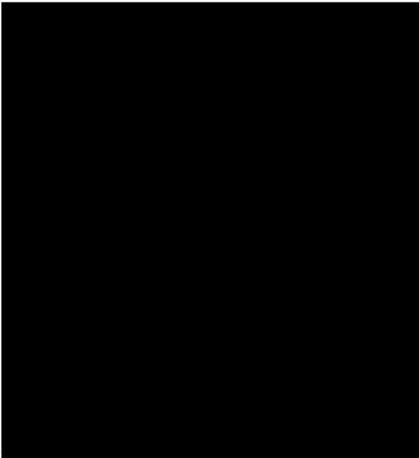


[REDACTED]
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[REDACTED]
[REDACTED]



July 13, 2023

Maryland Park Service
Planning
580 Taylor Avenue, E-3
Annapolis, Maryland 21401

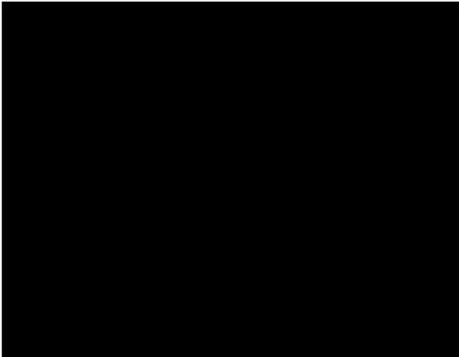
REFERENCE: SWALLOW FALLS BRIDGE

To Whom it May Concern,

To follow up on my comments at the Public Hearing held by the Maryland Department of Natural Resources on July 10, 2023, the [REDACTED] is opposed to closing the Swallow Falls bridge during construction of a new bridge.

While the current bridge is just wide enough for [REDACTED] fire engine to travel across the bridge, [REDACTED] are able to cross it. The bridge is approximately 8 miles from [REDACTED] station, and it take approximately 15 minutes to get to the Swallow Falls State Park. Should be bridge be closed the detour would be 22 miles and the travel time would be almost 30 minutes.

The [REDACTED] is opposed to the closure of the Swallow Falls Bridge. Thank you for your consideration.



To: Members of the Maryland Department of Natural Resources

Re: Swallow Falls Bridge Replacement, Youghiogheny River Scenic and Wild Rivers Application

From: [REDACTED], small business owner, 20+ year resident of Garrett County
[REDACTED]

Date: July 17, 2023

Date: July 17, 2023

Thank you for this opportunity for the public to comment on construction plans to replace the bridge spanning the Youghiogheny River at Swallow Falls in Garrett County. I attended the July 10 public meeting at which various plans were presented, and I wish to reiterate the sentiments of many who attended that **none of the proposed plans were appropriate** and deserving of the exceptions to the current Scenic & Wild protections that DNR would be asked to grant.

It's not clear if GPI (the engineering firm engaged by County/FHA) was even tasked with designing a new bridge with the goal of minimizing the footprint of the project, a goal mandated by both State regulation and Youghiogheny Watershed Management. Were they even aware of the Scenic & Wild protections for the corridor?

As a person who values excellent visual communication, I take great exception to the completely unrealistic plan renderings submitted by GPI. The images to follow depict what a clear-cut swath of old-growth forest looks like.





The broad, 35-foot-foot bridges in GPI's renderings are surrounded by lush green woodlands that in no way represent the true impact of relocating the road bed dozens of feet downstream. In order for the public to fully imagine the impacts to the land, water, flora, and fauna (especially in the beloved Tolliver Falls area, which would end up being much closer to the roadway) GPI should be charged with providing renderings that show the area fully logged and trampled by construction equipment, or at least recovering with grass plantings and sappling trees in grow tubes. Everyone involved in this decision making process, including Secretary Kurtz, should be provided with a more realistic idea of the short-term and long-term impacts of these plans.

Several commenters mentioned that the bridge was planned with a 35-foot-wide bed to satisfy federal requirements. But just as exceptions are being sought from state regulations for this project, isn't it possible to seek exceptions from the federal requirement for road width?

I must also ask for more information and clarity about how a bill enacted last session (House Bill 0884, https://mgaleg.maryland.gov/2022RS/Chapters/noln/CH_339_hb0884e.pdf) to protect old-growth forests on state land would affect each version of the proposed project? Has the

state, county, and Attorney General determined if and how this new legislation would affect the proposed plans? The State of Maryland also mandated this year that regulations be drawn up (by July, 2023) to protect irreplaceable natural areas. I hope that we can also understand the status of all proposed plans in this context.

I am certain that others will provide more complete written comments on differences between the plans. But these points were clear at the July 10 meeting: the designs were too large and showed little regard for minimizing impacts. Bike lanes and sidewalks to nowhere (for viewing the former forest?) should not be given priority over a minimal footprint that provides only basic EMS access. The Youghiogheny River Advisory Board should have been part of the design process, and should be allowed to weigh in before any decisions are made.

The best choice is to start again with public sentiment and the current Scenic & Wild protections in mind. But if we must choose between the lesser of all evils, then 1C destroys the least old-growth hemlock forest habitat and kills fewer specimen trees. A temporary closure (during the time that is least disruptive for area residents and farmers) that allows for using the existing roadbed will destroy a far smaller square footage of irreplaceable, centuries-old habitat.

