



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

Intercounty Connector
Mandatory Referral No. 06809-SHA-1
Status Report #6

Prepared 3/2/07 for discussion at the 3/8/07 Planning Board meeting

This memorandum is ICC Status Report #6 to the Planning Board under condition #16 of the ICC mandatory referral. M-NCPPC staff will briefly present this report to the Planning Board as part of the roundtable discussion on March 8 and will be joined in the discussion by State Highway Administration staff. This status report includes four sections:

- A. A summary of the process and schedule for all parkland property transfers between the state and the Commission
- B. An update on our Environmental Management Team staffing and the process to find a replacement for Tom Hay
- C. An update on project schedule and next steps for both the ICC design-build project and the Compensatory Mitigation/Environmental Stewardship projects

This status report will be presented prior to the Planning Board consideration of the transfer of parkland for Contract A (agenda item #14 on the 3/8/07 agenda).

SECTION A. PARKLAND PROPERTY TRANSFERS

The Planning Board's Agenda item #10 for March 8 includes the staff recommendation to transfer approximately 28 acres of property to State Highway Administration. Per the ICC Record of Decision, the parkland property transfer will be mitigated by an exchange of properties between the two agencies, including those that the Planning Board determined in September 2005 to be fair compensation for parkland needed for the ICC.

Background information is provided in attachments to this memorandum:

- Attachment One contains Chairman Berlage's September 21, 2005 correspondence to SHA Administrator Neil Pedersen supporting the parkland transfer,
- Attachment Two is the tabular parkland replacement outlined in the ICC Record of Decision

Exhibit 1 summarizes the property transfer process and schedule between SHA and the Commission. The key element in the property transfer schedule is that on most of the properties SHA is committed through the Record of Decision to implement either compensatory mitigation or environmental stewardship projects on these properties. Staff continues to recommend that the properties remain in SHA ownership during the completion of these projects and that we accept the property only after the projects have been successfully completed.

Exhibit 1. M-NCPPC Property Transfer Process and Schedule

| Properties | Acreage | Process and status | Schedule |
|---|---------|---|-------------------------|
| Property transferred from M-NCPPC to SHA | | | |
| ALARF properties (14 parcels) | 130 | Cash payment of approximately \$19.8M | July 2006 |
| ALARF properties (4 parcels) | 87 | Cash payment of approximately \$7.5M | March 2007 ¹ |
| Contract A parkland | 28 | Combination of fee-simple and temporary easement | March 2007 ² |
| Contract C parkland | < 1 | Cross Creek Club property discussed | Summer 2007 |
| Contract B parkland | 58 | Combination of fee-simple and temporary easement, includes Trolley Museum site | Summer 2007 |
| Property transferred from SHA to M-NCPPC | | | |
| McNeil Property | 36 | SHA currently in acquisition process. | 2007 |
| Southern Asia Adventist Property | 23 | SHA currently in acquisition process. | 2007 |
| Llewellyn Property | 23 | SHA owns the property. M-NCPPC and SHA coordinating on facility planning process for recreational park, including five ballfields to be provided by SHA. Construction of those ballfields expected to take approximately two years. | ~2009 |
| Peach Orchard Allnut Property | 118 | SHA owns the property. Site restoration and reforestation process and establishment expected to require approximately three years. | ~2010 |
| Casey Property at Hoyles Mill | 459 | SHA currently in acquisition process. Subsequent reforestation process and establishment expected to require approximately three years | ~2010 |
| Unused SHA property | 8 | SHA owns property in Upper Paint Branch SVP acquired prior to 1981 master plan alignment adjustment. | ~2011 |
| Unused SHA property post-construction | Unknown | Through the use of incentives in construction contracts, it may be possible to reduce the roadway construction footprint so that land could be offered to the Commission at the completion of construction activities | ~2011 |

¹ Planning Board approval 2/15/07, Full Commission action scheduled 3/21/07

² Planning Board action pending, 3/8/07, Full Commission action would be scheduled for 3/21/07

SECTION B. ENVIRONMENTAL MANAGEMENT TEAM STAFFING

Our Environmental Management Team (EMT) representative, Tom Hay, has accepted a promotional opportunity within his corporation with different work program responsibilities. The study team is therefore working to establish Tom's replacement and transition activities. As was the case with bringing Tom on board during spring 2006, the ICC Corridor Partners are identifying candidates for our staff to interview so that we can select an appropriate replacement for this very important role.

