

ATTACHMENT # 11

TITLE: September 1989 *Intercounty Connector Memorandum of Understanding* between M-NCPPC and SHA.

Pages circle 1 to circle 8.

INTERCOUNTY CONNECTOR
MEMORANDUM OF UNDERSTANDING

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(1)

October 11, 1989

MEMORANDUM OF UNDERSTANDING

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

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

(2)

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

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

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

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

Memorandum of Understanding

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

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

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

- * The SHA will conduct an on-site floral and faunal survey of all parkland impacted over the course of at least one full growing season (April-October), specifically to address impacts to rare, threatened, and endangered species as well as species of special State concern that may be present on parkland.

- * The SHA will conduct tests for archaeological resources of all parkland impacted well in advance of any construction activity. Additional testing will be completed if any significant archaeological sites are found.

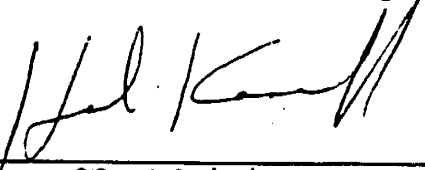
- * To facilitate the search for replacement land, and to assist in developing specific mitigation measures, the SHA will provide M-NCPPC the following information:

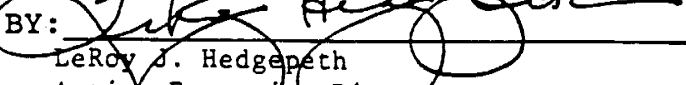
Note: All information to be on Mylar, scale registered at 1" = 200'.

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

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

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

BY: 
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