



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Intercounty Connector
Mandatory Referral No. 06809-SHA-1
Status Report #12**

Prepared 1/29/08 for discussion at the 1/31/08 roundtable

The focus of this status report is on the two areas of discussion on which staff is seeking concurrence prior to scheduling a public hearing regarding the transfer of remaining parkland property to SHA:

- Development of a public review process for environmental impacts within Special Protection Areas, and
- Reforestation requirements for park property

We have worked with SHA on these two issues during the past several months and are ready to discuss with the Board the proposed interagency staff resolution of these issues in relation to the parkland transfer schedule.

Section 1. Special Protection Area Review

Status Report #11 provided a detailed summary of the procedural and technical concerns related to the SPA review process. Staff and SHA have developed a tentative process and schedule for this review that includes the following elements:

- SHA will provide the Final Stormwater Management Report and Rough Grade and Drainage Plans to M-NCPPC on January 31.
- M-NCPPC will post the submitted material on our website by February 4 and complete a staff memo regarding the SPA review on our website by February 11
- Staff will schedule a Planning Board public hearing on SHA's proposed approaches to environmental resource protection in the Upper Rock Creek SPA for February 21. Representatives from SHA, DPS, DEP, and MDE have been invited to participate in the hearing.
- No land disturbing activities will occur prior to the public hearing and MDE review period will be designed to consider public hearing comments.

SHA has amended the Contract B RFP to reflect lessons learned from the Contract A experience:

- The design-builder will need to compile one geographic package for all construction drawings within the Upper Paint Branch SPA (so that the entire roadway review process is on a common schedule)
- The design-builder will need to submit two stages of full plans (preliminary and final)

- No construction work (other than preliminary data collection activities) in the SPA can begin prior to approval of final plans.

Section 2. Reforestation Requirements on Parkland

We have agreed with SHA on the key elements for reforestation on M-NCPPC property. These elements, summarized in Attachment A, retain the five-year monitoring period in SPAs that we discussed in Status Report #11. This proposal would apply both to reforestation on existing parkland as well as on SHA property that will become park property in the future as described in the ICC Record of Decision.

SHA has indicated that the five year maintenance and monitoring period in SPAs is substantially different enough from their requirements that they would consider this an element of environmental stewardship, rather than compensatory mitigation and would seek our concurrence as well as that of state and federal review and permitting agencies to rebalance other environmental stewardship projects affecting parkland.

We are already working with SHA on potential adjustments to one of the cultural stewardship projects, Site #33, called “Lake Frank Trails”. While this is a cultural stewardship project, its original intent was one related to improving the natural environment as well, reducing impervious surface adjacent to Lake Frank by converting former parking areas to trails through asphalt removal. Our interests have shifted more towards expanding the trail system, which would help complete our park trail network, but would not provide the natural environmental benefit originally intended. We believe we can work with SHA and the state and federal agencies to tailor the Site #33 work scope in a manner that will accommodate the five-year reforestation maintenance period.

The discussion of invasive species control is also an issue along the ICC roadway where it creates a new forest edge adjacent to park property. This issue was discussed as Condition #8 of the July 2006 mandatory referral review. SHA is required to control invasive species within their right-of-way, but not on adjacent park property. Both M-NCPPC and SHA have indicated a desire to consider some level of partnership in addressing invasive species outside of the roadway right-of-way. The area where further research is needed is in the long-term value of either broadly applied (the July 2006 comment recommended a linear swath of treatment for all park property adjacent) or narrowly targeted control approaches for invasive species.

We have agreed that we would set up a task force to include MDE, DNR, DEP, the state Department of Agriculture, and the academic community to help define an appropriate invasive control strategy that would be supportable by both the County Council and the State of Maryland.

Section 3. Status of Western Maintenance Facility and Trolley Museum

In addition to the SPA review process discussed in Section 1, there were two other mandatory referral conditions upon which the Contract A parkland transfer was

contingent; relocation of the Western Maintenance Facility and the National Capital Trolley Museum.

On November 21, 2007, the Federal Highway Administration approved an Environmental Summary for the Western Maintenance Facility from the “Casey 7” property shown in the Record of Decision to the “Casey 6” property recommended by the Planning Board.

Relocation of the Trolley Museum is proceeding per the three-party MOU among the Museum, the Commission, and SHA on June 29, 2007. The first building of the new museum complex, the trolley storage barn, is substantially completed. Staff did the final inspection in December 2007 and issued a punch list for minor items.

The design of the two remaining buildings and the overall site has been completed. The Museum’s consultants are making minor revisions to the plans to address Parks staff’s review comments. They have filed a building permit application with the Department of permitting Services and a park permit application with the Department of Parks. We expect the second phase of the Trolley Museum to start construction in early February and be complete by December 31, 2008.

Section 4. Park Property Transfer Schedules

We have the record plat materials required to hold a public hearing on the remaining park property transfer to SHA. We propose that the public hearing for the remaining parkland within Contract B be scheduled for February 28, 2008, one week following the ICC Upper Rock Creek SPA public hearing that is tentatively scheduled for February 21, 2008.