SECTION C. PROJECT SCHEDULE AND NEXT STEPS

The presentation of the project schedule and next steps is presented in four sections:

- Contract A (I-370 to MD 97)
- Contracts B and C (the remaining ICC roadway projects in Montgomery County)
- The National Capital Trolley Museum relocation
- Compensatory Mitigation and Environmental Stewardship (CM/ES) projects

Attachment Three summarizes the Planning Board's ICC briefing schedule since 2003.

Contract A

Bids for Contract A were due December 19, 2006. SHA is in the process of reviewing the proposals to select a design-build contractor. SHA expects to award a contract shortly and a Notice-to-Proceed would likely be issued within 45 days of contract award. Recent pre-award activities by SHA have included continuing archeological, geotechnical, and utility investigations.

On February 26, 2007, DPS issued a concurrence statement that the SHA process to establish water quality criteria in the Upper Rock Creek SPA meets the intent of the Montgomery County code for water quality plan requirements. Attachment Four contains the DPS concurrence statement. Planning staff is developing details for submission materials for our review, per the agreement discussed during Status Report #5, that will provide additional detail not contained in the January 2007 Mandatory Referral Package for the Upper Rock Creek SPA. Some of the needed information will only become available after the selected design-build contractor prepares more detailed plans.

Contracts B and C

Contracts B and C cover the portion of Montgomery County east of Georgia Avenue (MD 97). Contract C includes the US 29 interchange and the I-95 interchange in Prince George's County and will be the second contract in the phased implementation of the

ICC. Contract B includes the area between Georgia Avenue and US 29 and will be the last of the Montgomery County portion to be constructed.

The anticipated dates for issuance of the Request for Proposals are March 2007 for Contract C and late fall 2007 for Contract B. Recent activities by SHA have included:

- Development of the RFP for Contract C. The RFP specifications are based on those developed for Contract A.
- Resolution of the Cross Creek Club property impact associated with a slight realignment to Briggs Chaney Road. As discussed with the Planning Board at project status reports during fall 2006, all parties now concur that the most practical approach to the realignment is for the Cross Creek Club to complete its full park dedication prior to SHA property acquisition. This process will introduce a Contract C parkland transfer process of approximately 0.15 acres (previously there were no parkland impacts in Contract C).
- Investigation of a modification to the I-95 interchange that would shift the roadway slightly north and relocate ramps to reduce impacts to wetlands associated with sand and gravel quarry operations. This modification would not affect the design in Montgomery County.

National Capital Trolley Museum Relocation

All three involved parties; M-NCPPC, SHA, and the National Capital Trolley Museum (NCTM) continue to pursue a process to expedite the planned museum relocation. The process will include a three-party agreement so that SHA can base funding levels on the cost of a functional replacement, NCTM can design and construct the replacement, and M-NCPPC will continue in our role as property owner.

In December 2006, SHA advanced \$100K to NCTM to pursue design work for the planned relocation. On January 5, 2007, NCTM held the first design meeting with staff.

In February 2007, SHA and NCTM agreed on an acceptable funding package, subject to approval of a written agreement by NCTM board of trustees. Also in February 2007, SHA delivered the site topographic survey, which will allow the NCTM railway designer to begin work on the relocated rail loop adjacent to the ICC right-of-way.

The three-party agreement and the development agreement update are in progress. In March 2007, the PDF will be transmitted to the Executive and Council and NCTM will share the concept plan with staff for our review. Also in March 2007, construction will begin on the long-awaited new car barn.

Staff will provide a more detailed summary of this project for the Status Report #7, to be scheduled in April.

