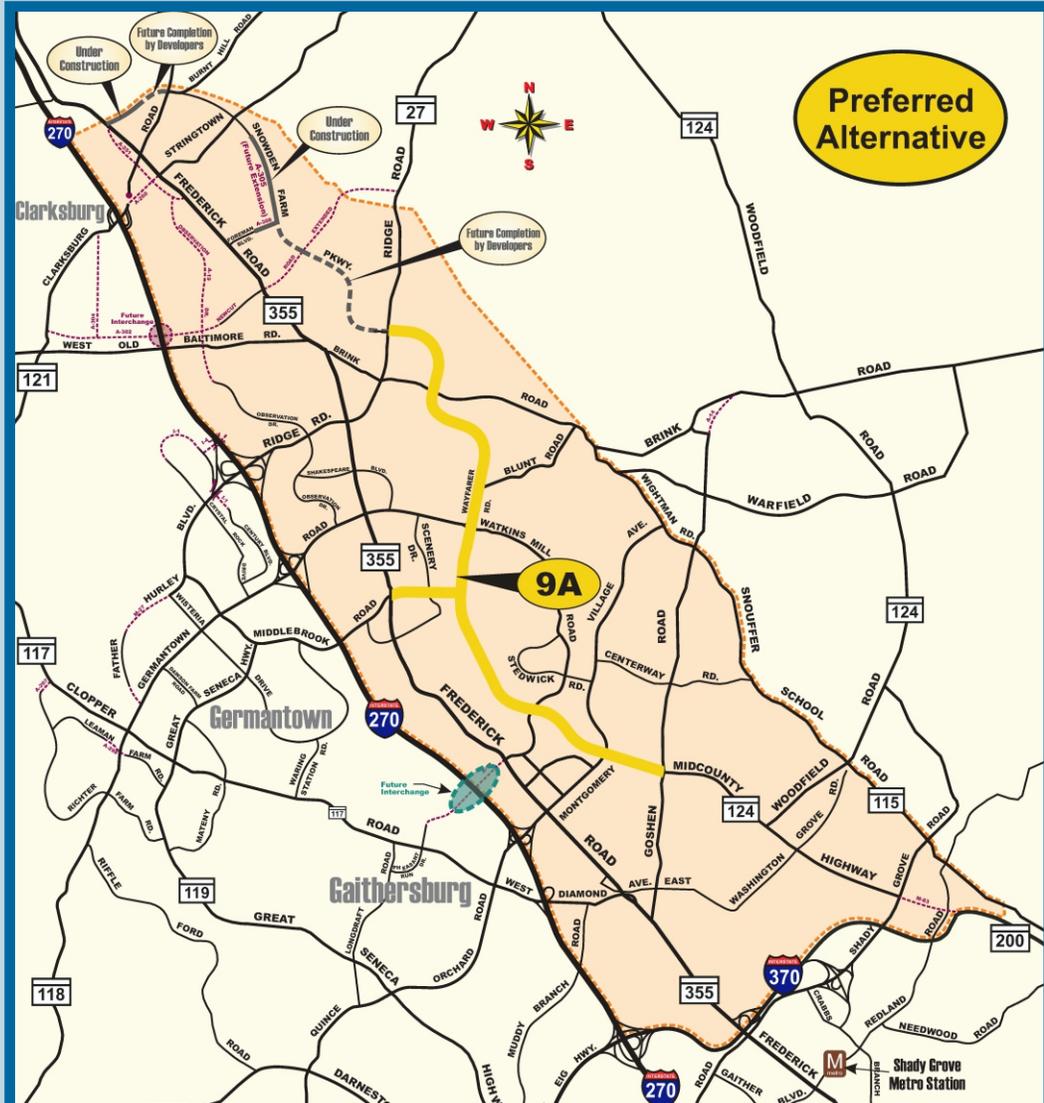


# Midcounty Corridor Study

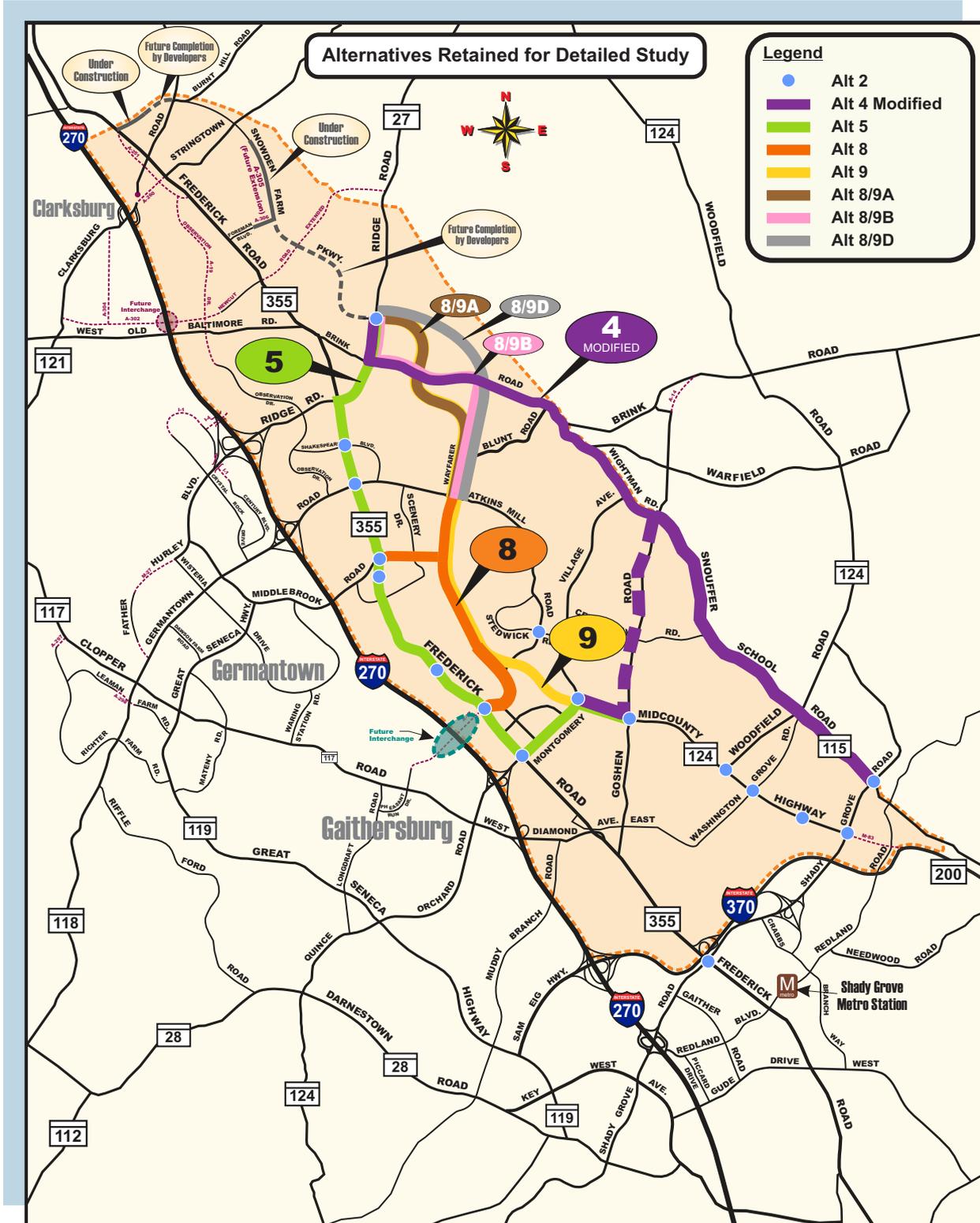


## VOLUME II Appendices Draft Preferred Alternative/Conceptual Mitigation Report MARCH 2015

Department of Transportation  
 Division of Transportation Engineering  
 100 Edison Park Drive, 4th Floor  
 Gaithersburg, MD 20878  
 PHONE: 240-777-7220 FAX: 240-777-7277



## AGENCY COMMENT LETTERS







**DEPARTMENT OF THE ARMY**  
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
P.O. BOX 1715  
BALTIMORE, MD 21203-1715  
**NOV 19 2013**

Operations Division

Mr. Bruce Johnston  
Montgomery County Department of Transportation  
100 Edison Park Drive, 4<sup>th</sup> Floor  
Gaithersburg, Maryland 20878

Dear Mr. Johnston:

This is in reference to the Montgomery County Department of Transportation application, CENAB-OP-RMN (Mid County Corridor Study) 2007-07102-M15 for a Department of the Army (DA) permit under Section 404 of the Clean Water Act, to develop transportation improvements in Montgomery County east of I-270 between Clarksburg and Gaithersburg in Montgomery County, Maryland.

This letter provides a summary of the comments received in response to the U.S. Army Corps of Engineers (Corps)/Maryland Department of the Environment (MDE) joint public notice (PN 13-37), as well as the those prior to the public notice, the Corps review of the revised Draft Environmental Effects Report (DEER), and sets forth our request to you for additional information concerning the subject permit application.

As stated in the Joint Corps/MDE Public notice, the Corps' evaluation of a Section 404 permit application is a two-part test, which involves determining whether the project complies with the Clean Water Act Section 404(b)(1) Guidelines (Guidelines) and a Corps public interest review. A fundamental precept of the Clean Water Act Section 404 regulatory program is that impacts to wetlands and other waters of the US will be avoided and minimized, where it is practicable to do so. Under Section 404, only the least environmentally damaging practicable alternative (LEDPA) can receive DA authorization. Note that an alternative is practicable if it is available and capable of being done after taking into consideration cost, logistics, and existing technology in light of overall project purposes.

Furthermore, the decision whether to issue a DA permit is also based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended uses on the public interest. This is known as the Corps public interest review [See 33 CFR Part 320.4.] The evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing and balancing of the benefits which reasonably expected to accrue from the project, balanced against the reasonably foreseeable detriments. Among the factors that must be evaluated as part of the Corps public interest review include: conservation, economics, aesthetics, general environmental concerns, wetlands and streams, historic and cultural resources, fish and wildlife values, flood hazards, floodplain values, land use,

navigation, shore erosion and accretion, recreation, water supply and conservation, energy needs, safety, food and fiber production, mineral needs, water quality, consideration of property ownership, and in general, the needs and welfare of the people. All comments received during the review period are evaluated for their merit and provided to the applicant for response. Please consider all these comments and the Corps requirements of a LEDPA in your efforts to select a Preferred Alternative.

In response to the Corps and MDE joint public notice and public hearing, this office received hundreds of e-mails, numerous letters, and heard testimony from members of the public including several homeowners associations; nonprofit groups TAME, Sierra Club, Audubon Society; and the local Maryland State delegation, including Senator King and Delegate Barkley, who expressed their objections, comments, and concerns. In addition, we received comments from the government entities including the Environmental Protection Agency (EPA), the City of Gaithersburg, and the Maryland Historical Trust (MHT).

As would be expected with a proposed large capital project with a long history, involving the evaluation of multiple alternatives and alignment options; the comments received are diverse and often conflicting. Concerns raised span the Corps public interest review factors including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood plain values, land use, recreation, water supply and conservation, water quality, safety, and consideration of property ownership. In addition, concerns were also raised about air quality, construction impacts, community disruption, transit, traffic, smart growth, and environmental justice.

Comments received concerning the Master Planned alignment (Alternative 9 with Northern Terminus A) were divided for and against. Only one commenter expressed a preference for another Terminus Option (Option D), while others expressed opposition to Option D. Many citizens opposed impacts to the Agricultural Preserve and other conservation areas like parklands. Citizens who identified their place of residence were generally opposed to alternatives that would adversely affect them and their neighborhoods and supported an alternative that would benefit them (e.g., Montgomery Village residents opposed the Master Planned alignment, residents of Clarksburg generally support the Master Planned alignment, and residents along Alternative 4 Modified opposed it). Some commenters pointed out that residents of Montgomery Village, the Day Spring Retreat, and even, Watkins Mill Elementary School were aware of the Master Planned alignment prior to moving, buy, or building in the vicinity of the Alternative 9. Some cited the lack of transportation infrastructure to support the level of development in the Clarksburg area as a justification for the Master Planned alignment while other felt there were less disruptive solutions available through Alternatives 5 and 2. Similarly, many commenters opposed to Alternative 4 Modified felt they "had done their homework" and made decisions after consulting with County planning documents. Many commenters were in favor of Alternative 2 but oppose any build alternative citing cost and various impacts. Several commenters indicated that Alternative 2 should be combined with another alternatives and re-evaluated to see if the combination would reduce or

eliminate the need the Master Planned alignment. Commenters also felt that Alternative 4 should be limited to the reserved right-of-way and re-evaluated in combination with other alternatives.

Transit was advanced as a solution by most commenters opposing the build alternatives and many indicated that the Draft Environmental Effects Report should have evaluated a transit only alternative. Bus rapid transit (BRT) routes along MD 355 were seen by several commenters as a possible solution to rush hour capacity needs. Conversely, several commenters indicated that mass transit would not address residents other transportation needs (e.g., doctor visits, shopping, picking up & dropping children from various community activities). Some commenters acknowledge that transit alternatives might be built one day; however, they felt that did not eliminate the need for a new build alternative. Other commenters indicated that a build alternative combined with transit was the only way to address long-term transportation needs. Many commenters residing along specific alignments felt expansion of existing or new alignments within residential areas would be disruptive to community life, bring additional noise and traffic/safety concerns and diminish quality of life. Citizens were also concerned about Alternative 4 Modified and potential impacts to Prathertown. Several commenters expressed concern and provided information about air quality concerns in close proximity to schools. The focus of their concern was the close proximity of Alternative 9 to Watkins Mill Elementary School and the potential to increase asthma and other air pollution-borne/aggravated health concerns in school children. Several of these commenters indicated they had expressed these concerns previously to County officials. Some commenters were concerned about bridge heights and the impacts of shading under bridges, noting that clearing and subsequent shading would result in either a conversion or a permanent impact to areas below the bridge spans. Similarly, some commenters indicated that construction access and areas affect by construction activities within limits of disturbance would result in permanent impacts to resources and should not considered a temporary impact. Many commenters indicated that stormwater associated with a new highway would be impact water quality and water resources. Commenters also questioned if the Master Planned alignment would only relocate traffic congestion to new areas/intersections at the end of the alignment. The commenters questioned if the receiving intersections were designed to handle the increase traffic volume. The DEER was cited as unbalanced by some commenters, supporting the Master Planned alignment, ignoring transit options, and not providing alternative combinations for evaluation (despite stating the preferred alternative may be a combination of entire alternatives or portions of the alternatives).