To: Members of the MD Department of Natural Resources

Subject: Hearing for the Swallow Falls Bridge Application

From: [REDACTED]

Date: July 9, 2023

First, I would like to appreciate you for holding this hearing in Garrett County in person and virtually thereby providing the greatest opportunity for participation by the local community.

In the process of making decisions about the replacement of the Swallow Falls bridge I am writing to ask for as much civic engagement as possible, including input from the Youghiogheny Scenic & Wild River Citizens Advisory Board. Because those of us in Garrett and Allegany counties are most directly affected, as many of us in far western Maryland as possible need to be involved in this process.

Also, most important in any decision about the replacement of this bridge is to assure the very least amount of damage to the **Wild Youghiogheny Corridor** and that the replacement be consistent with state and federal laws and regulations. Two relevant policies/programs follow:

“The policy of the State of Maryland is to preserve and protect the scenic, geologic, ecologic, historic, recreational, agricultural, fish, wildlife, cultural, and other values of its scenic rivers; as well as to enhance their water quality, and fulfill vital conservation purposes by wise use of resources within their surrounding environment. In keeping with these purposes, and with the advice and consent of the Garrett County Board of County Commissioners, the [Scenic and Wild Rivers Review Board](#) established the Youghiogheny Scenic and Wild River Advisory Board (Code Natural Resources Article, secs. 8-403 (b)(3)).”

The same program defines a wild river as a “free-flowing river whose shoreline and related land are undeveloped, inaccessible except by trail, or predominantly primitive in a natural state for at least 4 miles of the river length” (Natural Resources Article, 8-402(d)(3)).

Finally, and closest to my heart in any decisions about replacement of the bridge, is preserving and preventing as much harm as is at all possible to the grove of old-growth hemlock and pine forest. Walking on the edges of this 37-acre grove with some trees over 300 years old one has a strong sense that this is a special place, a place to honor and leave untouched, a place that literally and figuratively takes us back to our roots. Every individual tree and plant is integral to the well being of this and any old-growth forest. I ask that this area be left as untouched as possible and be approached with utmost respect.

Again, thank you for your attention to this matter.

A large black rectangular redaction box covering the signature area.

Comments on Swallow Falls Bridge Replacement Application and Environmental Assessment
7/9/23 by [REDACTED]

I'd like to thank DNR for holding this public meeting in compliance with the Youghiogheny Wild River sub-title of the Code of Maryland Regulations (§ 8-15-03-03 B.). My name is [REDACTED], I am a riverfront property owner in the scenic corridor of the Wild-designated section of the Youghiogheny just upstream of the proposed bridge replacement project. There are 3 points I'd like to share this evening regarding the County and State application:

#1 The first is about process. I feel strongly that the Youghiogheny River Advisory Board must be provided an opportunity to review and comment on this application and design prior to any exception decision. Like this meeting, the Advisory Board's input is required under COMAR (§ 8-403(e)) which states the Local Advisory Board shall review and make recommendations to the County and State regarding studies, plans and regulations impacting the Yough. This role is further defined within the Yough River Management Plan on page 56 in reference to State proposed development projects "the Advisory Board should review and advise on the location and design of facilities proposed within the "Scenic Corridor."

#2 Second. If any exception is granted it would only be consistent with the Secretary's responsibilities under COMAR (§ 8-15-03-03) if limits are set on this project to the smallest footprint possible and to keep the project within the current Right of Way as to minimize further degrading of the natural and scenic values of this most primitive section of the river corridor. This is the stated intent of legislators in their 1976 designation of the Youghiogheny as Maryland's only Wild River and is a legally shared responsibility of all State agencies to uphold (Maryland Code, Natural Resources § 8-407).

#3 And third - the "inconvenience" of a detour during the proposed bridge replacement should not outweigh the legal protections of the Wild Yough as presented in the application as an "unnecessary hardship." I've reviewed at least 10 similar bridge replacement and repair projects in the County over the last several years and in all instances but one listed on the County website traffic has been temporarily detoured during the project work.

In closing, Secretary Kurtz, your response to this application is an opportunity to solidify the position that the protections of the Wild Yough under the Scenic and Wild Rivers Act, COMAR and the Youghiogheny River Management Plan are valid and must be given priority consideration for these types of initiatives.

County Requested Exceptions for a new Swallow Falls Road Bridge

Drafted by [REDACTED], landowner in the Youghiogheny Wild River scenic corridor and County resident for 32 years.

Mary Owens, Maryland DNR Director of Planning, gave a somewhat vague answer to the question on what exceptions/exemptions the County is seeking to build the proposed replacement bridge over the Wild-designated Youghiogheny River and its associated scenic corridor. Her reply that DNR was considering the bridge as “new construction” was a code for those who are familiar with the Scenic and Wild Rivers Act indicating that almost all aspects of the bridge are considered an exception to the Act and associated COMAR regulations and policies detailed in the Youghiogheny Scenic and Wild River Study and Management Plan. I had also asked this question to Mary prior to the hearing by email and this was her reply:

“At this stage of design, which is still conceptual, the County’s application is requesting an exception to the prohibition of activities that would affect the Scenic and Wild River and its scenic and wild character. Any project involving construction of a new bridge will involve impacts and requires an exception.”

To the best of my knowledge here is a listing of the specific regulations and policies that constructing the County’s preferred conceptual design, Option 2D, which creates a new right-of-way from mature and old growth forest areas in order to keep the current single lane bridge open during construction (a stated objective of the County). More exceptions may be applicable if reviewed by others more knowledgeable of State authority and policy.

