REPORT

MONTGOMERY COUNTY
DEPARTMENT OF PARK AND PLANNING

INTERCOUNTY CONNECTOR
DRAFT ENVIRONMENTAL IMPACT STATEMENT

STAFF REVIEW

FRIDAY, MAY 23, 1997

May 22, 1997

EXECUTIVE SUMMARY

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
ICC DRAFT ENVIRONMENTAL IMPACT STATEMENT STAFF REVIEW

FINDINGS: CLARITY AND COMPLETENESS FOR LOCAL REVIEW

Certain factors of the DEIS documentation are not formatted, covered or developed in a manner conducive to assessing local concerns or requirements. These unique local interests include such considerations as local land use plans, local environmental guidelines, and park replacement.

The staff review provides comment on the adequacy of information for use in local decision making. This consideration is of particular concern. **The following briefly highlights areas where additional/clarified information appears to be needed, by major area of review. The particular concerns are more fully described in the staff report.**

Transportation

Additional information on transit (e.g., destination accessibility and travel times) is suggested to assist in further differentiating between the alternatives.

Land Use

Direct impact tabulations (right-of-way requirements and displacements) do not account for already anticipated master planned impacts. Retabulation of the information would help demonstrate incremental impacts beyond those already anticipated by master plan actions.

There is no factor for the overall transportation capacity for each alternative, as it relates to support of development. Such a factor would help better differentiate between the ability of each alternative to support the master planned and forecast development levels.

Cultural Resources

Two historic sites were not included in the DEIS. These are currently being reviewed for inclusion. With this exception, the DEIS provides sufficient information for local review. Additional information and detail on avoidance and mitigation is desirable but may understandably be deferred to the FEIS.

Environment

Issues, additional information, or clarification needed include:

1. Minimization/mitigation of impacts -- Additional information on the effectiveness

and rationale of specific mitigation measures is sought; or, the specification of contingency strategies.

2. Environmental Guidelines -- Information on buffers per se is not directly provided. At a minimum, an approximation of buffer disturbance should be estimated to better differentiate environmental impacts between alternatives.

3. Upper Paint Branch Special Protection Area (SPA) -- Any project is required to satisfy local SPA requirements. Information that would characterize the extent of SPA impact is not provided. Specific retabulation of available data should provide information to address this issue.

4. County forest conservation law -- Information on forest quality and specimen trees consistent with local requirements is not provided. Estimation procedures and conceptual mitigation strategies are suggested to address this need.

5. Deer-Auto Collision (DAC) -- Quantification of DAC problems should be further developed to better assess comparison of alternatives.

6. Forest Interior Birds -- Clarification of the criteria used to delineate habitat area is needed. A preferred method of accounting for fragmentation impacts is introduced for consideration.

7. Noise -- The possible impacts to future development adjacent to alignments are not addressed and should bear some consideration in the comparison of alternatives.

Parks

Issues, additional information, or clarification needed include:

1. Biodiversity -- There should be more characterization of the park ecological values and functions, covering a reasonable influence area, not strictly or directly in the "build zone."

2. Mitigation/park replacement -- The development of detailed plans does not expressly incorporate the process of the SHA/MNCPPC Memorandum of Understanding to address park replacement proposals.

3. Park values -- Passive recreation (bird watching, hiking, etc.) and the inherent values of parkland are not squarely addressed. These need to be considered in differentiating between the alternatives.

4. Noise -- A better characterization of the implications of noise on wildlife and passive park use would be desirable.

5. Parkland definition -- The definition of parkland for purposes of cataloging impacts does not account for master plan designation.

Copies of the full staff report are available from the Information Desk,
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910
(301) 495-4610

or may be obtained at the ICC Study Office,
14015 New Hampshire Ave.
Silver Spring, MD 20904
(301) 989-1925

M-NCPPC

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

TO: Rod Irwin, Director
Department of Park & Planning

VIA: Jorge A. Valladares, P.E., Chief
Environmental Planning Division

FROM: Joe Anderson, Planning Coordinator
Environmental Planning Division

DATE: May 22, 1997

SUBJECT: Staff Review of the Completeness and Clarity of the Intercounty Connector (ICC) Draft Environmental Impact Statement/Major Investment Study (DEIS)

INTRODUCTION

A multi-disciplinary staff review of the DEIS completeness and clarity follows, organized by section of the DEIS document. This review focuses on the veracity of the study methods and sufficiency of the information presented for local use in evaluating the alternatives. It does not evaluate the results or the merits of the alternatives---an exercise that will occupy staff during Phase II of the staff review of the ICC project over the next month.

SUMMARY OF ISSUES - ADDITIONAL INFORMATION/CLARIFICATION

The DEIS is prepared to respond to a variety of federal/state guidelines or requirements to evaluate and document impacts, benefits and costs of alternative proposals. That being stated, any project implemented in Montgomery County must also be done, and evaluated, with consideration of county standards and criteria as well.

Much of the DEIS documentation, by its nature, addresses these often similar local concerns and requirements. However, certain factors may not be formatted, covered or developed in a manner conducive to assessing local concerns or requirements. These unique local interests include such considerations as local land use plans, local environmental guidelines, and park replacement.

