

- The only self-sustaining Brown Trout population in Montgomery County
- Large areas of contiguous stands of mature forest of high value for Forest Interior Dwelling Species (FIDS), uncommon in Montgomery County. Rock Creek Regional Park, North Branch Stream Valley Park, Northwest Branch Stream Valley Park, and Upper Paint Branch Stream Valley Park comprise the largest contiguous interior forests in the study area. These forests also contain high quality floodplains and wetlands. (Interior forest habitats are declining due to residential sprawl, office, industrial, and retail store development, and highway construction.)

The Casey property at Hoyles Mill is the only property yet identified that can begin to replace some of the functional values that would be lost. However, it is located entirely in another watershed – the Little Seneca Watershed – and therefore cannot mitigate the unique soils, geology, rare plant communities and other exceptional environmental features unique to the Rock Creek and Anacostia watersheds. (The Casey property has different rare species. For example, how can you mitigate the loss of Carolina Tassle-rue in Rock Creek with the Purple Milkweed in the Casey property?)

It is for this reason that...

THE REPLACEMENT ACREAGE PROPOSED DOES NOT SATISFY THE MOU'S REQUIREMENT FOR *EQUIVALENT NATURAL RESOURCE VALUE*.

In addition,

- The Rock Creek and Anacostia watersheds are the very watersheds we want to save because they have already suffered enormous forest loss and what's left needs to be preserved for the viability of the forests and water quality. How could further loss of these forests be mitigated by a forest 50 miles away, in another watershed?
- Also, it is not a foregone conclusion that this piece of property can be acquired in a timely manner to satisfy mitigation purposes, and
- The Casey property is already a CLASS I property identified for acquisition in the Legacy Open Space Master Plan, and M-NCPPC would acquire this property eventually, regardless of the ICC.

In the end, the staff's proposed mitigation means that SHA would not adequately compensate M-NCPPC for the natural resource values that would be lost if the ICC were built through our parks.

M-NCPPC Proposed Mitigation Ignores Extensive Constructive Use Impacts

M-NCPPC makes no mention of **CONSTRUCTIVE USE IMPACTS** in their proposed mitigation for impacts to parklands with unreserved right-of-way. Constructive Use impacts (noise intruding upon wildlife and park users, and loss of forest interior habitat due to the edge effect) are direct impacts that impair the quality of the forests adjacent to the unreserved portions of the right-of-way. Again, from Department of Interior's 2004 DEIS comments: "Section 4(f) Evaluation should analyze the potential of constructive use due to...loss of function (e.g., conversion from FIDS habitat to edge habitat) for those portions of parkland which are adjacent to the right-of-way corridors." This would include constructive use impacts in "Rock Creek Regional Park, North Branch Stream Valley Park, Rock Creek Stream Valley Park, Northwest

Branch Recreation Park, and Northwest Branch Stream Valley Park – Unit 5.” At a minimum, the direct or *constructive use*, impacts to a significant amount of forests – **165 acres or more** – are not being described² or mitigated.

Importantly, this 165-acre calculation **DOES NOT INCLUDE** the significant acreage of impacted parklands that contain a reserved right-of-way. Even though the reserved right-of-way is exempt from a direct 4(f) impact, there would still be edge effect on the forest that lies astride of the road footprint, which would be part of the forest interior impact calculation.³

IN CONCLUSION

Clearly, the proposed mitigation does not adhere to the MOU, nor does it reflect the tremendous shift in the society’s environmental consciousness and our increased understanding of our interconnectedness to our environment, since the outer beltway was first proposed over 50 years ago. Even Mr. Hussmann who favored the ICC wanted to get just compensation for Parkland lost by mitigating in a hierarchical sequence; that is at the very minimum, the proposed mitigation should duplicate the ecological function in the same watershed. This planning board should do no less.

Since you can’t replace the parkland at the subwatershed or even watershed level, and since the potential replacement land has a lesser resource value, then you cannot mitigate the impacts of the ICC and should retract your support for building the ICC.

It is imperative that the Planning Board expeditiously and proactively re-assess its decision such that there remains a park system, in each watershed, at least as complete as preceded the project.

Thank you for this opportunity to raise these important points

Most Sincerely,

Ms. RG Steinman

Silver Spring, MD

301.565.2025

lifeonearth@juno.com

²82 acres of parkland would be loss due to the right of way going through parklands, without reservation. The proposed roadway would be 300 feet wide; the edge effect is also 300 feet on either side; hence there would be a doubling of the 82 acres.

³There are federal agencies that do not consider reserved ICC right-of-way exempt from Section 4(f) as the land is *de facto* part and parcel with the surrounding parkland and provides identical functional resource value.

MCP-Chairman

From: Barbara Medina [barbflo@earthlink.net]
Sent: Tuesday, August 02, 2005 12:09 PM
To: MCP-Chairman
Subject: ICC and parkland

R E C E I V E D
1332
AUG 03 2005

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

Dear Chairman Berlage and Commissioners:

The parkland that the proposed ICC bisects and runs through was purchased to protect the head waters, streams, wetlands, sinks and seeps of Rock Creek and the Anacostia River watershed. The County declared the Paint Branch area north of Fairland Road a special protection area which limited the amount of impervious surface. The County has discovered that a 10% impervious surface limitation could not protect the Paint Branch watershed and when considering the Rock Creek Watershed special protection area lowered the limit to 8%. Paint Branch Park south of Fairland Road has seen a destructive loss of trees and stream widening by bank erosion.