This proposed project, as described in the GPI Environmental Impact Assessment provided by the County, would be non-compliant with the following sections of the Maryland Code of Regulations:

Maryland Code, Natural Resources § 8-15-03-03 – Exceptions

A. A person may apply to the Department for an exception to this subtitle. The burden will be on the applicant to demonstrate satisfactorily that:

(1) The exception is consistent with the legislative intent of the Scenic and Wild Rivers Act and is not injurious to the scenic and wild character of the river; and

(2) Special circumstances as fully described by the applicant affect the land or its structure so that strict application of these regulations, in the case of the applicant only, would cause unnecessary hardship or deprive him of all reasonable use of his property. Land acquired within the scenic corridor before May 27, 1976, which does not meet the development and use specifications of these regulations, such as minimum set-back and lot-size requirements, shall be deemed a special circumstance under this section.

I believe the contradictory statement on page 28 of the GPI Environmental Assessment and exception application is false and that this proposed project, and specifically the preferred option 2D (as well as all other options) will significantly impact the natural and scenic qualities of the Wild-designated Youghiogheny and its associated scenic corridor.

Application page 28 “The designated design alternative will result in visual changes to the riverbanks and along the corridor that will be visible from the Youghiogheny River but will not impact the wild or scenic character of the river or corridor overall. Impacts will be localized to the project area, but these will not affect the scenic and wild character as defined by The Maryland Code, Natural Resources Article 8-402(d)(2) and 8-402(d)(3). Local impacts include the grading and clearing of existing old growth hemlock forest along the project to accommodate the new wider roadway, bridge, and new abutments as well as removal of the existing in-river center pier and old abutments.”

NOTE: Only COMAR 8-402(d)(3) is relevant to this project as it has the stricter definition of the Wild designation that guides management decisions on this section of river.

The intent of the Scenic and Wild Rivers Act is to protect this resource in its primitive, natural state particularly this Zone 1 region.

No evidence of “unnecessary hardship” was presented in the County’s application as to require the design and the road right-of-way shift onto state land yet on page 27 the applicant states “As detailed in this report, the existing conditions and natural resources within the project area prove to be challenging constraints, which would cause unnecessary hardship to the project if required to be in strict adherence with the Scenic and Wild River regulations.” The price of Option 1C, although wider than acceptable by the majority of the public commenting at the July 10th project hearing, is only .8% (\$37,100) more than the preferred option 2D. Hardly an unreasonable financial burden for protecting the disturbance of an additional 2.4 acres of primitive forest and natural geologic formations with permanent visual impacts to one of the most scenic areas in the State. Even temporary impacts with tree planting to mitigate road movement will last for 10 to 30 years as estimated by the GPI project lead, an experienced Professional Landscape Architect. Additional savings on 1C could be realized if a redesign is done to have the bridge better match the rural character of the region as well as to fall within the wild and scenic character of the Wild-designated river.

Maryland Code, Natural Resources § 8-402

(3) “Wild river” means a free-flowing river whose shoreline and related land are:

(i) Undeveloped;

(ii) Inaccessible except by trail; or

(iii) Predominantly primitive in a natural state for at least 4 miles of the river length.

This section of the Youghiogheny was designated as Wild by the Maryland General Assembly in 1976. The new bridge constitutes a development which is counter to the definition, it is not a trail and it is not primitive, GPI describes it as “Modern”. No development exists currently for almost 6 miles both upstream and downstream of the current bridge. While Swallow Falls State Park does have some high use trail development and structures it was exempted for this type of development with the original legislation. Only a minor portion of the proposed bridge and road project is within the boundary of the Swallow Falls State Park, the majority is within the Youghiogheny Wild River Natural Environment Area which follows the Youghiogheny River Management Plan for guidance on management decision as well as prioritizing natural systems and sensitive species over any development.

Maryland Code, Natural Resources § 8-406

A dam or other structure impeding the natural flow of a scenic and wild river may not be constructed, operated, or maintained in a scenic and wild river, and channelization may not be undertaken, unless the Secretary specifically approves.

The applicant intends to block the flow of the river temporarily to remove a support and other elements of the existing bridge. This would be a direct violation of the Act.

“In-stream work associated with all of the proposed design alternatives includes the removal of the existing in-river center pier and the removal of the existing abutments on the riverbanks. Removal of these structures will have a lasting positive effect on the area by returning the river and its banks to original conditions that existed prior to the construction of the road or bridge. Construction impacts required to facilitate the proposed in-stream work will be temporary in nature consisting of maintenance of stream flow operations that will be utilized to create suitable conditions where the existing structures can be safely removed. Once the necessary work is complete, all methods used to divert the river will be removed with no permanent adverse impact to the area.”

Maryland Code, Natural Resources § 8-15-02-11

Damming, dredging, filling, channelization, or other alteration of the river or its banks is prohibited except that involving the repair of existing bridges.

If this was considered a repair it might be allowed but DNR has categorized this project as new construction due to the significant change in footprint and location as well as the fact that the original was abandoned approximately 15 years ago.

Maryland Code, Natural Resources § 8-15-02-12

A. Any clearing of natural vegetation other than for logging is limited to that necessary for uses and developments permitted by these regulations.

