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: _____
Hal Kassoff, Administrator
State Highway Administration

BY: _____
LeRoy J. Hedgepeth
Acting Executive Director
Maryland-National Capital Park and Planning Commission

ICC Statement of Stormwater Management Intent and Process

For MNCPPC Mandatory Referral Process

May 19, 2006

The Intent of stormwater management (SWM) design on the ICC is to exceed MDE requirements for water quality control everywhere on the project, provide stormwater management measures that meet the design requirements of the Montgomery County Department of Permitting Services in Special Protection Areas (while exceeding the design criteria) along the project, and provide SWM quantity control in accordance with MDE requirements everywhere along the project.

The process for design and approvals for construction of the ICC is summarized as follows:

1. SHA/MDTA develops performance specifications outlining minimum requirements for the project as presented in the FEIS and other commitments.
2. The design-builder of a contract determines critical path earth disturbance locations and a sequence for overall project construction.
3. The D-B and SHA/MDTA meet with MDE to review the sequence and approach to Erosion and Sediment Control (ESC) during construction and the general approach to SWM.
4. The DB incorporates MDE (which include DPS criteria for SPA) comments and submits ESC plans and Preliminary SWM reports (including quality and quantity control plans) to address the first of the critical path dearth disturbance areas (EDAs) on the project to SHA/MDTA. Once SHA/MDTA and MCDPS acceptance is granted, formal submission to MDE is made toward gaining MDE approval.
5. MDE, once satisfied that the Preliminary SWM Report and initial ESC plans for the critical path EDAs meet MDE requirements, will issue a letter of intent to approve the SWM and grant a conditional approval for ESC. Upon receipt of the D-B NPDES NOI to comply with the Stormwater General Permit for Construction Activity, construction may begin for the areas included under the approved plans.
6. Once under construction, construction inspection, rolling reviews of modifications, and preparation and submittal of final SWM reports, ESC and Preliminary SWM Reports will begin as well as coordination with MCDPS for work within SPAs.
7. Once construction is complete and all disturbed areas are stabilized, close-out will include submission of as-built SWM drawings and calculations, final SWM and Drainage Reports, and SWM Operation and Maintenance Manuals.

Stormwater Management (SWM)

The following summarizes the SWM design approach being applied to build alternatives on the ICC. MDE Water Management Administration, Nonpoint Source Program is responsible for review and approval of SWM and erosion and sediment control plans for all state and federal projects in MD. Criteria that must be followed includes the *2000 Maryland Stormwater Design Manual* and MDE's *Stormwater Management Guidelines for State and Federal Projects (July 2001)* the ICC must meet these criteria at a minimum, and exceeds the minimum requirements in many cases. Additionally, ICC designers shall meet MCDPS design requirements for water quality plans in SPAs.

SHA Commitments:

- Treat 1.5" rainfall vs. 1.0" required by MDE. This commitment stems from SHA commitments in previous ICC studies to go beyond the minimum regulatory requirements when treating stormwater.
- Address bridge deck runoff either through stormwater treatment or by treating off-site areas as a trade off.
- Employ 12-hour extended detention (ED) dry ponds where necessary along the ICC alignments to address Channel Protection Volume (Cpv) requirements. 24 hour ED will be used in Bear Branch, Little Paint Branch, and Indian Creek subwatersheds, all other subwatersheds crossed by the project are Use III or IV.
- Provide 10-year storm control (Qp) in Prince Georges County. MDE defers Qp requirements to local codes and policies, and Qp is not required in Montgomery County.
- Follow Montgomery County Department of Permitting Services design requirements for projects located within Special Protection Areas (SPAs).

Outside of Special Protection Areas:

- Employ grass channel credits throughout all alignments and alternatives to address water quality treatment: e.g. the discharge velocity associated with the 1.5" storm event shall not exceed 1.0 foot per second in median and roadside ditches. Where grass channel credits are not feasible, traditional SWM through ponds or filters (surface or underground) will be employed to address water quality.
- MDE is allowing SHA to "bank" impervious surface within each design-build contract within major watersheds, e.g. Patuxent, Anacostia, Rock Creek, so that there is some flexibility available when treating bridge deck runoff, etc.

Within Special Protection Areas (SPAs):

- Include continuous, linear filtering devices (either bioretention or sand filters) in medians and outside roadway ditches to address water quality redundancy. The base roadway median of 36 feet is increased to 50 feet within SPAs to accommodate the linear filters. This design is for the purpose of meeting SPA requirements and addressing thermal impact concerns in the SPAs.
- Pretreatment for linear filtering devices will be addressed by sheet flow through grass at shallow cross slope.
- Employ 12-hour ED in underground storage facilities to address Cpv in Upper Paint Branch and select locations within North Branch. Underground systems will allow the storage and release required for ED without allowing thermal loading that is common in surface ponds. This design is for the purpose of further addressing thermal impact concerns in the SPAs.
- Maximize the potential for infiltration to maintain cool stream baseflow in Upper Paint Branch. Infiltration pits created by bottomless collection manholes (located downstream from water quality treatment) as well as groundwater recharge through the percent area and percent volume

methods will meet or exceed MDE requirements. This design is for the purpose of addressing thermal and baseflow impact concerns in the SPAs.

