be rare (again, see *Acknowledging Landscapes: Presentations from the National Register Landscape Initiative* listed in the References section).

When it comes to historic resources, however, there are a number of specific challenges in ensuring that the Tier 1 process is based on adequate information.

⁴ Version 1 (as available to the public): “MDTA requests **concurrence from Cooperating Agencies on coordination plan, Guiding Principles memorandum, and study methodologies.**” (This step in February 2018 follows two preceding steps of reviewing drafts; BCS Coordination Plan dated January 12, 2018, p. 4, row for February 2018.) Version 2: “MDTA requests **concurrence from Cooperating Agencies on Guiding Principles memorandum. MDTA requests concurrence from Cooperating and Participating Agencies and [sic] on the schedule included in the coordination plan.**” (BCS Coordination Plan dated March 9, 2018, p. 5, row for February 2018.)

Historic preservationists were slow to adopt geospatial database (GIS/mapping) technology as it first arose, in comparison to natural resources experts, who, as scientists, were early adopters of new technologies and therefore adapted and deepened their data collection accordingly. We thus have few fears for the natural resources that will receive “desktop GIS” reviews under Tier 1 methodologies; even prime farmland, for which we are submitting a separate letter of comment, is adequately mapped. Historic resources are another problem altogether. Historic resources that are not adequately documented and mapped are especially at risk under the Tier 1 study—if they are not visible through GIS, they could be missed altogether (“what gets mapped gets managed”). This concern breaks down into several issues, as follows.

Despite the apparent modernity of the MIHP as a source of “desktop GIS,” the data on which it relies is itself unreliable: Maryland’s computerized system, Medusa (<https://mht.maryland.gov/secure/medusa/>), which in its earliest form was ahead of those of other states, has recently been updated. Users can readily access the system to examine and sort any MIHP entry, National Register nomination, or determination by MHT of the eligibility of a MIHP entry for the National Register (“determination of eligibility,” or “DOE”) and see the location of these sites on computerized, on-screen maps. (The maps are also available through the Maryland’s mapping and GIS data portal, Maryland iMap, or the DNR’s Merlin GIS system.) But the MHT’s system continues to contend with the legacy of early surveying methods and sustained underinvestment in GIS capabilities and data collection. MIHP entries are sometimes as brief as a single paragraph with no photo. Such documentation is nearly useless in modern terms. (A random example of a limited entry is the one for Janes United Methodist Church in the Chestertown NHL HD, K-670.)

Surveys on which MIHP listings are based are likely out of date and now should be regarded as incomplete: As has been typical with state historic preservation programs across the nation, surveys in Maryland have been underfunded (and often not funded at all) for many years, while the technology and approach for inventorying rural historic resources have evolved well past what we see in the MIHP entries in Kent County. For example, and to one of our primary points, it is safe to say that few MIHP entries take account of the surroundings of the historic resources they describe (even though, as noted previously, the National Park Service has encouraged assessment of cultural landscapes as cultural resources since 1981). In addition, the considerable age of most MIHP entries⁵ indicates the likelihood that many resources could have been missed that were underappreciated (and younger) in earlier years of preservation practice. This includes such features as agricultural outbuildings and vernacular residences after the colonial period. No matter how expert Kent County’s surveyors were at the time, this indicates the critical need for at least a field reconnaissance by qualified professionals to understand deficiencies in the available data.

Maryland is especially lacking in information on rural cultural landscapes: In KCPA’s direct and recent experience with a large area of Kent County where a solar project was proposed to the Maryland Public

⁵ To check our contention about mostly old entries, look at the fifth (last) page of Medusa’s entries for Kent County (choose global for the search) and examine the one at the top, K-580. It was first written in 1979 and updated in 1985. (The report on the Medusa portal form beside the link to the survey document that it was “scanned” in 2004 should not mislead researchers into thinking that the documentation itself is that recent.) MIHP entries are made and numbered chronologically. K-675 is the first site listed as surveyed in 1995 or 1996—take our word for it, as this information is not readily apparent through the Medusa system, but check K-674 (easement exhibit prepared in 1985) if there is any doubt. K-706, the last numbered entry exclusive to Kent County, was surveyed in 2015. Thus only 31 sites out of 706 have been surveyed since 1995 and most were completed before 1985.