B. The Department, in evaluating a plan for the clearing of natural vegetation, shall:

(1) Take into account the effects of the proposed clearing on the scenic and wild character of the river;

(2) Insure that natural vegetation on or near the shoreline remains undisturbed to screen the cleared area from the river and its contiguous shore; and

(3) Consider the effect the clearing operations may have on the fish, aquatic, and riverine resources by:

(a) Altering the temperature of the water;

All options require tree removal and vegetation clearing including old-growth forest, large specimen trees, large rhododendron, mountain laurel and other natural vegetation. This is not considered a logging project, this was confirmed by the local State Forest Project Manager Melissa Nash in an email exchange with the Garrett County Forestry Board.

The application materials state that vegetation and tree removal WILL impact the scenic and wild character of the river for at least 10 years.

Maryland Code, Natural Resources § 8-15-02-16

Public Lands: These regulations also apply to public land located within the scenic corridor.

In case there is any question whether the area is exempt from these regulations this code section is clear that all regulations apply.

Maryland Code, Natural Resources § 8-15-01-03

Zone 1 includes: Those areas within the scenic corridor of maximum remoteness and ruggedness which are generally inaccessible by road or trail and where shoreline and adjoining lands of the wild river are essentially primitive in character, and the wild river and its bottom;

Maps in COMAR (**§ 8-15-01-01 Sheet 7**) identify the section of the Wild-river scenic corridor as Zone 1 which is the most primitive and requires the highest standard of care in preserving the wild character of this segment of the corridor. The proposed bridge project as designed is more suited for Zone 3 sections of the river or the Scenic sections above Miller's Run and near Friendsville. It does not align with this definition thus building as designed would be counter to the intent of the protections.

Maryland Code, Natural Resources § 8-15-02-02

D. The Department shall deny the use or development permit or issue it with or without conditions and restrictions after consideration of:

- (1) Impacts the proposed use or development will have on the aquatic resources of the wild river;**
- (2) Impacts the proposed use or development will have on the riverine resources of the wild river;**
- (3) Concerns of the private landowners in the scenic corridor who may be affected by the proposed use or development;**
- (4) Any effect the proposed use or development may have on the wild character of the wild river and the scenic corridor; and**
- (5) Any effect the proposed use or development may have on visitor experience on the wild river or within the scenic corridor.**

This project will impact aquatic resources of the wild river by altering the flow and operating machinery in the river for the removal of the old bridge, although temporary.

On page 17 of the application, it states: "In-stream work associated with all of the proposed design alternatives includes the removal of the existing in-river center pier and the removal of the existing abutments on the riverbanks. Removal of these structures will have a lasting positive effect on the area by returning the river and its banks to original conditions that existed prior to the construction of the road or bridge. Construction impacts required to facilitate the proposed in-stream work will be temporary in nature consisting of maintenance of stream flow operations that will be utilized to create suitable conditions where the existing structures can be safely removed."

As a private landowner upstream of this project I have expressed repeated concerns of trespassers who use the gravel parking lot referenced in this bridge project [REDACTED]. This project plan includes

improvement and some expansion of this parking lot and the inclusion of the sidewalk on the bridge will encourage more use of this area likely increasing trespass occurrence.

The wide, highly developed “modern” bridge is out of character with this rural, natural area which is one of the most scenic in the State as evidenced by the frequency of visitation to Swallow Falls State Park (the 2nd most visited State park in Maryland). The proposed urban style bridge would significantly impact the park visitor experience.

On page 17 of the application, it states: *“There will be temporary impacts to the visitor experience during the construction process. There may be impacts to access while construction is ongoing, including periods of road closures, and existing parking areas may be used during construction as staging areas. The Youghiogheny is classified as a Use III-P water body and, therefore, construction schedules must adhere to in-stream closures where no work can be performed October 1 through April 30. Any work that is being performed outside of the designated closure period has the potential to impact anglers visiting the area.”*

Youghiogheny Scenic and Wild River Study and Management Plan Exceptions

In addition to exceptions of regulations, the County proposed bridge project would require considerable exceptions to the policies established under the 1996 Youghiogheny Scenic and Wild River Management Plan written collaboratively by the Youghiogheny River Advisory Board, a volunteer citizen group, and Maryland Department of Natural Resources. The policy exceptions are:

Management Plan p. 41 “Scenic resources such as rock promontories and waterfalls are examples of the outstanding geologic features of a river valley which the state is required to protect under the Scenic and Wild Rivers Act.”

The preferred bridge option 2D (and other options which keep the bridge open during replacement) proposes to remove significant riverside rock formations for the road and the western bridge support. In the County application it states: Page 13: *“The proposed abutment on the west side of the bridge is located behind a higher rock outcrop along the riverbank. The top several feet of the west outcrop may need to be removed to provide clearance for the aesthetic façade and to provide inspection access. The outcrop is comprised of weathered and layered sandstone and should be relatively easy to excavate.”*

Management Plan p. 44 “Publicly owned, forested lands within the “Scenic Corridor” shall be maintained in their natural state”

On the County application, page 12 it states: *“All of the design alternatives described in Section 3.2 will involve some level of clearing of vegetation which will result in the permanent loss of forest area as well as the removal of several specimen old-growth hemlocks within the forest.”*

On page 10: *“All of the proposed design alternatives described in Section 3.2 involve design components that unavoidably impact one or multiple components of the ecology of the area. Although impacts*

associated with clearing and grading will be mitigated, it will alter the existing ecology of the area. Mature areas of old-growth hemlock forest to be removed will be replaced with young trees during reforestation that will take time to mature and fully integrate, and topography of wetlands and wetland buffers will be impacted depending on which design option is pursued. Changes in the existing habitat can have an effect on the species that inhabit and utilize the areas and the services they provide.”