The staff review provides comment on the DEIS documentation relative to preparing a Final EIS (FEIS) and on the adequacy of information for use in local decision making. The latter consideration is of particular concern and the following briefly highlights conclusions and areas where

additional/clarified information appears to be needed, by major area of review. The particular concerns are more fully described in the subsequent papers.

Transportation

The transportation analysis and format of results was prepared using locally and regionally approved assumptions, methods, and standard outputs. Additional information concerning destination ascessibility and travel times by transit are suggested to assist in further differentiating between the alternatives. (See Attachment F.)

Land Use

Consistency with local land use plans and accommodation of planned growth is only qualitatively evaluated. There is no factor for the overall transportation capacity of each alternative, as it relates to support of development. Calculation of a summary roadway congestion factor based on the forecasts already prepared would be desirable. This would help better differentiate between the ability of each alternative to support the master planned and forecast development levels.

Direct impact tabulations (right-of-way requirements and displacements) do not account for already anticipated master planned impacts. Retabulation of the information would help demonstrate incremental impacts beyond those already anticipated by master plan actions. (See Attachment B.)

Cultural Resources

Historic resource impacts are fully documented according to state and federal regulations, in coordination with local requirements with the exception of two sites which are currently being reviewed for inclusion. Archeological impacts have been studied using an accepted sampling strategy. Additional information and detail on avoidance and mitigation is desirable but may understandably be deferred to the FEIS. (See Attachment C.)

Environment

The significant portion of the DEIS addresses environmental impact in a relatively great degree of detail. Issues and additional infomration or clarification identified in this review include: (See Attachment D.)

1. Minimization/mitigation of impacts -- Staff acknowledges and concurs in the reality of presenting conceptual strategies in lieu of detailed mitigation plans. However, additional information on the effectiveness and rationale of specific measures is sought; or, the specification of contingency strategies.

2. Environmental Guidelines -- Information on stream proteciton buffers per se is not directly provided. At a minimum, an approximation of buffer disturbance should be estimated to better differentiate environmental impacts between alternatives.

3. Upper Paint Branch Special Protection Area (SPA) -- Any project would be required to satisfy local SPA requirements. Although this is acknowledged in the DEIS, information that would characterize the extent of SPA impact is not specifically provided. Specific retabulation of available data should provide information to address this issue.

4. County forest conservation law -- Information on forest quality and specimen trees consistent with local requirements and assessment needs is not provided. Applying estimation procedures and developing conceptual mitigation strategies are suggested to address additional information needs.

5. Deer-Auto Collision (DAC) -- The information appears to exist to quantify the extent of DAC problems and should be further developed to better assess comparison of alternatives.

6. Forest Interior Birds -- The criteria used to delineate habitat area needs to be clarified and a preferred method of accounting for fragmentation impacts is introduced for consideration.

7. Noise -- The possible impacts to future development adjacent to alignments are not addressed and should bear some consideration in the comparison of alternatives.

Parks

Impacts to parks are covered as part of the numerous evaluations documented in the environmental section and separately by park in the 4(f) evaluation section. These include the direct and indirect consequences of each alternative. (See Attachment E.)

Issues and additional information or clarification identified in this review include:

1. Biodiversity - more characterization of the park ecological values and functions, covering a reasonable influence area, not strictly or directly in the "build zone."

2. Mitigation/park replacement - mitigation proposals, including park replacement, are covered in a conceptual manner. The FEIS will develop detailed plan; however, conceptual plans and the detail to follow should explicitly reference the SHA/MNCPPC Memorandum of Understanding to address park replacement proposals.

3. Park values - passive recreation and the inherent values of parkland while largely subjective are not squarely addressed. This needs, if at least generically, to be brought into the consideration of differentiating between the alternatives and will also have a bearing during consideration of park replacement issues.

4. Noise - a better characterization of the implications of noise on wildlife and passive park use would be desirable.

5. Parkland definition - the definition of parkland for purposes of cataloging impacts does not account for master plan designation. This information should be identified and considered.

BACKGROUND

An Environmental Impact Statement (EIS) is required to be prepared in accordance with federal statute, regulation, policy and case law, when a proposed federally funded project may significantly affect the environment. The DEIS is the draft of the documentation. It contains specific information on the purpose of the proposed project, the alternatives under study, and the consequences/impacts, benefits and costs of each, as well as conceptual mitigation measures. The document does not recommend or even suggest which alternative should be selected.

The Final EIS (FEIS) is prepared after a preferred alternative is selected. That selection, made by the state and concurred upon by the Federal Highway Administration, takes into consideration the DEIS and related comments by the public, agencies, and decision making officials. The FEIS further clarifies the impacts of the selected alternative, details mitigation aspects of the proposed project, and sets forth other requirements or commitments which must be satisfied in conjunction with implementing a project. The final selected alternative can be a combination of the alternatives under consideration.

