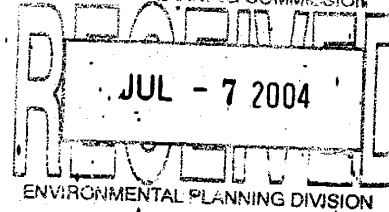


FAX COVER SHEET

THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION



Historical Office
Office of the Secretary of Defense

Suite 5000, Rosslyn Plaza North
1777 N. Kent Street
Arlington, VA 22209-2165

TO: Jeff Zygo

FAX NUMBER: _____

PHONE NUMBER: _____

MESSAGE: Jeff EYT

Enclosed is CAC following letter
to June ICC workshops. Spared you the
attachments. Looking forward to seeing staff
comments on community reports in the package to
the Board for the 15th. Thanks for all
your effort. Stuart

FROM: Stuart I. Rochester

DATE: 7/7/04

PHONE: 703-588-7876

PAGES: 4

(including cover sheet)

FAX: 703-588-7572

E-MAIL: stuart.rochester@osd.mil

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

July 6, 2004

Mr. Daniel W. Johnson
Environmental Program Manager
FHWA—Maryland Division
City Crescent Building, Suite 2450
10 South Howard Street
Baltimore MD 21201

Mr. Neil Pedersen
Administrator
Maryland State Highway Administration
707 North Calvert Street
P.O. Box 717
Baltimore MD 21203-0717

Dear Messrs. Johnson and Pedersen:

The Fairland Master Plan Committee wishes to respond to the current status of the ICC review based on the latest information provided at the June 2004 SHA public workshops. As many of the background concerns remain much the same as in the fall, and remain as relevant and unresolved today as then, we resubmit for the record our previous letter of December 3, 2003 (Attachment 1). We also add to the record the comments below and additional attachments to underscore the considerable uncertainty and unanswered questions surrounding the issue of *community/socio-economic impacts* in particular.

The subject of community impacts, notably the profound and extraordinary (a Councilmember has used the word "breathtaking") consequences of rerouting the master-planned highway along Corridor 2—how those consequences get properly identified and documented, what mitigation is being proposed and how those costs will be calculated, how visual character, and property impacts beyond individual displacements will be assessed--remains a complicated set of issues about which affected homeowners, neighborhoods, and the Master Plan Committee remain largely in the dark. We have been promised that federal and state agencies are committed to addressing these concerns with the same due diligence that they are required to give the natural environment and that indeed, because of the extent and severity of the impacts along Corridor 2, we will be seeing a stand-alone Community Impact Assessment. We know, too, that the Federal-aid Highway Act requires adequate review of social and economic impacts relating to "aesthetic values, community cohesion, tax and property value losses, and disruption of desirable community and regional growth," aside from injurious displacements; that under NEPA, secondary and cumulative impacts, for the socio-economic environment no less than the natural environment, must be properly evaluated and analyzed in "both the present and future context"; and that socio-economic effects are expected to be studied at a comparable level of detail as the natural environment. Furthermore, the inclusion of master plan and land use planning as a factor in Purpose and Need elevates precisely the concerns of this Master Plan Committee regarding the chosen alternative's consistency with longstanding County land use plans, principles, and policies.

Yet the Master Plan Committee, and the affected communities and homeowners, have been denied timely access to the Draft Technical Report on Socioeconomic and Land Use Impacts and the draft CIA, and have been discouraged from any direct contact and input with the technical team assembling the information. We have sent the team a copy of a memorandum dated June 4, 2004, to Maryland National Capital Park and Planning Staff identifying a range of community impacts, and an assessment of the Northern Alignment ICC proposal by the Maryland Office of Planning dated January 6, 1997 (both enclosed herein as Attachments 2 and 3, respectively). Also enclosed is an update of a letter from Barbara Turner, president of the Briggs Chaney Middle School PTA, conveying her school's consternation over Corridor 2 (Attachment 4).