Compensatory Mitigation and Environmental Stewardship (CM/ES) Projects

The ICC ROD contains some 90 individual CM and ES projects. SHA has developed a schedule for taking each of the projects from the conceptual stage through to the development of bid documents. Both Parks Department and Planning Department staff are involved in the review and development of each of these projects, with a greater role for those projects affecting park property. Highlights of current CM/ES project activities include:

- Llewellyn Fields park development: Staff has developed a Program of Requirements for the park site to incorporate both the five ballfields to be constructed by SHA as required by the ICC ROD as well as additional amenities that would be constructed by M-NCPPC in a second phase of park development. Initial review of facility need suggests that we may ask SHA to lobby the FHWA to change the mix of ballfield types (diamond versus rectangular) specified in the ROD. Staff will provide a more detailed summary of this project during Status Report #7 to be scheduled in April, with a concept plan presented to the community and the Planning Board by June.
- Stream restoration projects: Staff has participated in preliminary investigation meetings for first three stream restoration projects for tributaries of the North Branch of Rock Creek. These projects are likely to be packaged together for a mandatory referral during late spring 2007
 - Cherrywood Manor Tributary (NB-1)
 - Williamsburg Run (NB-2C)
 - Manor Run (NB-3)
- Special Protection Area best management practices sites: The first set of sites for implementing stormwater management best management practices in the Upper Paint Branch SPA consist of reconstructing grassy swales to provide bioretention areas. These sites are generally on or adjacent to parkland along the Left and Right Forks of the Upper Paint Branch or the Gum Springs tributary. These projects will likely be packaged together for a mandatory referral during late spring 2007.

ATTACHMENT ONE



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

September 21, 2005

Neil J. Pedersen
Administrator
State Highway Administration
707 N. Calvert Street, C-400
Baltimore, Maryland 21203

Re: ICC Section 4(f) Mitigation

Dear Mr. Pedersen:

The Montgomery County Park and Planning Commission (M-NCPPC) appreciates the opportunity to comment on the mitigation for parkland being required for the Intercountry Connector (ICC). We take our obligation as stewards of the 33,000-acre Montgomery County park system seriously. Our predecessors established a system that is admired throughout the nation. We believe that the state has presented a mitigation package that maintains the integrity of the park system.

The ICC has been recommended in Master Plans and the General Plan in the County for decades. Pursuant to those Plans and Article 28 of the Annotated Code of Maryland, M-NCPPC has been purchasing land for the purpose of assuring right-of-way for the ICC since the 1970s. The construction of the ICC is required to meet the transportation needs of the county and the region. We recognize that the state, while working toward that purpose, is going to exceptional lengths to minimize impacts to the environment and to owned land by M-NCPPC.

We appreciate the cooperation of the Maryland Department of Transportation in avoiding and minimizing impacts, even before we got to the issue of mitigation. You have a preference for Rock Creek Option C which avoids Lake Needwood, and Option A through Northwest Branch (which crosses the stream at respectful angles), and have agreed to underground stormwater management through the Upper Rock Creek and Upper Paint Branch Special Protection Areas. Your concern for the interests of the park system is commendable.

First, we have examined the land you wish to acquire from our park system. The following table from our staff report indicates the quantitative measures critical to our evaluation of the mitigation package.

IMPACTED M-NCPPC SECTION 4(F) LAND
 Based on Maryland DOT Right-of-Way and M-NCPPC GIS

| Park | Section 4(f) Land (Acres) | Interior Forest Impact (Acres) | Active Recreational Amenities | Zoning | Environ- mental Buffers |
|----------------------------------|---------------------------------|---|-------------------------------------|---------------------------|-------------------------------|
| Mill Creek Stream Valley | 2 | 1 | None | R-90, R-200 | 2 |
| Rock Creek Regional | 7 | 17 | None | RE-1, RE-2, R-200, RNC | 2 |
| North Branch Stream Valley | 18 | 39 | None | RE-1, RE-2 | 8 |
| Layhill Local | 3 | 0 | 1 Soccer Field | RE-2, R-200 | 1 |
| Northwest Branch Recreational | 22 | 0 | 1 Softball Field | RE-2, R-200 | 10 |
| Northwest Branch Stream Valley | 24 | 68 | None | RE-2, R-200 | 16 |
| Upper Paint Branch Stream Valley | 6 | 56 | None | RE-2, RE-2C, R-200 | 4 |
| TOTALS | 82 | 181 | 2 Fields | | 43 |