The DEIS also includes documentation necessary to address other federal requirements. These various requirements are summarized on Table 1. For reference, an abbreviated description of the five alternatives evaluated in the DEIS is provided on Table 2.

Staff Review Format

The series of staff papers which follow cover the substantive sections of the DEIS document and are organized by the sequence found in the DEIS document. Each section has been reviewed, including the related appendices and technical reports where necessary. The format for the staff review of each section consists of a short synopsis or summary of the nature of the DEIS material. These summaries are intended to explain briefly what's included in the DEIS section without the results being presented or evaluated. This is followed by issues, if any, relative to the information's completeness and clarity being reviewed. Each paper concludes with a list of any further technical comments on the details of the document. To recap the order of each area of review:

- summary of DEIS treatment of material
- issues of completeness and clarity, if any
- additional technical comments, if any.

The issues identified by staff suggest what and how DEIS analyses or information presented

may need to be more completely developed or further clarified. These primarily apply to additional work needed to provide more information to help in the decision making process and/or to suggest additional detail that should be addressed in preparing the FEIS.

The following papers are attached:

Attachment	Lead Reviewer	DEIS Section	TOPIC
A	Joe Anderson, Environmental Planning	I. Purpose & Need II. Alternatives	Background
B	Bill Barron, Community Based Planning Sally Roman, Research & Technology	IIIA and IVA. Socio-Economic	Land Use
C	Gwen Marcus-Wright, Historic Preservation Perry Kephart, Historic Preservation James Sorensen, County Archaeologist	IIIB and IVB. Cultural Resources	Historic/Archeology
D	John Hench, Natural Resources Laura Bachle, Environmental Planning Candy Bunnag, Environmental Planning	IIIC and IVB. Natural Environment	Environment
E	Bill Greis, Park Planning & Development	V. 4(f) Evaluation Park & Historic	Park/Historic
F	George Cardwell, Transportation Planning	VI: Transportation Impacts	Transportation
G	Joe Anderson, Environmental Planning	VIII. Comparison of Costs/Benefits and Financing	Summary of Factors

The last of the four volumes of the DEIS consists of detailed mapping of the alternatives. The mapping is very detailed, informative, and well organized with a key map for each alternative to locate geographic subsections.

Attachments

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Table 1.
STATE AND FEDERAL REGULATIONS
ADDRESSED BY DEIS DOCUMENTATION

National Environmental Policy Act (NEPA)	Requires that we do everything possible to protect and enhance the human environment. A complete study of all reasonable alternatives (including measures to avoid and minimize impacts) must be prepared, and the results must be made available to public officials and citizens before decisions are made.
Endangered Species Act	Ensures that actions are not taken to jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of the critical habitat of such species.
Section 404 of the Clean Water Act, Nontidal Wetlands Protection Act	Regulates dredge and fill of Waters of the United States. Guidelines published by the Environmental Protection Agency to evaluate alternatives required that the Corps of Engineers evaluate the proposed project for environmental impacts (including historic and rare/threatened/endangered species impacts) and select the least environmentally damaging practicable alternative.
Section 4(f) of the Department of Transportation Act	Requires that special effort be made to preserve publicly owned parks and recreation areas, wildlife/waterfowl refuges and historic sites. No project which requires land from these resources may be approved unless: 1) there is no feasible and prudent alternative to the use of the land, and 2) the action includes all possible planning to minimize harm to the property resulting from such use.
Section 106 of the National Historic Preservation Act	Requires that agencies take into account the effects of a project on properties that are included in or eligible for the National Register of Historic Places.
Clean Air Act and Clean Air Act Amendments	An air quality analysis must be performed to determine if there are violations of the state or National Ambient Air Quality Standards for carbon monoxide. Also a conformity analysis must be done to make sure the Transportation Improvement Plan conforms to the State Implementation Plan.
Farmland Protection Policy Act	Requires that federal programs minimize conversion of farmland to non-agricultural uses (does not apply to farmland that is zoned or committed (planned) for urban development).
Economic Growth, Resource Protection, and Planning Act	Each transportation alternative must be evaluated by the Maryland Office of Planning to determine if it is consistent with this act. The act has several goals: to concentrate development in suitable areas to make sure that transportation, water, sewer, schools, etc., are adequate to support the growth; to protect sensitive areas (steep slopes, habitat for endangered species, streams and buffers, 100-year floodplains, etc.); to direct growth in rural areas to existing population centers; to provide stewardship of the Chesapeake Bay; and to conserve resources.
Executive Order 12898 (Environmental Justice)	Requires that agencies identify and address disproportionately high and adverse human health or environmental effects on minority and low-income populations.
Intermodal Surface Transportation Efficiency Act - Major Investment Study (MIS)	Requires studies to be undertaken to develop or refine the metropolitan long range transportation plan and lead to decisions cooperatively between participating agencies, on the concept and scope of the investment.