All options require removal of large trees covering up to 2.4 acres. In the preferred option 222 trees are to be removed (Table 1 page 21) including a 11 old-growth trees referenced as specimen trees.

Management Plan p. 48 “Wetlands disturbance in the “Scenic Corridor” on public lands is prohibited unless matters of public safety or reaction to significant environmental degradation requires action within non-tidal wetland or its buffer.”

On page 21 and 57 of the GPI environmental impact assessment every option includes wetland and wetland buffer disturbance from 921 to 6600 square feet.

Management Plan p. 55 “Lands within the “Scenic Corridor” that have been or will be acquired by the State should be left in their natural state in order to preserve the primitive undeveloped character of the River. If needed, additional recreational facilities and visitor service areas such as parking lots and campgrounds should be developed outside of the “Scenic Corridor.” Exceptions are limited to improving existing and potential recreational and visitor access areas at Swallow Falls State Park, Sang Run and possibly developing access points at Friendsville and Hoyes Run.”

With State and Federal funds used to purchase the area of the Wild-designated Yough and its scenic corridor at the bridge site, the bridge and road construction would significantly change the area from it’s natural and primitive state. This area is designated as Zone 1 which is the most primitive without development for 4 miles along the river. The bridge is not a recreational facility and does not fall within the established exception areas. The parking lot that was developed in the 1990s is well within the boundaries of the scenic corridor and was illegal when constructed by the County without appropriate application and permitting.

Several sections of the County application describe proposed actions counter to this policy:

Page 9: “New bridge abutments will be constructed outside of the river within the wild and scenic corridor. Grading and clearing required for installation of these structures will alter the appearance of the corridor within the project area, which will be visible from the Youghiogheny River.”

Page 9: “All of the design alternatives described in Section 3.2 include clearing of vegetation, grading of areas along the proposed roadway alignment, and in-stream work that will impose natural resource impacts.”

Page 15: “There will be unavoidable impacts to the old growth hemlock forest along the length of the project, however, these areas will be reforested to mitigate for any impacts, as discussed in Section 2.3. In time, these areas of reforestation will mature and integrate into the surrounding environment.

Clearing and grading will be required on the riverbanks to install the new bridge abutments as well as to accommodate the wider bridge and roadway. The new bridge and abutments will alter the appearance in the area and will be visible from the Youghiogheny River corridor.”

Page 16: “All of the proposed design alternatives involve clearing of forest along the length of the project area as well as removal of the existing pier within the river and abutments along the riverbanks. Removal of environmentally sensitive habitat such as old growth hemlock forest and specimen trees along Swallow Falls Road will be unavoidable as previously discussed in Section 2.5. Clearing and grading will be required for the installation of abutments for the new bridge as well as to accommodate the wider bridge and roadway. The new bridge, abutments, and forest clearing will alter the appearance in the area and will be visible from the Youghiogheny River corridor.”

Management Plan p. 56 “New roads, bridges and other structural crossings should not be allowed In the ‘Scenic Corridor’ except for uses as permitted under the Youghiogheny Wild River Regulations.”

DNR Planning Director stated a number of times during the public hearing that they are considering this bridge “New Construction” which is not allowed under the COMAR regulations. The regulations state that a bridge may be repaired within 1-year of damage or discontinued use (COMAR § 8-15-03-01). The 2-lane bridge was closed 15 years ago and the bridge replacement is not considered a repair of the temporary one lane “temporary” bridge.

Management Plan p. 56 “State project proposals should continue to have:

- ***Appropriate design to limit adverse impacts on the undeveloped character of the “Scenic Corridor.”***
- ***The least obtrusive features to preserve the scenic qualities of the River.***
- ***Harmony with the natural environment.***
- ***Vegetative screening.***
- ***Be designed so that soil disturbance is minimized.***

The proposed Youghiogheny River Advisory Board should review and advise on the location and design of facilities proposed within the “Scenic Corridor”

“Existing roads and bridges should be maintained in a condition which harmonizes with the surrounding environment.”

By most assessments public review of the proposed bridge options with a 35 foot width and raised seven feet above the historic bridge with large embankments is not compatible with the rural and wild character of the Wild-designated river and its scenic corridor. Proposed tree plantings will not mature to screen the bridge and road for more than 10 year as described by the GPI project lead. Soil disturbance is up to 2.4 acres beyond the footprint of the current bridge and road. The proposed location moves the road from an existing disturbed area on a Right of Way owned by the County to a new area of State land which is undisturbed forest including a significant areas of old-growth forest particularly on the southwest area of the proposed construction site.

[REDACTED]

[REDACTED]

[REDACTED]

July 13, 2023

Maryland Park Service
Planning
580 Taylor Avenue, E-3
Annapolis, Maryland 21401

REFERENCE: SWALLOW FALLS BRIDGE

To Whom it May Concern:

[REDACTED] and [REDACTED]
[REDACTED] are concerned with the proposed closure of the Swallow Falls bridge during construction.

The response from emergency services, fire/rescue, and EMS would be impacted and there is no reasonable detour for traffic.

[REDACTED] and [REDACTED] are strongly opposed to the closure of the Swallow Falls bridge for construction of a new bridge.

