

**ATTACHMENT # 4**

**TITLE:**

- Letter from Chairman Berlage to Stuart Rochester, March 8, 2004.
- FAX from Stuart Rochester to Chairman Berlage, May 26, 2004.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Office of the Chairman, Montgomery County Planning Board

March 8, 2004

Mr. Stuart Rochester  
Fairland Master Plan Citizen  
Advisory Committee  
2901 Greencastle Road  
Burtonsville, Maryland 20866

Dear Mr. <sup>Stuart</sup> Rochester:

Your concerns for cultural/historic and community impacts are noted and will be considered by staff in their review of the appropriate SHA reports which are expected in draft in May 2004. Staff has tentatively scheduled a briefing/worksession with the Planning Board in May to discuss these reports. Opportunity for public comment to the Board is likely to be afforded in July.

I will also forward your letter to our contacts at the SHA for their factoring into the draft reports.

Please also be aware that because of budget constraints, we have not allocated staff resources to perform original work. We have given the state our previous studies. We will closely review the state's products throughout the Environmental Impact Study (EIS) process. We will attempt to influence their work to address the concerns you raise at our meetings with them. How well they achieve the desired outcome can only be ascertained when we receive their draft reports and are afforded the opportunity to comment. We are concerned about community impacts and we insist on their proper inclusion in the state's reports and decision making process.

Sincerely,

Derick P. Berlage  
Chairman

DPB:JV:ss

cc: Neil Pedersen, SHA with attachment

✓ BCC: Jorge Valladares

FAIRLAND MASTER PLAN CITIZENS ADVISORY COMMITTEE  
2901 Greencastle Road      Burtonsville MD 20866

May 26, 2004

Mr. Derick Berlage  
Chairman, Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring MD 20910

Dear Chairman Berlage and Planning Board Commissioners:

On February 16, the Fairland Master Plan Committee wrote the Chairman requesting that the Planning Board insure there be adequate review of master plan and community impacts along ICC Corridor 2, where SHA and federal agencies were proposing a web of "alternate" ICC routes that literally plowed through the middle of residential streets, erased others, and stood to transform the look and character of entire east County neighborhoods where no road was ever planned or intended. The Chairman acknowledged the importance of these issues and said the Board would "insist" these routes, which after all threaten County land use policies and plans as well as its citizens' master plans, get appropriately discussed in the state's reports to the Board.

Hence we were surprised to learn that staff not only will not be discussing the Corridor 2 issues at the SHA presentation on June 3, but evidently has not pressed SHA as to when these concerns will be discussed. If the past ICC DEIS is any indication, without guidance from the Board, SHA will not document and may not even refer to these impacts in the Draft Environmental Impact Statement, instead merely listing "houses taken" without mention of the larger scope of consequences of light, noise, visual, and property impacts that would occur within neighborhoods and along a wide swath of the east County residential wedge.

The Planning Board, no less than residents, should be concerned about both the proliferation of non-master-plan options in Corridor 2 and the information vacuum surrounding them--e.g., whether the roadway would tower over homes in raised sections and bridges reminiscent of roads plowed through inner-city communities, or slice local streets and communities in half. *And what replaces the Norbeck Connector in the local transportation network under the Corridor 2 scenario?* Will "28-198" cease to exist? Will east County residents have to pay a toll to make a local trip to Georgia Avenue? (One staff member has casually said this can be addressed later (!) by the addition of "service" lanes or roads, so that after the fact, instead of determining beforehand, we could wind up with a 10-lane Norbeck Connector under Corridor 2?!)

Please take the time at least to broach these subjects with SHA on June 3, and plan to have SHA come back and describe the sundry alignments in at least some detail at an early subsequent date. **These are your plans as well as ours that are at stake, not to**

mention the County's General Plan and essential land use "vision"—and indeed the County's planning authority. Governor Ehrlich and Secretary Flanagan have already rerouted the Purple Line; they have little interest in stopping a northern ICC that works better for Howard County even though it would contradict Montgomery's most fundamental planning principles. We are disturbingly close to abdicating our transportation-land use planning to the State and federal staff personnel. I know you have had a full plate this year, but please give this the priority it deserves. Thank you on behalf of homeowners and communities the length of MD 28-198.