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Table 2.
INTERCOUNTY CONNECTOR
DESCRIPTION OF THE ALTERNATIVES

The five alternatives being evaluated in the DEIS are:

No-Build Alternative (Baseline)	• highway and transit improvements already programmed/committed to construction according to the Constrained Long Range Plan delineated by the Metropolitan Washington Council of Governments • improvements for which either federal funds are being sought or which require federal action (permitting or assessment) • generally arterial level facilities with a distance more than one mile • required baseline for transportation analysis in DEIS/MIS studies • includes I-95 HOV and some intersection improvements not in the CLRP • DEIS Figures II - 6A, B
Upgrade Existing Roads Alternative (UERA)	• improvement/expansion of a network of existing east-west facilities in the study area • developed from public and agency input • includes transit (transportation system management) improvements • includes road widenings and intersection improvements some of which exceed Master Plan proposals • seeks to strike a balance between improved capacity and minimizing community impact • DES Figures II - 7, 8
Master Plan Alternative (MPA)	• six lane full access control freeway facility (60 mph design speed) • dedicated HOV/busway lane each way • exclusive bus access ramps and stations • parkway type design with 72 foot median • new express bus service operations • multi use trail • operated as a toll facility (electronic collection) priced to minimize peak period congestion and contribute to financing construction • interchanges located at major state highway crossings • DEIS, Figures II - 9, 10
Northern Alignment (NA)	• design features identical to MPA above • operating assumptions identical to MPA above • alignment location north of Master Plan alignment, east of Georgia Avenue • interchanges located at major state highway crossings • DEIS, Figures II -10, 11
MidCounty Highway-MD 198 Alternative (MM198)	• six lane divided major highway with at grade intersections and selected interchanges (MD97, MD650, US29, I-95) • Improved transit services • multi-use trail • DEIS Figures II - 12, 13

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Intercounty Connector Draft Environmental Impact Statement Review
PURPOSE AND NEED/ALTERNATIVES

SECTION I. PURPOSE AND NEED

SUMMARY

The Statement of Purpose and Need is developed in the first phase of the study process and it describes the basic transportation problem in the Study Area. It provides the basis for identifying a range of reasonable alternatives for detailed study. The Purpose and Need Statement was developed in early 1995 and was concurred upon by the participating Federal Review Agencies prior to proceeding with subsequent phases of the study. The transportation system is analyzed to determine its projected condition in the year 2020, assuming the 'no build' network and land use from the Council of Governments Round 5.2 forecast. The methodology is described in Chapter V. Transportation.

The following briefly summarizes the basis of the purpose and need:

- The only current connection between two of the most important corridors within the state of Maryland (I-270 and I-95) is the Capital Beltway (I-495/95) which is operating at capacity during peak periods. This operating condition causes many trips to be made along roadways which are not designed to accommodate highspeed, long-distance travel.
- Numerous roadways within the study area operate at or near capacity.
- There is no east-west continuous transit service within the study area.
- The amount of east-west travel is forecast to increase dramatically because of continued suburbanization of the work force and population.
- Forecast improvements to the highway and transit network within the study area will not be sufficient to support the level of forecast development.

In addition to those statements of purpose and need, the ICC is identified on the adopted and approved master plans of both Montgomery and Prince George's County.

ISSUES - ADDITIONAL INFORMATION OR CLARIFICATION NEED

Some issue has been raised over the course of the study concerning the efficacy of using the same 2020 growth forecast for all alternatives, especially 'no build' for which 'purpose and need' is analyzed. The study team followed a rational and accepted analytic procedure in order to provide comparable results across the range of alternatives. However, in order to acknowledge and evaluate the reasonable concern that future growth could modulate, especially under a no build scenario, a test of an alternative growth scenario was performed and is documented (page

II-14). **The implications of the results of the land use sensitivity test should be reflected in the documentation of the purpose and need statement.**

SECTION II. ALTERNATIVES

ISSUES

This section documents the second phase of the study process, which determined the alternatives that were to be carried forward through the subsequent detailed study phase. The Purpose and Need Statement provided the basis for bracketing a reasonable list of alternatives which would be responsive to the Statement.

This process consisted of a narrowing down and combining a very large list of possibilities/suggestions from the public and participating agencies. An initial screening and evaluation rendered a list of nine basic alternatives: the no build, transportation system management, upgrading roads, three new highways and three new transit ways (described on pages II - 16 through 25).

These alternatives were analyzed with the transportation demand model to determine their relative effects on future transportation conditions. They were also preliminarily engineered and mapped. The mapping and transportation evaluations were presented in public workshops designed to assist in determining a final list of combined/modified alternatives for detailed study.

Based on the assumptions, results, and comments received, a consolidated, shortened list of five alternatives was developed. This was achieved primarily from combining alternatives, particularly highway and transit, and as required, retaining the no build (baseline) alternative. For reference a brief description of the alternatives is outlined in Table 2 of the cover memo. Alternatives completely removed from further consideration in the study were the Randolph Transitway (poor performance) and the White Oak Transitway (further consideration transferred to the Beltway Study). The fixed guideway transitway concept was modified to a highway busway/HOV configuration. The results of the analysis supporting these determinations are primarily the relative diversions of auto trips and level of transit ridership, as presented on pages II - 26 through 48.

