

APPENDIX F
DELAWARE STATE HISTORIC PRESERVATION OFFICE
LETTER OF CONCURRENCE



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STATE OF DELAWARE
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May 27, 2003

Mr. Robert Kleinburd
Realty & Environmental Specialist
Federal Highway Administration
J. Allen Frear Federal Building
300 South New Street
Dover, DE 19904-6726

RE: Replacement of Bridge 210A (Shady Bridge Road/Shades Branch), Kent Co., DE; State Contract No. 21-072-01; Federal Aid Project No. EBROS-K210(2); finding of No Historic Properties Affected

Dear Mr. Kleinburd:

On April 28, 2003, we received revised documentation of a finding of No Historic Properties Affected, prepared by DelDOT on your agency's behalf. A draft archaeological survey report was included as part of the documentation. This report was prepared by DelDOT's consultant, in response to our comments on the management summary that had accompanied DelDOT's previous correspondence on this undertaking. We have reviewed these materials, and would like to offer the following comments.

The documentation contains information pursuant to 36 CFR Part 800.11(d) of the regulations which implement Section 106 of the National Historic Preservation Act, but requires some clarification. DelDOT's letter states that no archaeological resources exist within the Area of Potential of Effect. This is not, in fact, the case. Site 7K-E-91, Locus B, a Woodland I period site, was identified as a result of the archaeological survey conducted for this project. The consultant recommended, and DelDOT apparently agrees, that the Site is not eligible for listing in the National Register of Historic Places. Therefore, the proposed basis for the finding of No Historic Properties Affected is that no *historic properties*, as defined in 36 CFR Part 800.16(1), are present within the APE.

The draft survey report addresses the majority of our concerns with the management summary, as expressed in our initial e-mails (February 5th and 9th, 2003), and in subsequent meetings and phone conversations. The report defines the survey as a Phase I (identification), but the level of effort described approaches a Phase II (evaluation), and should perhaps be characterized as such.

Letter to R. Kleinburd
May 27, 2003
Page 2

The consultant recommends that Site 7K-E-91 Locus B is not eligible for the National Register of Historic Places, based on the Site's "limited research potential". This lack of research potential is due to an apparent lack of integrity, in terms of both post-depositional disturbance (road, borrow pit) and a more general inability of the Site to yield specific data to address important research questions. The information in the draft survey report supports this conclusion.

Therefore, we agree that Site 7K-E-91 Locus B (at least as represented within the Bridge 210A project Limits of Construction) is not eligible for the National Register, and we concur with the finding of No Historic Properties Affected. We have a few additional comments on the draft report, which we will submit directly to DelDOT and the consultant, under separate cover.

Thank you for your consideration of these comments. If you have any questions, please do not hesitate to contact me.

Sincerely,



Daniel R. Griffith
Director/State Historic Preservation Officer

cc: Kevin Faust, Permits Section, Philadelphia District, U.S. Army Corps of Engineers
Carolann Wicks, Director, Division of Transportation Solution, DelDOT
Therese M. Fulmer, Manager, Environmental Studies, DelDOT
Kevin Cunningham, Archaeologist, Planning, DelDOT
Laura Herr, Wetland and Subaqueous Lands Section, DNREC
James Hewes, Environmental Scientist, Del. Coastal Management Program, DNREC
Beth Ross, Historic Preservation Planner, Kent County Department of Planning
Cynthia Auman, Cultural Resources Manager, Parsons