The standards we have established for mitigation are based upon the Memorandum of Understanding (MOU) between M-NCPPC and the State Highway Administration. We seek land of at least equal value, at least equal acreage, and equivalent environmental value. The MOU was not based specifically upon Section 4(f) but on total lands acquired and impacted. There is no definition of environmental equivalency, so we have used interior forest as the most significant measure. Interior forest is the forest surrounded by at least 300 feet of buffering forest. The ICC requires the use of parks whose principal purpose is conservation. Being certain that we have no net loss of forest interior is a critical factor in our satisfaction with the mitigation package. We have also reviewed the combined extent of stream buffers, steep slopes, erodible soils, and wetlands (indicated in the table above as environmental buffers) to satisfy ourselves of environmentally equivalent land. Finally, we have a particular desire to obtain land within the Paint Branch Special Protection Area.

We find that your offer to mitigate 82 acres that you require for the ICC with 698 acres of the Casey, Llewellyn, Dungan, McNeill, Southern Asia, and Peach Orchard/Alnutt properties meets and in many aspects exceeds the land compensation necessary. The Dungan property is unique in that the County Master Plan anticipates that property coming to the park system by way of a possible subdivision. That eventuality would still result in a sufficient compensation package for ICC impacts to parkland. We will work with you to ensure that the Dungan property will be added to the park system as part of the ICC Section 4(f) mitigation. We will be receiving 206 acres of interior forest in exchange for 181 acres impacted. We will be receiving 157 acres of environmentally sensitive land in exchange for 43 acres impacted.

We have been less focused on the total acreage of land and more focused on the land's attributes. In particular our requirements are disproportionate to the direct park loss in the Paint Branch watershed. This is in recognition of the watershed's high quality. We believe your mitigation package described above addresses that concern.

MITIGATION SITES

| Property | Land Area (Acres) | Environmental Buffers (Acres) | Interior Forest Area (Acres) | Active Recreational Amenities | Zoning | Adjacent to Existing Parkland |
|----------------------------------|-------------------|-------------------------------|------------------------------|-------------------------------|--------|-------------------------------|
| Casey Property at Hoyles Mill | 459 | 101 | 205 | None | RDT | Yes |
| Llewellyn Property | 23 | 0 | 0 | Replacement Fields | RE-2C | Yes |
| Peach Orchard Allnut Property | 118 | 29 | 1 | None | RE-1 | Yes |
| Southern Asia Adventist Property | 23 | 11 | 0 | None | RE-1 | Yes |
| McNeill Property | 30 | 16 | 0 | None | RE-1 | Yes |
| Dungan Property North | 45 | 6 | 0 | None | RNC | Yes |
| TOTALS | 698 | 163 | 206 | Multiple fields | | |

We also have a concern for the park system as a whole. The Casey Property at Hoyles Mill is the single best natural resource addition that can be made to the park system. It is a highly valued replacement for interior forest.

I must note that Commissioner Wellington believes that the definition of parkland is inadequate and that, inter alia, the criterion of "forest interior loss" does not satisfy the environmental equivalency standard required by the MOU between our agencies. As she came to the conclusion that the land offered in mitigation is not the environmental equivalent of the land taken, she did not vote in favor of the mitigation package.

We appreciate your willingness to address our concerns. We appreciate your commitment to replacing the recreation facilities that will be impacted by the ICC. We recognize that the exchange of land is contingent upon the selection of Corridor 1 in the final record of decision of the ICC. As partners in seeking a high quality of life for the residents of Montgomery County, we appreciate your commitment to the elements of the mitigation package above, which results in a mitigation ratio of 8.5 to 1.