A series of sensitivity tests were also conducted to assist in determining appropriate assumptions for configuring and testing alternatives. These tests and results are described on pages II-12 though 16:

- Effect of tolls on highway use
- Impact of Beltway HOV on area roads
- Relative impact of HOV2 versus HOV3
- Effect of alternative land use/growth assumptions

The section concludes with a lengthy and detailed description of each of the five alternatives being carried forward into detailed study. This includes a linear description of each of the alternatives (general design and adjacent development), descriptions of any alignment options, transit features of the alternative and major intersection/interchange design concepts. Numerous figures depict the alternatives and related design features. A final section presents the traffic volume projections on the alternatives themselves (pages II - 102 to 104, Table II - 2 and Figures II - 14 to 16).

The material is relatively complete and provides the background of the development of the study to the point of the preparation of the DEIS.

PURPNEED.ALT

Intercounty Connector Draft Environmental Impact Statement Review
LAND USE

Preparers: *Bill Barron, Community-Based Planning Division and Sally Roman, Research and Technology Division*

SECTION IIIA - SOCIAL ENVIRONMENT AND SECTION IVA - SOCIO-ECONOMIC

SUMMARY

Section IIA. Social Environment, inventories the existing socio-economic characteristics in the study area and those that are planned/forecast. These descriptions include:

- existing and planned land use according to approved and adopted land use plans;
- historic and forecast population and housing characteristics (provided on a planning area basis from the database of the M-NCPPC) and minority and low income population data;
- delineation of neighborhoods and communities within the study area;
- type and location of community facilities (libraries, schools, health care, parks/recreation, police and fire);
- historic and forecast employment and economic activity, provided on a planning area basis, from M-NCPPC database; and
- socio-economic profiles by each planning area.

Section IVA, Social Economic, summarizes the socio-economic and land use impacts for the entire study area, for each of the five ICC alternatives. These impacts, according to the DEIS, are the following:

- Residential Displacements
- Estimated Number of Persons Displaced
- Right-of-Way Requirements
- Business Displacements
- Community Facilities and Services
- Elderly and Handicapped People
- Environmental Justice
- Business community implications
- Tax base
- Land use impacts

Physical impacts are listed in tables and are based on the right-of-way necessary for the construction of each alternative (based on preliminary engineering for each alternative). The section also evaluates the five ICC alternatives in regard to "influence" on existing and "planned land use." According to the DEIS, each alternative creates "development potentials" as a result of "...changes in accessibility and connectivity afforded by the various transportation alternatives and could result in alternative growth patterns, land use, and development characteristics."

In the final portion of the section a profile is presented for each planning area within the study area, summarizing community impacts associated with each ICC alternative. For each alternative there is a sub-area description of the alternative's consistency with the respective master plan and the physical impacts that were previously identified (displacements, right-of-way requirements, community facilities, etc.) for the entire study area.

ISSUES - ADDITIONAL INFORMATION OR CLARIFICATION NEEDED

1. The "physical impacts" attributed to each of the ICC alternatives are based upon the right-of-way required to construct a given alternative. Since "right-of-way" is so important to this section of the DEIS, a clear definition of what was used as the alternative right-of-way would be essential for anyone trying to understand the tables of "Physical Impacts." The following description is on page IV-13 of the DEIS:

> "In addition to the required displacements, right-of-way would need to be acquired for the UERA, MPA, NA and MM 198. Several of the affected properties also contain sheds, barns or garages that would need to be moved or taken down. The right-of-way that would be required to construct the build alternatives has been tabulated by its components of ownership: currently in private ownership, currently in County/M-NCPPC ownership (non-parkland), currently park land and currently in State ownership. The term "right-of-way required" as used in this section refers to the sum of these four components, however, land that is owned by the County or State that is currently used for an existing transportation facility is not included in the amount of right-of-way required. For example, County owned land along the MPA in the Paint Branch area that is reserved for the ICC would be included in the right-of-way required for the MPA. Conversely, State owned land along I-95 that would be needed for the MPA/I-95 or NA/I-95 interchange would not be included in the right-of-way required for the MPA or NA. The right-of-way requirements have been established based upon preliminary engineering studies and may vary slightly based upon final engineering design. They may be more or less than the right-of-way designated for a facility in area master plans." (Emphasis added.)

The right-of-way and impacts discussed in the DEIS should be attributed to the ICC alternative and not to something else - such as road proposals in area master plans. "Additional right-of-way" for the ICC alternatives should be above and beyond the

recommendations in approved and adopted plans. Since the "physical impacts" relate directly to whatever right-of-way is established, they should be attributable to the ICC alternative and not to proposals in the master plans. It appears that a number of the "physical impacts" summarized on Pages IV-9 to IV-36 and Pages IV-51 to IV-94 are probably in part attributable to master plan recommendations and not solely to the ICC Alternatives.

By not differentiating between the master plan requirements for right-of-way and ICC construction requirements, it is not possible to determine the extent to which the acquisition that is referred to as "additional right-of-way" is attributable to the master plan or solely to an ICC Alternative.