Sincerely,



Stuart Rochester  
Chairman, Fairland Master Plan CAC

cc. Steven Silverman, President, Montgomery County Council

**ATTACHMENT # 5**

**TITLE:**      *INTERCOUNTY CONNECTOR MEMORANDUM OF  
UNDERSTANDING* Between M-NCPPC and SHA, 1989.

**INTERCOUNTY CONNECTOR**  
**MEMORANDUM OF UNDERSTANDING**

KE:cpa/B:ICCMOU4.KE  
9/89

①

October 11, 1989

MEMORANDUM OF UNDERSTANDING

The Intercounty Connector project will cross four parks under the jurisdiction of the Maryland-National Capital Park and Planning Commission (M-NCPPC), namely Rock Creek Regional Park, North Branch of Rock Creek Stream Valley Park, Northwest Branch Recreational Park, and Paint Branch Stream Valley Park. The project will require 300-feet of right-of-way through the parks. While not all of the 300-foot right-of-way will necessarily be cleared for the project, it is acknowledged that in some instances impacts will extend beyond the 300-foot width. The park land required for the Intercounty Connector is undeveloped with no planned recreational use with the exception of trail use and nature study activities.

As the Maryland State Highway Administration (SHA) will be receiving only location approval for this project, it is not possible to specifically identify all potential impacts of the project through the individual parks. Accordingly, it is also not possible to identify all impact specific mitigation measures. The SHA and the M-NCPPC have therefore agreed to general conceptual mitigation measures to be used where appropriate throughout the parks.

Specific mitigation measures will be developed in a cooperative effort between the two agencies. The SHA will include the M-NCPPC staff in all meetings with other agencies and working groups where impacts to parkland are discussed.

The conceptual mitigation measures will include, but not be limited to, the following:

- \* At a minimum, parkland required for the project, including such off-site acreage required for stormwater management and wetlands mitigation, will be replaced by SHA on an acre-for-acre basis. The replacement land will be of equal or greater natural resource, recreation and economic value as the parkland taken for or impacted by the project.
- \* The specifics concerning the land transfer will be developed as the project proceeds through final design and will be completed before construction in the park areas begins.
- \* A parkway-like setting along the roadway will be designed to the extent feasible and reasonable.



- \* The final design will minimize clearing and grading to the extent reasonable.
- \* Best Management Practices for stormwater management, sediment, and erosion control measures will be designed into the project. These may include redundant and/or oversized measures.
- \* The use of infiltration measures with pre-treatment for stormwater run-off will be maximized, especially in Class III watersheds. Possible infiltration sites will be identified early in the design stage and may require additional replacement land. Best Management Practices will be used in the pre-treatment and control of stormwater, and may include over-sized oil/grit separator inlets.
- \* Design, review, location, and construction of all stormwater management and erosion and sediment control facilities will be closely coordinated with SHA and M-NCPPC staff.
- \* Habitat fragmentation will be minimized to the extent reasonable in the design of the project.

- \* Bridges will be used to minimize impacts to the biota, streams, wetlands, and floodplains to the extent reasonable and feasible. Segmented cantilever construction will be investigated for bridges in parkland crossings.
- \* Existing and proposed equestrian, pedestrian, and bicycle trails will be accommodated within the design of the project.
- \* Both on-site and off-site impacts will be identified and mitigated to the extent reasonable. Impacts may include, but not be limited to: stormwater management sites; sediment control basins; wetland mitigation sites; noise mitigation sites; construction access/egress sites; easements for slope, grading, and relocation of utilities; staging areas and materials storage areas; relocation areas for existing trails; and habitat enhancement sites (i.e., reforestation/revegetation).
- \* The M-NCPPC will assume responsibility for short and long term maintenance, including retrofits, of

stormwater management facilities and artificial wetlands constructed in parks as a result of this project. However, all costs associated with the functional maintenance of stormwater facilities will be borne by the SHA. (Details of this agreement will be finalized during final project design).