Service Commission as an override to local zoning, the holistic, desirable approach of regarding significant clusters of individually identified rural historic resources as indicators of potential cultural landscapes is not how environmental reviewers in Maryland have proceeded. Without data in the MIHP specifically pointing to these landscapes, they are virtually blind to that potential. Again, “what gets mapped gets managed”—even though the example landscape to which we refer had in fact been mapped as significant in the heritage area’s management plan, it was not mapped in the MIHP, and heritage area plans and studies are not considered under the state-level equivalent of a Section 106 process (for the heritage area’s study, see John Milner Associates entry in the references). Thus, Maryland’s process is not necessarily conducive to discovering rural cultural landscapes when they are not entered in MIHP.

To date, few rural historic landscapes have been identified for MIHP in Kent County, and we believe few have been identified across the state (it is not possible in Medusa to search for such a resource). Most resources are mapped in Kent County as individual MIHP sites and appear as pinpricks at almost any scale, indicating one building and no setting. Rather, KCPA’s working theory is that many MIHP sites are more likely to be contributing structures in large, National Register-eligible rural working landscapes, the origins of which reach back to early colonial times (if not earlier, as suggested in Part 2). That landscape has been developing ever since with little interruption in its natural evolution, a highly unusual circumstance when a community is within 15 miles as the crow flies from a major metropolitan center. This is directly attributable to isolation from the sprawl of the western shore and the Baltimore Beltway, only 12 or so miles distant from Kent County’s shore. Reliance on MIHP and existing National Register entries would not reveal this potential for further National Register recognition for listing and eligibility.

As KCPA’s cultural landscape study progresses, as discussed below, and our team delves into the documentation we do have for the cultural landscape of Kent County and its historic resources, we will no doubt develop additional evidence about the concerns advanced here.

Part 6: KCPA’s Preliminary Cultural Landscape Assessment of Kent County, Maryland

KCPA has raised the necessary funds to undertake a Preliminary Cultural Landscape Assessment of Kent County. The project limits align with the entire boundary of the county including surface waters of the Bay, rivers, and creeks. We have recruited a highly qualified consulting team for this study, including the expert Washington College GIS Program. Our team includes a preservation architect/planner, an architectural historian, and a landscape architect (a nationally recognized cultural landscape expert and Fellow of the American Society of Landscape Architects). The preservation architect (historical architect) and architectural historian are both qualified under the Secretary of the Interior’s professional qualifications standards (36 CFR Part 61, Appendix A; there are no such standards for landscape architects and planners). The landscape architect is also a battlefield expert who will examine the entirety of Caulk’s Field, regarded as the most intact War of 1812 battlefield in Maryland.⁶

⁶ Concerning the inadequacy of MIHP information as discussed above, the parcel most closely associated with the battlefield is among the archeological entries in the MIHP, not visible to unvetted researchers, and as far as we know it has not been determined to be eligible for the National Register, even though that parcel has been investigated by state archeologists. This is perhaps another example of incomplete assessment that would be misleading in the most cursory methodology that could be employed in “desktop GIS.” As far as we know, beyond that single parcel, the entire extent of the battlefield, most certainly larger, has yet to be surveyed.

The first phase of our Preliminary Cultural Landscape Assessment, including research, fieldwork, and mapping (digitizing historical maps to compare with modern), is nearing completion. The first-phase work will guide the second and final phase which will entail analyzing and assessing the landscape of the entire county and identification of significant cultural landscapes.

The end products will describe and compare the historic period landscape and the current landscape to support preliminary assessment of landscape integrity and discussion of National Register eligibility of the study area, in whole or in part, including a statement of significance. This work should form the basis of and ease the way for later National Register nominations or formal documentation through DOEs.

The study will conclude with a draft report available by early September and a final report by late November. We are expecting to make one or two public presentations during the project. Digital maps and images will be available for two years afterward on a website to be hosted by Washington College.