In order to better evaluate and compare the "physical impacts" of the various ICC Alternatives, from the local perspective, it would be useful to have a tabulation indicating the right-of-way acquisition above and beyond that which is recommended in adopted master plans.

2. This section implies that there will be land uses and density changes where an alternative increases "accessibility." These changes to higher density land uses would take place because interchanges and roadway links were not planned for in any alternative other than the "Master Plan Alternative." To put forth this hypothesis, is to argue that the County government is impotent with regard to plan implementation and growth management. The historical record demonstrates otherwise. With all of its traffic history, the Capital Beltway's interchanges have not been rezoned to high density uses. The most recent Fairland Master Plan actually lowers density on parcels of land in the vicinity of the proposed ICC interchanges with US Route 29.

This does not imply one should be blind to the fact that economic development pressure does indeed tend to flow to areas made more accessible by new roads. The issue is whether such pressure inevitably must prevail against the approved and adopted master plan which are public policy. The fact is that Montgomery County has developed one of the most effective planning and growth management systems in the nation. If this reputation and record cannot be taken into account, how can we talk about any plan? Why should we even consider such planning concepts as Wedges and Corridors, unless we are willing to concede that the fundamental power over land use resides in the General Plan rather than in economic market pressure?

All new Master Plans acknowledge that the outcome of the current ICC EIS process may require amendments to a number of the master plans. Amendments to master plans are considered by the Council only upon initiation by the Council or the Planning Board. Amendments must follow a process set forth in local law, of public hearing by the Planning Board, and additional public hearing by the Council, unless the Council accepts the Board's recommendation without change. History reflects that at such hearings, the

local civic associations are consistently well represented and influential. This issue of conformance with previous planning decisions is highly important, as is the question of consistency with the General Plan. In the case of the areas along the path of the various alternatives, the entire weight of the General Plan will be against major (if not any) changes to higher density uses. To preempt all conceivable future change is neither possible nor sound, however, so long as any vestige of Montgomery County's planning and development policies remain, the outlook for major changes in the master plans would seem remote.

Inasmuch as consistency with local land use plans and accommodation of planned growth is only qualitatively evaluated, there is no factor for the overall transportation capacity of each alternative, as it relates to support of development. Calculation of a summary roadway congestion factor based on the forecasts already prepared would be desirable. This would help better differentiate between the ability of each alternative to support the master planned and forecast development levels. Preparation of a peak hour congestion factor would require assumptions about travel to convert the current forecasts of Average Daily Traffic. The resulting factors would not be directly comparable to County growth management characteristics such as staging ceiling. However, they would provide a relative indicator of the cumulative effects on the local roadway network of the transportation system within each alternative compared using the future growth forecasts.

3. The planning area profiles present the same "physical impact" information, as previously discussed, - - this time by "planning area." The same issues described above relative to the definition and tabulation of right-of-way apply. This section is rather dry - houses and businesses displaced, community facilities displaced etc. It would have help if some of the "impacts" could have been shown more graphically.

TECHNICAL COMMENTS

- The FEIS should strengthen its discussion of the planning and development process in Montgomery County, and not rely on a discourse of market forces.

- The most important issue from the Research and Technology Center's perspective is that all of the charts containing forecast data must be identified, on each figure in Section III as Council of Governments (COG) Round 5.2 forecasts. Rounds 5.3 and 5.4 are already available. Round 6 will be complete early next year. The forecasts probably do not change sufficiently in later rounds to require updating the traffic projections. However, readers may believe the numbers are in error when they do not match data from more recent forecasts rounds. This could cast doubt on the whole documentation.

- Some of the percentages of elderly in Census tracts with large populations aged 65+ still do not agree with MNCPPC's 1990 Census data. We agree with the percentages for 7009.04 and 7032.09. Our data show about 1 percent fewer elderly in 7032.03 and are

quite different for the remaining tracts. Our calculations indicate 9.8 percent elderly in 7032.01 compared to the DEIS's 19.3 percent and 24.2 percent in 7042.00, compared to 19.3 percent. (Page III - 10)

- Because income data is generally not available at the Census block level, it would be useful to identify the data release. The source of the data is not clear on page III-17, but it should have a designation similar to STF-1, the complete count release.

- The description of the land use and zoning for the Rock Creek Planning Area on page III-32 should be more specific and indicate that the area is zoned residential, primarily for low density single-family detached housing.

- The statements about the Vitro site on page III-36 are no longer accurate. A substantial portion of the proposed office space has been converted to retail and is likely to remain in that use. Given the other office markets in the County, significant office development in Aspen Hill is unlikely.

