

**Appendix C:**  
**Agency Correspondence**

**Preferred Alternative and Conceptual Mitigation Package**

<b>Project Name &amp; Limits:</b> Section 200: I-95, North of MD 43 to North of MD 22	
<b>Having reviewed the attached Preferred Alternative/Conceptual Mitigation Package, the following concurring agency (by signing this document):</b>	
<input checked="" type="checkbox"/> U.S. Army Corps of Engineers <input type="checkbox"/> U.S. Environmental Protection Agency <input type="checkbox"/> Federal Highway Administration <input type="checkbox"/> Maryland Department of the Environment	
<input checked="" type="checkbox"/> <b>Concurs (without comments)</b> <input type="checkbox"/> <b>Concurs (w/ <u>minor</u> comments)</b> <input type="checkbox"/> <b>Does Not Concur</b>	
Comments / Reasons for Non-Concurrence:	
<i>Note: Please do <u>not</u> provide "conditional" concurrence. You should either concur with the information as provided (without comments or with <u>minor</u> comments) or not concur until revisions are made or additional information is provided.</i>	
Additional Information Needed:	
Signature: <u>SM [Signature]</u>	Date: <u>1-20-10</u>

12/11/09

**Preferred Alternative and Conceptual Mitigation Package**

<b>Project Name &amp; Limits:</b> Section 200: I-95, North of MD 43 to North of MD 22	
<b>Having reviewed the attached Preferred Alternative/Conceptual Mitigation Package, the following concurring agency (by signing this document):</b>	
<input type="checkbox"/> U.S. Army Corps of Engineers <input type="checkbox"/> U.S. Environmental Protection Agency <input checked="" type="checkbox"/> Federal Highway Administration <input checked="" type="checkbox"/> Maryland Department of the Environment	
<input checked="" type="checkbox"/> <b>Concurs (without comments)</b> <input type="checkbox"/> <b>Concurs (w/ <u>minor</u> comments)</b> <input type="checkbox"/> <b>Does Not Concur</b>	
Comments / Reasons for Non-Concurrence:	
<i>Note: Please do <u>not</u> provide "conditional" concurrence. You should either concur with the information as provided (without comments or with <u>minor</u> comments) or not concur until revisions are made or additional information is provided.</i>	
Additional Information Needed:	
Signature: <u>Susan Ridenour [Signature]</u> <i>Susan Ridenour for Elder Ghidgerelli</i>	Date: <u>1-25-10</u>

12/11/09

**Preferred Alternate / Conceptual Mitigation**

Project Name & Limits: Section 200: from New Forge Road to north of MD 22	
Having reviewed the attached Preferred Alternate / Conceptual Mitigation concurrence package the following agency (by signing this document):	
<input checked="" type="checkbox"/> Federal Highway Administration	<input type="checkbox"/> Corps of Engineers
<input type="checkbox"/> Environmental Protection Agency	
<input checked="" type="checkbox"/> Concur (without comments) <input type="checkbox"/> Concur (w/ <u>minor</u> comments) <input type="checkbox"/> Does Not Concur	
Comments / Reasons for Non-Concurrence:	
Note: Please do <u>not</u> provide "conditional" concurrence. You should either concur with the information as provided (without comments or with <u>minor</u> comments) or not concur until revisions are made or additional information is provided.	
Additional Information Needed:	
Signature: 	Date: 2/1/10

4/30/09

**Preferred Alternate / Conceptual Mitigation**

Project Name & Limits: Section 200: from New Forge Road to north of MD 22	
Having reviewed the attached Preferred Alternate / Conceptual Mitigation concurrence package the following agency (by signing this document):	
<input type="checkbox"/> Federal Highway Administration	<input type="checkbox"/> Corps of Engineers
<input checked="" type="checkbox"/> Environmental Protection Agency	
<input type="checkbox"/> Concur (without comments) <input checked="" type="checkbox"/> Concur (w/ <u>minor</u> comments) <input type="checkbox"/> Does Not Concur	
Comments / Reasons for Non-Concurrence: see attached	
Note: Please do <u>not</u> provide "conditional" concurrence. You should either concur with the information as provided (without comments or with <u>minor</u> comments) or not concur until revisions are made or additional information is provided.	
Additional Information Needed:	
Signature: 	Date: 1-21-10