KCPA's current project is based on a pioneering professional cultural landscape and scenic assessment undertaken during management planning for the Stories of the Chesapeake Heritage Area by John Milner Associates and completed in 2004 (see references). The assessment assembled indicators of cultural landscape qualities categorized according to interpretive themes identified in an earlier study (an "interpretive framework") undertaken for the National Park Service's Chesapeake Bay Gateways program. Five of the six landscape districts into which Kent County was divided individually scored highly (the sixth was Eastern Neck National Wildlife Refuge) among the 24 landscape districts identified for the entire four-county area (including Caroline, Queen Anne's, and Talbot). Collectively no other county could claim as much land area of the quality indicated by the multiple thematic values⁷ found in each of those five districts.

Conclusion

The reason for undertaking the KCPA's Preliminary Cultural Landscape Assessment is that we expect it will ultimately lead to recognition of this place as unique and highly valuable—and worthy of redoubled efforts to preserve it. Documenting the qualities of Kent County's (and the Eastern Shore's) cultural landscape for environmental review purposes, however, should not require private parties such as KCPA to step forward to spend limited grant funding (not to mention the KCPA Board's limited volunteer time and

⁷ Eight themes were used: *Changes in the Land: Where Land and Water Meet on Maryland's Eastern Shore* (natural features, systems, and processes that define the character of the region and which serve as the context for human events, activities, and stewardship); *Peopling the Land: Change and Continuity on Maryland's Eastern Shore* (the tradition and evolution of settlement within the study region, as well as the architectural and material artifacts associated with small-town life); *Colony and Nation-Building on Maryland's Eastern Shore* (early history of the region, to include initial European settlement and colonial development); *African American history*, to include periods of slavery, civil war, and reconstruction, was also included within this theme); *Feeding the Body and Fueling the Local Economy* (evolution of agricultural development within the region, to include farming, milling, canning, and livestock production. This theme also interprets the *maritime heritage* of the region and includes fishing, shipbuilding, and watermen culture); *Food for the Soul: Religion and Belief on Maryland's Eastern Shore* (religious history, represented by churches and meeting houses, as well as cemeteries and graveyards); and *Travel and Transportation Past and Present* (evolution of transportation systems within the region, such as steamboats, ferries, railways, roads, and bridges. The transportation theme also interprets the tourism heritage of Maryland's Eastern Shore and recognizes the region's history in attracting visitors and tourists seeking recreation and amusement).

effort). For the purposes of the NEPA study and the Section 106 process, MDTA, MHT, and the Advisory Council on Historic Preservation should be ensuring that all information needed for an adequate environmental review of cultural resources will be gathered, at MDTA's expense. This includes the necessary modern surveying based on the MIHP as indicator, not final source, in identifying the Range of Corridor Alternatives. Determinations of Eligibility of historic resources of any size, including cultural landscapes, should be a part of the Tier 1 process as applied to the process of arriving at the list of Corridor Alternatives Retained for Analysis, expected to be not more than fifteen and probably fewer, and the Recommended Preferred Corridor Alternative. Both of these decisions are expected to be detailed in the DEIS.

To summarize, KCPA's concern is that a fast-track NEPA Tier 1 EIS for a new Chesapeake Bay crossing under the National Environmental Policy Act will be **reliant on flawed existing knowledge of Kent County's historic resources. Should any corridors be identified in Kent County for analysis to be detailed in the DEIS, a further flaw is that existing information fails to take account of the entirety and significance of Kent County's cultural landscape.**

KCPA strongly believes that the work underway to assess Kent County's cultural landscape, on a preliminary but expert basis, should help to point the way toward redressing the concerns identified in this memorandum about the completeness of knowledge about Kent County's historic and cultural resources. It should also point the way to further investigation of cultural landscapes on the Eastern Shore that occur within Corridor Alternatives Retained for Analysis during the NEPA Tier 1 environmental impact study.