Based on our review of the DEER and the comments received during the comment period, the Corps has determined that additional information is required in order for the Corps to proceed in our evaluation of the project. The additional information is necessary to fulfill the requirements of Corps regulations, the Clean Water Act Section 404(b)(1) Guidelines, and the Corps public interest review process. The following items must be addressed:

1. Please submit your responses to the enclosed public/agency comments.
2. Please include an evaluation of the Alternative 4 Modified alignment limited to the currently reserved right-of-way in an analysis of other possible combinations with the alternatives (e.g., Alternative 4 Modified alignment with 80' ROW combined with Alternatives 5 and 2).
3. Please respond to the Woodland Hills Home Owners Association and other citizens concerns regarding air quality and Alternative 9's close proximity to Watkins Mill Elementary School by addressing if there is any increase in respiratory-related health issues in school children in similarly situated schools (e.g., those located along Great Seneca Parkway and the Intercounty Connector). Please describe which air pollutants would be most likely to affect an adjacent school and children and, if possible, evaluate each of the alternatives likelihood to pose such an air quality health risk.
4. Please address comments concerns about bridge elevations, shading, and conversion of wetlands, streams, and riparian areas located below any proposed bridges. Also, please address any construction best management practices (e.g., timber matting, grubbing but no clearing, additional mulch layers) to help assure construction activities do not permanently impact access areas. Please be advised that the Corps would require inspection and confirmation that all temporary impacts associated with construction are fully restored as part of any authorization compliance.
5. Please provide additional information on the transit options already being implemented by the county within the study area. In addition, please provide any additional information about a possible RBT system along MD 355 and Alternatives 8 and 9. Please address the comments that combining Alternative 2 with other alternatives or adding transit like a BRT system to other alternatives could reduce the amount of travel capacity necessary for Alternative 9. Also, please update transit options within the study area respective to the recently approved State funding approvals for projects in Montgomery County.
6. Please provide additional information about the current and proposed future status of the Shady Grove Metro station. Specifically, address comments that the station is already at capacity (parking and train) and does not offer a transit solution for travelers who would utilize a build alternative to take transit from the Shady Grove metro.
7. Please update information concerning the Watkins Mill interchange at I-270 and any potential ramification for the study area and proposed project.

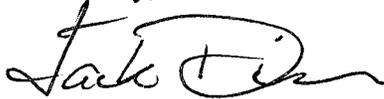
8. Please clarify if M-83 would be a state or county controlled road if constructed. Please provide additional information about MD SHA control roads in the study area (e.g., I-270 and MD 27) and future improvements requested by the County.
9. Please address the environmental justice concerns raised in EPA's comment letter.
10. Please address the concerns raised by citizens in the Fetrows neighborhood, Wacomor Drive, and Ward Avenue regarding traffic concerns and Alternative 9.
11. Please address the City of Gaithersburg comments.
12. Please include aspects of community disruption and fragmentation in the quality of life analysis for each alternative.
13. Please clarify if impact fees are collected from development in Clarksburg and if any are dedicated to transportation projects. Please clarify what type of development is allowed within the Agricultural Preserve, parkland, and Special Protection Areas within the study area.
14. Please clarify if the proposed project will include environmental stewardship projects.
15. Please correct labeling errors on maps in the DEER as noted in citizen's comments.
16. Please provide information of the alternative potential impacts to Green Infrastructure (e.g., hubs and corridors) within the study area and forest interior dwelling bird habitat.
17. Please clarify whether roadway intersections on the alignments are viewed as increased transportation system connectivity or traffic delay points for each alternative.
18. Please note that in accordance with the Corps/EPA Compensatory Mitigation Rule, prior to a permit decision, the Corps must approve a final mitigation plan to compensate for the permanent impacts to waters of the U.S., including jurisdictional nontidal wetlands. In addition, permanent conversion of waters of the U.S., including jurisdictional nontidal wetlands, may also require compensatory mitigation. Functional assessments will be required for all proposed impacts to waters of the U.S. and any compensatory mitigation requirements will be based upon full replacement of permanently impacted (including conversion) aquatic resources.

In accordance with DA regulations, this office provides applicants with the opportunity to furnish proposed resolutions or rebuttals to all objections and comments received. Therefore, in order for us to more fully consider the responses we received, and to enable us to assess the total impacts of the project and continue with our evaluation, a response regarding each comment, concern, or recommendation is requested. **Please provide this office with your response to the issues raised in the enclosed correspondence and this letter, as well as the additional information requested by the Corps, by COB March 1, 2014.** If additional time is necessary, please advise this office. Please send your response to the U.S. Army Corps of Engineers, Baltimore District, [Attn: Mr. Jack Dinne, CENAB-OP-RMN], P.O. Box 1715, Baltimore, Maryland 21203-1715. It is also recommended that you provide a copy of your response to this letter to Mr. Sean McKewen of MDE.

In summary, the Corps review for the project will proceed once the required information is provided. The information cited above is required in order for the Corps to completely evaluate the proposed project. By copy of this letter, we request that Montgomery County Department of Transportation respond to all of the concerns detailed in this letter and enclosures to ensure that the information is adequate to fulfill the requirements of Corps regulations, the Clean Water Act Section 404(b)(1) Guidelines and the Corps public interest review process. This information will be used to render a final Corps permit decision.

We look forward to coordinating with you as the review process proceeds. A copy of this letter is being sent to Mr. Sean McKewen of MDE, Nontidal Wetlands Division, for coordination purposes. If you have any questions concerning this matter, please contact me at (410) 962-6005 or [john.j.dinne@usace.army.mil](mailto:john.j.dinne@usace.army.mil).

Sincerely,



Jack Dinne  
Biologist, Project Manager  
Maryland Section Northern

Enclosures

Cc (w/enclosures):  
Mr. Sean McKewen, MDE – Nontidal Wetlands Division



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley  
Governor

Robert M. Summers, Ph.D.  
Secretary

Anthony G. Brown  
Lieutenant Governor

**December 12, 2013**

**Mr. Bruce E. Johnston**  
**Montgomery County Department of Transportation**  
**100 Edison Park Drive, 4<sup>th</sup> Floor**  
**Gaithersburg, Maryland 20878**

Re: AI Number: **140416**  
Nontidal Wetlands and Waterways Application Number: **13-NT-3162/201360802**  
Response Due Date: March 1, 2014

Dear **Mr. Johnston**:

The purpose of this letter is to request that the Montgomery County Department of Transportation address public comments the Department received in response to the Public Notice and subsequent hearing, held on August 7, 2013 at Seneca Valley High School, related to the Midcounty Corridor Draft Environmental Effects Report (DEER).

The Department of the Environment (the "Department", or "MDE") received comments for and against virtually every alternative, or combination of alternatives. Concerns ranged from environmental to social, economic, historical and safety. Copies of emails and letters MDE received have been enclosed herein (on CD) for your review and evaluation. MDE also received a few hundred comments which were forwarded to us from the office of the County Executive. They were largely duplicative of comments already received directly from the commenter. Also enclosed is a separate CD containing a spreadsheet of the names and addresses of individuals who submitted comments. Their names, addresses and/or contact information were directly copied into the spreadsheet as submitted to us. Hence, errors or incomplete contact information are reflected exactly as we received them. We ask that you cross-reference this list against your list of Interested Persons to ensure we have a single and complete mailing list.

In order to simplify your responses to both this letter and that sent by the US Army Corps of Engineers (dated November 19, 2013), please assume that the Department poses the same questions embodied in the Corps letter. Their specific questions/requests and your reply will be incorporated into the Department's decision-making process as though we had authored them ourselves. This letter will elaborate on certain points raised in the Corps letter and offers additional questions, or requests for clarification. Please provide a copy of your reply directly to Jack Dinne at the Army Corps of Engineers.

Based on comments received, the Department asks that in addition to responding to the Corps letter, you also address the following points:

1. Please elaborate on how projected traffic improvements made a distinction between the current traffic condition, versus the additional traffic generated by future business and residential development. To what degree would a new road relieve current rush hour problems, as opposed to facilitating additional development which will exacerbate traffic issues?
2. Table 2-1 reflects programmed road improvements assumed to be completed by 2030. The report says they have been factored into the traffic projections for each alternative. Please add a column to the table indicating which of these improvements are a component of an alternative retained for further study and some narrative to explain how the planned road project differs from the related alternative. Also, please provide the same information relative to State Highway projects within the study area that might not be reflected in Table 2-1, if any.
3. Alternate 11 noted a conflict between local and thru traffic. How does that differ from the alternates retained for further study?
4. Figure 3-1 indicates that the Tech Corridor benefit from the Midcounty Highway project extends as much to the west of I-270 as it does to the east. Does it then follow that road improvements west of I-270 could be an alternative to road improvements within the DEER study area?
5. The DEER indicates that accommodating planned “end-state development” is predicated on 22.3 lane miles of new highway capacity, or the “provision of alternative transportation facilities” Please describe the alternative transportation facilities that could support planned growth.
6. One commenter noted a 20-year old projection that 42% of the people living in Clarksburg would be headed to Gaithersburg. Has this proven to be true?
7. The DEER notes none of the alternatives significantly improve travel time along Brink, Wightman, Goshen, Snouffer, or Muncaster roads. All alternatives substantially improve travel along 355. If travel time figures are important, then they need some additional clarification as they only reinforce what the report says elsewhere; that none of the alternatives make much difference along the eastern side of the study area and that in 2030, the No-build is projected to be only 6 minutes (morning commute) to 10 minutes (evening commute) slower than Alternative 9. Given the proposed environmental and community impacts associated with certain of the build alternatives, do the reported travel time improvements justify the impacts?
8. The combined cost to build Alternatives 2, 4 Modified and 5, based on figures in the DEER, would be \$412 million. Alternative 8 is projected to cost \$274 million and Alternative 9, \$357 million. What benefits could be achieved by combining Alternatives, 2, 5 and/or Alternative 4 Modified, utilizing the narrower right-of-way noted in the Corps comments? What would the combined cost be, given other projected road improvement projects?
9. Please address the concerns raised in the email dated August 13, 2013 from Ms. Edna Miller. A copy of her email is attached herein.

10. Please address the "General Comments" section of the City of Gaithersburg letter dated July 17 and the requests made elsewhere in the letter, including incorporating certain elements of Alternative 2. A copy of that letter is attached herein.
11. Please address the concerns raised in the August 23, 2013 letter from Montgomery County Public Schools. A copy of their letter has been attached herein.

If you have any questions, please do not hesitate to contact me by telephone at **(301) 689-1493** or by email at **[Sean.McKewen@maryland.gov](mailto:Sean.McKewen@maryland.gov)**.

Sincerely,



**Sean McKewen**  
**Western Regional Chief**  
**Nontidal Wetlands Division**

Enclosures: CD with public comments  
CD with Interested Person List

cc: Bruce Johnson, Montgomery County DOT  
Jim Eisenhardt, RK&K  
JackDinne, U.S. Army Corps of Engineers





**MONTGOMERY COUNTY PUBLIC SCHOOLS**  
MARYLAND

www.montgomeryschoolsmd.org

August 23, 2013



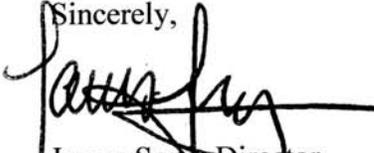
Mr. Sean McKewen  
Maryland Department of the Environment  
Wetlands and Waterways Program  
160 South Water Street  
Frostburg, Maryland 21532

RE: CORPS: CENAB-OP-RMN (Mid-County Corridor Study)  
2007-07102-M15  
MDE Nontidal Wetlands and Waterways: 13-NT-3162/  
201360802/AI No. 140416

Dear Mr. McKewen:

This is provided in response to the Public Notice for the above referenced study. The Montgomery County Public Schools (MCPS) appreciates the opportunity to review and provide comments on the proposed alternatives. Alternatives Two (2) and Five (5) have impacts on the MCPS Neelsville Middle School property's southern and western boundaries. Additionally, Alternative Nine (9) has potential impacts to the southwestern boundaries of the Watkins Mill Elementary School property. However, the maps provided do not provide sufficient details to determine the severity of impacts. While the proposed alternatives do not seem to indicate substantial impacts, the primary concern of MCPS is school safety, both during and after construction. We request the opportunity to review more detailed plans which more clearly show impacts of Right-of-Ways, grading and drainage, limits of disturbance, and plans for mitigating any impacts.

Mr. Peter Geiling, team leader, Real Estate Management, will be contacting you to review and discuss possible impacts to school operations and how these impacts may be mitigated. Mr. Geiling can be reached at 240-314-1069. We appreciate the opportunity to provide our comments on this vital project and look forward to working with you.