- Control and treat bridge deck runoff as well as runoff from all other roadway impervious. This design is for the purpose of meeting SPA requirements.
- There will be no direct discharge of roadway impervious runoff to Good Hope or Gum Springs tributaries to Upper Paint Branch. To accomplish this, a substantial portion of Corridor 1 roadway drainage between New Hampshire Avenue (MD 650) and Good Hope tributary will be diverted to Northwest Branch, including frequent storm discharges (up to 1" rainfall) from the Montgomery County Department of Public Works and Transportation maintenance yard on Cape May Road. Treated stormwater discharge from the roadway where Corridor 1 is parallel to Good Hope will be discharged to the mainstem of Paint Branch.
- Spring flow maintenance in the tributary downstream from the MCDPW&T Maintenance Depot is paramount.

Environmental Stewardship

- Recognizing that stormwater treatment devices are not 100 percent effective, one element included in the ICC studies is retrofitting existing impervious areas within the vicinity of the ICC as "Environmental Stewardship" (ES). MdTA / SHA recognizes that ES is not required by MDE and the concept goes above and beyond regulatory requirements. ES stormwater retrofit opportunities have been identified based on Montgomery County Department of Environmental Protection (MDEP) watershed plans, and the needs identified therein, and field reconnaissance. Natural environment ES opportunities identified include structural stormwater retrofits as well as stream restoration and afforestation.

Erosion and Sediment Control (ESC)

SHA is committed to meeting the present day regulatory requirements for design except that additional/redundant ESC measures will be employed in "sensitive" areas, meaning SPA's and Use III watersheds. R/W required to accommodate sediment traps and basins has been designated as well as provide room along streams for construction of ESC devices. In addition to providing ESC design, SHA exceeds MDE requirements for inspection and enforcement of ESC during construction. SHA has developed an ESC training program, incentive/disincentive program, quality assurance rating program, and independent environmental monitor protocol to provide top notch ESC during construction of the ICC and other projects.

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

June 28, 2006

Ms. Faroll Hamer
Acting Director
Montgomery County Department of Planning
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Ms. Hamer:

The Department of Permitting Services (DPS) looks forward to working with the State Highway Administration (SHA) to further develop details regarding procedures of compliance for the Intercounty Connector (ICC). The ICC Record of Decision Commitment #29 states that the ICC design will meet our Special Protection Area (SPA) criteria and will require our concurrence.

SHA has previously complied with the provisions of Special Protection Area requirements in the County Code by submitting projects for review by both DPS and the Planning Board. This is the standard procedure that has been followed for all private and county projects, as well as all previous SHA projects in Special Protection Areas.

Because the ICC is planned as a design/build contract, SHA has indicated a willingness to develop a Memorandum of Understanding (MOU) or other form of agreement that will spell out how they will define the review process. DPS is supportive of working with SHA in that regard. However, for compliance with established rules, regulations and procedures the Planning Board should also be included in the MOU (or other form of agreement). This will ensure further compliance with the intent of the County Code.

Thank you for including us in the Mandatory Referral process. If you have questions or comments please contact me at 240-777-6343.

Sincerely,

Richard R. Brush
Manager

F1

Attachment G

Description of M-NCPPC Technical Review and Park Permit Process for the Proposed ICC Construction

Based on recent discussions regarding the scope and schedule of the proposed ICC project, it is apparent that significant coordination will be required between our agencies as it moves forward. It is clear that much of the proposed right-of-way crosses and abuts parkland, and we both have significant interests in minimizing the impacts of the construction. In addition to review efforts associated with the M-NCPPC Mandatory Referral process, the Parks Department will need to review and approve the impacts to adjacent parklands through our Technical Review and Park Permit for Construction process to ensure the construction and restoration adheres to the goals and requirements for natural resource protection set forth in the FEIS, ROD, and other inter-agency coordination.

While the design of the actual roadway and associated support structures will occur on property transferred to the State, our review interests will focus on the aspects of construction at the interface between the roadway and the parks including drainage design, erosion and sediment control, stream valley crossings, tree preservation, landscaping and reforestation, restoration of disturbed areas, soil decompaction for temporary impacts, access and haul roads, stormwater management and outfalls, and other issues of this nature. Additionally, in stream valley areas we will be reviewing the crossing design for minimizing construction footprint, promoting wildlife (amphibian, small mammal, deer) and fish passage, maintaining human connectivity between upstream and downstream park areas, minimizing potential blockages, selection and restoration of access routes, and maintaining stability of downstream natural channels.