Sincerely,

[REDACTED]

To: Members of the Maryland Department of Natural Resources

Re: Swallow Falls Bridge Replacement, Youghiogheny River Scenic and Wild Rivers Application

From: [REDACTED]
[REDACTED]

Date: July 17, 2023

Preface:

What the public submits as testimony is determined by the information publicly available. Having been excluded from the last proposal for development in the Yough Corridor — by both local and State officials — this testimony is limited by what is unknown to the general public but may be available to the County and State.

For example, I asked who paid for the GPI engineering reports (2018 & 2023) and was told that the Federal Highway Administration (FHA) did, at the request of the County. But I was unable to find out the parameters the County laid out for GPI. Whatever the expectations were, when the County requested federal transportation funding for the engineering + environmental assessment application, the public has not been provided with this information.

It was clear at the hearing that **those in attendance, including County officials, were unhappy with all of GPI's options**. DNR wanted a consensus on design. The consensus was that all designs were overblown, the local advisory board should have been included in the process, and that this board should now weigh in. At the meeting, it was unclear who was empowered to convene the advisory board. On July 15, the County stepped up to fill that void and announced the first meeting on July 26.

The GPI application does not provide a rationale for upgrading this bridge replacement to a scale and design that maximizes, rather than minimizes environmental harms — to the water, soil, old-growth forest, other plant life and the animals these resources support. **Are federal transportation &**

infrastructure funding opportunities driving the design, rather than the State-mandated minimal footprint?

The GPI environmental assessment refers to stream, old-growth forest and other vegetative restoration that does not recognize the decades, or in the case of the old-growth hemlocks and pines, centuries that may never result in the healthy ecosystem that characterizes this Wild Corridor.

State legislation, enabling regulations and Yough watershed management all stress “the smallest footprint possible” for proposed projects. Because this application does not meet this criteria, exceptions should be denied.

I would like to thank DNR for conducting the July 10 hearing locally and live-streaming it. There was robust turnout for, and testimony offered at, this hearing. Given the relatively recent history of lack of public input to the Garrett Trails proposal with associated \$700K funding, it should be very clear to both County and State government officials that the **residents of Garrett County want to participate in discussions about any changes proposed for the Wild Youghiogheny Corridor.**

Furthermore, they are entitled to. The 1996 management plan’s inclusion of a local, citizen advisory board was/is the link to public engagement. **That not one County or State official at the hearing could inform the public about whose responsibility it is to convene the Youghiogheny Scenic and Wild River Advisory Board suggests that this mechanism for public participation may not be particularly valued.**

My questions/comments:

1. Exceptions/Exemptions:

Numerous possible exceptions are proposed in GPI’s Environmental Assessment. What is/are the provision(s) that would allow DNR, or others, to grant these exceptions?

2. Advisory Boards: (I wrote this before the County’s July 16 notice convening the advisory board; however, many questions remain.)

Who is responsible for convening the Youghiogheny Scenic and Wild River Advisory Board, and why wasn't this group convened to participate in development of this application? The Advisory Board is the public's link to participation regarding the County's proposal. Furthermore, what is this Board's advisory role regarding any exceptions requested that would be non-compliant with the 1996 Management Plan?

What is the role of the State-level Scenic & Wild River Review Board, on which a Garrett County Commissioner sits when the Youghiogheny is discussed?

These advisory boards should address adherence to the enabling legislation, relevant regulations, and the 1996 management plan.

Recommendation:

Insure that the Youghiogheny Scenic and Wild River Advisory Board, with associated public meetings, has sufficient time to carry out responsibilities and not be constrained by DNR's 60 day response deadline to GPI's June 23, 2023 application.

3. HB0884:

House Bill 0884, to protect old-growth forests, was enacted during the last legislative session. In that bill, it is illegal to cut recognized old-growth forest on state land. Has the County or DNR analyzed how this act will affect proposed removal of old-growth forest?

1. (B) WHENEVER THE DEPARTMENT OR THE MARYLAND ENVIRONMENTAL TRUST IDENTIFIES AN OLD-GROWTH FOREST ON STATE CONSERVATION LAND, THE LAND SHALL BE MANAGED IN A MANNER THAT: PROHIBITS LOGGING.

https://mgaleg.maryland.gov/2022RS/Chapters_noln/CH_339_hb0884e.pdf

Recommendation:

Request the Office of the Attorney General to apply this legislation to tree removal proposed in this application.

4. Old-growth forest location and acreage:

There are discrepancies re: acreage listed as old-growth forest within Swallow Falls State Park. GPI lists 37 acres within the Park, but The Maryland Old Growth Forest Inventory (DNR, April 2007) documents 35.7 acres at Swallow Falls State Park. Are there old-growth trees in the Youghiogheny Wild River Natural Environment Area, managed by State Parks, that would be affected by this project?

This lack of clarity raises the question that the environmental assessment may be incomplete in other ways and may not sufficiently reflect the priorities that exist to protect rare and endangered resources.

Recommendation:

Request map which clearly designates State-managed land (Youghiogheny Wild River Natural Environment Area) vs. Swallow Falls State Park and identifies old-growth forest location and acreage within both.

5. Benefits of old-growth forests:

Separately, I submitted written testimony consisting of a brief comment on information which can be found in a extensive review article addressing the questionable benefits and significant losses from removal of old-growth forests.

<https://www.frontiersin.org/articles/10.3389/ffgc.2022.1073677/full#B280>

In that testimony, I noted that Garrett County's proposal and GPI's environmental assessment failed to appropriately value the old-growth grove of hemlock and pine that this proposed project would significantly degrade. As an example, I raised the **greater carbon sequestration capacity of old-growth trees**.