References

Birnbaum, Charles A., ASLA. *Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes*. Preservation Brief 36. Washington, DC: National Park Service, Technical Preservation Services (undated). <https://www.nps.gov/tps/how-to-preserve/briefs/36-cultural-landscapes.htm> (printed version available at <https://www.nps.gov/tps/how-to-preserve/preservedocs/preservation-briefs/36Preserve-Brief-Landscapes.pdf>, September 1994)

Eastern Shore Heritage, Inc. *Stories of the Chesapeake Heritage Area Final Management Plan*. Chestertown, MD: ESHI, 2005.
<http://storiesofthechesapeake.org/Final%20Management%20Plan%20Fall%202005sm.pdf>

John Milner Associates. *Maryland's Eastern Shore—Stories of the Chesapeake Heritage Area: Cultural Landscape & Scenic Resource Assessment*. Chestertown, MD: Eastern Shore Heritage, Inc., 2004. Cited at <http://www.worldcat.org/title/marylands-eastern-shore-stories-of-the-chesapeake-heritage-area-cultural-landscape-scenic-resource-assessment/oclc/70153728>. Digital copy available from the Stories of the Chesapeake Heritage Area, info@storiesofthechesapeake.org.

McClelland, Linda Flint, and J. Timothy Keller, ASLA, Genevieve P. Keller; and Robert Z. Melnick, ASLA. *Guidelines for Evaluating and Documenting Rural Historic Landscapes*. National Register Bulletin 30. Washington, DC: National Park Service, 1999 (rev.).
<https://www.nps.gov/nr/publications/bulletins/nrb30/> (printed version available at <https://www.nps.gov/nr/publications/bulletins/pdfs/nrb30.pdf>)

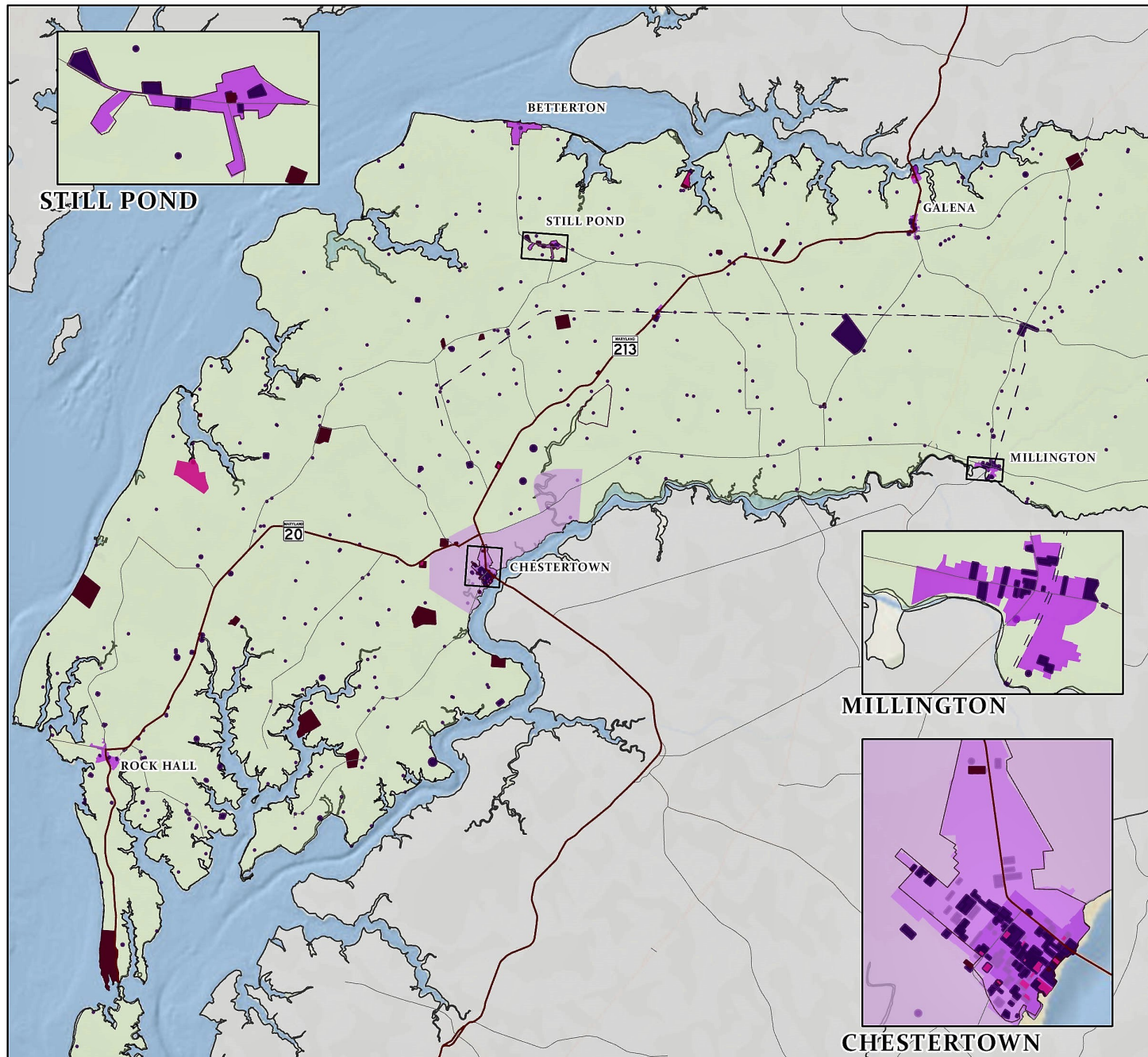
National Register Landscape Initiative, ed. *Acknowledging Landscapes: Presentations from the National Register Landscape Initiative*. Washington, DC: National Park Service, undated (summary of a webinar series conducted in 2013).