Given the expedited schedule and massive scale of the project, there will be a significant impact to the work programs of many M-NCPPC staff members. To offset some of this impact and ensure the timely implementation of the ICC, we anticipate that the IEM will play a critical role in integrating our staff reviews throughout the design process. As discussed in our recent meeting, having this person(s) on-board quickly will be very helpful in allowing them time to understand the scope of the project and our interests in its design and construction. Therefore, we would propose a timeframe for beginning this person on-board that would allow them to participate in the pre-RFP review process for the first mainline segment. Additionally, we feel it would be appropriate to coordinate the timing for our review with that of other agencies, so that comments can be made on the same set of documents and any conflicting comments can be more easily resolved. We often suggest that applicants submit for the initial Technical Review simultaneously with the initial Erosion & Sediment Control/SWM Review, so that the design has not progressed to a point where significant redesign is required. This typically allows ample

time for our review and the follow-up submissions are able to better coincide between approving agencies. While we understand that the design-build process may require a modified schedule for submissions, we feel it would be in everyone's interest to ensure that the contractors bidding on this project are aware of our process upfront to avoid any conflicts as the reviews progress. Please note that the exact number of permits required and how they are broken up will need to be coordinated as the project progresses.

We hope that this information provides SHA and its contractors a better understanding of our interests and process as it relates to the ICC construction project and will help avoid any delays. The principal contact within the Park Development Division with regard to the Technical Review and Park Permit for Construction process will be Mitra Pedoeem, Chief of our Construction Section, and she can be reached at 301-495-2554 or by e-mail at Mitra.Pedoeem@mncppc-mc.org.

MARYLAND TRANSPORTATION AUTHORITY

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Governor

Michael S. Steele
Lt. Governor

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MEMORANDUM

TO: Melinda Peters
ICC Project Manager
Maryland State Highway Administration

FROM: Dennis N. Simpson
Deputy Director
Division of Capital Planning

DATE: June 23, 2006

SUBJECT: ICC Western Maintenance Facility

The purpose of this memorandum is to document the issues associated with the proposed Western Maintenance Facility.

BACKGROUND

The ICC will be an 18-mile long 6-lane highway owned, operated and maintained by the Maryland Transportation Authority (MdTA). The closest existing MdTA facilities are I-95/I-895 in Baltimore and the William Preston Lane Memorial Bridge over the Chesapeake Bay; both located about 20 miles from the ICC. Considering the size of the ICC, the goal of providing a high level of maintenance on it (due to it being a tolled congestion managed roadway), and the distance to other MdTA roadways (and maintenance facilities), MdTA has concluded there is a need to provide maintenance facilities along the ICC.

Initially, thought was given to providing one maintenance facility, located near the middle of the ICC, which would place it between MD 97 and US 29. Such a facility would require approximately 15 acres. No suitable site was found, owing to the following factors:

- The ICC between MD 650 and US 29 is almost entirely within the Paint Branch Special Protection Area, where impervious area is to be minimized. A maintenance facility (which has more flexibility in locating then a continuous highway) is thus not an appropriate land use in the Special Protection Area.

- Looking at the remaining area between MD 97 and MD 650, the land near the ICC is predominately parkland and residential development, not preferred for locating a maintenance facility. No site was identified within this area that was of adequate size with viable access that did not have parkland or residential impacts.

MdTA then concluded two maintenance facilities would be needed, one near each end, with the larger facility on the eastern end (near I-95) which would place it about 18 miles closer to the existing MdTA facilities than would a location at the western end of the ICC, thereby better accommodating interaction of MdTA personnel and equipment among its facilities.

The ICC FEIS, published in January 2006, shows two maintenance facilities: a 3 ± acre site on the south side of the ICC between CSXT/MARC and Crabbs Branch Way (FEIS Appendix A Plate 2), and a 12 ± acre site on the north side of the ICC west of US 1 (Plate 4C).

WESTERN MAINTENANCE FACILITY NEEDS AND OPERATIONS ISSUES

MdTA has indicated the following needs and operations issues at the Western Maintenance Facility, which will serve as the satellite or turnabout facility:

- 3 ± acres
- building with restrooms and break room for employees and small workrooms for police and operations personnel (~720 square feet)
- 72 foot salt dome (storage for 3,500 tons)
- 2 - pump fueling area
- small storage shed
- small tractor shed
- 12 parking spaces
- staging areas for operations vehicles and magnesium tanks
- staging area for 10 – 12 truck trains (possibly with supervisor vehicle or police car) exiting the facility during snow emergencies
- several police vehicles in and out of the facility during each 8 – hour shift
- serve as staging area for multiple vehicle accidents (emergency responders; vehicle removal)
- Storage for approximately 500 gallons of diesel fuel

ALTERNATE SITES FOR WESTERN MAINTENACE FACILITY

The Maryland-National Capital Park and Planning Commission (M-NCPPC) has concerns about use of the site shown in the FEIS, as such use may limit/preclude a proposal recently adopted by the County Council. This section addresses the FEIS site as well as other sites that have been proposed. Figure 1 attached shows the alternate sites (except the suggested site at MD 97 and MD 28).