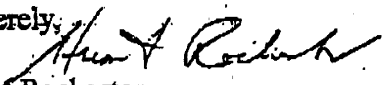
Among the more pressing questions for which we would like answers or information:

1. We have heard much lately about the high costs associated with mitigating the natural environment along Corridor 1. We want to be sure whoever is making these calculations for the Maryland Department of Transportation is also mindful of and is addressing the issue of costs along Corridor 2; accordingly, as soon as they become available, we would like parallel cost estimates for 1) bridging or burying the ICC along Corridor 2 to mitigate neighborhood impacts in the vicinity of Spencerville, 2) the replacement cost to the County of the Norbeck Connector, and 3) protection of the County's water supply from degradation and contamination in the event of an accidental spill. With regard to the second item, if you depress the roadway to blunt community impacts, do the added environmental impacts on the seeps and wetlands north and south of MD 198 get recorded as a mitigation benefit, environmental liability, or both?
2. How will you assess and compensate the effect on property values of rerouting a major highway through places no roadway was ever planned to go—not just in terms of houses and businesses actually taken but adjacent and sometimes profound blocks-long visual and other impacts related to the relocation of the ICC?
3. How many HAZMAT ponds will be required to protect the Patuxent Reservoir from Corridor 2 impacts? Where will they be located, and on what scale? We have asked Brian Bernstein to supply this information as soon as possible. We are especially concerned under 40 CFR 1508, given the sensitivity of the resource involved, about potentially catastrophic, at the least "unique" and "unknown," risks to the County's water supply resulting from Corridor 2. WSSC and the Patuxent Commission have expressed similar concern.
4. We want to be sure the historic properties along Corridor 2 receive adequate attention, notably the Methodist campground off Peach Orchard Road, whose very function, that of a *retreat*, would be substantially impaired by the project's proximity. Can we assume that the Methodist retreat qualifies for protection under section 4(f) under a "constructive use" occurrence?
5. With respect to the absorption of the Norbeck Connector into Corridor 2, would local residents pay a toll using the facility to go from Burtonsville or Cloverly to, say, Layhill? How would the loss of local connectivity affect school buses? emergency vehicles? The March 3, 2004, ARDS packet has a glaring error with regard to this issue on p. III-27 (third bullet under Community Mobility and Safety).

Finally, we take exception to what can only be described as a tortured characterization of Corridor 2 on page III-5 of the ARDS packet, a comparison so contrived we suspect it may have been concocted by staff of the Army Corps of Engineers. How one creates a "lower profile near communities" for a six-lane freeway with heavy trucks barreling between country lanes and through the middle of residential streets may explain citizens' skepticism and anger at not being allowed to review the language in the Socioeconomic Impact report—and why we insist on receiving full and adequate responses to the questions raised above lest they get similarly massaged. *What an incredible statement, that if MM198 were modified to incorporate the design features that are felt to be essential to meeting the project's purpose and need. . . it would be nearly identical to Corridor 2.* And if a housecat were modified to be a lion, it would be a lion! Or perhaps more to the point, if Lincoln had not been shot, he would still have been president. You just spent the previous three pages noting the "significant" differences between the two! Yes, MM198 was folly because it would have prevented residents from safely exiting driveways and side streets. And Corridor 2 plows through the Patuxent for a longer distance, destroys local connectivity by taking the Norbeck Connector, and has characteristics of a freeway fundamentally different from those of an arterial. The two facilities are in the same vicinity and both have in common a cavalier disregard for Montgomery County master plans, but otherwise they're like apples and oranges. On the flip side, you go to painstaking--and unconvincing--lengths to distinguish between MD 32 and Corridor 2, when in fact the reasons enumerated on p. III-8 of the ARDS packet for not studying the buildout of MD 32 form a compelling case for not pursuing Corridor 2.