<https://www.nps.gov/nr/publications/guidance/nrli/presentations/acknowledging-Landscapes-2017-07.pdf>; the Initiative itself is described at <https://www.nps.gov/nr/publications/guidance/nrli/index.htm> and many links to other publications and presentations are available at <https://www.nps.gov/nr/publications/guidance/nrli/background.htm>.

Rice, James D. *Nature and History in the Potomac Country: From Hunter-Gatherers to the Age of Jefferson*. Baltimore: Johns Hopkins University Press, 2016.

"The 10 'Best Places' to Live in Rural America." *Progressive Farmer*, February 2008.
<http://rismedia.com/2008/02/05/the-10-best-places-to-live-in-rural-america/>

HISTORICAL RESOURCES IN KENT COUNTY



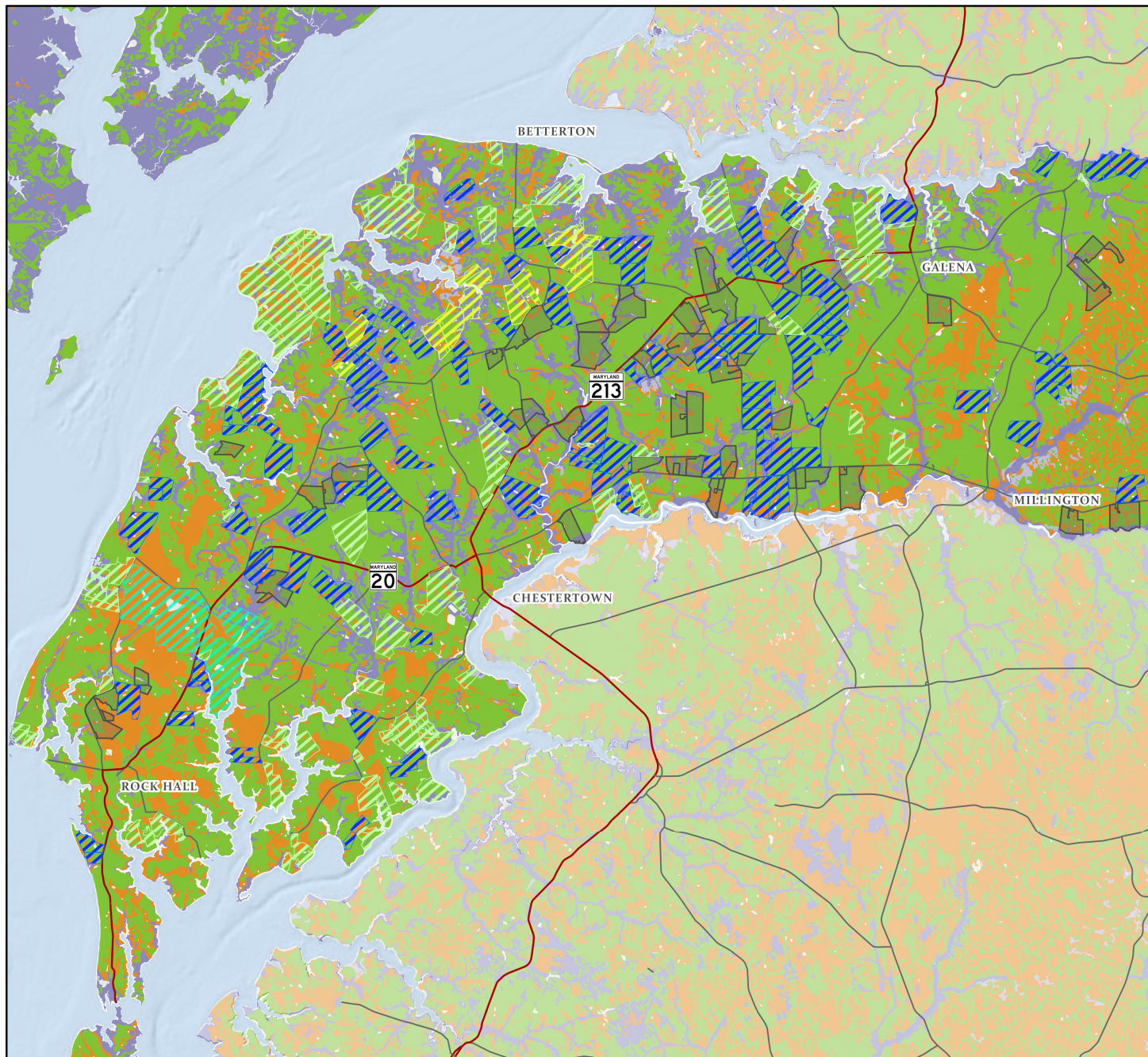
LEGEND

- SITES ON THE NATIONAL REGISTER OF HISTORIC PLACES (32)
- DISTRICTS ON THE NATIONAL REGISTER OF HISTORIC PLACES (4)