- \* Reforestation/revegetation for graded slopes and other disturbed areas will be included in the scope of the project.
- \* Measures to enhance existing parkland habitat through forest and wildlife management will be investigated in the design of the project.
- \* The SHA will fund a full-time ecologist who will work with M-NCPPC to oversee all construction impacting park land including Paint Branch trout stream monitoring. Powers of this position will be spelled out in detail, but shall include ways to halt and/or modify construction activities as needed to protect the resource, especially in the case of episodic or emergency situations.

- \* The SHA will conduct an on-site floral and faunal survey of all parkland impacted over the course of at least one full growing season (April-October), specifically to address impacts to rare, threatened, and endangered species as well as species of special state concern that may be present on parkland.
  
- \* The SHA will conduct tests for archaeological resources of all parkland impacted well in advance of any construction activity. Additional testing will be completed if any significant archaeological sites are found.
  
- \* To facilitate the search for replacement land, and to assist in developing specific mitigation measures, the SHA will provide M-NCPPC the following information:

Note: All information to be on Mylar, scale registered at 1" = 200'.

1. Plan sheets for all parkland impacted that depict:
  - The 300' right-of-way corridor
  - Park land boundaries
  - Wetlands delineation

- Those lands within the 300' corridor that were purchased for the Intercounty Connector
  - Limits of clearing
  - Potential or proposed wetlands mitigation areas
  - Potential or proposed stormwater management facilities and erosion and sediment control facilities
2. Scale registered (Mylar, 1" = 200') aerial photography (leaf-on and leaf-off) for all park land impacted.
3. Scale registered (Mylar, 1" = 200') mapping of soils, slope, and drainage (basins with divides) for all parkland impacted. (As per 1961 Montgomery County Soils Survey).

With this Memorandum of Understanding, the Montgomery County Park Commission of the Maryland-National Capital Park and Planning Commission feels that the impacts to the parklands will be adequately mitigated from the roadway crossings.

BY: \_\_\_\_\_

Hal Kasso, Administrator  
State Highway Administration

BY: \_\_\_\_\_

LeRoy J. Hedgepeth  
Acting Executive Director  
Maryland-National Capital Park and  
Planning Commission

**ATTACHMENT # 6**

**TITLE:** County Council President Subin's December 1, 2003 letter to  
SHA Administrator Pedersen.



**MONTGOMERY COUNTY COUNCIL**

ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

December 1, 2003

Neil J. Pedersen, Administrator  
Maryland State Highway Administration  
707 North Calvert Street  
Baltimore, Maryland 21202

Dear Mr. Pedersen:

The County Council has reviewed the progress to date of the Intercountry Connector Study, and we offer the following thirteen comments on the Alternatives Retained for Detailed Study and on other subjects to be comprehensively evaluated and documented in the upcoming Draft Environmental Impact Statement (DEIS). We believe all these matters can be addressed within the time-frame and budget you have set for the development of the DEIS.

1. We acknowledge that the process called for under National Environmental Policy Act requires SHA to study more than one alternative. Nevertheless, the Council's strong preference is for Corridor 1, the only alternative that is consistent with our master plan.
2. In laying out the ICC and calculating its impacts, SHA should assume it will take extraordinary measures to protect the environment, including the use of innovative construction techniques such as end-on construction.
3. Eliminate the other alternatives listed in the public workshop brochure. Capital Beltway options are being studied already as part of the Capital Beltway Corridor Study. The prior 'Upgrade Existing Roads Alternative' includes many road widenings that would violate County master plans. A transit-only option would generate little ridership and provide little congestion relief in this part of the county, where low-to-moderate densities predominate. Building out to a 'balanced land use' pattern was endorsed by the Council because it would reduce the future increase in congestion somewhat, but it is not a substitute for transportation infrastructure improvements. Any connection to Howard County would be inconsistent with its—and our—master plans.
4. Along with the other alternatives to be studied, evaluate Corridors 1 and 2 as a parkway that would prohibit heavy trucks (i.e., those greater than two axles) between I-370 and the first interchange in Prince George's County. We defer to Prince George's County as to whether this alternative should be evaluated for the ICC segment east of this point.