Sincerely,  
  
James Song, Director

JS:acs

Copy to:  
Mr. Geiling

Department of Facilities Management

45 West Gude Drive, Suite 4000 ♦ Rockville, Maryland 20850 ♦ 240-314-1060



Date: August 13, 2013

To: Greg Hwang, Project Manager, [greg.hwang@montgomerycountymd.gov](mailto:greg.hwang@montgomerycountymd.gov),  
CC: Aruna Miller, Planning Manager, [aruna.miller@montgomerycountymd.gov](mailto:aruna.miller@montgomerycountymd.gov), Montgomery County Council,  
[county.council@montgomerycountymd.gov](mailto:county.council@montgomerycountymd.gov), Ike Leggett, County Executive, [ocemail@montgomerycountymd.gov](mailto:ocemail@montgomerycountymd.gov),  
Jack Dinne, [john.i.dinne@usace.army.mil](mailto:john.i.dinne@usace.army.mil), Sean McKewen, [sean.mckewen@maryland.gov](mailto:sean.mckewen@maryland.gov),  
From: Edna Miller, Montgomery County resident since 2002, Condominium owner residing at  
19317 Club House Road, Unit # 104, Montgomery Village, MD 20886

Subject: Testimony I updated after the public hearing regarding alternatives for the Mid County Highway (M-83)  
A meeting held August 7, 2013 at Seneca Valley High School in Germantown, held by the Maryland Department of the Environment (MDE) & United States Army Corps of Engineers (USACE)

I would like to thank the people who managed the hearing. I found it well organized featuring a respectful system of time limit card warnings for each speaker during the meeting. A small suggestion, many had trouble seeing their script at the darkly lit microphone, which slowed many speakers down. A lighted podium for the public would make their presentations less tedious to listen to for you and remove an unintended obstacle for speakers, next time.

Did the Montgomery County bureaucracy start out on a false premise when applying for the 'Maryland Department of the Environment Permit' and the 'United States Army Corps of Engineers Permit'?

The application for these permits may contain an impediment, because it appears to rely on the validity of the defunct 'original Gaithersburg Master Plan,' by reference to it as their governing credential. The application assumes to reference the fifty years old original, which includes the governing credentials for the area west of Route 355. By using the original document as their governing credential in their application for permits from the MDE and the USACE, the County is over reaching to obtain permits to build one of the Alternatives 1, 2, 4, 8, or nine, for the development of a commercial road known as the M-83. This road plan is around and through the area east of Route 355. Their application contains a false premise, when it refers to this master plan as their legal governing credential. It may be presumptuous for the County bureaucracy to push the application for Permits ahead of the public vetting process for the 'proposed Gaithersburg East Master Plan'.

In fact, the County divided the 'original Gaithersburg Master Plan' into two areas a few years back. One area's document half now referred to as the 'Gaithersburg West Master Plan', serves as the governing credentials for development in the community to the west of Route 355. This documents vetting process received ample publicity and notoriety in developing commercial and residential density for the City of Gaithersburg. Recently the County bureaucracy delayed a scheduled vetting process for residents of the 'proposed Gaithersburg East Master Plan' area east of Route 355 waiting until 2014 to begin.

The bureaucracy may have overlooked compliance with due process for the 'proposed Gaithersburg East Master Plan', when they prepared these Permit applications. By the County bureaucracy assuming to reference the 'original Gaithersburg Master Plan' as the current governing document, and motivated to move the process forward they submitted their application for these Permits. Unfortunately, by referencing the defunct document in their application they have created a legal impediment. The County bureaucracy leaves the impression they did not want to wait for the appropriate validation of the new governing document for the Gaithersburg East Master Plan to complete the vetting process, before making their Permit application.

For the County to reference the 'original Gaithersburg Master Plan' in the application is a misnomer, because it is currently defunct due to the dynamic alteration made by the County without recourse. The 'proposed Gaithersburg East Master Plan' remains invalid as a governing credential for any Permit application. The vetting process has yet to occur by the County for the Gaithersburg East community, including Montgomery Village, for it to become a governing credential. This vetting process for the 'proposed Gaithersburg East Master Plan' clearly needs to occur before the County can apply for the Permits.

The County bureaucracy may have foolishly created this legal impediment by applying for the Permit too soon. The hearing on August 7, 2013 hosted by the 'Maryland Department of the Environment' & 'United States Army Corps of Engineers', is a vetting procedure of the application, which includes testimony giving reference to the 'original Gaithersburg Master Plan' as their governing credential under a presumption of compliance with due process by the applicant. The County does not appear to possess a legal governing credential in order to complete their application for the MDE and the USACE Permits. This legal impediment in the application is cause for the procedures and processes for both "Permitting" applications to stop, with public notice immediately.



July 17, 2013

Mr. Jack Dinne, CENAB-OP-RMN  
U.S. Army Corps of Engineers  
Baltimore District  
P.O. Box 1715  
Baltimore, Maryland 21203-1715

Mr. Sean McKewen  
Maryland Department of the Environment  
Wetlands and Waterways Program  
160 South Water Street  
Frostburg, Maryland, 21532

Dear Sirs

The City of Gaithersburg would like to take this opportunity to comment on the Midcounty Corridor Study (MCS) released for public hearing. The City has long been involved with this project as a stakeholder and offers the following:

**General Comments:**

The City acknowledges the need for regional transportation alternatives to serve a growing population in this region. The MCS defines the "Project Need". Prior to comments related to specific Alternatives, the City offers the following related to the "Project Need":

*Reduce existing and future congestion.*

The document discusses the congestion on I-270 as a detriment to future economic growth; however, no data is provided to show how the various alternatives will impact I-270. While analysis of the alternatives is shown regarding congestion reductions on MD 355, the City would recommend that as part of any final environmental impact study (FEIS) modeling be restudied using current data. Based upon recent traffic counts initiated by the City, it appears that east/west traffic has been reduced significantly since 2011: Much of the data used in the MCS may no longer be accurate or reflect changing dynamics. Further, the study states MWCOG Regional Forecast Round 8.0 was used in the modeling. It is to be noted the current round is 8.2 with 8.3 to begin Fall 2013 and 9.0, Fall 2014. Lastly, the City supports the inclusion of a rapid transit vehicle (RTV) system as proposed in the County Executive's "Transit Task Force Report" and how such a system impacts the need for any expansion of M-83, Midcounty Highway as part of this study. While it is stated that the potential RTV system was not included because it is not funded or in the CLRP, continued references to an unplanned/unfunded possible connection to the ICC are made as a benefit to specific alternatives. This is not consistent.

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038  
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www.gaithersburgmd.gov

MAYOR  
Sidney A. Katz

COUNCIL MEMBERS  
Jud Ashman  
Cathy C. Drzyzgula  
Henry F. Marraffa, Jr.  
Michael A. Sesma  
Ryan Spiegel

CITY MANAGER  
Tony Tomasello

*Improve vehicular safety.*

The City questions the improvement to vehicular safety stated because the majority of conflict points, i.e. curb cuts on MD 355 remain regardless of alternative selected and further, as shown in the study, the City of Gaithersburg accident rates will be relatively unaffected regardless of alternative selected.

*Enhance the efficiency of the roadway network and improve the connections between economic centers.*

The City has concerns regarding the claimed improvements to the roadway network. Some of the alternatives proposed may divert traffic to City streets not currently impacted. The economic centers discussed include the Life Sciences Center and businesses such as MedImmune-both well outside of the study area. Further, the City questions the proposed benefits of the “ladder configuration” discussed. It does not seem efficient that a driver would exit a congested I-270 to drive past MD 355 to join M-83, especially if the intended destination is anywhere but the Shady Grove Metro area. As to efficiency, the City notes that the travel time savings along MD 355 illustrated in Figure 3-12 at best equates to  $\pm 8$  minutes northbound (Alternative 8) and  $\pm 10$  minutes southbound (Alternative 9) during the peak hour; however, this savings is over an approximately 5 mile span and potentially unnoticeable by a driver not traversing the full 5 mile route. The City again questions the overall impacts of the alternatives for such a relatively small savings in drive time.

*Accommodate planned land use and future growth.*

For the City of Gaithersburg, many of the proposed alternatives conflict with City goals and Master Plan recommendations including not facilitating RTV on Frederick Avenue, losing passive open space, and potentially impacting current and future commercial properties and growth along Frederick Avenue. The study in fact states Alternative 5 would have the greatest potential for long-term indirect effects on businesses through changes in access attributable to the closure of existing entrances and the construction of service roads.

*Provide bicycle and pedestrian connections.*

The City’s adopted 2009 Transportation Element identifies the deficiencies of the MD 355 bicycle/pedestrian facilities. The City believes none of the alternatives proposed address these issues. The bicycle/pedestrian facilities proposed would have little benefit to the City as it relates to MD 355 or connectivity for activity nodes within the City.

*Improve the quality of life.*

The City has no comments regarding Homeland Security issues. As to improving quality of life, the study presented states this is accomplished through reduced commuting times and offering safer alternatives to congested local roads; however, as shown previously the City questions whether these claims are valid as it relates within our incorporated limits. While the quality of life may improve for Clarksburg and Germantown-at what cost to Gaithersburg?

Comments Related to Alternatives:

Alternative 2:

The City can support Alternative 2, TSM/TDM methods. This alternative is shown in the MCS to alleviate congestion and improve drive times with minimal investment utilizing the existing infrastructure and public rights-of-way, coupled with new express bus service. While this alternative is stated to not substantially improve vehicular traffic safety or mobility; would not provide a new highway or additional lane capacity; and would not provide additional bicycle and pedestrian connections as opposed to other alternatives, the City as discussed has questioned these claims regardless. This alternative would have the least impact to natural resources, parks, and property while still providing relief on MD 355 within the City.

Alternative 5:

The City would like to re-emphasize our opposition to this alternative. The City of Gaithersburg has long expressed its opposition to any alternative that directs traffic onto MD 355, Frederick Avenue. The proposed improvements, such as services roads and MD 355 widening, seem more “theoretical” rather than feasible. The MCS acknowledges such improvements will involve property acquisitions and land use impacts conflicting with zoning approvals previously granted by the City. The City further questions whether there is consensus from State Highway Administration (SHA) regarding these proposed changes. The City would like to review SHA’s position on this alternative and Alternative 8. Again as stated, this alternative does not address the inclusion of a RTV system as proposed in the County Executive’s “Transit Task Force Report” and currently being studied.

Alternative 8:

This City also opposes this alternative in that it includes the fundamental issues related to the previous alternative discussed, plus the impacts to Blohm Park opposed in Alternative 9. In order for this alternative to work a number of improvements are needed that cannot be made without impacting existing properties located within the City. Further, the City is opposed to adding any M-83 “thru” traffic to the local streets. We continue to express concerns on the true impacts to the adjacent streets such as Russell Avenue and Christopher Avenue as well as the impacts to future redevelopment efforts in this vicinity. The study references M-83 as a northern Great Seneca Highway; however, it is the City’s opinion that this type of traffic should not be directed onto the City streets in this area.

Alternative 9:

The City has long documented its concerns regarding the Master Plan Alignment and its impacts to the City’s Blohm Park. This alternative would fundamentally change if not effectively destroy the form and function of this park. The passive, scenic park would no longer exist.

Should this alternative be chosen as the preferred alternative, the City would request the following be considered as part of the alternative:

- Relocation of the existing gazebo structure;
- Location of new parking as a result of the loss of on-street spaces;
- An exchange of County owned parkland adjoining the City's corporate limits to replace impacted acreage; and
- Participation in constructing a repurposing of the park as an "active" amenity which could include design/build of a new skate park or similar type use.

In short, the City would prefer Alternative 2, but should it have to choose between the three other alternatives located within the City of Gaithersburg, the Master Plan alignment would be the least objectionable provided the considerations discussed above were made part of Alternative 9. Thank you for the opportunity to comment on the Midcounty Corridor Study.

Sincerely,



Rob Robinson III, Lead  
Long Range Planning  
City of Gaithersburg

Cc:

Mayor & City Council  
Tony Tomasello, City Manager  
Jim Arnoult, Director, DPW  
John Schlichting, Director, Planning & Code Administration  
Ollie Mumpower, Engineering Services Director  
Greg Hwang, Capital Projects Manager, Montgomery County Department of Transportation  
Matthew Folden, Planner Coordinator, Montgomery County Planning Department





# MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230  
410-537-3000 • 1-800-633-6101 • [www.mde.state.md.us](http://www.mde.state.md.us)

Martin O'Malley  
Governor

Robert M. Summers, Ph.D.  
Secretary

Anthony G. Brown  
Lieutenant Governor

**June 20, 2013**

**Mr. Bruce E. Johnston**  
**Montgomery County Department of Transportation**  
**C/O Mr. Paul Wettlaufer**  
**Rummel, Keppler, and Kahl, LLP**  
**81 W. Mosher Street**  
**Baltimore, Maryland 21217**

Re: AI Number: ~~1410416~~ **Correct number is 140416**  
Nontidal Wetlands and Waterways Application Number: **13-NT-3162/201360802**  
Response Due Date: N/A These are pre-hearing comments relative to the Draft EER.

Dear **Mr. Johnston**:

The Maryland Department of the Environment ("MDE" or "the Department") received your Joint Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland ("Application") on **April 30, 2013**. Your Application included the Midcounty Corridor Study (MCS) Draft Environmental Effects Report (DEER), offered in support of transportation improvements in Montgomery County east of I-270 between Clarksburg and Gaithersburg. The study describes a variety of alternatives, previously retained for further study. This letter serves to inform you that MDE has reviewed the referenced document in anticipation of the forthcoming public hearing and offers comments regarding the application.

The Department would like to help you successfully complete the application review process. If you have any general questions, please do not hesitate to contact me by telephone at **(301) 689-1493** or by email at [Sean.McKewen@maryland.gov](mailto:Sean.McKewen@maryland.gov). Questions regarding the comments that follow should be addressed to the specified individual. Please refer to the above referenced AI Number when corresponding with this office.

Sincerely,

**Sean McKewen**  
**Western Regional Chief**  
**Nontidal Wetlands Division**

Enclosures: (1) Additional information needed to complete your Application  
(2) Application Review Standards

cc: Applicant  
U.S. Army Corps of Engineers (Category III/Category B Activities Only)



**Process Comments and the Joint Permit Application:**

In the Joint Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland:

1. Under Section 2 (a), the description of the project is to: “select a corridor for the construction of the missing portion of Midcounty Highway, from the intersection of Snowden Farm Parkway at Ridge Road (MD 27) to the intersection of the existing Midcounty Highway at Montgomery Village Avenue.”