The ICC will remove the protecting forest, destroy wetlands and significantly increase the impervious surface way above 10% not only in the special protection area but in the headwater areas of all the streams of the Anacostia River in Montgomery County. No one who keeps up with the latest research on forests, wetlands and waterways protection and restoration will tell you that all these destructive actions can be mitigated and will not adversely impact water and soil quality of parkland.

Before Mr. Holmes was Chairman of the Montgomery County Park and Planning Commission, the Commissioners and the County Council voted against even building the ICC. Go Montgomery seems to have changed all that and those of us who care about clean air and water in Montgomery County and how our tax money is spent are confused by how people who are appointed to protect parkland and insure that development plans protect the citizens of Montgomery County can consider supporting a protect that is now promising more tie-ups on the Beltway and Route 29.

Sincerely,

Barbara Medina
11983 Old Columbia Pike
Silver Spring, MD 20904
301 622 3289

Sin

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1339
JUL 25 2005

#1

MCP-Chairman

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

From: MarciPro@aol.com
Sent: Monday, July 25, 2005 10:45 AM
To: MCP-Chairman
Cc: Councilmember.Perez@montgomerycountymd.gov; dan.parr@montgomerycountymd.gov
Subject: ICC-Mitigation Testimony, Planning Board Work Session, 7/28/05

Please Distribute to Chairman Berlage & Commissioners, & Include in Board Work Session materials, thank you,
7/25/05

ICC-Mitigation Testimony, Planning Board Work Session
7/28/05, By George French & Marcie Stickle

Again, scandalous behavior by MNPPC has forced the public to accept unmitigable "solutions" to erroneous decisions by this Board based on pressure from special interests, not grounded in truth or facts, by the tentacles of the development, road, and big business interests. You have painted yourselves into a corner, and sadly yanked the citizens of Montgomery County along.

There can be no environmental mitigation to impacted parkland for the chosen ICC corridor alignment. Inconceivably, this Board has put the "cart before the horse" and approved an impossible alignment before realizing there can be no achievable environmental mitigation for this unnecessary and disastrous road. You bowed to the political pressure instead of practicing good, reasoned, and deliberate planning.

We are told that many of the powerless staff at MNCPPC, were silenced or ignored by their superiors and their concerns stifled and disregarded when they raised questions of insurmountable environment degradation. Some felt like quitting.

The Anacostia and Rock Creek Watersheds are conceivably the two most degraded in the entire Potomac River Basin. Mitigation outside these watersheds is a travesty, especially considering that the so-called "replacement land" is not threatened and will ultimately become a conservation park regardless.

You must reverse your decision on the ICC in favor of the no-build alternative. There is no "real" mitigation for the scandal in Clarksburg other than leveling newly built residences. But unlike Clarksburg, here the ground has not yet been broken. There is still time to reverse and correct these egregious decisions before the irrevocable path is undertaken. Do not proceed with this charade; do not cover up unmitigable destruction of the last and the best of what is left of our Stream Valley Parks.

Go back to your MNCPPC visionary roots in 1927 and 1928 of being leaders in establishing these very same Stream Valley Parks.

Admit you've made a mistake or received faulty information or were pressured from above, and that this ridiculous attempt at mitigation is untenable.

That the EPA during the Clinton Administration rejected the Master Plan alignment should tell

7/26/2005

C-55

you something about this single-most environmentally destructive project in our County ever. Even with all the environmental safeguards promised by SHA, WSSC still believes the northern corridor holds too great a potential for disaster for our water supply. An equally alarming message must also be sounded for the irreversible risk to our other watersheds.

If you don't believe that oil drilling in the Arctic can be mitigated as the Bush Administration claims, don't expect to believe the Ehrlich and Duncan Administration can "dictate" environmental mitigation for this most flagrantly wasteful of County projects. Even the Bush EPA under the Administration with the worse environmental record in the history of our country has genuine concerns about this disastrous alignment, even after streamlining the review process to the detriment of cautious deliberations.

Parkland, that will be fragmented and destroyed by the ICC, is irreplaceable. Currently, this endangered Parkland is convenient to numerous local users across the mid-county area, and more easily accessible than the property in the Little Seneca watershed.

The physical and polluting presence of the ICC adjacent to Parkland will spoil the park users' experience.

Finally, it will immeasurably harm the watersheds that feed the Chesapeake Bay.

George French & Marcie Stickle
510 Albany Ave.; 8515 Greenwood Ave.
Takoma Park, Md. 20912
301-585-3817, MarciPro@aol.com

Derick Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

RECEIVED
2005-1349
AUG 04 2005

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

August 2, 2005

Dear Chairman Berlage and Planning Board Members,

I respectfully request that the Planning Board approve the Parkland Mitigation package presented by Planning Board staff.

I have lived in Montgomery County my entire life. I support the ICC Parkland mitigation package as presented by Planning Board Staff. I support the Maryland Department of Transportation recommendation for parkland replacement for the mitigation of the ICC. I am especially supportive of the environmental benefits associated with the Casey Property and the playing fields provided by the Llewellyn Property. I also agree with the Planning Board Staff recommendation to replace the Dungan Property and Santini Property with the Adventist Property and the McNeil Property. The Planning Board staff has made a good case for this change.