Section 5. Review of Other Activities

Commission Staff Support

We have brought on board two of the four staff positions included in our supplemental request approved by the County Council last fall:

- Steven Reid was hired as a contract employee within the Parks Department at the end of November 2007. Steven has over eight years of experience in environmental risk assessment, environmental planning and permitting, computer simulation modeling, and water quality monitoring. He is completing his Master of Science degree in Water Resources Engineering, with a focus on stormwater runoff and nonpoint source pollution
- Andrea Stone is currently completing administrative processes to begin work as a contract employee within the Planning Department. Andrea has relevant experience working five years as an environmental scientist in the private sector. She has experience in project management and quality control procedures. Ms. Stone has a Masters of Applied Science in Urban and Regional Planning and a Bachelors of Science in Environmental Science. Her prior experience includes

primary administration of Accomack County, Virginia's Erosion and Sediment Control Program and managing urban watershed restoration projects.

Llewellyn Property

Park and Planning staff met with SHA staff and their consultant on December 21, 2007, to discuss the plan for the park. It was agreed that the entire recreational park will be implemented in two phases and SHA will construct the first phase with a budget around \$2.9 million. The goal for Phase One was to create an operational park in accordance with the recreational need and the Department of Park's specifications.

SHA's proposal for Phase One includes earthwork, grading for pads to accommodate future restroom and maintenance building and playgrounds, four new fields (two soccer fields, one football field, and one baseball field), 232 paved parking spaces, stormwater management and erosion and sediment control, removal of existing road pavement as necessary, stabilization seeding, and 80% of total required reforestation planting. Staff is working with SHA to add other amenities, such as a restroom and pedestrian pathways, to the first phase.

SHA's consultant is revising the overall plan for the park and preparing a separate Phase One plan showing only the facilities to be constructed by the State. These two plans will be submitted to the Commission's staff for internal review and comment. The final plans will then be presented to the Planning Board for approval.

ATTACHMENT A

SHA Reforestation Proposal for Current and Future MNCPPC Property

(SHA December 31, 2007 version, with revisions by M-NCPPC staff 1/25/08)

Densities/Size:

- 200 trees/acre (5' min ht., CG)
- 20 trees/acre (2.5" cal., B&B)

Tree Species:

- See "Planting Requirements for Land-Disturbing Activities and Related Mitigation on MNCPPC Montgomery Parkland" (Revised January, 2008) for tree species approved by MNCPPC.
- Shrubs will not be planted due to prevalence of deer predation and poor survivability.
- Planting materials are to be inspected by qualified personnel upon delivery to the site before planting to determine that plants meet species and size specifications.

Supplemental Tree/Shrub Seeding:

- Seeding of native trees/shrubs may be conducted at suitable sites to supplement forest establishment. Site preparation will include mowing and/or disking prior to planting.

Tree Protection:

- Tree sleeves made of heavy-duty plastic open weave mesh, 4' tall, 6" diameter will be installed on all trees; tree sleeves should be staked on all small stock:
<http://www.amleo.com/index/item.cgi?cmd=view&Words=bg48>.
- MNCPPC will remove tree sleeves to prevent trunk damage once trees are large enough to withstand deer browse/rub (4-6 years+/-).

Invasive Control:

- NNI control will occur prior to planting in order to permanently remove as many existing vine, shrub and herbaceous NNIs as possible. NNI control will occur for plant species identified on the State's noxious weed list. In addition, NNI control will be implemented for climbing vines (e.g., mile-a-minute, porcelain berry, oriental bittersweet). MNCPPC will assist SHA in control efforts of other NNI plants such as: autumn olive, bush-honeysuckle, multiflora rose, Japanese knotweed.
 - In areas where an effective NNI control program is in place, additional NNI control measures will be implemented as outlined in MNCPPC's "Best Management Practices for Control of Non-Native Invasives" (January, 2008) during the 2 year and/or 5 year maintenance periods.
- As outlined in the document referenced above, herbicide/pesticide use will be conducted only when it is determined by SHA and MNCPPC Parks Forest Ecologist, or other appropriate park staff, that mechanical measures alone are not sufficient to remove the targeted non-native invasive plant species. The specific herbicides to be used, the specific areas where herbicides will be applied, and the methods for and extent of herbicide application will be coordinated with the MNCPPC Park Forest Ecologist or other appropriate park staff prior to use on MNCPPC property.

Survival Rate/Maintenance Period:

- **90%** survival at the end of the 1st year of maintenance & **80%** at the end of the 2nd year of maintenance on all sites.
- Additional requirement of **75% survival** at the end of 5th year of maintenance for SPA sites.
- If less than required survival % in any year, area will be replanted to 100%. SHA will notify MNCPPC of the schedule for replanting.
- Maintenance may include watering, pruning, pest management, weeding, plant replacement, etc.
- Forest planting, maintenance, and survival requirements will apply universally to all SPA plantings, in and outside parkland.

Documentation and Verification:

- A joint site-investigation with MNCPPC and SHA representatives will be conducted at the end of year 1 and 2 at all sites, and year 5 at SPA sites demonstrating the survival rates in this agreement are achieved. In addition, the following documentation will be prepared (including survival rates):
 - Year 1: MNCPPC will document the results of the joint site-investigation and provide SHA a copy of the results.
 - Year 2: MNCPPC will be forwarded a copy of all documentation submitted to regulating agencies (DNR) demonstrating compliance with the State Reforestation Law.
 - Year 5: SHA will document the results of the joint site-investigation and provide MNCPPC a copy of the results.