Acknowledging prior concurrence, the Department would like to make clear that Alternatives 1 (No Build) and 2 (Transportation Systems Management/Travel Demand Management) are still under consideration as viable alternatives. The No-Build alternative does more than present a baseline of comparison. It is an alternative which could be selected, knowing what the consequences of that selection may be in terms of traffic safety and attendant congestion issues. The Department wishes to make clear that at this point in the process all of the alternatives retained for further study are still being considered.

2. Under Section 2 (d), Project Purpose, the County states, “The project purpose is to select one alternative from the five build alternatives under consideration for the construction of the Midcounty Highway, and to obtain permits from the Maryland Department of the Environment and US Army Corps of Engineers (Corps) for the Preferred Alternative. The permit evaluations and authorizations will be based on a planning level detail, in accordance with “Maryland’s Streamline Environmental and Regulatory Process for Transportation Project.” The permit will be conditioned, as appropriate, to require subsequent submittals of design details such as final stream relocation plans, stormwater management plans, Erosion & Sediment control plans, and H&H analysis, as needed.”

This statement is incorrect. While the purpose of the County’s considerable effort is directed towards securing an authorization, the Department is far from determining if such an authorization will be issued, let alone the nature of any conditions that might be deemed appropriate and necessary. Related, please note that should a permit be issued, it will not be based on “planning level detail”. Specifically, nontidal wetland and waterway impacts and required mitigation will have been determined and ground-truthed. What plans will be deemed sufficient to support issuance of a permit will be discussed at a later date.

3. Under Section 4(q), Reduction of Impacts, the County states, “The largest impact reductions were accomplished through bridging. The permanent wetland fill impacts for each build alternative have been reduced to less than 1.0 acre for the entire alternative. Further reductions in impact are not considered practicable.”

Once the preferred alternative is selected, the Department will look for opportunities to further reduce impacts through avoidance and minimization.

4. Under Section 6(m), Explanation, the County states, “Five alternatives are currently under consideration. The permit agencies and the MCDOT will meet to consider the benefits and detriments of each alternative relative to their cost, and attempt to achieve consensus on a Preferred Alternative.

The statement was no doubt intended to be succinct and there is a more accurate explanation elsewhere in the DEER, but some clarification seems warranted. While cost is an important consideration, it cannot be determinative unless the project purpose is to spend X-number of dollars. A three-way comparison of benefits, detriments and cost creates a false model for the consensus building process. The cost associated with each alternative, be it great or small, is nothing more than one of the benefits, or one of the detriments. Selection of the preferred alternative will be based on all relevant considerations, including comments resulting from the joint MDE/Corps public hearing.

5. The impact information includes an estimation of temporary impacts to nontidal wetlands, but is silent on nontidal wetland buffer, streams and 100-year floodplain. In order to more fully compare each alternative, the Department will need temporary impact figures for all regulated resources. That information needs to be provided before concurrence is sought on a preferred alternative. The County’s presentation at the public hearing should include all proposed impacts, including temporary impacts. The Department recognizes that accurate temporary impact figures cannot be generated given the lack of construction plans, however, the public needs to be aware of how temporary impacts might differ between the various alternatives.
6. Please provide the Department with the Certificate of Notification. The Public Notice Billing Form has already been received.
7. Please provide an update on the status of the County’s coordination with Maryland Historical Trust (MHT) and the Maryland Department of Natural Resources (DNR).

Once a preferred alternative is selected, the County will be asked to submit a wetland delineation. The County will also be asked to notify all interested persons, in writing, that a preferred alternative has been selected for detailed review.

**Previous MDE Comments:**

In a letter dated March 14, 2013, the Department provided comments relative to the DEER. The majority of these comments were addressed in the May 21, 2013 letter from MCDOT and in the County’s subsequent correspondence. Certain comments remain of concern to the Department. The most significant unresolved comment from our initial letter is:

“The Draft EER should present an objective, straightforward evaluation of the impacts associated with each alternative under consideration. This is particularly important since the document does not contain the selection/identification of a preferred alternative at this time. However, the document appears to prematurely support the selection of the Master Plan Alignment as the preferred alternative....MDE believes that such conclusions should await the preparation of the preferred alternative package and be presented in support of the preferred alternative.”

Please be advised that the Department neither supports, nor refutes any of the conclusions the County has reached relative to the merits of any or all of the alternatives. Such conclusions are out of place in the EER. They would be appropriate in a document supporting selection of a preferred alternative, but that is not the document under review.

**Additional Comments on the Draft EER:**

1. Page S-2, Under Purpose and Need, the last sentence reads “One of the primary accomplishments in the most recent phase of this study has been to reduce impacts to communities and the natural environment.”

The statement should be supported either by referencing specific sections of the report, or by including additional information not contained within the report.

2. Page S-3, Under Alternative 8, 3<sup>rd</sup> sentence reads “Option B would incorporate existing Brink Road and Ridge Road, and has been shown to be undesirable in terms of operations and safety.” Page 2-35, Under Option B, first sentence of the last paragraph reads “In view of the above findings, MCDOT does not consider Option B to be viable option.”

When Option B is presented to the public, please be clear as to whether or not the County has eliminated it from consideration.

Should you have questions regarding above comments, please direct them to Mr. Sean McKewen at (301)689-1493 or via email at [sean.mckewen@maryland.gov](mailto:sean.mckewen@maryland.gov) .

**Comments from MDE Mitigation Section:**

- 1) The Joint Permit Application (JPA) states that the “agencies have concurred in the use of this site” (SC-21) for wetland mitigation. This was not the case. Even if it was considered for the Intercounty Connector project, the proposed Midcounty Corridor is a different project. During the November 2011 site meeting, as part of a larger tour, representatives from MDE were briefly taken to the southern side of this site. They did not see the northern side of the site, where the mitigation is actually being proposed. Additionally, they did not make any statements that they concurred with the use of the site. In the future, please correspond directly with the MDE Mitigation Section about the wetland mitigation.
- 2) During the May 29, 2013 site meeting, there was concern about the stability of the stream adjacent to SC-21. Since the proposed wetland mitigation site directly abuts the stream in multiple places, a lack of stream stability could negatively affect the wetland mitigation site. A follow-up site meeting has been scheduled with representatives from the Department’s Waterway Construction Division to assess this concern. This site meeting may result in additional comments.
- 3) An additional area of wetland mitigation was proposed at the May 29, 2013 site meeting. This area includes some trees and may be worth further investigation, but the Department generally

discourages the removal of trees for wetland mitigation, especially in an area where it is difficult to reestablish forest. Please consider working around the forested areas, to reduce tree loss. As discussed during the site meeting, the Montgomery County Department of Parks should be consulted about the proposed tree removal. This new area should also be reviewed for archeological issues.

- 4) The existing wetland boundaries should be included on the mitigation plan.
- 5) Any impacts to nontidal wetlands, the nontidal wetland buffer, and waterways, including the 100-year floodplain as a result of the proposed wetland mitigation will require MDE authorization.
- 6) There is currently a trail that cuts through the proposed wetland mitigation site. Will this trail be rerouted to avoid future disturbance within the wetland mitigation?
- 7) Assuming the Corps reviews this project as an Individual Permit, the Corps may require the Phase II Mitigation Plan to be approved prior to permit authorization. The MDE Mitigation Section should be included on any correspondences with the Corps, in relation to the proposed wetland mitigation, so MDE can review the mitigation project at the same time.
- 8) The JPA states that this mitigation site may provide 1.5 acres of wetland mitigation and that the site search for additional wetland mitigation opportunities is ongoing. As this site will likely not provide enough wetland mitigation to offset the proposed impacts, additional wetland mitigation sites will likely be required.
- 9) Please include all elements required in the Phase I Wetland Mitigation Plan checklist (attached).
- 10) The application proposes bridging some wetlands. The extensive width of the bridges in combination with the low proposed bridge clearance may result in near complete loss of wetland function under the bridge.
  - a) Please predict the functional loss for every wetland where a bridge crossing is proposed. For wetlands where there will be no remaining wetland function after bridge construction (e.g., due to low bridge clearance or loss of hydrology), mitigation at full replacement ratios will be required. At this point, the applicant should plan to mitigate at a 1:1 mitigation to impact ratio for forested and scrub-shrub wetland conversion.
  - b) A baseline functional assessment will also be required prior to impacts for each of the wetlands that will be bridged. This should include all wetland areas that will be bridged, including those identified as “conversion loss”, “temporary impacts”, or not proposed as impacts (e.g. PEM). These wetlands should be monitored for multiple years after the impacts are completed. If there is additional functional loss, additional mitigation will be required.

Should you have questions regarding these mitigation comments, please direct them to Ms. Kelly Neff at (410)537-4018 or via email at [kelly.neff@maryland.gov](mailto:kelly.neff@maryland.gov) .

**Comments from MDE Waterway Construction Division:**

1. The type of structures chosen for new waterway crossings must be justified. The Department's order of preference for the type of structures is: bridge, bottomless arch, box culvert and pipe culvert.
2. Hydrological and hydraulic analysis will be required for any permanent waterway and floodplain impacts per COMAR 26.17.04.
3. The Draft EER should address all impacts to regulated resources, including temporary impacts. (refer to the nontidal wetland comments above)

Should you have questions regarding these waterway comments, please direct them to Mr. Hira Shrestha at (410)537-4247 or via email at [hira.shrestha@maryland.gov](mailto:hira.shrestha@maryland.gov) .

**★★IMPORTANT ANNOUNCEMENT FOR APPLICANTS★★**

**New State Procedures for Application Processing  
Wetlands and Waterways Program  
Water Management Administration  
Maryland Department of the Environment**

On August 1, 2011, the Maryland Department of the Environment (“MDE” or “the Department”) implemented new procedures for application review and communication with applicants designed to improve and expedite permit application processing. These procedures are intended to clarify the steps in the review process, promptly communicate the need for specific additional information and add certainty to the permit process by adhering to published permit turn-around times. MDE’s ability to meet these turn-around times for permit decisions depends on the applicant’s submission of a carefully prepared application and the timely delivery of any additional information MDE determines is necessary to complete the application review and render a decision. A critical component to MDE’s success in rendering a timely permit decision is the applicant providing additional information to MDE when requested.

**What is the Current Procedure?**

All applicants for a wetlands and waterways authorization currently receive a “45-day letter” notifying the applicant that the proposed activity is either authorized to proceed, or that the additional information described in the letter is needed to complete the application and enable MDE to render a decision. Before August 1, 2011, MDE’s practice was to allow the applicant an indefinite period of time to provide this additional information to MDE, resulting in thousands of pending applications upon which MDE could take no action.

**What is Changing as of August 1, 2011?**

The Department’s new application review process provides the applicant with only one opportunity to supplement an application with additional information. This change in procedure, which is applicable to all applications received on or after August 1, 2011, places a deadline by which the applicant must provide the additional information requested in the “45-day letter” to MDE. Because each “45-day letter” will include a deadline for the submission of additional requested information, it is important for the applicant to maintain a dialogue with MDE’s project manager assigned to your proposed project.

**What Happens If Applicants Do Not Provide Sufficient Information or MDE Fails to Meet Deadlines?**

If an applicant fails to provide the additional requested information or if the information provided within the requested time frame is insufficient, MDE will deny the permit application due to insufficient information upon which to make a favorable decision. The applicant may re-apply as allowed under State law. Resubmission of a permit application is considered a new application and fees will be due and payable upon resubmission of the application. As is currently done, if the Department fails to request additional information in the 45-day letter, the application is considered complete and the review will continue.

Note: If an application meets certain criteria for requiring additional time for review, such as a scientific study requested by MDE, resolution of legal or local governmental matters or other factors beyond the control of the applicant or the Department, this new application review procedure will not apply. The Department will notify the applicant in the “45-day letter” if the application meets these criteria.

**How Can an Applicant Ensure an Expedited Review Process?**

Applicants are advised to obtain information and guidance by calling 410-537-3745 or 800-633-6101. Another option is to schedule a pre-application meeting by filling out the Pre-Application Meeting Request Form available at the following website:

<http://www.mde.state.md.us/programs/Water/WetlandsandWaterways/Documents/preAppMeetingRequest.pdf>

In addition to providing the information requested in the application, be sure to include all of the information discussed during the telephone call or at the pre-application meeting. To avoid having a project denied for insufficient information, it is advisable to delay submitting an application until all of the required information can be provided to MDE. For more information, please visit the program’s website:

[http://www.mde.state.md.us/programs/Water/WetlandsandWaterways/Pages/Programs/WaterPrograms/wetlands\\_waterways/index.aspx](http://www.mde.state.md.us/programs/Water/WetlandsandWaterways/Pages/Programs/WaterPrograms/wetlands_waterways/index.aspx).



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

AUG 20 2013

Joseph DaVia  
U.S. Army Corp of Engineers  
Baltimore District  
P.O. Box 1715  
Baltimore, Maryland 21203-1715

RE: CENAB-OP-RMN (Mid-County Corridor Study) Public Notice 2007-07102-M15,  
MidCounty Highway (M83), Montgomery County Department of Transportation, Montgomery  
County, Maryland.

Dear Mr. DaVia:

The U.S. Environmental Protection Agency (EPA) has completed its review of the Public Notice (PN) 2007-07102-M15 for Montgomery County Department of Transportation's (MCDOT) MidCounty Corridor Study (MCS) located in Montgomery County east of I-270 between Clarksburg and Gaithersburg. The applicant proposes to place fill material into waters of the United States to construct a highway project. The purpose of MCS is to develop transportation improvements that will relieve projected congestion, improve safety and efficiency, improve vehicular, pedestrian, and bicycle access to destinations within the study area, and be implemented in an environmentally sensitive manner. Our comments herein are based upon the Public Notice and the May 2013 MCS Draft Environmental Effects Report (EER) that have been made available for review.