4/30/09

There are general concerns (as there have been for transportation projects statewide) that agreement is reached with the interagency team on a preferred alternative and mitigation, and a CWA 404 permit is issued, but there is no financial mechanism to secure sites that have been identified. We would encourage MdTA to acquire accepted sites as soon as possible, to secure mitigation. We do appreciate MdTA following SHA's Maryland Streamlined Environmental and Regulatory Process and the effort made for interagency coordination. In the future, we may need to discuss modification of the process for specific projects, especially where design and construction are expected to be delayed by many years after completion of the NEPA process. This has been implemented on some of the SHA projects.

**MdP**  
Maryland Department of Planning  
Maryland Historical Trust

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor

Richard Eberhart Hall  
Secretary

Matthew J. Power  
Deputy Secretary

September 23, 2009

Ms. Jennifer Rohrer  
Environmental Manager  
Division of Capital Planning  
Maryland Transportation Authority  
2310 Broening Highway  
Suite 150  
Baltimore, MD 21224

Re: Section 200: I-95, North of MD 43 to North of MD 22  
Baltimore and Harford Counties  
Section 106 Review

Dear Ms. Rohrer:

Thank you for providing the Maryland Historical Trust (Trust) with copies of the recent cultural resources reports and follow up information produced for the above-referenced project, for review and comment as part of ongoing consultation for this undertaking. Trust staff examined the submitted documents pursuant to Section 106 of the National Historic Preservation Act of 1966 and the Maryland Historical Trust Act of 1985. We offer the comments presented below and in the attachments to this letter and are pleased to conclude the Section 106 consultation for this undertaking.

**Archeology:** We examined the final Phase I archeology report prepared by A.D. Marble & Company for MdTA: *Phase I Archeological Survey, I-95, North of MD 43 to North of MD 22, Baltimore and Harford Counties, Maryland* (Kenworthy 2009). The final report largely addresses the Trust's comments (dated November 7, 2008) on the draft document. Attachment 1 lists the Trust's remaining remarks on the report, for the consultant's benefit. The Trust will accept the current report as the final document for our library.

The Maryland Inventory of Historic Properties includes numerous previously recorded sites located within and adjacent to the current area of potential effect (APE). The Phase I survey entailed systematic investigation of those sections of the APE with a high probability for the presence of archeological sites, based on the background research results. Testing documented extensive disturbance throughout sections of the APE. The survey was unable to locate evidence of many of the previously recorded sites and revealed substantial impacts from 20<sup>th</sup> c. land alterations. As part of the survey efforts, the consultants assessed the eligibility of seven archeological sites for the National Register of Historic Places. Based on the information provided, we concur that the following seven sites do not meet the criteria for eligibility in the National Register of Historic Places, given their lack of potential to yield important information and loss of integrity: 18BA54, 18HA37, 18HA50, 18HA53, 18HA57, 18HA60, and 18HA61.

The survey examined one prehistoric site, the Haha Branch Quartz Quarry (18HA17) that extends within the APE. The consultant recommended Phase II archeological evaluation of the resource. Trust staff reviewed the draft Phase II report prepared by A.D. Marble & Company for MdTA: *Phase II Archeological Investigations of the Haha Branch Quartz Quarry Site (18HA17), I-95, Section 200 - North of MD 43 to North of MD 22, Harford County, Maryland* (Lenert 2009). The investigations entailed excavation of seven one by one meter units within the APE. Testing recovered over 2,300 prehistoric lithic artifacts reflecting the site's uses for lithic procurement and reduction activities. Recovered materials consist primarily of debitage (95%) and a few stone tools (5%). The investigations did not identify any features or temporally

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diagnostic materials. Surface inspection indicates that the site extends beyond the APE to the east and north of the portion within the APE. Thus, the consultant was not able to conclusively assess the National Register eligibility of the site as a whole. Given the lack of features and diagnostic materials within the APE, we agree that further investigation of those sections of 18HA17 within the APE is not warranted for the current undertaking. MdTA should ensure that the remaining site area is avoided by all construction related equipment and activities.