Sincerely,


Derick P. Berlage
Chairman

DPB:JZ:ss
cc: M. Wellington

1-3

ATTACHMENT TWO

Table 5
Parkland for Selected Alternative

| Property | Acres | Description |
|--|--------------------------------------|---|
| Dungan Property North | 44.9 acres | The Dungan Property North would provide 44.9 acres of replacement parkland adjacent to existing parkland in the North Branch Rock Creek Watershed. This property would provide stream valley protection, passive recreational opportunities, and community open space. It contains 738 linear feet of streams, 20 acres of forest, and 24.5 acres that would be reforested by SHA. Once reforested, there is potential in the future for up to 87 acres of new FIDS habitat on site and on adjacent lands in North Branch Stream Valley Park. |
| Llewellyn Property | 23.2 acres | The Llewellyn property would provide 23.2 acres of replacement parkland adjacent to the Northwest Branch Recreational Park. The property would include construction of four baseball/softball fields, one soccer field, onsite parking, and restrooms. The replacement fields would be superior in quality than the existing fields because they are located in upland areas that are less prone to flooding. Access to these replacement fields would be provided directly from MD 28, which is also an improvement over access to the existing fields from Layhill Road and Bonifant Road. This property would also provide 3 acres of reforestation land. |
| Peach Orchard Allnut Property | 118 acres | The Peach Orchard Allnut property would provide 118 acres of replacement parkland in the Upper Paint Branch Watershed. This site would provide stream valley protection and passive recreational opportunities. The Peach Orchard Allnut site would provide 15.9 acres of wetlands, 2,100 linear feet of streams, and 28.3 acres of forest. There would also be approximately 90 acres of potential reforestation land and 67 acres of potential future FIDS habitat. Also, because it is at the headwaters of the Paint Branch, it would serve to protect this portion of the stream. |
| Santini Road Properties | 49.2 acres | The Santini Road Properties would serve to protect undeveloped land in the sensitive Rocky Gorge watershed, thereby providing stream valley protection, passive recreation, and community open space in this portion of the County. Though not directly adjacent to the T. Howard Duckett Watershed Property, these properties would be conserved as parkland and protected from future development. Therefore, they would continue to offer additional protection for the T. Howard Duckett (Rocky Gorge) Reservoir. These sites contain 35.2 acres of existing forest and an additional 14 acres would be reforested. |
| Southern Asia Adventist Property | 23.2 acres* | The Southern Asia Adventist Property would provide 23.2* acres of replacement parkland in the Upper Paint Branch Watershed. The site would provide stream valley protection and passive recreational opportunities. It contains extensive areas of stream valley buffer and good quality forest. It also contains the critical headwater wetland complexes of the Left Fork of the Paint Branch. These features would be protected by converting this land to parkland. |
| McNeill Property | 36.2 acres* | The McNeill Property would provide 36.2* acres of replacement parkland in the Upper Paint Branch Watershed. The site would provide stream valley protection and passive recreational opportunities. It contains extensive areas of stream valley buffer and good quality forest. It also contains the critical headwater wetland complexes of the Left Fork of the Paint Branch. These features would be protected by converting this land to parkland. |
| Casey Property at Hoyles Mill | 459 acres | The Casey Property at Hoyles Mill is located outside of the ICC Study Area, near Poolesville in Montgomery County. This site, which would become public parkland, would add an additional 459 acres to the park system adjacent to several existing parks including Seneca Creek State Park, South Germantown Recreational Park, Little Seneca Stream Valley Park and Hoyles Mill Conservation Park. Preservation of this property will add over 340 acres of existing forest and 214 acres of existing FIDS habitat to the park system. There is approximately 118 acres of open land that may be available for reforestation, which could also help increase the FIDS habitat to approximately 340 acres on site. |
| Unused DTA in Northwest Branch Stream Valley Park - Unit 5 | 21.3 acres | The unused portion of the DTA in Northwest Branch Stream Valley Park - Unit 5 would be converted to parkland adding 21.3 acres to the park. The conversion of this land would protect land adjacent to the existing park that has many of the same natural features and passive recreational functions as the adjacent parkland. |
| SHA-Owned Unused DTA Adjacent to Upper Paint Branch Stream Valley Park | 7.6 acres | The unused SHA-owned DTA adjacent to Upper Paint Branch Stream Valley Park will be transferred to M-NCPPC for incorporation into the park. This area includes forests, wetlands, streams, and FIDS habitat. It was originally acquired by SHA for the ICC. It is not needed due to a change in the corridor for the ICC on the M-NCPPC's Master Plan in 1982. For further information about this 7.6-acre parcel, see the Addendum to the Section 4(f) Evaluation, which is attached as to this ROD as <i>Attachment G</i> . |
| TOTAL | 782.6 acres (total); 776.6 (net)* | * The total of the properties listed above is 782.6 acres. However, it is expected that approximately six acres of land (total) located on the Southern Asia Adventist and McNeill Properties would be reserved for the planned widening of MD 198. When this acreage is subtracted, the net total is 776.6 acres ²⁵ |