We understand that this is a complex process and that up to a point there is a legitimate need to restrict document disclosure in the draft stage. We also worry that under a fast-track process there will not be sufficient opportunity to air critical issues in a timely way. We look forward to a serious reply to the serious issues raised in this letter and to continuing to work closely with your agencies in the key months ahead to insure full and scrupulous compliance with federal requirements for documenting and assessing socioeconomic and community impacts.

Sincerely,


Stuart Rochester
Chair, Fairland Master Plan CAC

cc. Congressman Albert Wynn
Senator Ida Ruben
Senator Rona Kramer
Delegate Karen Montgomery
President Steve Silverman, MCC
Chairman Derick Berlage, Montgomery County Planning Board

77-04

Direct Berlage, Chairman
Montgomery Cty. Planning Board
Silver Spring, Md. 20910



Dr. Edna Hokenson
5821 Bradley Blvd
Bethesda, MD 20814

RECEIVED
1031
JUL 08 2004

Dear Mr. Berlage -

I have read the article in the Intercounty Connector so I will send you a note.

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

16 Patuxent yesterday

My priorities have changed with age. I am an alum and donor at U. of Maryland, College Park and am invited over there often. Most of the time I don't go - time principally. However, if I want to go to dinner at Pres's house or meals at Annapolis. (my son got his Ph.D. there but died of leukemia 1991) and Life Sciences (my subject) - the trip organization is so fast that I have to go over 3 hrs. before ~~date~~ ^{time} of event.

I have not driven the area where the ICC is supposed to go. I have been looking about the Purple Line. Whatever can get Bethesda connected to College Park I leave to you.

The campus of U. of Md. is connected to the area in many ways - schools - companies - Professors live in Patuxent & Beltsville.

I seldom go out to Council hearings now. You trying to move out of County - taxes too high.
Sincerely, Edna Hokenson

ATTACHMENT # 5

TITLE: Updated Worksession/Briefing Schedule.

Intercounty Connector Environmental Impact Study Planning Board Briefing Schedule

June 30, 2004 DRAFT

Prior SHA Activities

- Scoping Public Open Houses; June 2003
- Alternatives Public Workshops; November 13, 15, and 19, 2003

County Council Activities

- Comment on ARDS per November Public Workshops; December 1, 2003

Briefing # 1 – January 22, 2004 (2.0 hours – no public testimony) – COMPLETED	
<ul style="list-style-type: none"> • Review ICC Study Background and Schedule • Review Draft Alternates Retained for Detailed Study (ARDS) • Review County Council Comments on ARDS • Review 1989 Memorandum of Understanding (MOU) with SHA re parkland impacts • Review M-NCPPC staff involvement in SHA study 	

Interim SHA Activities

- ARDS selection, February 2004

Briefing # 2 – March 4, 2004 (1.5 hours – no public testimony) – COMPLETED	
Property Owner topics <ul style="list-style-type: none"> • Staff proposal defining how "equal quality" parkland will be assessed per MOU (Hench) • Means by which park owner statements can influence Section 4(f) impacts analysis (SHA) 	Planning /Zoning Authority topics <ul style="list-style-type: none"> • Review proposed briefing schedule (Valladares) • Confirmation that Planning Board process dovetails with SHA process (SHA) • Update on selected ARDS package (SHA), response to Council/Board comments

Interim SHA Activities

- Draft Environmental Stewardship materials, March 2004
- Expert Land Use Panel Analysis Findings, June 2004
- Draft Travel Demand Analysis materials, April 2004
- Draft Cultural Resources Effects materials, May 2004
- Preliminary Draft Socioeconomic and Land Use Technical Report, 10 May 2004.