Attachment 2 lists the Trust's specific comments on the draft Phase II report. We ask MdTA to have the consultant address these issues in the preparation of the final report. We look forward to receiving two copies of the final report, for our library, when available.

**Historic Built Environment:** The Trust has reviewed MdTA's technical memorandum regarding additional noise analysis and potential reforestation in the vicinity of the Onion-Rawls House (MIHP No. BA-360). In our last correspondence dated 7 November 2008, we requested additional information as part of our ongoing consultation to minimize impacts to the National Register-eligible Onion-Rawls House. We appreciate MdTA's continued dialogue with the property owners and efforts undertaken by the project team to avoid adversely affecting the historic resource.

It is our understanding based on the results of the noise analysis presented in the technical memorandum, that the construction of noise barriers is not warranted, feasible or reasonable. However, it will be possible to avoid potential visual impacts to the historic resource by utilizing a portion of the Onion-Rawls property for reforestation. Up to five (5) acres of the property could be placed under perpetual easement and used for reforestation. The additional trees would expand the existing forested buffer between the Onion-Rawls House and I-95. Potential reforestation scenarios include planting evergreen trees in a random pattern near the house and transitioning to deciduous trees near the existing forest. The property owners expressed a preference for Kingsville arborvitae, Leyland Cypress and Sweetgum trees in the reforestation mix.

The Trust strongly supports this effort as a way to accomplish environmental mitigation requirements while enhancing the setting of the historic property. Since the expanded forest buffer will provide enhanced screening between the Onion-Rawls House and I-95, the undertaking will have **no adverse effect** on historic properties. We have based this determination on the following assumptions:

- MdTA will work with the property owners to select a suitable landscape plan;
- MdTA will try to incorporate the property owner's preferred plant species into the landscape plan;
- MdTA will execute a perpetual easement for the reforested area with the property owners;
- MdTA will complete the reforestation project no later than one (1) year after the completion of roadway construction activities adjacent to the Onion-Rawls House;
- MdTA will provide the Trust and the property owners with project status updates regarding the reforestation efforts on an annual basis.

**Section 106 Review:** Submittal of the remaining materials enables the Trust to conclude its Section 106 review and comment on the Section 200: I-95, North of MD 34 to North of MD 22 undertaking. Based on a careful review of all available information, the Trust concurs that the proposed undertaking will have no adverse effect on historic properties. Further cultural resources investigations are not warranted for this particular project. Aside from providing the Trust with copies of the final documentation on the archeological studies, as discussed above, this concludes the Section 106 consultation for the undertaking.

If you have questions or require further assistance, please contact Tim Tamburrino (for historic built environment) at [ttamburrino@mdp.state.md.us](mailto:ttamburrino@mdp.state.md.us) or 410-514-7637 or me (for archeology) at [bcole@mdp.state.md.us](mailto:bcole@mdp.state.md.us) or 410-514-7631. Thank you for your cooperation and assistance.

Sincerely,



Elizabeth J. Cole  
Administrator, Project Review and Compliance

EJC/TJT/  
200901232/200903136

Attachment 1 – Trust Comments on Revised and Final Phase I Archeology Report  
Attachment 2 – Trust Comments on Draft Phase II Archeology Report

cc: Melissa Williams (MdTA)  
James Kenworthy (A.D. Marble & Company)  
Charles Hall (MHT)  
Jennifer Cosham (MHT)  
Becky Morehouse (MHT/JPPM)  
Allen C. Rawl (11314 Reynolds Road, Bradshaw, MD 21087-1937)

**Attachment 1  
Maryland Historical Trust Comments on  
Final Phase I Archeological Survey Report**

The final report addresses the majority of the comments the Trust made on the draft document and we appreciate the consultant's attention to those items.