²⁵ SHA has committed to transfer the unused Designated Transportation Area described in this table to M-NCPPC (the 21.3 acres in Northwest Branch Stream Valley Park and the 7.6 acres adjacent to the Upper Paint Branch Stream Valley Park). In addition it may be possible, in several parks, to use less than the entire Designated Transportation Area. SHA will include incentives in construction contracts to minimize the use of land within the Designated Transportation Areas. If such lands are available, they will be offered to M-NCPPC after construction of the ICC has been completed. See Item # 159 in Attachment A (Summary List of Project Commitments) to this ROD.

2-1

ATTACHMENT THREE

**Intercounty Connector
Planning Board Briefing Schedule**

March 8, 2006

PART I. ICC STUDY

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

| |
|--|
| Study Briefing # 1 – January 22, 2004 (2.0 hours–no public testimony) - COMPLETED |
| Topics: <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

| | |
|---|--|
| Study 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

| Study 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 (Hench) • 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

| Study Briefing # 4 – July 15, 2004 (4 hours) - COMPLETED | |
|--|--|
| 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 | <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

- DEIS Publication – November 22, 2004
- Joint Location, Design and Corps of Engineers Section 404 Public Hearings - January 4, 5 & 8, 2005

| Study Briefing # 5 – January 13, 2005 (2 hours – no public testimony) - COMPLETED | |
|--|---|
| “Property Owner” topics | “Planning / Zoning Authority” topics |
| <ul style="list-style-type: none"> • Review draft 4(f) findings • Staff proposal on parkland mitigation concepts for inclusion in FEIS (both Corridor 1 and Corridor 2) • Park staffing impacts • FY 05 & 06 Operating and CIP Budget/Work Program impacts | <ul style="list-style-type: none"> • Review DEIS summary of findings • Air Quality Conformity/COG • Review SHA Public Hearings • Present menu of options for Preferred Alternative • Planning Board comment on additional supplementary information requested of staff for Briefing #6. • Review proposed briefing schedule |

Interim SHA Activities

- Joint Location & Design / Section 404 Public Hearing - January 29, 2005

| Study Briefing # 6 – February 3, 2005 (4.5 hours) – COMPLETED | |
|--|--|
| Include Public Testimony on Staff Preferred Alternative Recommendations | |
| “Property Owner” topics | “Planning / Zoning Authority” topics |
| <ul style="list-style-type: none"> • As necessary | <ul style="list-style-type: none"> • Planning Board recommendations on Preferred Alternative. • Review proposed briefing schedule |

Interim Activities

- Conceptual Mitigation Package to IAWG - March 2005
- Preliminary FEIS preparation - May 2005
- Identification of State Preferred Alternative - July 11, 2005

| Study Briefing # 7 – July 28, 2005 (2.5 hours) - COMPLETED | |
|--|---|
| Include Public Testimony on Parkland Mitigation Package | |
| “Property Owner” topics | “Planning / Zoning Authority” topics |
| <ul style="list-style-type: none"> • Planning Board comments to SHA on staff proposals for parkland mitigation and compensation concepts for SHA/MdTA Preferred Alternative. | <ul style="list-style-type: none"> • Review proposed briefing schedule |

| Study Briefing # 8 – September 15, 2005 (2 hours) - COMPLETED | |
|---|---|
| Parkland Replacement | |
| “Property Owner” topics | “Planning / Zoning Authority” topics |
| <ul style="list-style-type: none"> • Recommendations on appropriate Parkland Replacement Mitigation. | <ul style="list-style-type: none"> • Review proposed briefing schedule |

Interim Activities

- FEIS Publication – January 3, 2006
- FHWA Record of Decision – May 29, 2006
- COE issues 404(C) permit – June 13, 2006
- MDE issues non-tidal wetlands, waterway construction and 401 permits – June 23, 2006