- Preliminary Draft Noise Quality Technical Report, 10 May 2004.
- Draft Section 4(f) Evaluation materials, May 2004

Briefing # 3 - June 3, 2004 (2 hours - no public testimony) - COMPLETED	
Property Owner topics	Planning / Zoning Authority topics
<ul style="list-style-type: none"> • Review of SHA Draft Section 4(f) impacts report • Staff proposal for candidate replacement parklands that would satisfy MOU criteria • Staff proposal for Section 4(f) impacts analysis 	<ul style="list-style-type: none"> • Review proposed briefing schedule (Valladares) • Review SHA's interim draft technical report findings • Review Environmental Stewardship process and findings • Staff proposal for policy guidance on balancing natural / cultural / community resource protection and enhancement

Interim SHA Activities

- Public Informational Update Meetings, June 2004
- Draft Natural Environmental Technical Report, June 2004
- Draft Air Quality Technical Report, June 2004

Briefing # 4 - July 15, 2004 (4 hours) Include Public Testimony on Staff Recommendations	
"Property Owner" topics	"Planning / Zoning Authority" topics
<ul style="list-style-type: none"> • Planning Board comment to SHA on staff proposals for MOU and candidate replacement parkland • Planning Board position on Section 4(f) minimization 	<ul style="list-style-type: none"> • Review proposed briefing schedule (Valladares) • Planning Board comment to SHA on staff proposals for policy guidance on balancing natural / cultural / community resource protection and enhancement • Review SHA's interim technical report findings • Review Environmental Stewardship process and findings

Interim SHA Activities

- Preliminary DEIS for IAWG only- July 23, 2004
- DEIS Notice of Availability- October 29, 2004
- Location and Design Public Hearings, December 2004

Briefing # 5 – December 2, 2004 (2 hours – no public testimony)	
“Property Owner” topics	“Planning / Zoning Authority” topics
<ul style="list-style-type: none"> • Staff proposal on parkland mitigation concepts for inclusion in FEIS (both Corridor 1 and Corridor 2) 	<ul style="list-style-type: none"> • Review proposed briefing schedule (Valladares) • Review DEIS summary of findings • Planning Board comment on additional supplementary information requested of staff for Briefing #6

Briefing # 6 – January 20, 2005 (4 hours)	
Include Public Testimony on Staff Recommendations	
“Property Owner” topics	“Planning / Zoning Authority” topics
<ul style="list-style-type: none"> • Planning Board comment to SHA on staff proposals for parkland mitigation concepts for staff recommended selected alternate 	<ul style="list-style-type: none"> • Review proposed briefing schedule (Valladares) • Planning Board Comment on staff recommendation for selected alternate

Interim SHA Activities

- Draft FEIS preparation, March 2005

Briefing # 7 – March 24, 2005 (2 hours – no public testimony)	
“Property Owner” topics	“Planning / Zoning Authority” topics
<ul style="list-style-type: none"> • Discuss status of parkland mitigation with SHA staff 	<ul style="list-style-type: none"> • Review proposed briefing schedule (Valladares)

Interim SHA Activities

- FEIS publication, April 2005
- FHWA Record of Decision (ROD), Spring 2005

Briefing # 8 – June 30, 2005 (2 hours – no public testimony)	
“Property Owner” topics	“Planning / Zoning Authority” topics
<ul style="list-style-type: none"> • Discuss status of parkland mitigation with SHA staff • Park permits 	<ul style="list-style-type: none"> • Review future involvement schedule (Valladares)

Subsequent Planning Board briefing for design and construction phases to be developed as needed

Topic details

Section 4(f) analysis / influence includes:

- Indirect “constructive use” impacts
- Bike path definition as recreation vs transportation resources
- Means by which a “higher acreage” impact could be the preferred minimization alternative and how the Planning Board can influence the FHWA findings in this regard

Travel demand analysis includes:

- Accessibility
- Value pricing / toll issues
- Effect of ICC on intersections and links in study area
- Alternative interchange / truncation options

Natural environmental impact analysis includes:

- Stream crossing techniques and designs
- Stormwater management treatment considerations
- SPA considerations

“Balancing natural/cultural/community resource protection and enhancement” considers policy issues such as:

- Transportation/recreation value of bike path versus impervious surface/resource protection issues
- Support for distributing presumably scarce stewardship resources among categories

ICC Personal Archives.doc