While our Parkland system is an important resource, the ICC is very badly needed not only to provide road capacity for existing development but also to furnish road capacity for the approved projects already in the "pipeline". It is in the Public Interest to complete the ICC. This is an important point that cannot be over emphasized. The benefits of the ICC are enormous and the Parkland mitigation package currently being considered is more than adequate. Both the quantity and quality of parkland being proposed for mitigation far exceeds that provided by other Maryland highway projects. I believe that the Parkland and environmental mitigation and remediation measures for the ICC being proposed by the State Highway Administration will result in a net improvement to our parkland system and the environment as a whole.

This is truly a win-win situation.

The Parkland Mitigation package being proposed by Planning Board staff is in the public interest because it strikes the balance between our public transportation needs and our Parkland resources and I urge your support of this package.

Sincerely,

Ron Davis

C-57

PULLIAM ENGINEERING



MERCEDES-BENZ SPECIALIST

Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

RECEIVED
2005-1350
AUG 04 2005

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

August 2, 2005

Dear Chairman Berlage,

It's a pleasure to work again with you now as we did on the county council.

I have lived in Montgomery County my entire life. I support the ICC Parkland mitigation package as presented by Planning Board Staff. I support the Maryland Department of Transportation recommendation for parkland replacement for the mitigation of the ICC.

While our Parkland system is an important resource, the ICC is very badly needed not only to provide road capacity for existing development but also to furnish road capacity for the approved projects already in the "pipeline". This is an important point that cannot be over emphasized. The benefits of the ICC are enormous and the Parkland mitigation package currently being considered is more than adequate. Both the quantity and quality of parkland being proposed for mitigation far exceeds that provided by other Maryland highway projects. I believe that with the environmental mitigation and remediation measures for the ICC being proposed by the State Highway Administration our Parkland, and the environment as a whole, will show a net improvement.

This is truly a win-win situation.

The Parkland Mitigation package being proposed by Planning Board staff strikes the right balance between the public transportation needs and our Parkland resources and I urge your support of this package.

Sincerely,
Fred Pulliam

Greater Colesville Citizens Association
P.O. Box 4087
Colesville, Maryland 20914

RECEIVED
1366
AUG 09 2005

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

August 4, 2005

M-NCPPC
Attn: Derick Berlage, Chairman
8787 Georgia Ave.
Silver Spring, MD 20910

Subject: ICC and Parkland Replacement

Dear Mr. Berlage,

Robert Yeck testified on July 28, 2005 for the Greater Colesville Citizens Association (GCCA) dealing with parkland replacement. He advises that his testimony was not intended to either support or oppose the ICC. GCCA has not supported the ICC but if it is to be built, then we want the decisions being made to contribute to the quality of life in Colesville to the maximum extent practical. This will continue to be our goal as other ICC issues come before us.

Sincerely,

David Michaels

David Michaels
Without Prejudice
GCCA President

C-59

Derick Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

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1365
AUG 10 2005

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

August 2, 2005

Dear Chairman Berlage and Board Members,

I respectfully request that the Planning Board approve the Parkland Mitigation package presented by Planning Board staff.

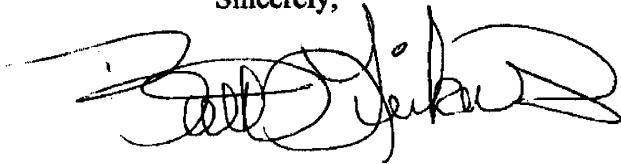
I have lived in Montgomery County my entire life. I support the ICC Parkland mitigation package as presented by Planning Board Staff. I support the Maryland Department of Transportation recommendation for parkland replacement for the mitigation of the ICC. I am especially supportive of the environmental benefits associated with the Casey Property and the playing fields provided by the Llewellyn Property. I also agree with the Planning Board Staff recommendation to replace the Dungan Property and Santini Property with the Adventist Property and the McNeil Property. The Planning Board staff has made a good case for this change.

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This is truly a win-win situation.

The Parkland Mitigation package being proposed by Planning Board staff strikes the right balance between the public transportation needs and our Parkland resources and I urge your support of this package.