EPA's review is intended to ensure that the proposed project meets the requirements of the Clean Water Act (CWA). The CWA Section 404(b)(1) Guidelines (40 C.F.R. Part 230) provide the substantive environmental criteria against which this application must be considered. Fundamental to the Guidelines is the premise that no discharge of dredged or fill material may be permitted if: (1) it causes or contributes, after consideration of disposal site dilution and dispersion, to violations of any applicable state water quality standard; (2) a practicable alternative to the proposed discharge exists that would have a less adverse impact on the aquatic environment; or (3) the discharge would cause or contribute to significant degradation of the waters of the United States (WOUS), including wetlands and streams. EPA's comments are also provided for the Corps' consideration during their public interest review.

During the review, EPA identified several areas of concern. These include: alternatives analysis, avoidance and minimization of impacts, compensatory mitigation, environmental justice, and secondary and cumulative impact analysis. The enclosure describes EPA's review in greater detail and provides specific comments and questions.

### ***Project Description***

The EER prepared by MCDOT evaluated six alternatives including the no-build alternative. All of the build alternatives included a design speed of 40 miles per hour (mph), a divided highway with a minimum of four through lanes, and sidewalk and shared use path elements. No preferred alternative has been identified at this time. Alternative 1 represented the no build alternative assuming all programmed transportation improvements within the study area have been completed by the year 2030 except the extension of the Midcounty Highway. Alternative 2 included transportation system management/travel demand management (TSM/TDM) improvements at 16 intersections in the study area. Alternative 4 modified represented an upgrade of existing roads, which included a 7.5 mile widening of Ridge Road, Brink Road, Wightman Road, Snouffer School Road, and Muncaster Mill Road. Alternative 5 included a 6.6 mile widening along MD 355. Alternative 8 included the creation of new highway along the County's Master Plan alignment truncated at Watkins Mill Road. Alternative 9 included the creation of new highway along the County's Master Plan alignment that is not truncated. Alternatives 8 & 9 would require the selection of one of three northern terminus options; all from Watkins Mill Road to Ridge Road. Northern Terminus Option A included the creation of new highway bisecting Brink Road and crossing Northern Germantown Stream Valley Park, Seneca Crossing Local Park, Dayspring Church Silent Retreat Center, and All Souls Cemetery. Northern Terminus Option B included the creation of new highway crossing North Germantown Stream Valley Park then follows a widened Brink Road to Ridge Road. Northern Terminus Option D included the creation of a new highway through North Germantown Stream Valley Park crossing Brink Road then bisecting two farm properties and cross Wildcat Road and All-Souls Cemetery.

The proposed permanent wetland impacts associated with the evaluated action alternatives range from zero acres to 0.87 acres. Proposed wetland conversion from action alternatives ranges from zero to 1.70 acres. The proposed action alternatives would temporarily impact between zero and 0.82 acres of wetland. Permanent impacts to streams, including relocation, range from zero to 1,639 linear feet (lf). Proposed action alternatives 8 & 9 would impact forest interior dwelling species (FIDS) ranging from 9.92 to 19.08 acres; remaining alternatives would result in zero FIDS impacts. Proposed alternatives would result in permanent impact to FEMA floodplain ranging from zero to 4.8 acres. Proposed parkland impacts range from zero to 48.1 acres. The applicant proposes to conduct permittee responsible compensatory mitigation for wetlands and streams.

### ***Project Purpose and Need, Alternatives, and Avoidance and Minimization***

To identify the least environmentally damaging practical alternative (LEDPA) (40 C.F.R. § 230.10(a)), a range of practicable alternatives must be considered. The range of alternatives should include not only geographical siting of the project, but also functional alternatives such as

design modifications that avoid or further minimize impacts, and even the no action alternative. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology and logistics, in light of overall project purposes (40 C.F.R. § 230.3(q)). The applicant should be aware that neither increased costs of an alternative nor an unwillingness to pursue an alternative necessarily renders that alternative not practicable. While we recognize the importance of the County's Master Plan to this project and to the County, for the purposes of the Clean Water Act Section 404 the Corps must evaluate a suite of practicable alternatives based on the overall project purpose and associated impacts regardless of the vision presented in the Master Plan, although the applicant's needs and the type of project being proposed should be considered. The overall project purpose is used to evaluate the LEDPA and should be specific enough to define the applicant's needs, but not so restrictive as to constrain the range of alternatives that must be considered under the CWA 404(b)(1) Guidelines.

The applicant appears to have applied screening criteria beyond the purpose and need, as applied in Sections 3.5 & 3.6 of the EER and shown in Table 3-9. Each alternative has been rated high, moderate or low for each purpose and need element. While not identified in the P&N it appears that the Master Plan may have been a consideration in the screening process. It hasn't been stated how the rating has been objectively identified or assigned. While some supporting evidence has been provided for each alternative and need, it isn't clear that the rating value itself represents anything more than the applicant's subjective opinion. Screening criteria is frequently used, however EPA recommends that additional detail and explanation be provided in order for the Corps to conduct a impartial and neutral analysis of how each alternative presented meets the elements of the purpose and need, as well as the overall project purpose.

EPA understands that under the Corps' Regulations a public interest review is to be conducted. EPA is concerned that the documentation provided may not be sufficient for the Corps to conduct a thorough review of their identified public interest review factors. Especially in light of significant public interest and controversy, we recommend that additional information be provided by the applicant in order for the Corps to adequately conduct the required public interest review, which may include noise, air and community facilities.

It is unclear whether all potential impacts associated with the project alternatives have been identified and evaluated. Potential components of the project that may result in impacts to aquatic resources do not appear to have been evaluated, including identification of stormwater management control, increased limits of disturbance for noise abatement features, and additional temporary construction impacts including but not limited to stream crossings. EPA is also concerned whether impacts to wetlands and/or streams have been fully avoided to the maximum extent practicable. No discharge of dredged or fill material shall be permitted unless appropriate and practicable steps have been taken which will minimize potential adverse impacts of the discharge on the aquatic ecosystem (40 C.F.R. §230.10(d)). With some level of uncertainty of whether the impact figures are complete and accurate, it is difficult to evaluate whether impacts have been fully avoided and whether unavoidable impacts have been fully minimized. Several bridges are included in the action alternatives, including the proposed creation of new bridges over WOUS which are associated with Alts 8 & 9. EPA requests a clear list or table of stream crossings locations, including but not limited to bridges, dimensions, including lengths, widths and heights, and a quantification of WOUS to be crossed. This information is not only important

to demonstrate efforts taken to avoid and minimize impacts to WOUS, but also to ensure that impacts are accurately characterized, which is especially important for indirect and cumulative impacts to be assessed. EPA is concerned that efforts taken to reduce direct permanent impacts to WOUS, while possibly effective at this goal, may still result in diminished water quality or habitat.

Ultimately, the permit issued by the Corps should reflect the LEDPA. 40 C.F.R. § 230.10(a). The EER states that the preferred alternative could be a combination or portion of the alternatives presented; however analysis was not presented for any combination. Based on the information provided in the EER and given the applicant's stated purpose and need, it appears that a combination of alternatives presented may represent the LEDPA. For example, consideration should be given to Alternative 5 in combination with Alternative 2. Both Alternatives 2 & 5 have zero temporary and permanent impact to wetlands. Alternative 2 includes zero permanent impact to streams. Alternative 5 would permanently impact 85 lf of perennial/intermittent stream. These alternatives would also require the least amount of compensatory mitigation based on their impacts. Table 3-2 on congestion analysis at 2030 conditions shows that Alt 2 would allow 88% of total intersections to have an acceptable level of service; Alt 5 would have 89% of the total intersections with an acceptable level of service, which is the highest among alternatives. Alternative 5 has the second lowest projected crash rates as shown on Table 3-4, and it could be assumed that with the additional implementation of Alt 2 crash rates would also decrease thereby improving vehicular safety. The combination of Alternatives 2 & 5 appears to be practicable and capable of being completed while achieving the project purpose. EPA recommends that the Corps and the applicant evaluate whether combinations of alternatives, such as Alternatives 2 & 5 meet the overall project purpose. We further suggest that the applicant make the selection their preferred alternative known to the public, resource agencies and interested stakeholders upon full and careful consideration of comments received.

### ***Compensatory Mitigation***

At this time the compensatory mitigation plan (CMP) outlined by the applicant does not provide sufficient information for review. EPA recognizes that neither a preferred alternative nor the LEDPA have been identified, and as alternatives have a range of project impacts it is difficult to prepare a detailed CMP without this selection. The applicant has presented a collection of potential stream and wetland sites that could be used to offset unavoidable impacts to WOUS. Until an alternative is selected and a detailed CMP is prepared, it is difficult for EPA to provide comprehensive mitigation comments. When a detailed CMP in compliance with the 2008 Compensatory Mitigation is available, EPA requests the opportunity to review and provide comments on that document.

### ***Cumulative Impacts***

The Section 404(b)(1) Guidelines direct consideration of cumulative and secondary impacts. Cumulative impacts are defined as "the changes in an aquatic ecosystem that are attributable to the collective effect of a number of individual discharges of dredged or fill material. Although the impact of a particular discharge may constitute a minor change in itself,

the cumulative effect of numerous such piecemeal changes can result in a major impairment of the water resources and interfere with the productivity and water quality of existing aquatic ecosystems.” 40 C.F.R. § 230.11(g)(1); *see also id.* §§ 230.1, 230.11 and 230.12. The indirect and cumulative effects analysis provided in the EER does not appear to be complete. Given the current, past and reasonably foreseeable future activities within the project area, EPA recommends that the Corps conduct an independent and objective review of indirect and cumulative impacts. We suggest an approach that would manage and link proposed projects to overall water quality and habitat on a sub-basin and sub-watershed basis, as well as allow for a full evaluation of public and community impacts that need to be evaluated in the Corps public interest review. Additional comments on indirect and cumulative impacts are provided in the enclosure to this document.

Consistent with Executive Order 12898 entitled “Federal Actions to Address Environmental Justice In Minority Populations and Low-income Populations,” the accompanying Presidential Memorandum, and the August 4, 2011 Interagency Memorandum of Understanding on Environmental Justice and Executive Order 12898, EPA recommends that the Corps conduct additional analysis on the potential for disproportionate effects on low-income and/or minority populations in the study, as well as ensure meaningful engagement of affected communities. Environmental justice (EJ) is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. There should be proactive steps taken to assure the early, timely and meaningful involvement of the community stakeholders in this project. While the EER did include some EJ evaluation, EPA is concerned that environmental justice issues may not have been adequately addressed, that populations may not have been adequately characterized, additional documentation of impacts on populations of EJ concern may be needed, and that there may be impacts to populations of concern. Additional comments on EJ in consultation with EPA’s Regional Environmental Justice Coordinator are provided in the enclosure to this document.

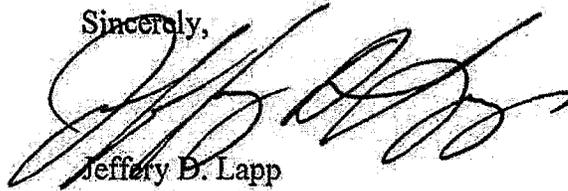
### ***Conclusion***

EPA requests that the Corps consider the provided comments in order to aid in the identification of the LEDPA. While EPA recognizes that the MCS EER has been prepared in the spirit of the National Environmental Policy Act (NEPA), the EER cannot take the place of the Corps required independent NEPA analysis. When a LEDPA is identified the Corps should evaluate the LEDPA against the CWA Section 404(b)(1) Guidelines and the public interest review. The Corps should ensure that adequate information has been provided to sufficiently address public interest review factors, including but not limited to conservation, general environmental concerns, wetlands, historic properties, fish and wildlife values, floodplain values, land use, recreation, water quality, safety, consideration of property ownership, and the needs and welfare of the people. Once a LEDPA is identified, EPA requests that the Corps put this selected alternative out on Public Notice in order for EPA and the public to provide detailed comments specific to the LEDPA.

Thank you for the opportunity to provide comments. We look forward to working with you and the applicant to identify the LEDPA and develop a more refined analysis on that

selected alternative. EPA also looks forward to the opportunity to provide additional detailed comments on the LEDPA. If you have any questions please do not hesitate to contact Alaina McCurdy, staff contact, at 215-814-2741 or Barbara Rudnick, NEPA Team Leader, at 215-814-3322.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey B. Lapp', written in a cursive style.

Jeffery B. Lapp  
Associate Director  
Office of Environmental Programs

Enclosure

## *Enclosure- Detailed comments on MidCounty Highway Public Notice*

### *Alternatives Analysis & Purpose and Need*

- Descriptions of alternatives should read evenly and provided conclusions should reference or include supporting documentation. Discussion and presentation of each alternative should be similar in presentation, even if that requires departure from prepared text or previous documents. Equal or equivalent data and documentation should be fairly presented in each section. As no preferred alternative has been identified, equal analysis and supporting documentation should be provided for each alternative and represented in similar formats throughout the document for comparison.
- Section 2- Alternatives details and rationale for alternatives dismissed should be able to be presented without drawing conclusions on their merit. If the applicant wishes to express why alternatives have been retained, we suggest this discussion be moved into a separate section from the detailed descriptions of alternatives, so that it can be more clearly explained for all alternatives.
- Minimum footprints for facilities, including medians, on-road bike facilities, sidewalks, shared use paths, or overall project footprint, should be provided. It should be explained why footprints on different alternatives would be different from one another and from the minimum requirement, for example explain why one alternative would have a substantially greater footprint and specific dimensions for above facilities than others. EPA understands the County's desire and interest in the mentioned "Complete Street" policy; however, EPA recommends that the Corps consider the minimum dimensions as it is needed for a comparison across alternatives, documentation of avoidance and minimization, and to aid in the identification of the LEDPA. Suggest consideration be given to modify the dimensions/footprints for alternative 4 modified. Specific dimensions do not appear to be supported by the P&N. As presented, Alternative 4 does not appear to be the LEDPA. It has not been evaluated if Alternative 4 modified with a reduced/ 'right sized' footprint, similar to what has been presented and evaluated for the Master Plan alignments, could be a viable alternative. Additionally, it should be evaluated if portions of a reduced Alternative 4 Modified in combination with Alternative 2 could have merit against the P&N and improve intersection operations throughout the study area.
- Stormwater management (SWM) facilities should be included in the footprint for each build alternative, as it has been EPA's experience that when is added later in design unanticipated adverse impacts to WOUS sometimes occur. Without including this expanded footprint, an accurate representation of total adverse impacts to natural resources cannot be determined or used to accurately compare alternatives. Stormwater management controls should not be located in wetlands and/or streams. EPA is concerned that additional adverse impacts to aquatic resources may result from the inclusion of stormwater management facilities. It is not clear how impacts associated with alternatives can be used to identify the LEDPA if the full project footprint is unknown. EPA suggests that the Corps consider a worst-case scenario or rough prediction of full project footprint from SWM controls and associated impacts for a complete evaluation of alternatives.