There still appears to be some confusion regarding the designation of previously recorded archeological resources within Test Area 36. The 2008 draft report referenced a site "18BA6" within Test Area 36, and this resource is still marked as such on Figure 9 in the final report. It appears that the consultant misread the Trust's White Marsh quadrangle data when they did their preliminary research. What they mistook as 18BA6 was actually an unconfirmed site recorded as White Marsh quad file #6. The consultant should have noted that Test Area 36 overlaps with a mid 18th to mid 19th century iron furnace and mill complex recorded in the Trust's Maryland Inventory of Historic Properties as BA-597. That complex includes BA-598 (an iron furnace stack that was demolished in the early 20th century), BA-599 (two dam abutments), and BA-600 (a mill ruin). It is important for consultants to examine all information contained in the Trust's inventory records, not just the archeological data. The Trust completed an archeological site form for the resource, designated 18BA561, and had provided a copy of that information to the consultant. The final report did not quite present an accurate discussion of the resource situation for Test Area 36.

Fortunately, the project will not entail any impact to site 18BA561 so no further work is needed. The Trust has corrected the submitted documentation, including the site update form, to reflect accurate information for inclusion in our Inventory records. We encourage the consultant to pay close attention during their background research efforts to the varying levels of resource documentation noted in the Trust's GIS system and inventory records. Those records include inventoried archeological sites (designated with by *18/County prefix/and site number*), unconfirmed archeological resources (marked with a Quad file designation *Quad name/and number*, and inventoried historic structures (noted with a Maryland Inventory of Historic Properties *County prefix/and resource number*).

**Attachment 2  
Maryland Historical Trust Comments on  
Draft Phase II Archeological Survey Report**

1. The title listed on the cover page should match that on the title page.
2. The current investigations did not result in a conclusive evaluation of National Register eligibility for 18HA17, since the consultant determined that the site largely extends beyond the APE for the current undertaking. Thus, it may be more appropriate to eliminate the term "Phase II" from the report title and replace it with a more accurate description of the work, such as supplemental or expanded Phase I investigations of 18HA17.
3. The report should note the repository that will curate the artifacts and associated records generated by the project.
4. The report should include a map illustrating the test area and units on the project plans. The map should show project limits of construction and the likely limits of the site extending outside the APE, to document avoidance of the remainder of the resource.
5. The report should include an appendix with a copy of the permit issued by the Trust for the archeological testing on state property.
6. It is not necessary to include Appendix D (NADB Reports Recording Form) in the final report, as the Trust no longer updates or utilizes the NADB system in Maryland.
7. Please print the final document single spaced.

**From:** John Nichols [mailto:John.Nichols@noaa.gov]  
**Sent:** Monday, February 01, 2010 5:35 PM  
**To:** Jennifer Rohrer  
**Cc:** Elinsky, Steve NAB02  
**Subject:** Re: Section 200 - PACM Concurrence

Jennifer:  
NMFS has reviewed the PACM, and has comments on narratives for two the mitigation sites; Grays Run, and Gonzalez Site.

Grays Run:  
Page 81, second paragraph:  
Fish passage restoration at this site is not only for resident species, but for migratory fish, such as blueback herring and alewife. This paragraph should include the goal of restoring migratory fish passage.

Page 82, first paragraph, last sentence:  
Monitoring of references reaches in Grays Run should be used, primarily, for determining flow conditions (velocities and depths) that occur in those reaches during the migratory fish spawning period (March 1- June 15 for river herring). Reference reach flow conditions should then be mimicked in the low-flow (right) cell of the culvert crossing, to ensure passable flow conditions for migratory fish. If proper flow velocities and depths permitting fish passage through the culvert are not achieved, then this component of the mitigation will not be successful. This objective must be clearly stated in the final paragraph for the Grays Run narrative.

Gonzalez Site:  
Page 84, third paragraph:  
Sediments excavated upstream of the failed ford should only be used for bankfull bench construction if they are primarily comprised of sand and gravel (>70% sand and gravel). Fines should be disposed of at an upland site.