Sincerely,

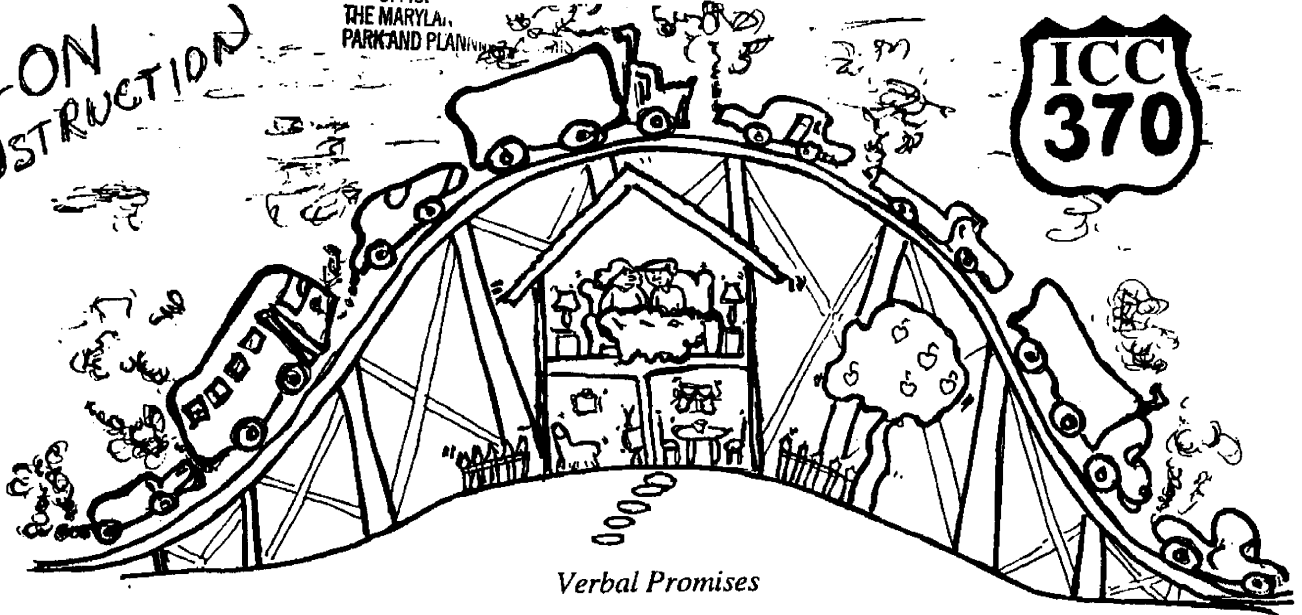


C-60

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END-ON
CONSTRUCTION

OFFICE
THE MARYLAND
PARK AND PLANNING



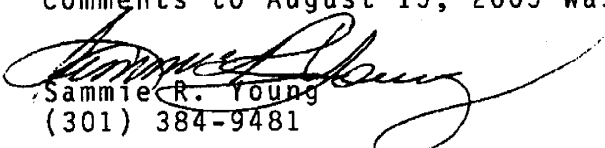
Verbal Promises

"I guess we should have gotten involved. This isn't the "beautiful parkway" we were promised in those public forums..."

2304 Nees Lane
Silver Spring, MD 20905-4542
August 15, 2005

Mr. Derick Berlage, Chairman
Montgomery County Planning Board (MNCPPC)
8787 Georgia Ave.
Silver Spring, MD 20910-3760

The attached statement is submitted in conjunction with the ICC mitigation MNCPPC presentation of July 28, 2005 in which an extension to provide comments to August 15, 2005 was granted.


Sammie R. Young
(301) 384-9481

C-61

Statement by Sammie R. Young: *Sammie R. Young*

Since we are seemingly approaching, if not already past, the:

" I CAN'T BELIEVE THIS IS HAPPENING," (i.e., building an Intercounty Connector/ICC as a roadway), I would like to comment on (1) Montgomery County Government, and its (2) planning process in relation to the ICC.

As a resident of the county for nearly 34 years and having served for 12 years on the 3/^(ICC)Citizens Advisory Committees (CAC) during the period from 1974-1997 and serving some 3-plus years on the Eastern Montgomery (Fairland Area) Citizens Advisory Committee on the Master Plan approved c.1997, I am of the opinion that county government operates as a series of fiefdom-like entities.

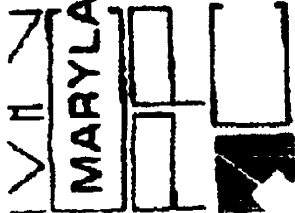
Fiefdoms operate to protect their own territory, in the **absence** of supervision and spurning oversight a clear example has now come to light in Montgomery County with the debacle involving planning/zoning compliance at Clarksburg, et al. This is a systemic (government) deficiency and a failure now looking for an excuse and an apparent attempt to blame an employee.

EMPLOYEES DO WHAT THEY ARE TOLD TO DO, THEY FUNCTION IN A FIEFDOM IN ACCORDANCE WITH WHAT THEY PERCEIVE THE lord TO EXPECT OF THEM.

The fiefdom-like pattern has played out with regard to the ICC over the years in that despite the fact that the National Environmental Policy Act of 1969 was signed into law January 1, 1970, the County planning process was never updated to comply with NEPA (the acronym) a federal (pre-emption) statutory process. Further, the Planning Board never performed a need study for the ICC (See MNCPPC General Counsel statement 7/28/97-atcd).

Master planning was therefore fraudulent with regard to NEPA requirements because they contained pre-determined transportation "pre-determined" "preferred alternatives" (for an ICC) while omitting alternatives which WERE CLEARLY UNDER STUDY BY MARYLAND STATE HIGHWAY ADMINISTRATION (SHA) planners during lengthy periods of time. A clear indication of this was that for years signs appeared in the county along the Master Plan alignment and it was not until MY PETITION that additional markers were added in the vicinity of a so-called northern alignment some years ago. Even then, several alignments (there were 13 in 1979) were never identified either with markers (roadway signs) along the routes, or with language specified in various mater plans.