- Pg 2-32- Three intersection concepts are presented for Alternative 8- Master Plan Alignment truncated at Watkins Mill Road. Could the intersection options that were eliminated have resulted in alternate or decreased aquatic resources impacts? Include concept drawings and impact estimates. If dismissed truncation concepts can operate at an acceptable level of service (i.e., a CLV of 1425 vehicles) and result in fewer impacts to aquatic resources they should be retained for detailed study. Clarify if there would have been any difference in impact between these options.
- Pg 2-32- What criteria was used to evaluate the need for auxiliary service lanes along 355, between Watkins Mill Road and Montgomery Village? Explain whether or not the use of ASL was evaluated on Alternative 4 modified, especially as it may reduce the number of driveway/entry conflicts on Alt 4 modified. Clarify if the same criteria used to evaluate Alt 5 could also be used to evaluate ASL on Alt 4 modified. We understand that there may be significant challenges associated with the use of ASL on Alt 4 modified, however we suggest that some analysis or documentation be included in the document.
- Pg 2-34 and 2-35- Northern Terminus Options appear to be compared to one another on these pages, however this section is to include a brief summary of the refinements of the ARDS. Suggest limiting information presented on options to the refinements that were made during preliminary engineering phase.
  - It should be noted that the P&N does not specify controlled access as a requirement.
- Pg 2-37- it is noted that the selection of Preferred Alternative will attempt to satisfy many objectives, one objective listed is “within the fiscal constraints of Montgomery County”. If possible, please clarify what the approval process by the County council would be depending on which alternative is ultimately revealed to be the preferred alternative.
- Pg 3-1- Section 3.1 Montgomery County’s Vision for the MD355/ I-270 Technology Corridor. It is not clear how section 3.1 relates to the overall Section III- ability of the alternatives to satisfy the purpose and need, especially as a large portion of this Corridor is outside of the study area. This information, while important, may be better served to be identified as background information, or this information may be more useful to be included in Section IV Economic Resources. While Section 3.1 may accurately describe the County’s vision, it does not tie directly to the P&N or with Section 3 Transportation Comparison of Alternatives.
- Pg 3-15/16, Alt 8 is compared to Alt 9. Generally, it would be a more objective analysis if action alternatives were compared to baseline conditions or the no action alternative. In this section which is about the ability of alternatives to meet the purpose and need, it would be more beneficial to actually relate the congestion analysis back to the P&N, instead of comparing alternatives, which does not help aid in the determination of an alternatives ability to meet the purpose and need. Overall, alternatives throughout the document should be compared to the no action to determine the degree to which the alternative meets the P&N.
- Section 3, Need No. 2: Consider providing additional detail to this need if equal accident information can be given for each segment in this section, including total number of crashes, injury related crashes, state average, section average, and most common crash type. If available, please provide available State and/or County data. This project study has been underway for a long period of time; has consideration been given during that time to collect unavailable crash data?

- Please provide in a table the projected vehicle miles traveled for each alternative.
- Pg 3-20- Need 3 analysis includes information on quickest route, number of driveways, and traffic diversion. These items appear to be more directly related to need 1- congestion.
  - This need mentions mobility frequently. It is not clear that the term mobility directly equates to network efficiency and connecting economic centers. Please clarify.
- Pg 3-22- Need 4 should be analyzed against each alternative, including the no action. Each Need presented in Section IV should be analyzed against each alternative, including the no action. Supporting data and documentation should be provided for any conclusions drawn.
  - Need 4 include information on traffic reductions, which seems better suited to address Need 1- Congestion.
  - Need 4 is about accommodating planned land use and future growth, however limited information about future growth and land use is presented. Without this information it would be difficult to draw conclusions as how well each alternative meets this need.
- Pg 3-28 Need 6-Homeland Security was not analyzed as much as other needs, and evaluation of this need include as much supporting data or documentation. Information that is presented seems to focus on traffic incidents and emergency vehicle passage along these roadways, as opposed to emergency response/evacuation as is noted in the purpose and need. It is not clear how the degree to which the action alternatives meet this need than the no action alternative.
  - Additionally, Pg 3-28 notes that cars can pull over into the bike lanes to allow emergency vehicles to pass, emergency vehicles can pass cars using bike lanes, and disable vehicles can pull into bike lanes. However, these movements do not account for on-road cyclists which appear to be forced into lanes of traffic in order to maneuver around these obstacles.
- Pg 3-34 Need 7 Improve Quality of Life- the EER notes that quality of life can include a large number of factors; however analysis was only focused on travel time. While travel time is certainly an important data to include in the EER, it may best be included under Need 1 or 3. Suggest expanding analysis of this need to factors beyond transportation, specifically travel time in order to have a more comprehensive study including topics/concerns raised by the public and interested stakeholders.

### ***Natural and Community Resources***

- Pg 5-12- Section 5.5 Water Quality and Aquatic Habitat describes the Maryland COMAR Sub-Basin in which the study area is located. It is also stated that the study area is located in the Middle Great Seneca Creek watershed and the Upper Rock Creek watershed. Consider making the watershed location more clear, especially as Maryland defined watershed boundaries do not always overlap with USGS hydrologic unit code boundaries as well as have different code numbers. Please consider clarifying that the Great Seneca Creek and Upper Rock Creek subwatersheds are USGS 12 digit HUC's and provide the HUC codes. Watershed boundaries and HUC's are also relevant to discussions regarding compensatory mitigation, especially in light of the watershed

approach outlined in the 2008 Compensatory Mitigation Rule. Additionally, watershed boundaries may be useful to the Corps indirect and cumulative impact assessment. This assessment would require the identification of a cumulative impact area study boundaries not limited by the overall study area, which may utilize the watershed boundaries to evaluate potential cumulative impacts to WOUS and other resources.

- Pg 5-17- This section notes that effects would be minimized through the use of SWM, which further supports EPA's above concern that these facilities be identified, particularly in identified Special Protection Areas. Beyond permanent SWM controls to be utilized when the facility is open, EPA is also concerned that even though SWM will be required during construction, especially should a new highway be constructed, streams and benthic communities may be adversely impacted. Corps should consider how each alternative may affect water quality, especially for alternatives that involve a new alignment. EPA is concerned that there may be potential impacts associated with bridges and culverts, and suggests that the Corps consider effects of shading, effects on macroinvertebrate communities, temperature impacts and other affects associated with decreased canopy over the stream, and effects of sediment, TDS, and TSS. This information may also be relevant to the Corps' indirect and cumulative impacts analysis.
- Pg 5-76 states that to avoid further fragmentation of wildlife habitat and to reduce collisions between wildlife and motorists that new stream valley crossings will include bridges that are high enough and long enough to allow wildlife passage beneath the highway. While it may be possible for wildlife to physically be contained by the proposed bridges, it is not clear that these structures have been designed with wildlife crossings in mind or with the intention that they adequately or effectively allow for wildlife passage. As wildlife passage may be considered by the Corps as part of their public interest review, EPA suggests that the Corps and applicant consider at a minimum wildlife passage techniques employed by the similar and adjacent Inter-County Connector project as well as scientific peer-reviewed literature on wildlife passage. Additionally, EPA suggests that the Corps consider potential impacts to Green Infrastructure hubs and corridors in their public interest review, which may also be relevant to the Corps' indirect and cumulative impact analysis.
- Numerous community facilities are located along the various alternatives. EPA is concerned that some facilities may be adversely impacted by some of the proposed action alternatives. Should the Corps find it helpful for their public interest review, EPA suggests that the size of each facility and amount of facility impacted by the each alternative may be relevant, especially to evaluate the level of impact on facilities or if any of these facilities may be significantly impacted. This information may also be relevant to the Corps indirect and cumulative impact analysis.
- EPA requests that the Corps consider noise impacts on the community when conducting their public interest review, as well as consider concerns regarding noise raised by the community. To the extent the Corps may find the following information useful to their review, EPA suggests additional noise mapping be provided which shows the existing and no action 2030 67dBA noise contour as well as action alternative alternatives noise contours. EPA further suggests that a map showing properties impacted by noise, including those counted on Table 4-11, map showing areas that may be quality for noise abatement, and a table showing the number of new residential properties that contained in

the 67dBA above the no action be provided. Noise impact information may also be relevant to the Corps indirect and cumulative impact assessment.

### ***Indirect and Cumulative Impacts***

- EPA suggests that the Corps indirect and cumulative impact assessment begin with defining the geographic and temporal limits of the study; this is generally broader than the study area of the project. Geographic boundaries are typically shown on a map; and a historic baseline is often set at a major event changing the local environment, perhaps in this case the opening of the airfield. Appropriate maps should be provided showing the geographic boundary, as well as identified past, present and reasonably foreseeable projects.
- EPA recommends that the Corps' indirect and cumulative impact assessment include analysis specific to resources. The indirect effects analysis in the EER is limited to agricultural reserves and businesses. EPA recommends that the Corps' indirect effects analysis include other resource topics analyzed in the EER, topics relevant to the public interest review, and secondary and induced growth and development. EPA also recommends that the Corps utilize a trend analysis for resources that may be adversely affected by the proposed alternatives.
- All past, present and reasonably foreseeable projects in the project area should be included in the Corps' cumulative impact analysis. Limited direct documentation was provided in the EER and only referenced that the InterCounty Connector Draft Environmental Impact Statement/Draft Section 4(f) Evaluation. While the ICC DEIS may have provided a comprehensive list of past, present and reasonably foreseeable projects that were relative to the ICC and ICC study cumulative impact study area, EPA recommends that the Corps provide a separate assessment of cumulative impacts relevant to this permit action. The ICC project is not related to this project, and the project proponent is not the same. The ICC cumulative impact study area would not be the same as the cumulative effects study area for this project. Additionally, the DEIS was released in November 2004. Since 2004 it is reasonable to assume that area conditions have changed, which may include newly proposed projects, new construction etc that would not have been available at the time the DEIS was developed. While the ICC cumulative effects analysis may serve this project as a guide or reference, it should not be used by the Corps in place of an objective cumulative impact analysis for this project.
- The cumulative analysis provided in the EER puts heavy emphasis on the MD 355 Technology Corridor, yet improvements and development in the Technology Corridor was not adequately addressed throughout the entire EER. EPA suggests that the Corps consider additional information related to the MD 355 Technology Corridor as it pertains to their review.

### ***Environmental Justice***

- Provide a clear definition and/or boundary for the term "Economic Study Area", provide parameters or documentation used to identify it, and define how it may be different than the study area. Tracks identified as part of the economic study area should be shown in a table and depicted on a map.

- EPA is concerned regarding the manner in which the identification of areas of potential Environmental Justice concern was conducted. Suggest altering text on page 4-27 to more accurately represent the CEQ Guidance, which states, "Minority population: Minority populations should be identified where either: (a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis. In identifying minority communities, agencies may consider as a community either a group of individuals living in geographic proximity to one another, or a geographically dispersed/transient set of individuals (such as migrant workers or Native American ), where either type of group experiences common conditions of environmental exposure or effect. The selection of the appropriate unit of geographic analysis may be a governing body's jurisdiction, a neighborhood, census tract, or other similar unit that is to be chosen so as to not artificially dilute or inflate the affected minority population. A minority population also exists if there is more than one minority group present and the minority percentage, as calculated by aggregating all minority persons, meets one of the above-stated thresholds."
- It should be first of all noted that CEQ has not identified a method for identification of low income populations; however the applicant is inappropriately applying the method that CEQ used to identify minority populations for assessing low income populations. EPA is concerned with the methodology selected to identify low income populations, which used the Montgomery County Percent below poverty plus an additional 100% of that total. Doubling the low income population benchmark seems inappropriate and seems to dilute the low income census tracts that would be identified as being in areas of Environmental Justice concern. We do not agree that the selected benchmark, which is double the percentage of low income residents in Montgomery County, is appropriate and should be revised. EPA suggests utilizing a commonly used benchmark that is simply set as exceeding the state or county average, because the population figure that we are using are not the most accurate and up to date figures since there is continuing dynamic movement within the population. If the suggested method were to be used for conducting an assessment of the low income populations in the study area, then the following census tracts would need to be included: Census Tract 7003.04, Census Tract 7007.13, Census Tract 7007.16, Census Tract 7007.21, Census Tract 7008.11, Census Tract 7008.13, Census Tract 7008.33, and Census Tract 7008.34. EPA recommends including these census tracts in a labeled and shaded map.
- Please note that communities of potential Environmental Justice concern are those minority and/or low income populations that exceed the respective benchmarks, there are now a total of 20 total census tracts (instead of 19) that are in areas of potential Environmental Justice Concern (exceeding either minority and/or low income benchmarks). They are: 7001.03, 7001.04, 7001.05, 7003.04, 7007.10, 7007.13, 7007.15, 7007.16, 7007.19, 7007.21, 7007.22, 7008.10, 7008.11, 7008.12, 7008.13, 7008.30, 7008.32, 7008.33, 7008.34, and 7008.35.
- Figure 4.4 is very difficult to read. We recommend revising this figure, highlighting the areas of potential Environmental Justice concern.
- Documentation presented should be strong enough to support the finding that no impact will occur within areas of Environmental Justice concern. We recommend the focus of the assessment look at the overall project and identify who may be at risk, what those

risks may be, and how those risks may be addressed. EPA is concerned as the project study area has a large population of at risk residents and many of those impacted will be members of the population of potential EJ concern. EPA requests that the Corps analysis ensure that these populations will not be adversely impacted.