GPI reports (p. 16, section 2.12 Wild Character) that “. . . reforestation will mature and integrate into the surrounding environment.” This conclusion grossly minimizes, if not ignores, the significance of what is lost in removal of old-growth and specimen trees.

6. Construction requirements:

Before the public hearing, I emailed the following to Garrett County Department of Roads, Engineering:

I understand the bridge proposed to be replaced is a temporary span, constructed above the prior bridge, using temporary concrete stub abutments placed behind the crib wall abutments" that, along with a concrete pier, supported the existing bridge below it (GPI Environmental Assessment, June 2023).

I haven't been able to find information on the age and integrity of the (1) existing crib wall abutments and concrete pier (1960?), and (2) temporary concrete stub abutments (10 years old?). Are the temporary abutments receiving any support/stability from the existing abutments? Would you be able to provide information on the latest inspection of the bridge(s)? Because the existing bridge has not been in use, when was the last time those crib wall abutments and concrete pier were inspected?

Since minimal impacts to the Wild Yough Corridor are mandated by legislation and the 1996 management plan, knowing whether or not structures in place (existing and temporary) have the integrity to support a much more modest, yet serviceable, bridge than the 35' width proposed in all options in the GPI report, is important.

If you are able to provide this information, such as a copy of relevant inspection reports, that would be most helpful.

I would also like to know if you've developed a proposed funding formula for bridge replacement options? GPI reports using a combination of local and federal funds. If federal funding is necessary to replace the bridge, are there federal minimum requirements for lane width and number of lanes?

In other words, and for example, could a one lane bridge be federally funded, along with signaling to allow orderly use of such a bridge? Can the County or State request exemptions to construction specifications within federal transportation funding to preserve the wild nature of the corridor?

Does federal funding mandate the sidewalk which is not consistent with the primitive nature of the area? As currently proposed, the two, 5' bike lanes and 5' sidewalk would channel 15' of non-vehicular bridge surface onto a county road without shoulders or safety markings (as shown in GPI photographs)?

At the July 10 hearing, Kyle Smith of GPI had seen my email to engineering staff at Garrett County Roads Department and answered almost all of my questions.

Section 2.12 Wild Character (pg. 16) of GPI's report: ". . . It will not be possible to replace the existing bridge with a modern bridge that meets current Federal Highway Administration standards without there being some impact to the corridor within the project area."

It is my understanding from Mr. Smith that **if the County does not use federal funding, then federal bridge (road) width requirements do not apply. Furthermore, if federal funding is sought, exceptions can be made to road width requirements.**

This information should be made available to the public and to the Advisory Board. I shared some of this during my oral testimony on July 10.

Recommendation:

Inform the public and advisory board of dates and results of bridge (temporary and existing) inspection reports. Mr. Smith had information on the most recent inspection of the existing bridge but not on the temporary bridge.

Inform the public about Federal Highway Administration bridge specifications that are tied to federal funding. Inform the public about any FHA exemption criteria.

Recommendation:

A single lane bridge replacement should not be ruled out, but **the bridge roadway should be wide enough to safely accommodate the County's largest fire trucks and local farmers' equipment.**

The Advisory Board and County should coordinate an effort to locate resources, such as alternative transportation and monetary compensation for extra travel time, for example, for farmers' necessary trips over the bridge.

Bridge construction should be scheduled at a time/season when farm trips and emergency response requests are lowest, with the understanding that construction in the river is prohibited during certain months.

Bikers and walkers need not be accommodated. Extra width for emergency and farm equipment should provide some buffer for cyclists on a single lane bridge. Pedestrians should be discouraged from bridge use.

Close down parking lot illegally placed in wetland (uncertain if this is accurate)? Is emergency turnaround needed there?

Evaluate whether leaving the existing bridge pier would cause less environmental damage than removing the pier (debris into the river).

7. Stream Restoration? Soil restoration?

Recommendation:

Please review the following scientific article. Though urban streams were studied, generalizations can be made to sequelae of the stream and stream bank disturbances proposed in GPI's application. The stream and banks under proposed deconstruction and destruction are disturbing 60+ years of natural restoration.

Comparing the Fish and Benthic Macroinvertebrate Diversity of Restored Urban Streams to Reference Streams - Stranko - 2012 - Restoration Ecology - Wiley Online Library

“Both multivariate and univariate statistical analyses show biological diversity of restored urban streams to be similar to non-restored urban streams and lower than non-urban and reference streams. Restored urban sites showed no apparent increase in biological diversity through time, while diversity decreased at two of the reference streams coincident with increased urban development within their catchments. Our **results indicate that restoration approaches commonly used regionally as in these urban streams are not leading to recovery of native stream biodiversity**. Evidence from several sources indicates a need for dramatic changes in restoration approach, and we argue for a watershed-scale focus including protection of the least impacted streams and adopting other land-based actions within the watershed where possible.”

<https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1526-100X.2011.00824.x>
join

“Furnished soil” creates another restoration disturbance, if insufficient attention is paid to whether the soil carries invasive species that will populate the disturbed site. Please see the effects on the Kendall Trail heading out of Friendsville where trail materials introduced have contaminated native plants with several invasive species.

8. MHT Review (Appendix D):

MHT's response (incomplete in GPI's report) pertained to the historic built environment; i.e., the existing bridge (2018). The cultural heritage of the site was not discussed. As I'm sure you're aware, many historical figures camped in the old-growth forest.