PART II. ICC PROJECT

MCPB Resolution 06-61- July 6, 2006 – COMPLETED
Include Public Testimony on ALARF Property Transfer
Fourteen ALARF parcels needed in their entirety for the ICC

ICC Project Mandatory Referral - July 13, 2006 – COMPLETED
MR 06809-SHA-1 – Public Testimony

ICC Project Mandatory Referral–July 20, 2006 – COMPLETED
Mandatory Referral MR 06809-SHA-1 - Discussion

- Staff recommendations summarized in 15 summary comments, with 77 comments in Attachment B
- Planning Board added 16th condition to continue monthly status report briefings

Status Report # 1–September 21, 2006 – COMPLETED
Most elements of briefing deferred from September 14, 2006 roundtable

Project Briefing # 1–September 28, 2006 – COMPLETED
Include Public Testimony on Revising Limits of Disturbance at Station 174 and Station 324

Interim Activities

- SHA response to Planning Board's mandatory referral MR 06809-SHA-1 correspondence

Status Report # 2–October 26, 2006 - COMPLETED

Interim Activities

- SHA completes final Contract A RFP Addendum

MCPB Resolution – December 7, 2006 - TABLED
Include Public Testimony on ALARF Property Transfer
Remaining portions of ALARF parcels needed for the ICC

Status Report #3 – December 7, 2006 - COMPLETED
SHA response to mandatory referral conditions

Status Report #4 – February 1, 2007 - COMPLETED
Presentation of Special Protection Area (SPA) water quality commitments

Status Report #5 - February 8, 2007 – COMPLETED
Discussion of technical items from tabled December 7, 2006 session

MCPB Resolution – February 15, 2007 - COMPLETED
Resumption of tabled 12/7/06 agenda item
Remaining portions of ALARF parcels needed for the ICC

Status Report #6 - Tentatively scheduled for March 8, 2007

MCPB Resolution – March 8, 2007
Include Public Testimony on Park Property Transfer
Transfer of parkland from M-NCPPC to SHA for Contract A

Status Report #7 - Tentatively scheduled for April, 2007
Trolley Museum and Llewellyn Property park development update

**Continuing status reports as warranted by events or associated with related
Planning Board actions**

MCPB Resolution –Summer 2007
Include Public Testimony on Park Property Transfer
Transfer of parkland from M-NCPPC to SHA for Contracts B and C
Includes agreements regarding all replacement property transfers from SHA to M-NCPPC

PART III. ICC MITIGATION/STEWARDSHIP PROJECTS

Project NW-128 - July 13, 2006 – COMPLETED
Mandatory Referral MR 06903-SHA-1 on wetlands creation site

Future mandatory referral reviews to be scheduled during 2007.

ATTACHMENT FOUR



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

February 26, 2007

Reginald Jetter
Acting Director

Ms. Karuna Pujara, Chief
Highway Hydraulics Division
Maryland Department of Transportation
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202

Dear Ms. Pujara:

The Department of Permitting Services (DPS) concurs that the process used by the State Highway Administration (SHA) to establish criteria for the proposed Intercounty Connector (ICC) meets the intent of water quality plan requirements for stormwater management and sediment control in the Upper Rock Creek Special Protection Area (SPA), Montgomery County Code, Chapter 19, Article V.

This concurrence is based on a review of the substantial amount of documentation submitted and the interactions with SHA (including consultants), the Montgomery County Planning Board and staff, county agencies, and the Federal Highway Administration. A separate DPS concurrence pertaining to the Upper Paint Branch SPA will be given upon review of that SHA process to establish criteria that meet the intent of water quality plan requirements.

As you know, the Planning Board and local agency participation will continue through the mandatory referral process and DPS will also remain involved. If you have questions or comments please contact Rick Brush at 240-777-6343.

Sincerely,


Reginald Jetter
Acting Director

RJ:dm

cc: Stan Wong, DPS
Rick Brush, DPS
Fariba Kasirri, DEP
Edgar Gonzalez, DPWT
Robert Simpson, DPWT
Mary Dolan, MNCPPC
Dan O'Leary, NMP Engineering Consultants, Inc