- EPA recommends that the Corps carefully consider all of the potential impacts that may take place during the course of this project, and take appropriate steps to assure that these at risk populations are protected from adverse impacts and are recipients of any benefits of the project. Corps analysis should ensure that community input regarding noise impacts, exposure to fugitive dust, displacements, takings of land, impacts on views, traffic and construction, and disruption of services is taken into consideration.





Gaithersburg  
A CHARACTER COUNTS! CITY

April 12, 2012

Mr. Greg Hwang, Capital Projects Manager  
Division of Transportation Engineering  
Montgomery County Department of Transportation  
100 Edison Park Drive, 4<sup>th</sup> Floor  
Gaithersburg, MD 20878

RECEIVED  
DOT

APR 16 2012

DIVISION OF TRANSPORTATION  
ENGINEERING

Dear Mr. Hwang

The City of Gaithersburg would like to take this opportunity to further comment on Alternative 9, being considered as an alternative retained for detailed study (ARDS), as part of the Midcounty Corridor Study, M-83. The City has been on record since 2004 (attached) voicing concerns regarding this alternative and its impacts to the City's Blohm Park.

Upon review of the conceptual engineering provided as part of the March 13, 2012 Interagency Meeting, shown below, the City offers the following initial comments:

- Blohm Park is 24.33 acres, comprised of a natural wooded trail system, marked by a Boy Scout troop, a small pond and gazebo. The goal of the Park was preservation of open passive space and was constructed to minimize the impact on the natural environment.
- The paths in Blohm Park are unpaved and need to be mowed a few times a year in order to keep them open. The three bridges where the trails cross the stream are so narrow that mowers cannot cross them. As a result, maintenance workers need to enter the park from three or four different locations in order to maintain the trails and keep them open.
- Bisecting the park with this roadway will make maintenance of the trail system even more difficult if not impossible.
- The effects of traffic so close to the Park would permanently alter the tranquil peaceful nature of this passive park.
- This alteration would be a permanent parkland loss that cannot be absorbed or replaced elsewhere in the City at this or any foreseeable time.

As such, the City would encourage the following be included into Alternative 9's background analysis:

- An updated Traffic Analysis providing data showing the necessity of this project and the benefits to the City of Gaithersburg i.e. reduced traffic on MD 355;
- Along with any stream relocation or stabilization within Blohm Park additional steps are to be taken to reduce maintenance requirements such as improving the trails, improving the bridges, or providing alternative access to the various sections of the park; and

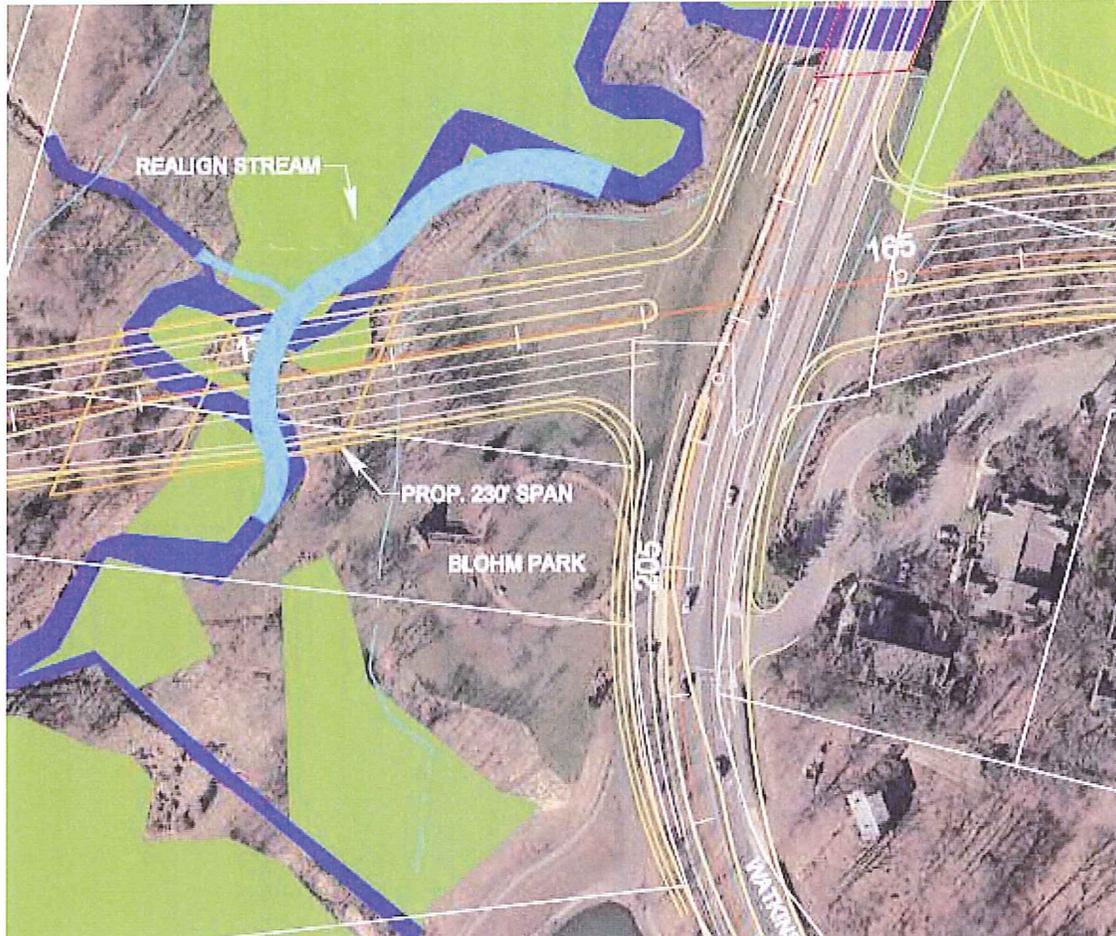
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Sidney A. Katz

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Jud Ashman  
Cathy C. Drzyzgula  
Henry F. Marraffa, Jr.  
Michael A. Sesma  
Ryan Spiegel

CITY MANAGER  
Angel L. Jones

- The existing park design should be reviewed in its entirety by Montgomery County DOT with the goal of providing a redesign and reconstruction that minimizes to the greatest extent possible the impacts of this road and creates a viable, usable park that fulfills the City's original intent.



Thank you for the opportunity to comment on this alternative and the City looks forward to continuing to work with Division of Transportation Engineering on this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Robinson III'.

Rob Robinson III, Lead  
Long Range Planning, T&E  
City of Gaithersburg

Cc:

Angel Jones, City Manager

Tony Tomasello, Deputy City Manager

Jim Arnoult, Director, DPW

Michele Potter, Director, Parks, Recreation and Culture

Ollie Mumpower, Engineering Services Director

Attachments:

Previous Comment Letters





July 14, 2010

Mr. Greg Hwang, Project Manager  
Montgomery County Department of Transportation  
Division of Transportation Engineering  
100 Edison Park Drive, 4<sup>th</sup> Floor  
Gaithersburg MD 20878

Dear Mr. Hwang:

Thank you for the opportunity to comment on the Montgomery County Department of Transportation's DRAFT *Alternatives Retained for Detailed Study* (ARDS) document for the Midcounty Corridor Study. It was noted that the ARDS defined in this document differ from the proposed ARDS that the City commented on in a letter to Mr. Bruce Johnston, Montgomery County Department of Transportation, from then acting City Manager Arnoult, dated February 25, 2008. Specifically, Alternative 11, Montgomery Village-Upper Watkins Mill, which the City supported, was not retained in the current document and Alternatives 2 and 5 were added.

Upon review, the City would like to offer the following comments on the alternatives proposed to be retained:

Alternative 1, No Build

The City acknowledges that this alternative is required to be retained for analysis purposes.

Alternative 2, Transportation Systems Management/Transportation Demand Management

The City acknowledges that this is a standard alternative retained in transportation projects.

Alternative 4, Goshen-Wightman-Brink

As stated in the 2008 letter, this alternative has little or no impact potential for the City of Gaithersburg. The City supports this alternative being included as an ARDS.

Alternative 5, MD 355

This alternative has been added to the list of ARDS since those recommended in 2008. Staff is very concerned by this alternative. This alternative directs traffic into the already failing Montgomery Village Avenue (MD 124) and MD 355 intersection and would increase overall traffic on an already congested MD 355. Many of the proposed road modifications to MD 355 are sited within the incorporated limits of the City and may

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Ryan Spiegel

CITY MANAGER  
Angel L. Jones

Mr. Greg Hwang  
July 14, 2010  
Page 2

conflict or impact both adopted Master Plans and development plans. Additionally, references to "Frederick Road" should be changed to "Frederick Avenue" within the City limits.

Alternative 8, Master Plan Alignment from Watkins Mill Road

As stated in the 2008 letter, the City has concerns in that this alternative directs additional traffic to Montgomery Village Avenue, MD 355, and Watkins Mill Road. This alternative creates the potential for "cut through" trips on Christopher Avenue and Russell Avenue. Finally, immediately following the Lower Watkins Mill section, this alternative follows the Master Plan with City Comments below.

Alternative 9, Master Plan Alignment

The City has previously voiced its concerns with this alternative in regards to potential impacts to City neighborhoods, natural resources, and Blohm Park. The City has noted the proposed bridging in this area to minimize impacts and as further studies are completed, looks forward to reviewing the results.

Once again, the City is encouraged to see progress on this much needed project to alleviate pressures on both I-270 and MD 355. Thank you for the opportunity to comment on the DRAFT *Alternatives Retained for Detailed Study* and the City looks forward to continuing to partner with the County on the Midcounty Corridor Study.

Sincerely,



Greg Ossont, Director  
Planning and Code Administration

Attachment

cc: Angel Jones, City Manager  
Mayor and City Council  
Jim Arnoult, Director Public Works  
Ollie Mumpower, Engineering Services Director



Distribution M&C: 3/3/08

February 25, 2008

Mr. Bruce Johnston P.E.  
Division Chief  
Division of Capital Development  
DPWT  
101 Monroe Street 9th Floor  
Rockville MD 20850

RE: Midcounty Corridor Study

Dear Mr. Johnston:

Thank you for the opportunity to comment on the M-83, Midcounty Corridor Study. We are very excited to see progress in this much needed alternative to Maryland Route 355. However, as you are aware, the City of Gaithersburg is directly impacted by the project and we continue to be concerned about the potential negative impacts that this project may have on the City's infrastructure, communities, parks and natural resources. Environmental concerns were summarized in a letter from the City's Environmental Affairs Director, Erica Shingara dated October 8, 2004. A copy is attached for your review.

Upon review, it was noted that 5 alternatives have been recommended to be retained for more detailed study. While the City notes the basis and reasoning for retaining alternatives 1, 4, 8, 9 and 11, the City maintains its concerns on the impacts of each alternative. More specifically, the following is a summary of City concerns as it relates to each alternative:

**Alternative 1 (No Build)** – This alternative is the “no build” option which is required to be maintained throughout the evaluation period.

**Alternative 4 (Goshen-Wightman-Brink)** – This alternative has little or no impact potential for the City of Gaithersburg. Staff supports this alternative being included as an ARDS.

**Alternative 8 (Lower Watkins Mill – Master Plan)** – Staff notes that this alternative directs additional traffic to Montgomery Village Avenue, MD 355, and Watkins Mill Road. Additionally, this alternative creates the potential for “cut through” trips on Christopher Avenue and Russell Avenue. Finally, immediate following the Lower Watkins Mill section, this alternative follows the Master Plan alignment which significantly impacts both City neighborhoods, natural resources and Blohm Park.

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ACTING CITY MANAGER  
James D. Annult

Mr. Bruce Johnston  
Page 2  
February 25, 2008

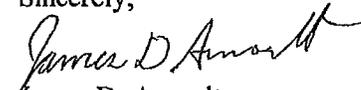
Alternative 9 (Master Planned Alternative) – Staff notes significant impacts to City neighborhoods, natural resources and park properties.

Alternative 11 – Montgomery Village – Upper Watkins Mill – This alternative has little or no impact to the City. Staff supports this alternative being included as an ARDS.

Additionally, City staff will be contacting Montgomery County staff to request a public work session on the M-83, Midcounty Corridor project. It has been several years since the Mayor and City Council have been briefed on this project by County staff and I believe it would be beneficial to do so as the Montgomery County Department of Public Works and Transportation moves forward into the preparation of the ARDS Concurrence and Draft Environmental Document phases of the study.

Thank you again for the opportunity to comment on the M-83, Midcounty Corridor project.

Sincerely,

  
James D. Arnoult  
Acting City Manager

Attachment

cc: Mayor and City Council  
Fred Felton, Assistant City Manager  
Greg Ossont, Planning and Code Administration  
Lauren Pruss, Planning Director  
Erica Shingara, Environmental Affairs



October 8, 2004

Ms. Jeri Cauthorn  
Montgomery County Department of Public Works and Transportation  
101 Monroe Street  
Rockville, Maryland 20850-2540

Re: **MidCounty Highway/Middlebrook Rd**

Dear Ms. Cauthorn:

Thank you for the opportunity to review and comment on the *Draft Environmental Site Assessment for Midcounty Highway/Middlebrook Road, Montgomery Village Avenue to MD 27 (Ridge Road), Project No. 509337*. Gaithersburg recognizes the need for regional transportation improvements and the draft report represents an ambitious, comprehensive effort to carefully examine the environmental resources that are potentially impacted by the proposed project.