GIVEN THAT AS OF THIS DATE, NO RECORD OF DECISION has been issued by FHWA on an ICC alignment, I question whether mitigation discussion is appropriate, whether the County's understanding of the Rule of Law and its role in the stewardship of our natural environment is in keeping with the democratic process.



MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring Maryland 20910-3760

(301) 495-4646
FAX (301) 495-2173

OFFICE OF
THE GENERAL COUNSEL

July 28, 1997

Mr. Frank Vratanic
2706 Sheraton Street
Wheaton, Maryland 20906

RE: Public Information Act Request

Dear Mr. Vratanic:

I am writing in response to your request for (1) a copy of any Planning Board document that contains a study showing the need for the Intercounty Connector (ICC) and how this need relates to the location of the route in the county master plans; and (2) any Planning Board documentation wherein the Planning Board adopted the Intercounty Connector Alignment. With respect to the first request, I have been advised by planning staff that there is no Planning Board study regarding need for the ICC, and thus have no records that I can make available to you under the Public Information Act regarding this portion of your request.

Exhibit No. 1. Proof that no studies have ever been made to show a need for the ICC

C-63

306 Meadow Hall Drive
Rockville, MD 20851
August 12, 2005

RECEIVED
AUG 15 2005

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

Mr. Derick Berlage, Chairman
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Chairman Berlage and Commissioners:

Here follows some opinions expressed by ordinary citizens in the Fairland, Maryland, area, some of whose dwellings have stood on its land just short of 100 years. They would be greatly affected by the building of the ICC in the matters of both destruction of environmental qualities and destruction of those aforementioned homes.


The path for the ICC chosen recently by our Governor, Bob Erlich, would ensure this disastrous and permanent destruction.

To make our position absolutely clear, all of the undersigned oppose the ICC on any route and believe it will solve nothing.

Please read these letters, and excerpts of letters, with care and attention. Thank you.

Letter #1.

"This letter is to convey our wish [to oppose] all of the ICC Alternatives as none of them will relieve. . . congestion while [they will completely destroy] hundreds of valuable parkland, wetlands, and floodplains, ultimately causing the deterioration of the Chesapeake Bay watershed."



Bruce A. Rahn & Linda Rahn
Sherview Lane, Silver Spring, Maryland

Letter #2.

"I have not written before this because I have felt all these hearings are a farce. The County and State will do just what it wants not what is obvious to all the citizens.

"Existing roads can be upgraded without the horrendous cost and disruption of the inter county connector. It will just mean more and more intensive development and sprawl.

(C-64)

Page 2
Mr. Derick, Berlage, Chairman
MNCPPC
August 12, 2005

"Instead of the exodus from our capitol we should be helping in making D.C. the city it should be and a place where everyone would desire to be, not making the whole area an urban disaster."

Blaney Marlow
Blaney Marlow (Blaney Marlow)
Old Columbia Pike, Silver Spring, Maryland

Letter #3.

"I believe that the construction of the ICC, no matter what the route, cannot be mitigated so as to properly protect the environment. Even the proposed acquisition of the Casey Property at Hoyles Mills would make no appreciable difference.

"Continuous development along its path, a certainty, will finish off virtually all that remains of some of our most important "green spaces," including parks, stream valley parks, and recreational parks. This is absolutely unacceptable, not just to NIMBY's and environmentalists, but to all ordinary citizens who, for the time being, still frequent those beautiful and irreplaceable works of nature.

"You and your Board still have the right and the power to make the recommendation to oppose [the ICC]. Please do so."

Ben Petree
Ben Petree,
Old Columbia Pike, Silver Spring, Maryland

Letter #4.

"It is obvious even to the uneducated that continued unrestrained growth (which began here in Fairland with the adoption of the Fairland Master Plan in 1981) is going to catch up to the limitations of nature eventually. [It is a certainty that with continued]. . .unbridled growth in the Metropolitan area, spurred even further by the building of the ICC, that another water shortage will occur, which will make the severe water shortage of recent years past look like flood water conditions. That will make the question of even true mitigation of this odious project

C-65

Page 3.
Mr. Derick Berlage, Chairman
MNCPPC
August 12, 2005

(which the current proposed acquisition plan before you will not accomplish anyway) essentially moot!"

Katherine Federline
Katherine Federline,
(formerly of Fairland, Maryland)

Finally, Enclosed is a copy of a Forester's Report by Registered Forester, Peter R. Beckjord, Ph.D., which was commissioned by a Fairland resident in 1991. In that report, Mr. Beckjord says that the area he studied--which is directly in the newly adopted path of the ICC--"is fragile in that disturbances within and/or on the perimeter would most probably drastically influence the plant and animal composition and vitality."

Within the last few months, construction (destruction) has been taking place at the perimeter of this "woody tract" along Columbia Pike (Route 29). Nothing significant would have changed in this tract even though more than a decade has passed since this report was written had not this construction/destruction taken place. A new study is in the works to assess the damage that has occurred. A copy of the 1991 Forest Report is enclosed.

Again you have the power and the right to make the recommendation to stop this useless and inconceivably destructive road project.

Thank you very kindly for your attention to all of our most heartfelt opinions.