FEIS Site

Figure 2 attached hereto shows the FEIS site, on approximately three acres of a 17.3 acre parcel known as Casey 7, bounded by CSXT/MARC on the west, I-370 on the north, Crabbs Branch Way on the east, and Shady Grove Road on the south. The parcel is a fairly level open field, with a small wetland at its northeast corner. Surrounding land uses are commercial, and

the site is zoned I-3. Just to the north, across I-370 and accessed via a planned extension of Crabbs Branch Way, is the undeveloped 25.2-acre parcel known as Casey 6. (See Figure 1).

Access from the site to the ICC would be via Crabbs Branch Way, the existing signalized Crabbs Branch Way/Shady Grove Road intersection and the proposed ICC METRO Access Road interchange. A Pre-Preliminary Plan for Casey 7, showing residential development, was submitted to M-NCPPC on August 15, 2005.

The Montgomery County Council recently adopted the Shady Grove Sector Plan, which provides two alternative uses for Casey 7: accommodation of part of the Montgomery County Service Park or transit oriented housing. Either use is part of a larger effort to provide more transit-oriented housing in the Shady Grove area. In the first case, the Services Park (see Figure 1) would be relocated to Casey 6 and 7, allowing housing to be built on the land of the existing Services Park, while in the second Casey 6 and 7 would accommodate the housing. It should be noted that the Sector Plan identifies Casey 6 and 7 as one potential relocation site for the Services Park; Montgomery County intends to consider other sites that owners/developers may propose. The Plan calls for a 2-year window to develop and evaluate options for relocating the Services Park.

The Services Park facilities to be relocated would include:

DPWT Gaithersburg Ride-On Operations Center
DPWT Gaithersburg Maintenance Depot (Highway Services)
Montgomery County Department of Liquor Control Warehouse
Montgomery County Government Radio Shop
M-NCPPC Park Maintenance and Training Facility
DPWT Equipment Maintenance Operations Center (Fleet Management Services)
MCPS Food Services Facility
MCPS Maintenance Shop
MCPS Transportation Depot (school bus lot)

Of the above facilities, the DPWT Gaithersburg Ride-On Operations Center and MCPS Maintenance Shop totaling about nine acres need to be within approximately two miles of their existing location. The other facilities can, but do not need to be, located within two miles. Thus, Casey 6 and 7 are ideal sites for accommodating relocation of the Ride-On Operations Center and MCPS Maintenance Shop.

Thus, even with limitations posed by development constraints, it appears the Western Maintenance Facility and the County's Ride-On Operations Center and MCPS Maintenance Shop could be located on Casey 7 (3 acres for the Western Maintenance Facility plus 9 acres for the Ride-On Operations Center and MCPS Maintenance Shop of the 17.3 acre parcel).

M-NCPPC and/or Mr. Glenn Orlin (Montgomery County Council Deputy Staff Director) have suggested three alternative sites be considered for the Western Maintenance Facility, and they are addressed below.

Oakmont Avenue Site

This site, shown on Figure 3, is a 4-acre triangular parcel of land owned by SHA bounded on the west by Oakmont Avenue, on the north by I–370, on the east by CSXT/MARC, and on the south by Shady Grove Road.

This site is more forested, with more rugged terrain, than the FEIS site. A comparison of site impacts follows:

Impacts/Cost	FEIS Site	Oakmont Avenue Site
Wetland (acres)	0	0
Stream (LF)	0	70
Forest (acre)	0.4	1.9

Site plans have not been developed for either site; however, we believe the combined cost of ROW and site work would probably be fairly comparable for the two sites. The FEIS site would have a substantial ROW cost but fairly low site development cost, while the Oakmont Avenue Site would have no ROW cost but a substantial site development cost due to large amount of grading and probable need for retaining walls along I-370, CSXT/MARC and Shady Grove Road.

Though the Oakmont Avenue Site would have greater impacts than the FEIS Site, its primary disadvantage is related to access. The FEIS Site would have an entrance along Crabbs Branch Way (a lightly traveled road) approximately 650 feet from the nearest intersection (Shady Grove Road), whereas the Oakmont Avenue Site would enter Oakmont Avenue (a fairly heavily traveled road) approximately 150 feet north of Shady Grove Road. Issues include:

- The close proximity (approximately 150 feet) between the Oakmont Avenue entrance to the maintenance facility and the Shady Grove Road/Oakmont Avenue intersection. Montgomery County standards require industrial entrances to be at least 300' from intersections.
- Egress from the maintenance facility may be difficult as existing and 2030 build SB queues (even during mid-day conditions) on Oakmont Avenue approaching Shady Grove Road would block the entrance to the maintenance facility. A signal would be required to aid in egress of the maintenance facility. However, such a signal would have the following effects:
  - The signal at the entrance from Oakmont Avenue would be placed in extremely close proximity to the existing I-370 bridge over Oakmont Avenue. Visibility and clearance issues as related to signal placement would be difficult and potentially not to SHA and County standards.
  - Signal phasing for the entrance would be possible; however, an illuminated "No Turn On Red" sign would be required to restrict right turns from Shady Grove Road westbound onto Oakmont Road northbound during operation of the maintenance facility signal.
  - During operation of the maintenance facility signal, traffic operations along Shady Grove Road would be greatly affected by increased signal

cycle times and longer queue lengths. Similarly, increased queue lengths along Oakmont Avenue would have the potential to block the entrances to businesses to the north along Oakmont Avenue.

