



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Secretary

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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



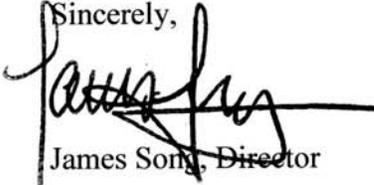
Mr. Sean McKewen  
Maryland Department of the Environment  
Wetlands and Waterways Program  
160 South Water Street  
Frostburg, Maryland 21532

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.

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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,



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