Upon review, the City of Gaithersburg has the following initial comments:

1. On the Environmental Feature Plan (sheet 2 of 9), near the Watkins Mill Crossing, the map does not identify a potential or proposed right-of-way (ROW) for the proposed highway extension. Including a proposed ROW on this map would help the City evaluate potential impacts on the Windbrooke Community, stream and wetland areas, and Blohm Park.
2. *Residential communities:* The highway extension is in close proximity to several residential communities within the City and will likely impact these communities. Such communities include Village Overlook, Woodland Hills, Montgomery Meadows (not identified in the text of the draft report), and Windbrooke. The City requests that this project work closely with these communities to educate them on the proposed project and provide opportunities for public comment and participation. The City would be willing to assist with this process.
3. *Stormwater management:* Wetland Area 2 is a stormwater management facility for the Woodland Hills development. How will the project impact this facility? If this facility is impacted, will additional stormwater management measures be designed to control and treat runoff from this community? How will the project provide stormwater management for the proposed roadway expansion?

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CITY MANAGER  
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Ms. Jeri Cauthorn

Page 2

October 8, 2004

4. *Wetlands and Waters of the U.S.*: Portions of the proposed alignment near Watkins Mill Elementary School and Blohm Park fall within wetlands, forested steep slopes, erodible soils, hydric soils, and clusters of specimen trees. According to Gaithersburg's Environmental Standards for Development Regulation, the City requires a 50 foot-wide buffer around wetlands. The City requests an evaluation of alternatives for this area to minimize impacts on environmental sensitive areas.
5. *Parkland*: The project is proposed to bisect Gaithersburg's Blohm Park, located at 18900 Watkins Mill Road. This park contains trails, a pond, bridges, and a gazebo. The City requests additional information on the proposed impacts to this park and any mitigation measures.
6. *Forests*: According to the report, 63% of the 120-foot-wide right-of-way corridor is forested and approximately 307 specimen trees may be impacted by the proposed project. It would be helpful to include the specimen/significant tree numbers on the Environmental Features Plan to coordinate with Table 3. Will there be reforestation mitigation requirements for the project?
7. *Noise*: The report does not reference existing sources or noise and potential noise impacts. Considering the proximity to surrounding residential areas and wildlife areas, will a noise analysis be conducted as part of future planning?

Gaithersburg recognizes the complexity of balancing transportation demands and community impact with environmental protection and looks forward to future coordination on this project. If you have any questions regarding these comments, please do not hesitate to contact me at 301-258-6310.

Sincerely,



Erica Shingara  
Environmental Specialist

cc: David B. Humpton, City Manager  
Fred Felton, Assistant City Manager  
Tony Tomasello, Assistant City Manager  
Greg Ossont, Director of Planning and Code Administration  
Jim Arnoult, Director of Public Works, Parks Maintenance & Engineering  
Michele McGleish, Director of Parks, Recreation & Culture



August 24, 2012

Mr. Greg Hwang, Capital Projects Manager  
Division of Transportation Engineering  
Montgomery County Department of Transportation  
100 Edison Park Drive, 4<sup>th</sup> Floor  
Gaithersburg, MD 20878

Dear Mr. Hwang

The City of Gaithersburg would like to again thank you and your team for meeting with staff August 6, 2012. The City appreciates the opportunity to further comment on Alternatives 5, 8, and 9 being considered as alternatives retained for detailed study (ARDS), as part of the Midcounty Corridor Study, M-83.

Upon meeting with your team and reviewing your Response Letter, dated August 8, 2012 the City offers the following comments:

Alternative 5:

The City would re-emphasize our opposition to this alternative. This alternative increases traffic on MD 355, Frederick Avenue and impacts the MD 355-MD 124 intersection; however, in the County's Response Letter, 2030 CLVs in the AM and PM for this currently failing intersection are forecast to be below the City's APFO standard of 1450. Staff questions the reasoning behind these numbers. The proposed improvements, such as services roads and MD 355 widening, seem more "theoretical" rather than feasible. Staff believes such improvements will involve property acquisitions, which the City opposes, and consensus from State Highway Administration (SHA). The City would like to review SHA's position on this alternative and Alternative 8. Further this alternative does not address the inclusion of a RTV system as proposed in the County Executive's "Transit Task Force Report" or how such a system impacts the need for any expansion of M-83, Midcounty Highway.

Alternative 8:

This City also opposes this alternative in that it includes the fundamental issues related to the previous alternative discussed, plus the impacts to Blohm Park opposed in Alternative 9. The County Response Letter shows all intersections operating at a LOS D or better. In order for this to work a number of improvements are needed that cannot be made without impacting existing businesses. For example, the widening needed to make MD 355 – Watkins Mill Road work at an acceptable LOS appears to require widening southbound MD 355 from 4 lanes to 7 and eastbound Watkins Mill Road from 4 lanes to 6. Again, the City would oppose property takings. Further, the City is opposed to adding any M-83 "thru" traffic to the local streets. We continue to express concerns on the true impacts to the adjacent streets such as Russell Avenue and Christopher Avenue as well as the impacts to future redevelopment efforts in this vicinity.

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038  
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Michael A. Sesma  
Ryan Spiegel

ACTING CITY MANAGER  
Tony Tomasello

Page 2.

Alternative 9:

The City has long documented its concerns regarding the Master Plan Alignment and its impacts to the City's Blohm Park. This alternative would fundamentally change if not effectively destroy the form and function of this park. The passive, scenic park would no longer exist. Should this alternative be chosen as the preferred alternative, the City would request the following be considered as part of the alternative:

- Relocation of the existing gazebo structure;
- Location of new parking as a result of the loss of on-street spaces;
- An exchange of County owned parkland adjoining the City's corporate limits to replace impacted acreage; and
- Participation in constructing a repurposing of the park as an "active" amenity which could include design/build of a new skate park.

Thank you for the opportunity to comment on these alternatives and the City looks forward to continuing to work with Division of Transportation Engineering on this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Robinson III', with a stylized flourish at the end.

Rob Robinson III, Lead  
Long Range Planning  
City of Gaithersburg

Cc:

Tony Tomasello, Acting Deputy City Manager

Jim Arnoult, Director, DPW

Michele Potter, Director, Parks, Recreation and Culture

John Schlichting, Director, Planning & Code Administration

Ollie Mumpower, Engineering Services Director



July 17, 2013

Mr. Jack Dinne, CENAB-OP-RMN  
U.S. Army Corps of Engineers  
Baltimore District  
P.O. Box 1715  
Baltimore, Maryland 21203-1715

Mr. Sean McKewen  
Maryland Department of the Environment  
Wetlands and Waterways Program  
160 South Water Street  
Frostburg, Maryland, 21532

Dear Sirs

The City of Gaithersburg would like to take this opportunity to comment on the Midcounty Corridor Study (MCS) released for public hearing. The City has long been involved with this project as a stakeholder and offers the following:

General Comments:

The City acknowledges the need for regional transportation alternatives to serve a growing population in this region. The MCS defines the “Project Need”. Prior to comments related to specific Alternatives, the City offers the following related to the “Project Need”:

*Reduce existing and future congestion.*

The document discusses the congestion on I-270 as a detriment to future economic growth; however, no data is provided to show how the various alternatives will impact I-270. While analysis of the alternatives is shown regarding congestion reductions on MD 355, the City would recommend that as part of any final environmental impact study (FEIS) modeling be restudied using current data. Based upon recent traffic counts initiated by the City, it appears that east/west traffic has been reduced significantly since 2011: Much of the data used in the MCS may no longer be accurate or reflect changing dynamics. Further, the study states MWCOG Regional Forecast Round 8.0 was used in the modeling. It is to be noted the current round is 8.2 with 8.3 to begin Fall 2013 and 9.0, Fall 2014. Lastly, the City supports the inclusion of a rapid transit vehicle (RTV) system as proposed in the County Executive’s “Transit Task Force Report” and how such a system impacts the need for any expansion of M-83, Midcounty Highway as part of this study. While it is stated that the potential RTV system was not included because it is not funded or in the CLRP, continued references to an unplanned/unfunded possible connection to the ICC are made as a benefit to specific alternatives. This is not consistent.

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Ryan Spiegel

CITY MANAGER  
Tony Tomasello

*Improve vehicular safety.*

The City questions the improvement to vehicular safety stated because the majority of conflict points, i.e. curb cuts on MD 355 remain regardless of alternative selected and further, as shown in the study, the City of Gaithersburg accident rates will be relatively unaffected regardless of alternative selected.

*Enhance the efficiency of the roadway network and improve the connections between economic centers.*

The City has concerns regarding the claimed improvements to the roadway network. Some of the alternatives proposed may divert traffic to City streets not currently impacted. The economic centers discussed include the Life Sciences Center and businesses such as MedImmune-both well outside of the study area. Further, the City questions the proposed benefits of the “ladder configuration” discussed. It does not seem efficient that a driver would exit a congested I-270 to drive past MD 355 to join M-83, especially if the intended destination is anywhere but the Shady Grove Metro area. As to efficiency, the City notes that the travel time savings along MD 355 illustrated in Figure 3-12 at best equates to  $\pm 8$  minutes northbound (Alternative 8) and  $\pm 10$  minutes southbound (Alternative 9) during the peak hour; however, this savings is over an approximately 5 mile span and potentially unnoticeable by a driver not traversing the full 5 mile route. The City again questions the overall impacts of the alternatives for such a relatively small savings in drive time.

*Accommodate planned land use and future growth.*

For the City of Gaithersburg, many of the proposed alternatives conflict with City goals and Master Plan recommendations including not facilitating RTV on Frederick Avenue, losing passive open space, and potentially impacting current and future commercial properties and growth along Frederick Avenue. The study in fact states Alternative 5 would have the greatest potential for long-term indirect effects on businesses through changes in access attributable to the closure of existing entrances and the construction of service roads.

*Provide bicycle and pedestrian connections.*

The City’s adopted 2009 Transportation Element identifies the deficiencies of the MD 355 bicycle/pedestrian facilities. The City believes none of the alternatives proposed address these issues. The bicycle/pedestrian facilities proposed would have little benefit to the City as it relates to MD 355 or connectivity for activity nodes within the City.

*Improve the quality of life.*

The City has no comments regarding Homeland Security issues. As to improving quality of life, the study presented states this is accomplished through reduced commuting times and offering safer alternatives to congested local roads; however, as shown previously the City questions whether these claims are valid as it relates within our incorporated limits. While the quality of life may improve for Clarksburg and Germantown-at what cost to Gaithersburg?

Comments Related to Alternatives:

Alternative 2:

The City can support Alternative 2, TSM/TDM methods. This alternative is shown in the MCS to alleviate congestion and improve drive times with minimal investment utilizing the existing infrastructure and public rights-of-way, coupled with new express bus service. While this alternative is stated to not substantially improve vehicular traffic safety or mobility; would not provide a new highway or additional lane capacity; and would not provide additional bicycle and pedestrian connections as opposed to other alternatives, the City as discussed has questioned these claims regardless. This alternative would have the least impact to natural resources, parks, and property while still providing relief on MD 355 within the City.

Alternative 5:

The City would like to re-emphasize our opposition to this alternative. The City of Gaithersburg has long expressed its opposition to any alternative that directs traffic onto MD 355, Frederick Avenue. The proposed improvements, such as services roads and MD 355 widening, seem more “theoretical” rather than feasible. The MCS acknowledges such improvements will involve property acquisitions and land use impacts conflicting with zoning approvals previously granted by the City. The City further questions whether there is consensus from State Highway Administration (SHA) regarding these proposed changes. The City would like to review SHA’s position on this alternative and Alternative 8. Again as stated, this alternative does not address the inclusion of a RTV system as proposed in the County Executive’s “Transit Task Force Report” and currently being studied.

Alternative 8:

This City also opposes this alternative in that it includes the fundamental issues related to the previous alternative discussed, plus the impacts to Blohm Park opposed in Alternative 9. In order for this alternative to work a number of improvements are needed that cannot be made without impacting existing properties located within the City. Further, the City is opposed to adding any M-83 “thru” traffic to the local streets. We continue to express concerns on the true impacts to the adjacent streets such as Russell Avenue and Christopher Avenue as well as the impacts to future redevelopment efforts in this vicinity. The study references M-83 as a northern Great Seneca Highway; however, it is the City’s opinion that this type of traffic should not be directed onto the City streets in this area.

Alternative 9:

The City has long documented its concerns regarding the Master Plan Alignment and its impacts to the City’s Blohm Park. This alternative would fundamentally change if not effectively destroy the form and function of this park. The passive, scenic park would no longer exist.

Should this alternative be chosen as the preferred alternative, the City would request the following be considered as part of the alternative:

- Relocation of the existing gazebo structure;
- Location of new parking as a result of the loss of on-street spaces;
- An exchange of County owned parkland adjoining the City's corporate limits to replace impacted acreage; and
- Participation in constructing a repurposing of the park as an "active" amenity which could include design/build of a new skate park or similar type use.

In short, the City would prefer Alternative 2, but should it have to choose between the three other alternatives located within the City of Gaithersburg, the Master Plan alignment would be the least objectionable provided the considerations discussed above were made part of Alternative 9. Thank you for the opportunity to comment on the Midcounty Corridor Study.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Robinson III', with a stylized flourish at the end.

Rob Robinson III, Lead  
Long Range Planning  
City of Gaithersburg

Cc:

Mayor & City Council  
Tony Tomasello, City Manager  
Jim Arnoult, Director, DPW  
John Schlichting, Director, Planning & Code Administration  
Ollie Mumpower, Engineering Services Director  
Greg Hwang, Capital Projects Manager, Montgomery County Department of Transportation  
Matthew Folden, Planner Coordinator, Montgomery County Planning Department