- Green time for Shady Grove Road motorists would decrease, thereby increasing delays.

At the suggestion of M-NCPPC and Mr. Orlin, an alterative access concept was considered: introduce a fifth leg at the Shady Grove Road/Oakmont Avenue intersection as an access to the Western Maintenance Facility (See Figure 3B). Such an arrangement has been used at a fire station in Montgomery County, but is not considered acceptable at this location due to the heavy volume at the intersection, the lack of sirens/warning lights on many of the vehicles that would use the entrance (as compared to the fire station situation) and the operational difficulties that would be posed by a required gate on the entrance road.

Both Oakmont Avenue and Shady Grove Road are Montgomery County facilities and thus new access points along them are subject to County approval. The two departments with such jurisdiction, Department of Permitting Services (DPS) and Department of Public Works and Transportation (DPW&T) have made the following comments:

DPS

- The proposed layout for access to the Oakmont Avenue site is nonfunctional for safe circulation (requires 300' from Shady Grove Road to the entrance, whereas only 150' is provided)
- The proposed fifth entrance at the Shady Grove Road/Oakmont Avenue intersection is "out of the question".
- The site is not permittable based on the two access concepts considered.

DPW & T

- There are traffic operational concerns (as presented above).

Co-Locate with Montgomery County DPW&T Maintenance Facility or M-NCPPC Park Maintenance Facility

These two sites are located south of Shady Grove Road, west of Crabbs Branch Way (See Figure1) within close proximity to the FEIS Site. Thus their location, relative to the ICC access at the METRO Access Road interchange, is similar to that of the FEIS Site.

Such co-location needs to be addressed for two scenarios:

1) Temporary, until the DPW & T or M-NCPPC site is relocated
2) Permanent

Temporary or Permanent

Both M-NCPPC and DPW&T have informed us that there is insufficient room on these current sites to accommodate the WMF on a temporary or permanent basis.

Become Part of Montgomery County's RFP for Relocating the County Service Park

The decision making process for the potential relocation of the Montgomery County Service Park is proposed to be a two-year process. Segment A of the ICC from I-370 to MD 97 is scheduled to open in 2009. The WMF must be in place to serve this segment of the ICC when it opens; therefore participating in the RFP process does not work with the proposed construction schedule for the ICC.

MD 97/MD 28

Mr. Orlin suggested locating the Western Maintenance Facility at the existing Park and Ride Lot in the northeast quadrant of the MD 97/MD 28 intersection, approximately six miles east of the METRO Access Road interchange. An advantage of this is that it's already mostly paved (thus impervious area would not increase much if at all) and the ICC FEIS identifies another potential nearby site for a Park and Ride Lot (southwest quadrant of the ICC/MD 97 interchange).

Disadvantage of this 3.5 acre site include:

- It is located in a primarily residential area, within 400 feet of residences in Leisure World. This site would have the potential for both noise and visual impacts to the Leisure World community.

- The location being 6 miles closer to the Eastern Operations Center would require plow operations to travel 24 miles prior to reloading with salt or travel 12 miles, reloading, and travel 24 miles back before reloading with salt at the Eastern Operations Center or reloading with salt every 12 miles. All of these scenarios are inefficient.

Conclusion

Based on the information above, we plan to proceed with the FEIS site for the Western Maintenance Facility.

cc: Mr. Randolph Brown, Maryland Transportation Authority
Mr. Curt Esposito, Maryland Transportation Authority
Ms. Trent M. Kittleman, Maryland Transportation Authority
Mr. Geoffrey Kolberg, Maryland Transportation Authority
Mr. Wesley Mitchell, State Highway Administration
Mr. Neil J. Pedersen, State Highway Administration
Mr. Raja Veeramachaneni, State Highway Administration
Mr. Joseph Waggoner, Maryland Transportation Authority

Attachment I

Intercounty Connector Environmental Impact Study
Planning Board Briefing Schedule

June 27, 2006

Prior SHA Activities

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

County Council Activities

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

Briefing # 1 – January 22, 2004 (2.0 hours–no public testimony) - COMPLETED
Topics: • Review ICC Study Background and Schedule • Review Draft Alternates Retained for Detailed Study (ARDS) • Review County Council Comments on ARDS • Review 1989 Memorandum of Understanding (MOU) with SHA re: parkland impacts • Review M-NCPPC staff involvement in SHA study