- Page III-38 describes the Kensington-Wheaton Planning areas as "largely low density single family development." In reality, most people would probably describe this area as, at least, "medium density." Its housing stock is also 17.5 percent multi-family, not a high percentage but not insignificant.

deis6.rev

Intercounty Connector Draft Environmental Impact Statement Review
CULTURAL RESOURCES

Preparers: *Gwen Marcus-Wright, Historic Preservation Unit, Perry Kephart, Historic Preservation Unit and James Sorensen, County Archaeologist*

SECTION III. B. HISTORIC AND ARCHEOLOGICAL RESOURCES

SUMMARY

Standing Historic Sites - Survey Results

The Intercounty Connector (ICC) Draft Environmental Impact Statement (DEIS) and Major Investment Study contains the results of a survey and evaluation of all historic resources within the geographic area of the five ICC alternatives in both Montgomery County and Prince George's County. The thirty-seven historic sites included in the DEIS (two in Prince George's County, 35 in Montgomery County) are those that: 1) are on the National Register of Historic Places (NRHP), or determined to be eligible for the National Register, and 2) are affected by one or more of the alternative routes. Adverse effects studied included primarily right-of-way, noise, and visual impacts, but can include an "effect on a historic property (that) may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association" [36CFR800.9(b)]. All four build alternatives (UERA, MPA, NA and MM198) would have adverse effects on either above ground structures (historic resources) or archaeological sites.

It should be noted that the survey and study methods for the two types of cultural resources considered in the DEIS (1. historic standing structures or above ground resources, including cemeteries, and 2. archaeological sites) were substantially different. For the purpose of evaluating the DEIS the two are being considered separately. In a few cases, a site may have been surveyed and studied under both protocols as having both historical and archaeological significance.

Standing Historic Sites - Survey Methodology

The historic resource survey began with a preliminary overview of the 170 square mile project study area. Existing historic resource surveys, especially the Locational Atlas and Index of Historic Sites in Montgomery County Maryland, were used as a starting point from which further research was conducted to identify and evaluate National-Register eligible resources within the ICC project area. Due to the large number of resources identified in the project area, the focus was narrowed by February 1996 to 250 foot wide corridors on either side of each alternative and to the areas of proposed interchanges and alignment shifts.

Standing Historic Sites - Eligibility Determination

Properties or historic sites identified as candidates for possible National Register of Historic Places (NRHP) eligibility were those where, according to the Criteria for Evaluation. NRHP, "the quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

(Criterion A) that are associated with events that have made a significant contribution to the broad patterns of our history, or

(Criterion B) that are associated with the lives of persons significant in our past or that embody the distinctive characteristics of a type, period, or method of construction that represent the work of a master, or

(Criterion C) that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, or

(Criterion D) that have yielded, or may be likely to yield, information important in prehistory or history."

Two standing historic resources, ***Woodlawn*** and ***Holland Store and House***, were omitted from the study as not being in the vicinity of any of the proposed ICC alternatives. Subsequent proposals for improvements to MM198 have necessitated study of the two sites, both of which are discussed below.

The list of resources with all associated research materials was submitted to the State Historic Preservation Officer (SHPO) for NRHP eligibility determination. Thirty-seven properties (35 from Montgomery County) were determined eligible and were evaluated as to what effects the proposed ICC alternatives would have on them. The DEIS is basically divided into two areas of study, Section 106 Effects (Sections III and IV) and 4(f) Effects (Section V). Discussion of the historic resources, both standing structures and archaeological sites, are spread throughout.

Standing Archaeological Sites - Survey Results

A total of 30 properties with historic standing structures was surveyed during this Phase 1b study, of which five were found to contain min-nineteenth to early-twentieth century archaeological sites:

18MO440	-	William Kisner Property
18MO441	-	Edgewood II Property Site

18MO442	-	Henry S. Krusen Property
18MO443	-	Henry C. Miller Property
18MO444	-	Harry T. Burton Property

Sites 18MO441, 18MO443, and 18MO444 were recommended for additional work in order to determine if they where eligible for listing n the State and National Registers. No additional work was recommended for sites 18MO440 and 18MO442 as these sites did not contain significant, intact archaeological deposits, and thus were to recommended as eligible for listing in the State and National Registers under any criteria.

Standing Archaeological Sites - Survey Methodology

Based on Greiner's experience in the Middle Atlantic states, 1) historic roads and intersections, 2) nucleated settlements, 3) standing structure locations and 4) structure locations noted on historic maps are all strong variables for predicting the locations of most late-eighteenth to early-twentieth century historic sites. Further, these variable are of greater predictive value than environmental factors, such as topographic setting. This is the case because historic roads, nucleated settlements, and existing historic structures generally are located on or adjacent to upland flats, hilltops, high terraces, knolls, flood plains, headwater valleys, low terraces, and water sources. Thus, these four historical variables, when used ro predict site locations, subsume environmental characteristics of the area. The four factors were therefore used to define areas of high potential for historic period archaeological sites with the project's APE (i.e., are components of a predictive model). These four variables were further used to define the specific sample units for the Phase 1b sample survey.

Using the criteria discussed above in terms of identifying areas of high and low potential to contain prehistoric and historic archaeological sites, the following sample strategy was used for the Phase 1b survey. Twenty percent (20%) of locations of high probability for archaeological sites within the new alignment alternatives and the UERA was selected for survey. In addition, a ten percent (10%) sample of low probability areas that did not involve properties with historic standing structures was also selected. The selection of the sampling percentages was made in consultation with SHA and Maryland Historic Trust.