Very truly yours,

Katherine Federline
Katherine Federline

Enclosure

C-66

To: Mr. Derick Barlaja, Chairman
MNCPPC
From: Katherine Federline, et al
Date: 8/15/05

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1385
AUG 15 2005

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

FOREST REPORT

General description of the 40 acres (approximate) of fragile forested watershed area sandwiched between Old Columbia Pike and New Columbia Pike (Rt. #.29) and northeast of Fairland Road and southwest of Briggs Chaney Road in the residential/farm community of Fairland Heights of Montgomery County, Silver Spring, Maryland 20904.

The area under description is one of the two major headwater sources for Little Paint Branch. The area has numerous natural streams traversing down a grade in a northwest to southeast direction fed by several natural springs and up-wellings of streams (an old spring house with plumbing is evident). Evidence of numerous old farm roads and fences is present. The area was probably cleared and farmed and/or pastured a hundred years ago then abandoned. Natural regeneration followed in the stages of early succession. Dynamic succession continues. The forest is a mosaic of seven distinct forest stands, a unique situation due to the diversity of soil/moisture conditions coupled with topographical changes. Cove sites, upland sites, bottomland sites, and wetland sites are represented. These seven stands are dominated by small to large sawtimber species making these distinct forest types: 1) yellow-poplar and red maple, 2) white oak, 3) red maple and American beech, 4) white oak, 5) chestnut oak, 6) Virginia pine, 7) yellow-poplar. These stands vary in sizes from two acres to eight acres apiece. Advanced regeneration is evident in the understory within most of the stands creating a layered (two-storied) stands except the large pure stand of medium sawtimber sized white oaks which has been grazed by cattle and the young whips in the Virginia pine stand.

Numerous plant species abound the area. These are: white oak, northern red oak, chestnut oak, mockernut hickory, red maple, black cherry, red mulberry, black locust, Virginia pine, bigtooth aspen, flowering dogwood, American beech, blue beech, yellow-poplar, cucumber tree, mountain laurel, greenbriar, honey suckle, poison-ivy, princess-pine, multiflora-rose, blackberry, skunk cabbage, and others.

Numerous animal species inhabit the area as evidenced by tree top nests, ground dens, tree stem dens, and rotten log dens and tracks and droppings and visual sightings. These animal species are: white-tailed deer, raccoon, opossum, crow, gopher, gray squirrel, woodpecker, hawk, crayfish, water bugs, and others.

C-67

continued.....

The area is unique in that it comprises such a variety of forest stands in a mosaic forest. The water ways are natural and provide a constant supply of water to plants and wildlife. The plant and animal species present are utilizing all the biotic horizons. The area is fragile in that disturbances within and/or on the perimeter would most probably drastically influence the plant and animal composition and vitality.

Peter R Beckjord

Peter R. Beckjord, Ph. D.
Registered Forester MD-246.
March 3, 1991

To: Mr. Danck Berlage, Chairman
MNC PPL
from: Katherine Fuchsline et al, 8/15/05

(C-68)

Frances Sullivan
13329 Locksley Lane
Silver Spring, Maryland 20904

RECEIVED
1378
AUG 12 2005

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

August 9, 2005

Derick Berlage
Chairman Montgomery County Planning Board
8787 Georgia Avenue Silver Spring, Maryland 20910

Dear Chairman Berlage and Planning Board Members,

I am asking that the Planning Board **approve** the ICC/Parkland Mitigation package presented by Planning Board staff.

I live in Colesville and strongly support the Inter County Connector.

The ICC is very much over due and needs to be completed as soon as possible.

The work done by the Planning Board Staff is excellent and should be accepted as the best recommendations regarding parkland mitigation issues.

I hope the Board will immediately approve these recommendations since this package is in the best interest of the public and it strikes the best balance between our public transportation needs and our parkland resources

This effort is a positive step toward best serving the needs of all the citizens of the region.

Sincerely,



C-69

RECEIVED
1377
AUG 12 2005

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

Andrew F. Michaels III
13329 Locksley Lane
Silver Spring, Maryland 20904

August 9, 2005

Derick Berlage
Chairman Montgomery County Planning Board
8787 Georgia Avenue Silver Spring, Maryland 20910

Dear Chairman Berlage and Planning Board Members,

I am very much **in favor** of the Intercounty Connector (ICC)

I believe this will be an essential improvement to our traffic congestion problems.

I also encourage the Planning Board to **approve** the Parkland Mitigation package presented by Planning Board staff.

My family has lived in Montgomery County for fifty seven years.

I am especially supportive of the environmental benefits associated with the Casey Property and the playing fields provided by the Llewellyn Property.

I also agree with the Planning Board Staff recommendation to replace the Dungan Property and Santini Property with the Adventist Property and the McNeil Property.

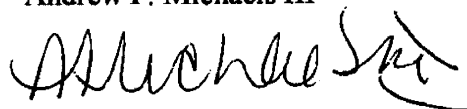
The Planning Board staff has made a good case for this change.

The benefits of the ICC are enormous and the Parkland mitigation package currently being considered is more than adequate.

I urge your immediate and conclusive support of this package.