Interim SHA Activities

- ARDS selection - February 2004

Briefing # 2 – March 4, 2004 (1.5 hours – no public testimony) - COMPLETED	
"Property Owner" topics	"Planning / Zoning Authority" topics
• Staff proposal defining how "equal quality" parkland will be assessed per MOU (Hench) • Means by which park owner statements can influence Section 4(f) impacts analysis (SHA)	• Review proposed briefing schedule (Valladares) • Confirmation that Planning Board process dovetails with SHA process (SHA) • Update on selected ARDS package (SHA), response to Council / Board comments

Interim SHA Activities

- Draft Environmental Stewardship materials - March 2004
- Expert Land Use Panel Analysis Findings - June 2004
- Draft Travel Demand Analysis materials - April 2004
- Draft Cultural Resources Effects materials - May 2004

- Preliminary Draft Socioeconomic and Land Use Technical Report - 10 May 2004.
- Preliminary Draft Noise Quality Technical Report - 10 May 2004.
- Draft Section 4(f) Evaluation materials - May 2004

Briefing # 3 – June 3, 2004 (2 hours – no public testimony) - COMPLETED	
"Property Owner" topics	"Planning / Zoning Authority" topics
• Review of SHA Draft Section 4(f) Impacts report • Staff proposal for candidate replacement parklands that would satisfy MOU (Hench) • Staff proposal for Section 4(f) impacts analysis	• Review proposed briefing schedule (Valladares) • Review SHA's interim draft technical report findings • Review Environmental Stewardship process and findings • Staff proposal for policy guidance on balancing natural / cultural / community resource protection and enhancement

Interim SHA Activities

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

Briefing # 4 – July 15, 2004 (4 hours) - COMPLETED **Include Public Testimony on Staff Recommendations**	
"Property Owner" topics	"Planning / Zoning Authority" topics
• **Planning Board comment to SHA on staff proposals for MOU and candidate replacement parkland**	• Review proposed briefing schedule (Valladares) • **Planning Board comment to SHA on staff proposals for policy guidance on balancing natural / cultural / community resource protection and enhancement** • Review SHA's interim technical report findings • Review Environmental Stewardship process and findings

Interim SHA Activities

- DEIS Publication – November 22, 2004

- Joint Location, Design and Corps of Engineers Section 404 Public Hearings - January 4, 5 & 8, 2005

Briefing # 5 – January 13, 2005 (2 hours – no public testimony) - COMPLETED	
"Property Owner" topics	"Planning / Zoning Authority" topics
• Review draft 4(f) findings • Staff proposal on parkland mitigation concepts for inclusion in FEIS (both Corridor 1 and Corridor 2) • Park staffing impacts • FY 05 & 06 Operating and CIP Budget/Work Program impacts	• Review DEIS summary of findings • Air Quality Conformity/COG • Review SHA Public Hearings • Present menu of options for Preferred Alternative • Planning Board comment on additional supplementary information requested of staff for Briefing #6. • Review proposed briefing schedule

Interim SHA Activities

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

Briefing # 6 – February 3, 2005 (4.5 hours) – COMPLETED **Include Public Testimony on Staff Preferred Alternative Recommendations**	
"Property Owner" topics	"Planning / Zoning Authority" topics
• As necessary	• **Planning Board recommendations on Preferred Alternative.** • Review proposed briefing schedule

Interim Activities

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

Briefing # 7 – July 28, 2005 (2.5 hours) - COMPLETED **Include Public Testimony on Parkland Mitigation Package**	
"Property Owner" topics	"Planning / Zoning Authority" topics
• **Planning Board comments to SHA on staff proposals for parkland mitigation and compensation concepts for SHA/MdTA Preferred Alternative.**	• Review proposed briefing schedule

Briefing # 8 – September 15, 2005 (2 hours) - COMPLETED **Parkland Replacement**	
"Property Owner" topics	"Planning / Zoning Authority" topics
• Recommendations on appropriate Parkland Replacement Mitigation.	• Review proposed briefing schedule

Interim Activities

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

Briefing # 9 - July 13, 2006 **Mandatory Referral MR 06809-SHA-1 – Public Testimony**

Briefing # 10–July 20, 2006 **Mandatory Referral MR 06809-SHA-1 - Discussion**

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

ATTACHMENT J. GLOSSARY

ALARF:	Advance Land Acquisition Revolving Fund
COE:	US Army Corps of Engineers
DEIS:	Draft Environmental Impact Statement
DNR:	Maryland Department of Natural Resources
DPS:	Montgomery County Department of Permitting Services
DPWT:	Montgomery County Department of Public Works and Transportation
EMT:	Environmental Management Team
E/SC:	Erosion/Sediment Control
FEIS:	Final Environmental Impact Statement
FHWA:	Federal Highway Administration
IAWG:	Interagency Working Group
ICC:	Intercounty Connector
LOD:	Limit of disturbance
MDE:	Maryland Department of the Environment
MDOT:	Maryland Department of Transportation
MdTA:	Maryland Transportation Authority
M-NCPPC:	Maryland-National Capital Park and Planning Commission
MOU:	Memorandum of Understanding
MTA:	Maryland Transit Administration
NEPA:	National Environmental Policy Act
RFP:	Request for Proposals
ROD:	Record of Decision
ROW:	Right-of-way
SPA:	Special Protection Area
SWM:	Stormwater Management