Archaeological Sites - Survey Results

In terms of the Phase 1b survey, a total of nine (9) sites was identified. These included seven prehistoric sites (18MO445, 18MO446, 18MO448, 18MO449, 18MO450, 18MO452, and 18PR511), one historic period site (18MO451), and one multi-component prehistoric and historic site (18MO447). Additional work is recommended at sites 18MO448, 18MO449, 18MO450, 18MO451, 18MO452, and 18PR511 to conclusively determine the sites' eligibility, or ineligibility for the Sate and National Registers. Sites 18MO445, 18MO446 and 18MO447 are not recommended as eligible given their lack of integrity. Two previously recorded sites within the APE, 18MO177 and 18MO250, were revisited. Site 18MO177 had been destroyed by recent

development. Sites 18MO250 appears to be located outside the proposed alternatives. Two isolated finds ere recorded: 18MOX85 Lots 3 and 4, and 18MOX85 Lot 2. These isolated finds are not recommended as eligible for the State and National Registers.

Archaeological Sites - Survey Methodology

Because of the infeasibility of conducting an archaeological survey of the entire ICC study area, Greiner and Associates used a predictive model that was developed for the Piedmont Uplands by Dr. William Gardner of Catholic University in 1978.

Relying on the availability of lithic resources, access to surface water and presence of habitat overlap, Greiner used these variables to identify areas of high and low archaeological site potential. A total of 675 acres were assigned high potential. Of these, 136 acres were sampled. Two hundred fifty acres were assigned low potential and 32 acres were sampled.

Review of the draft archaeological report is ongoing. Associated studies for thoroughness of methodology, identification and interpretation of cultural resources and adherence to Federal and State guidelines are in process. Field inspection of identified sites would be included in the FEIS as would a review of mitigation and avoidance recommendations after impacts have been determined.

Archaeological Sites - Eligibility Determination

Eligibility requirements for archaeological sites are the same as those for **Standing Historic Sites**, cf. part C.

Federal and State Laws Protecting Significant Cultural Resources

The historic resources survey and eligibility determination were conducted in accordance with the following Federal and State laws:

1. Department of Transportation Act of 1966, as amended in 1968. Section 4(f) requires that special effort be made to preserve publicly owned parks and recreation areas, wildlife/waterfowl refuges and historic sites. No project that requires land from these resources may be approved unless: 1) there is no feasible and prudent alternative to the use of the land, and 2) the action includes all possible planning to minimize harm to the property resulting from such use.

2. National Environmental Policy Act of 1969.

3. National Historic Preservation Act of 1966, as amended. Section 106 requires that agencies take into account the effects of a project on properties that are included in or eligible for the National Register of Historic Places.

4. Executive Order 11593.

5. Maryland Historical Trust Act of 1990 (Article 83B. Sections 5-619 of the Annotated Code of Maryland).

6. Article 83B, Annotated Code of Maryland: Section 5-617 says state units must consult with the Maryland Historical Trust to determine if a proposed capital project will adversely affect any property listed in or eligible for the Maryland Register of Historic Properties.

   Section 5-618 says state units must exercise caution that any property listed in or eligible for the Maryland Register of Historic Properties is not inadvertently transferred, sold, demolished, destroyed, substantially altered or allowed to deteriorate significantly.

ISSUES - ADDITIONAL INFORMATION OR CLARIFICATION NEED

Section III of the DEIS was complete - with the exception of ***Woodlawn*** and ***Holland Store and House*** (see under TECHNICAL COMMENTS) - and clear in the identification of above ground historic sites (standing structures) and in eligibility determination. ***The level of detail in the discussion of conceptual avoidance and mitigation efforts for historic resources fulfills the requirements of the DEIS, but is not sufficient to allow either avoidance or mitigation efforts to be included productively in the decision making. Greater detail should be included in the FEIS.***

Section V. The Department of Transportation Act of 1966, Section 4(f) as it relates to historic sites is evaluated in a separate memorandum on 4(f) Effects.

TECHNICAL COMMENTS

1. Information on cultural resources is spread throughout the DEIS. Accessibility to the material on historic and archaeological sites would be improved by some form of index or cross referencing. Also adding to accessibility would be clearer labeling and explanations for the maps, particularly the group labeled Figures V-1 through V-61 (found after P.V-89) and the Lines of Sight Study (Figure IV-1 through Figure IV-7a found after P. IV 395).

2. Two historic sites, ***Woodlawn*** and ***Holland Store and House***, have not been included in the study. Both may be negatively impacted by right-of-way, noise, and line of sight. In the case of Holland Store and House, it appears that it would be displaced (demolished). Avoidance and mitigation measures to minimize harm for both will be required in the FEIS if these resources are negatively impacted by the selected alternative.

3. From the perspective of park archaeological sites, Montgomery County is basically a stream valley system and, thus, more likely to contain areas of high potential. In the FEIS, the maps should reflect specific park impact and identify: 1) areas of high archaeological potential within parks and 2) those areas of high potential that have been tested within those parks.

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