STELLA B. WERNER COUNCIL OFFICE BUILDING, 100 MARYLAND AVENUE, ROCKVILLE, MARYLAND 20850  
240/777-7900 TTY 240/777-7914 FAX 240/777-7989  
WWW.CO.MO.MD.US/COUNCIL



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5. Evaluate the master-planned Midcounty Highway Extended (M-83) connection from Shady Grove Road to the ICC as an alternative to the non-master-planned interchange between the ICC and Shady Grove Road that was displayed in the brochure and at the workshops.
6. Develop an interchange concept at Layhill Road for both Corridor 1 (consistent with the master plan) and Corridor 2, and assume it as part of the project unless proven that it is not needed to relieve congestion on east-west roads in the vicinity, including (but not limited to) Norbeck Road, Bonifant Road, and Bel Pre Road.
7. Continue to study the option of *not* adding an interchange between Corridor 1 and Briggs Chaney Road, since no such interchange is master-planned. If some connection at Briggs Chaney Road is absolutely necessary, a partial interchange should be considered as well as a full-movement interchange.
8. Since, under Corridor 2, Norbeck Road Extended would be lost to the local road network in Cloverly, examine how that function and capacity will be replaced.
9. Rectify the interchange concept of Corridor 2 with US 29 so it will not produce circuitous travel patterns in the Burtonsville area.
10. Include the master-planned hiker-biker trail in the ICC right-of-way as part of both Corridors 1 and 2.
11. The scope and cost of Corridors 1 and 2 must include project replacement parkland in quantity and quality equal to or greater than what it would take for the build option, as called for in the 1989 Memorandum of Understanding between SHA and the Maryland-National Capital Park and Planning Commission.
12. Examine the Virginia Department of Transportation's cost-overrun experience with its I-95/I-495 Interchange ('Mixing Bowl') project, so that the same experience is not repeated with the ICC.
13. Proceed expeditiously with the project planning study evaluating the master-planned 4-lane widening of MD 28 and MD 198 from Georgia Avenue to US 29, and do not allow the ICC to supercede it or to impede its progress to design and construction.

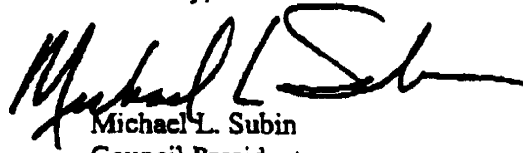


Neil J. Pedersen  
December 1, 2003  
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We want to extend our appreciation to you, your staff, and your consultant team for responding to the many questions and concerns raised by our residents and County staffers who have followed the ICC Study during the past several months. We particularly want to acknowledge the contributions of Doug Simmons and Wesley Mitchell, who briefed the Council's Transportation and Environment Committee on the study on November 13.

If you have any clarification about our comments, please contact us.

Sincerely,



Michael L. Subin  
Council President

MLS:gn

Copies: The Honorable Robert L. Ehrlich, Governor, State of Maryland  
The Honorable Paul Sarbanes, United States Senate  
The Honorable Barbara Mikulski, United States Senate  
The Honorable Christopher Van Hollen, U.S. House of Representatives  
The Honorable Albert Wynn, U.S. House of Representatives  
The Honorable Ida Ruben, Chair, Montgomery County Senate Delegation  
The Honorable Charles Barkley, Chair, Montgomery County House Delegation  
The Honorable Paul G. Pinsky, Chair, Prince George's County Senate Delegation  
The Honorable Carolyn J. B. Howard, Chair, Prince George's County House Delegation  
The Honorable Douglas Duncan, Montgomery County Executive  
The Honorable Jack Johnson, Prince George's County Executive  
The Honorable Peter A. Shapiro, Chair, Prince George's County Council  
Robert L. Flanagan, Secretary, Maryland Department of Transportation  
Derick Berlage, Chair, Montgomery County Planning Board