ATTACHMENT K. INTERNET RESOURCES

Selected Elements of the Subject Mandatory Referral
The submitted mandatory referral includes five sections.

1. Draft RFP Performance Specifications, as submitted by SHA through May 24, 2006. The Draft Performance Specifications for Contract A are available at the following address:

   www.mc-mncppc.org/transportation/icc

2. Plans (1" = 400' scale), profiles, and typical sections for the selected alternative, similar to and showing changes made to the FEIS Appendix A design plates. The Plan sheets are available at the following address:

   www.mc-mncppc.org/transportation/icc

3. An overview of the ICC Aesthetic Elements, available at the following address:

   www.mc-mncppc.org/transportation/icc

4. Plans for the Western Maintenance Facility, as described in Attachment H

5. References to FEIS materials for travel data and noise data.

6. The ICC Statement of Intent and Process regarding stormwater management included in Attachment E.

Intercounty Connector Environmental Documents

Draft Environmental Impact Statement (DEIS) – November 22, 2004
http://iccstudy.org/DEIS/index.php

Final Environmental Impact Statement (FEIS) – January 3, 2006
http://www.iccstudy.org/FEIS/

Record of Decision – May 29, 2006
http://www.iccstudy.org/PDFs/rod.pdf

ICC Permits

United States Army Corps of Engineers
http://www.nab.usace.army.mil/Regulatory/News/ICC/permit.pdf

Maryland Department of the Environment
www.mc-mncppc.org/transportation/icc

Prior M-NCPPC Staff Memoranda to the Planning Board regarding the ICC

January 22, 2004: http://www.mc-ncppc.org/board/meetings_archive/04_meeting_archive/agenda_012204/agenda_012204.htm

March 4, 2004: http://www.mc-mncppc.org/board/meetings_archive/04_meeting_archive/agenda_030404/agenda_030404.htm

June 3, 2004: http://www.mc-mncppc.org/board/meetings_archive/04_meeting_archive/agenda_060304/agenda_060304.htm

July 15, 2004: http://www.mc-mncppc.org/board/meetings_archive/04_meeting_archive/agenda_071504/agenda_071504.htm

January 13, 2005: http://www.mc-mncppc.org/board/meetings_archive/05_meeting_archive/agenda_011305/agenda_011305.htm

February 3, 2005: http://www.mc-mncppc.org/board/meetings_archive/05_meeting_archive/agenda_020305/agenda_020305.htm

July 28, 2005: http://www.mc-mncppc.org/board/meetings_archive/05_meeting_archive/agenda072805/agenda_072805.htm

September 15, 2005: http://www.mc-mncppc.org/board/meetings_archive/05_meeting_archive/agenda_091505/item2_091505_opt.pdf

Attachment L

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
301-495-4500, www.mncppc.org

MEMORANDUM

Date: June 27, 2006

To: Dan Hardy, Transportation Supervisor, Countywide Planning Division

Via: Gwen Wright, Acting Chief, Countywide Planning Division
Jorge Valladares, Chief, Countywide Planning Division, Environmental
Mary Dolan, Supervisor, Countywide Planning Division, Environmental

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From: Pamela Rowe, Countywide Planning Division, Environmental Planning
Candy Bunnag, Countywide Planning Division, Environmental Planning

Subject: ICC Mandatory Referral – SPA Water Quality Plan

Recommendations

To ensure that Special Protection Area requirements are addressed during the design and construction stages of this project, staff recommends that the following be addressed:

Develop an Agreement between the Maryland State Highway Administration (SHA) and the Montgomery County Department of Permitting Services (MCDPS) and M-NCPPC that:

a. Outlines the content and review process for Water Quality Plans within the Upper Rock Creek and Upper Paint Branch SPAs;
b. Establishes points of involvement for MCDPS, such as inclusion on the IAWG;
c. Establishes the process for and timing of Planning Board review of SPA Water Quality Plans to allow any Planning Board recommendations to be incorporated into the design/build process and final imperviousness waiver and mitigation package; and
d. Is developed expeditiously to be in place prior to commencement of further design work in SPAs

Discussion

Context and Current Status

The Special Protection Area Law, and the Upper Paint Branch and Upper Rock Creek Special Protection Area resolutions and overlay zones have been considered in the review of all public projects proposed in these respective areas since the establishment of the requirements. In particular, the Route 29/Briggs Chaney Intersection and road widening, the MD 124 Improvements, and the Spencerville Post Office have conformed to the SPA water quality plan submission and review requirements including MCDPS and Planning Board review and approval of SPA water quality plans.