GPI's report did not include:

The 2019 archeology report submitted to MHT for review and comment. Their response letter can be found at the following link:
<https://mht.maryland.gov/compliance/og/pdfs/201901270.pdf>

The 2019 report retains MHT's focus on the bridge (built environment).

Recommendation:

Is further MHT evaluation warranted?

9. 2022 legislation:

I am trying to determine if the **Irreplaceable Natural Areas Program** has relevance for the Swallow Falls Bridge replacement application.

The regulations were to have been written by July 1, 2023. I have not been able to locate them on DNR's website.

Would you be able to provide an update?

<https://mgaleg.maryland.gov/2022RS/bills/hb/hb0784T.pdf>

10. For future public hearings:

The July 10 format did not allow for the public learning from each other's questions, and I'm sure staff answered the same questions repeatedly. While this Q & A strategy has definite benefits (especially for those who may be shy speaking publicly), perhaps it could be modified so that after the Q & A, staff/experts would give synopses of information they shared. Then all of us would be on the same footing going into the hearing.

[REDACTED]

July 13, 2023

Maryland Park Service
Planning
580 Taylor Avenue, E-3
Annapolis, Maryland 21401

REFERENCE: SWALLOW FALLS BRIDGE

To Whom it May Concern,

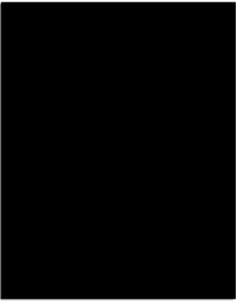
On behalf of [REDACTED] and in addition to [REDACTED] public comments made at the Department of Natural Resources Public Hearing held on July 10, 2023, [REDACTED] believes it is critical for public safety to keep the original bridge open for traffic during the construction of a new bridge at the proposed location.

Not only would a closure impact emergency response for fire/rescue and emergency medical services but it would also have an impact on the farming operations in the area, not to mention access to Swallow Falls State Park.

[REDACTED] respectfully requests that the plans to replace the bridge be approved with the new alignment and the existing bridge remain open during construction.

Thank you for your consideration.

[REDACTED]



July 13, 2023

Maryland Park Service
Planning
580 Taylor Avenue, E-3
Annapolis, MD 21401

REFERENCE: SWALLOW FALLS BRIDGE

To Whom it May Concern,

 is concerned with the proposal to close the Swallow Falls bridge during construction.

If the bridge is closed the response times for emergency services, fire/rescue, and EMS would be impacted with no reasonable detour for traffic.

 is against the closure of the Swallow Falls bridge for construction of a new bridge.





Secretary Kurtz
Maryland Department of Natural Resources

July 13, 2023

Re: Swallow Falls Bridge Replacement

Dear Sir:

, representing residents in Allegany and Garrett Counties, urges the Secretary to postpone consideration of Garrett County's application requesting that exceptions be made to protections in place for the Wild Youghiogheny River Corridor, specifically at the proposed sites of disturbance for new bridge construction.

We base this recommendation on the importance of **civic engagement**. The Youghiogheny Scenic & Wild River Citizens Advisory Board has not met to consider the County's application for bridge replacement in the Wild Yough Corridor. Furthermore, at the July 10, DNR-conducted public hearing on the application, neither County nor DNR officials present were able to answer: Who convenes the local advisory board and would reactivate their meetings which are the primary opportunity for public input?

And while it is premature to comment on bridge replacement options without convening of the local advisory board, the bridge replacement design selected should do the **least amount of damage to the Wild Youghiogheny Corridor** and be consistent with state & federal laws & regulations.

"The policy of the **State of Maryland is to preserve and protect** the scenic, geologic, ecologic, historic, recreational, agricultural, fish, wildlife, cultural, and other values of its scenic rivers; as well as to enhance their water quality, and fulfill vital conservation purposes by wise use of resources within their surrounding environment. In keeping with these purposes, and with the advice and consent of the Garrett County Board of County Commissioners, the [Scenic and Wild Rivers Review Board](#) established the Youghiogheny Scenic and Wild River Advisory Board (Code Natural Resources Article, secs. 8-403 (b)(3))."

"The same program defines a **wild river** as a "free-flowing river whose shoreline and related land are undeveloped, inaccessible except by trail, or predominantly primitive in a natural state for a least 4 miles of the river length" [Natural Resources Article, 8-402(d)(3)].

<https://msa.maryland.gov/msa/mdmanual/36loc/ga/html/functions/gaplanning.html#youghiogheny>

State legislation, enabling regulations and the 1996 management plan stress “the smallest footprint possible” for proposed projects. Exceptions requested in this application would de-wild this area of the Yough.

Furthermore, the bridge replacement project should not harm the old-growth forest on State of Maryland land. “This 37-acre grove of old-growth hemlock and pine is one of the few areas in Maryland that have never been logged. Some of the trees are over 300 years old.” Old Growth Forest Network; <https://www.oldgrowthforest.net/>

House Bill 0884, to protect old-growth forests, was enacted during the last legislative session. In that bill, it is illegal to cut old-growth forest on State land — protection that recognizes the irreplaceability of old-growth forests.

Because of these and many more important protections in place for the Wild Yough Corridor — and because the local advisory board has not met — we urge you to postpone action on the County’s application. If you must act within 60 days of the County’s application (submitted 6/23/23), we urge you to deny all requested exceptions.

Sincerely,

[Redacted signature]

[Redacted footer]