\*NMFS is still awaiting an estimate of the amount (cubic yardage) and grain-size composition of material upstream of the ford.

Page 85, first and second paragraphs:  
Grade control structures discussed for the sewer line crossing downstream of the ford, and the unnamed tributary upstream of the ford, if used, should be designed for maintenance of unimpeded fish passage.

Jennifer Rohrer wrote:  
Ian, Steve and Barbara:

I just wanted to send out a reminder noting concurrence is requested on the Section 200 PACM by this Friday, January 22, 2010 (extended from Friday, January 8, 2010).

If you have any further questions on the document, please contact me.

Thank you,  
Jen

410-537-5664 (T)  
410-363-0105 (M, W, Th, F)  
[jrohrer1@mdta.state.md.us](mailto:jrohrer1@mdta.state.md.us)



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Martin O'Malley  
Governor

Anthony Brown  
Lt. Governor

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Isaac H. Marks, Sr., Esq.  
Michael J. Whitson  
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Ronald L. Freeland  
Executive Secretary

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December 18, 2009

Ms. Elizabeth J. Cole, Administrator  
Project Review and Compliance  
Maryland Historical Trust  
100 Community Place  
Crownsville, MD 21032-2123

RE: Section 200: I-95, Supplemental Phase I Archeological Investigations of the Haha Branch Quartz Quarry Site (18HA17)

Dear Ms. Cole:

Enclosed is a revised copy of the Maryland Transportation Authority's (Authority) Supplemental Phase I Archeological Investigations of the Haha Branch Quartz Quarry Site (18HA17) for the *Section 200: I-95, North of MD 43, Baltimore County to North of MD 22, Harford County* project. The revised document address revisions requested in your letter dated September 23, 2009.

The requested revisions and supplemental materials have been included in the revised report and are presented for your files. An errata has also been prepared to specify how each comment was addressed.

If you have any questions or additional comments concerning this project, please do not hesitate to contact me at (410) 537-5651.

Sincerely,

Jennifer Rohrer  
Environmental Manager  
Maryland Transportation Authority

Attachments:  
Supplemental Phase I Archeological Investigations Report  
Errata

cc: Mr. Dennis N. Simpson, MdTA  
Ms. Melissa Williams, MdTA  
Mr. Russell Walto, MdTA  
Mr. Charles Hall, MHT



Maryland Department of Planning  
Maryland Historical Trust

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor

Richard Eberhart Hall  
Secretary

Matthew J. Power  
Deputy Secretary

January 28, 2010

Ms. Jennifer Rohrer  
Environmental Manager  
Division of Capital Planning  
Maryland Transportation Authority  
2310 Broening Highway  
Suite 150  
Baltimore, MD 21224

Re: Section 200: I-95, North of MD 34 to North of MD 22  
Baltimore and Harford Counties  
Section 106 Review

Dear Ms. Rohrer:

Thank you for providing the Maryland Historical Trust (Trust) with two copies of the following final report produced for the above-referenced project: *Supplemental Phase I Archeological Investigations of the Haha Branch Quartz Quarry Site (18HA17), I-95, North of MD 43 to North of MD 22, Harford County, Maryland* (Lenert 2009). The A.D. Marble & Company prepared the report on behalf of the Maryland Transportation Authority (MdTA).

Trust staff examined the submitted document pursuant to Section 106 of the National Historic Preservation Act of 1966 and the Maryland Historical Trust Act of 1985. The final report successfully addresses the comments the Trust made on the draft report in our letter of September 23, 2009. The report makes a welcome addition to the Trust's library and completes MdTA's archeology review responsibilities for the Section 200 undertaking.

If you have questions or require further assistance, please contact Tim Tamburrino (for historic built environment) at [ttamburrino@mdp.state.md.us](mailto:ttamburrino@mdp.state.md.us) or 410-514-7637 or me (for archeology) at [bcole@mdp.state.md.us](mailto:bcole@mdp.state.md.us) or 410-514-7631. Thank you for your cooperation and assistance.