Sincerely,

Andrew F. Michaels III



C-70

Montgomery County Planning Board
Derrick Berlage, Chairman
8787 Georgia Avenue
Silver Spring, Maryland 20910

RECEIVED
1376
AUG 12 2005

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

August 9, 2005

Dear Chairman Berlage,

My family and I moved to the Colesville section of Silver Spring in July of 1965. Since that time, we have witnessed a phenomenal amount of growth and development in our area. Our road system, especially east/west roads, has not kept pace with the amount of development, which has occurred. In addition, an enormous number of approved development projects in "the pipeline" will make this problem worse unless critical roadways are provided.

I support the ICC Parkland mitigation package as developed by Planning Board staff. This package is more than adequate and addresses the need of balancing the protection of our parkland resources with our pressing transportation needs. It is in the Public Interest to complete the ICC. Please keep this point in mind. The benefits of the ICC are tremendous and the Parkland mitigation package currently being considered is much more generous than that provided by other Maryland highway projects. The parkland and environmental mitigation and remediation measures for the ICC being proposed by the State Highway Administration will amount to an over-all improvement for our parkland system and the environment as a whole.

We must embrace this win-win solution.

In summary, the Parkland Mitigation package being proposed by Planning Board staff is in the public interest because it strikes the balance between our public transportation needs and our Parkland resources and I urge your support of this package.

Sincerely,

Isabel T. Michaels

C-71

RECEIVED
1375
AUG 12 2005

Derick Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

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

August 8, 2005

Dear Chairman Berlage and Planning Board Members,

My family and I moved to the Colesville section of Silver Spring in July of 1965. We have seen an enormous amount of growth and development in our area. Our road system is currently over burdened and we are in need of additional road capacity, especially east/west capacity. The ICC is a multi-modal facility and will furnish this much-needed capacity.

I urge the Planning Board approve the Parkland Mitigation package presented by Planning Board staff.

I support the ICC Parkland mitigation package as presented by Planning Board Staff. I support the Maryland Department of Transportation recommendation for parkland replacement for the mitigation of the ICC. I am very supportive of the environmental benefits associated with the Casey Property and the playing fields provided by the Llewellyn Property. I also agree with the Planning Board Staff recommendation to replace the Dungan Property and Santini Property with the Adventist Property and the McNeil Property. The Planning Board staff has made a good case for this change.

While our Parkland system is an important resource, the ICC is very badly needed not only to provide road capacity for existing development but also to furnish road capacity for the approved projects already in the "pipeline". It is in the Public Interest to complete the ICC. This is an important point that cannot be over emphasized. The benefits of the ICC are tremendous and the Parkland mitigation package currently being considered is more than adequate. Both the quantity and quality of parkland being proposed for mitigation far exceeds that provided by other Maryland highway projects. I believe that the Parkland and environmental mitigation and remediation measures for the ICC being proposed by the State Highway Administration will result in a net improvement to our parkland system and the environment as a whole.

This is truly a win-win situation.

The Parkland Mitigation package being proposed by Planning Board staff is in the public interest because it strikes the balance between our public transportation needs and our Parkland resources and I urge your support of this package.

Sincerely,

Andrew J. Michaels

C-72



START THE ANACOSTIA RESTORATION TODAY

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AUG 16 2005

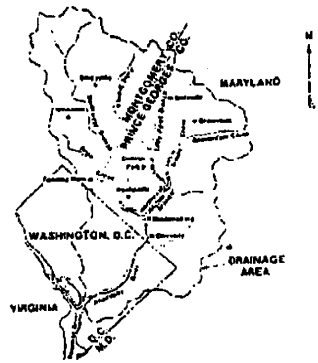
OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Anacostia Watershed Society

(301) 699-6204 Fax (301) 699-3317

Email: robert@anacostiaws.org

http://www.anacostiaws.org



FAX COVER SHEET

DATE: Aug. 15, 2005

TO: Mr. Derrick Berlage

FROM: Robert Boone, James Connolly, Carey Silverman

Attached are written comments from the Anacostia Watershed Society regarding the proposed mitigation plan for the Antler County Connector. Please distribute them to all of the members of

the Planning Board.

Thank you.

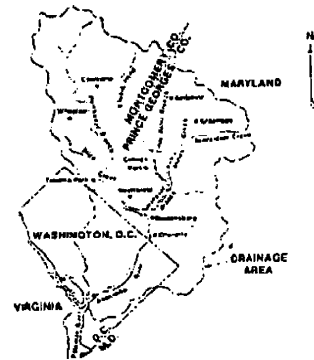


C-73



Anacostia Watershed Society

(301) 699-6204 Fax (301) 699-3317
 Email: robert@anacostiaws.org
 http://www.anacostiaws.org



August 15, 2005

COMMENTS OF THE ANACOSTIA WATERSHED SOCIETY TO THE MONTGOMERY COUNTY MARYLAND PLANNING COMMISSION ON THE JULY 28, 2005 DRAFT ICC MITIGATION PLAN

We are writing to urge the Montgomery County Planning Board to delay action on the proposed mitigation plan for the ICC until such time as it can correct the draft plan's serious legal and planning flaws. We believe that taking the time and effort now to develop a defensible plan will ultimately result in better, more defensible, and timelier decision-making.