- MARYLAND HISTORICAL TRUST PRESERVATION EASEMENTS (23)
- SITES ON THE MARYLAND INVENTORY OF HISTORIC PROPERTIES (MIHP) (648)
- MIHP HISTORIC DISTRICTS (8)
- MIHP RURAL HISTORIC LANDSCAPE DISTRICTS
- NATIONAL HISTORIC LANDMARK DISTRICT (CHESTERTOWN)
- KENT AND QUEEN ANNE'S RAILROAD CORRIDOR
- CHESAPEAKE COUNTRY SCENIC BYWAY
- STATE ROUTE CENTERLINES



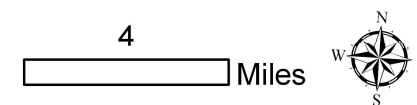
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AGRICULTURAL RESOURCES IN KENT COUNTY



LEGEND

- PRIME FARMLAND
- FARMLAND OF STATEWIDE IMPORTANCE
- NOT PRIME FARMLAND
- CONDITIONAL PRIME FARMLAND
- RURAL LEGACY PROPERTIES
- MD ENVIRONMENTAL TRUST EASEMENTS
- PRIVATE CONSERVATION LANDS
- MD AGRICULTURAL LAND FOUNDATION EASEMENTS
- KENT COUNTY AGRICULTURE PRESERVATION DISTRICTS
- CHESAPEAKE COUNTRY SCENIC BYWAY
- STATE ROUTE CENTERLINES



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