Sincerely,

Elizabeth J. Cole  
Administrator, Project Review and Compliance

EJC/ 200905050

cc: Charles Hall (MHT)

100 Community Place • Crownsville, Maryland 21032-2023  
Telephone: 410.514.7600 • Fax: 410.987.4071 • Toll Free: 1.800.756.0119 • TTY Users: Maryland Relay  
Internet: [www.marylandhistoricaltrust.net](http://www.marylandhistoricaltrust.net)

Harford County  
Senators



Andy Harris  
J. Robert Hooper  
Nancy Jacobs

*The Senate of Maryland*  
ANNAPOLIS, MARYLAND 21401-1991

December 26, 2007

Maryland Transportation Authority  
Attention: Melissa Williams, Planning Manager  
2310 Broening Highway  
Baltimore, MD 21224

RE: Section 200 Concern

Dear Ms. Williams:

We write regarding the Section 200 project. Specifically, we are concerned about the proposed location of the Park and Ride at Route 152, Mountain Road at Jaycee Drive. Many of our constituents have expressed their objections to the proposed location for a number of reasons. It is not only the impact on the wetland area, but traffic and other legitimate concerns we share with Harford County residents, many of whom attended the meeting you hosted on December 13 at William Paca Elementary School. The area in question is almost completely comprised of woods, which provides not only a sound barrier from I-95 traffic for the residents, but both a visual and sound barrier from the heavy traffic on Mountain Road.

Another issue that we failed to address at the meeting was the number of traffic signals that would need to be added should the park and ride be placed at Jaycee Drive. This concern was brought up at other community meetings by the Joppa Magnolia Fire Company. On Thursday, December 20 Senator Jacobs discussed this concern in a meeting with Geoffrey Kolberg and Keith Duerling. Mr. Kolberg said he would relay the fire company concerns to you. He suggested that if the fire company did not already have a device to change/control the signal lights in event of an emergency, that he was sure that issue could be addressed and changed to make sure that emergency vehicles could maneuver through that area quickly.

We feel very strongly that the proposed location is not suitable and places an undue burden on the property owners in that area. We respectfully request you continue to pursue finding other more appropriate locations for the Mountain Road Park and Ride.

Thank you in advance for your consideration. We look forward to working with you on this very important transportation project.

Sincerely,

Andy Harris  
State Senator

Nancy Jacobs  
State Senator

J. Robert Hooper  
State Senator



COUNTY COUNCIL OF HARFORD COUNTY, MARYLAND

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President

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District C

MARY ANN LISANTI  
District F

December 20, 2007

Maryland Transportation Authority  
Melissa Williams, Planning Manager  
2310 Broening Highway  
Baltimore, MD 21224

Dear Ms. Williams:

I am opposed to the idea of the possibility of paving over acres of wetlands in rural Joppa. The latest plans have the Park & Ride further north by Franklinville Road. I understand that a Park & Ride is wanted less than a mile from the interchange. Route 40 is less than a mile but the State authorities do not seem to understand that. This area is outside the Development Envelope. Also it is not in the County's Priority Funding Area (PFA) and it is contrary to what was written in the 2004 Harford County Master Plan.

Most importantly, this will destroy the Southern gateway to Harford County by tearing down trees, putting up traffic lights, adding to congestion, putting macadam over wetlands, scaring wildlife and running them out onto our roads, fouling the air we breathe, ruining a natural filter and allowing pollution to run into the Bay which is so near.

As the County representative for District A, Edgewood/Joppa/Joppatowne, I feel compelled to express to you my opposition as well as the opposition of my constituents. Please consider the facts listed above when making a decision on this very important issue.

Sincerely,

Dion F. Guthrie  
Council Member, District A

DFG:pdh

cc: Maryland State Senators Harris, Jacobs and Hooper  
Maryland State Delegates Impallaria, Jennings, McDonough, James, Riley, Glassman,  
Stifler, and McComas

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