The problems with the July 28 draft plan are as follows:

1. The draft plan is incomplete. It fails to identify the damages which it purports to mitigate. It fails in particular to address the issue of water quality impacts to wildlife and stream habitat in the Anacostia watershed from the proposed ICC. It fails to propose adequate mitigation within the watershed of impact. The first step in developing a mitigation plan is to identify and whenever possible quantify the projected injury to environmental functions and uses. The draft plan takes a step in this direction in connection with park uses and functions. Its discussion of water quality impacts, however, is entirely inadequate. What will be the impact of the highway, during and after construction, on fish and wildlife supported by the streams that the highway intercepts? What will be the impact on downstream water quality? How, if at all, will the proposed plan mitigate these impacts? Failure to address these questions in a forthright and professional manner is a fatal flaw in the draft plan. It represents a serious breach of the legal and technical standards governing mitigation planning.
2. The draft plan is inconsistent with regional commitments made by the County Executive and Council, as well as the State of Maryland and the United States Environmental Protection Agency, to advance the environmental restoration of the Anacostia River system. The plan was developed without consultation with neighboring jurisdictions, who will bear the brunt of highway impacts. Many of the adverse impacts of the ICC in Montgomery County will affect streams and people in Prince George's County and Washington, DC. None of the proposed mitigation measures will occur in these impacted areas, and only a small percentage of the mitigation measures are even relevant to these downstream impacts. The plan does not respect the concept of watershed management. In effect the plan repudiates the Anacostia watershed commitments that the county has previously signed onto. If allowed to go forward in its present state, the July



C-74

28 proposal will start to unravel the fabric of regional watershed cooperation that has been growing around the Anacostia River for the last twenty years. Apart from the obvious moral and political ramifications, the legal effect of repudiating or ignoring relevant watershed agreements the County has signed onto has never been tested in court. This is a legal wildcard. Prudent managers should think long and hard before subjecting state and County taxpayers to such a legal risk.

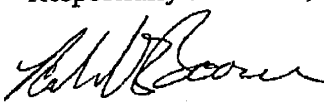
3. The Planning Board process has systematically avoided obtaining information and outlooks from those with the most technical and practical information about water quality impacts. This region is fortunate in having technically strong regional water quality institutions and many experts with detailed knowledge of the affected watersheds. The Planning Board has failed to consult with these experts in a meaningful way. This failure to seek out formal statements from available experts is prima facie evidence that the county and state have failed to conduct the interdisciplinary and inclusive analysis that the National Environmental Policy Act and other federal and state laws require. In particular, the Planning Board should solicit written comments from the water quality division in all three relevant jurisdictions. It should likewise seek written opinions from the Interstate Commission on the Potomac River Basin. The Board should make a formal referral of the proposed mitigation plan to the Anacostia Watershed Restoration Committee of the Council of Governments, with request for written responses, and with AWRC staff work financed, if necessary, by the county or the state.
4. The Planning Board process has failed to make use of Montgomery County's most significant decision-making asset: namely the views and insights of the people of Montgomery County. The ICC has been debated hotly for many years. There has been ample time for the Planning Board and the M-NCPPC to foster an informed public debate about water quality impacts. Unfortunately, the available time has not been used effectively for this purpose. The release of the mitigation plan on the day of the public hearing is typical of the Planning Board's management of this vital debate. In effect, the Board has shut out informed debate on this aspect of the ICC among its constituents. No one who has followed the evolution of the ICC can fail to note the emotional and sometimes acrimonious character of the debate. Unfortunately, the Board has inadvertently fed into this syndrome by its failure to manage the process of discussion and debate in a way that honors its commitment to open planning and environmental enhancement.

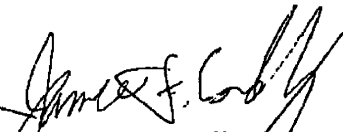
The proposed plan and the process by which it was arrived at are unlikely to survive legal review by the courts. If implemented the plan will do irreparable damage to the natural environment and the quality of life in the region. The proposed plan does no honor to the County Executive and the Governor who have put so much effort into the underlying transportation issue. On the contrary it will prove to be a serious embarrassment. Confidence in community planning is at a low point already in Montgomery County. Unless the Board acts now to rethink and retool its approach, public confidence in the integrity of the planning process will be further eroded.

Hasty decision-making now will not advance the transportation plan. On the contrary, it will produce delays later in the process when they are likely to be much more costly and consequential.

We urge you to produce a mitigation plan that addresses all of the serious environmental impacts of the proposed highway and which meets applicable legal and professional standards; and to do so in an open and public way that makes good use of the professional and citizen resources which are so abundant in this region.

Respectfully submitted,


Robert E. Boone
President


James F. Connolly
Executive Director


Larry J. Silverman
Counsel

- Cc: Congressman Christopher Van Hollen
- Congressman Albert Wynn
- Governor Robert Ehrlich
- Lt. Governor Michael Steele
- Montgomery County Executive Doug Duncan
- Montgomery County Councilmembers
- Prince George's County Executive Jack Johnson
- Prince George's County Councilmembers
- Donald Welsh, EPA Region III Administrator
- Jon Capacasa, EPA Region III
- Robert J. Davis, U.S. Army Corps of Engineers District Engineer
- Neal Fitzpatrick, Audubon Naturalist Society
- Nancy Stoner, Natural Resources Defense Council
- Greg Smith
- Stewart Schwartz, Coalition for Smarter Growth
- The Washington Post
- The Gazette Newspapers