The Record of Decision issued by the FHWA, commits SHA to meet Montgomery County Department of Permitting Services (MCDPS) SPA stormwater criteria and gain MCDPS concurrence on water quality plans within SPAs. The record of decision does not specifically state that the water quality plans would conform to the established process of Planning Board review. Staff believes, however, that Planning Board review provides an essential function in this process to inform the public of the components of the water quality plan. Furthermore, the resolutions establishing the Special Protection Areas specifically state that public projects must conform to the water quality plan submission and review requirements established in the Special Protection Area legislation. This legislation includes Planning Board review of SPA water quality plans, and this is typically done at the time of mandatory referral for public projects.

SHA has submitted a statement of intent to comply with the SPA water quality review criteria, but due to the design/build nature of the project, there is insufficient detail at this time for either M-NCPPC or MCDPS staff to make any determination on the adequacy of the proposed process, or the specific elements of the plan. There are many outstanding questions to be resolved concerning when MCDPS review would occur and how this level of review will be incorporated into the design/build process. One option that has been suggested by SHA would be to provide, in the RFP, standard performance specifications approved by MCDPS that would guide the design/build process in SPAs. This approach, however, would fall short of the detailed review of proposed stormwater control measures that typically occurs in SPAs and has proven to provide the best level of protection for the stream resources. MCDPS staff have many years of valuable experience with the specific design features that work best in these streams. Their experience has shown that the best approach is to tailor stormwater BMPs to the specific site conditions of small drainage areas, rather than relying on standard specifications. Staff believes that their participation at the detailed design stage can be accommodated in the design/build process, either prior to or concurrently with MDE review. This process should be agreed to by all three agencies and incorporated into a formal letter of Agreement and closely coordinated with the MDE review and approval process. This is to ensure that MDE is able to incorporate stormwater and sediment control measures that may be more stringent than state standards due to SPA criteria and requirements.

It should be noted that the process that is ultimately agreed to will most likely not conform in its entirety to the water quality plan submission and review requirements established in the Special Protection Area legislation. The design/build approach being used for the ICC does not allow the project to follow the standard SPA water quality plan review process. This normally would include a pre-application meeting and close involvement between MCDPS review staff, M-NCPPC staff, and project engineers as plans are developed. **Staff strongly urges all parties to the development of this Agreement to work creatively and diligently to achieve a process that comes as close as possible to meeting the goals and desired outcomes of the SPA water quality plan process.**

Impervious Area Considerations

In addition to SPA water quality plan requirements, the overlay zones have impervious limitations that apply to development projects – 10% in Upper Paint Branch, and 8% in Upper

Rock Creek. These imperviousness limits are not intended to be strictly applied to public projects, particularly linear road projects.

The Upper Rock Creek overlay zone states that:

> "All public projects are subject to the provisions of this overlay zone, however these provisions are not intended to preclude the development of public facilities. Such facilities must conform to the water quality plan submission and review requirements of Chapter 19 Article V, and keep imperviousness to the minimum needed to accomplish the public purpose intended".

The Upper Paint Branch resolution states:

> "The Council, in acknowledging the critical need to protect the Upper Paint Branch watershed, reaffirms that the design and construction of all public projects in the watershed, including roads, buildings, structures, and other facilities, must conform to the water quality plans submission and review requirements established in the Special Protection Area legislation. The Council notes that the application of the Special Protection Area law does not preclude the construction of any public project, including those delineated in the Eastern Montgomery County Master Plan, such as the widening of Briggs Chaney Road, the Intercounty Connector, or the expansion of the Spencerville Post Office."

The ICC project, as proposed, intends to offset the imperviousness impacts in the SPAs through project commitments including stormwater BMPs, reforestation, and a variety of mitigation and stewardship projects that address the direct impacts of the ICC construction as well as impacts from existing development in the watersheds.

Due to its nature, the road project as shown in the FEIS exceeds the imperviousness limits of the overlay zones in the two SPAs. At this time, there is insufficient detail on the total imperviousness from the road, and SHAs final package of elements that will be used to offset the imperviousness impacts. Staff recommends that these details be fully covered and quantified as part of the SPA water quality plans. In the Upper Paint Branch watershed, staff recommends that the water quality plan include a waiver request in conformance with SPA requirements, including an explanation of how the final mitigation package addresses the imperviousness impacts above 10%. In the Upper Rock Creek watershed, public projects are not required to obtain a waiver from the Planning Board to exceed the 8% cap, but must conform to SPA water quality plan submission and review requirements. Staff recommends that the water quality plan for Upper Rock Creek contain an explanation of how the project keeps imperviousness to the minimum necessary to accomplish the public purpose intended.