

APPENDIX
AGENCY CORRESPONDENCE

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United States Department of Agriculture



Natural Resources Conservation Service
28577 Mary's Court, Suite 3
Easton, Maryland 21601-7499

Phone: 410 822-1577 ext. 3

TO: Paul Wettlaufer, Senior Environmental Planner
RK&K
81 Mosher St.
Baltimore, Maryland 21217

DATE: 7/9/2012

SUBJECT: Farmland Protection Policy Act
Environmental Assessment for
Midcounty Corridor Project
Montgomery County, Maryland

Dear Mr. Wettlaufer:

The Natural Resources Conservation Service responsibility pertaining to the Farmland Protection Policy Act (FPPA) is to provide technical assistance for the Act by evaluating and completing Parts II, IV, and V of the Farmland Conversion Impact Rating for Corridor Type Projects form, CPA-106. The purpose of the Act is to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses.

We have completed our sections of the form. See attachment.

If you require any additional information, please let us know.

Sincerely,

A handwritten signature in blue ink that reads "James E. Brewer". The signature is written in a cursive style with a large initial "J".

James E. Brewer, CPSS/SC
NRCS Resource Soil Scientist
Easton, Maryland
410 822-1577 ext. 121
james.brewer@md.usda.gov

cc: John G. Warfield Jr., Derwood, MD
Amanda Moore, Annapolis, MD

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request 6/14/12	4. Sheet 1 of 1
1. Name of Project Midcounty Corridor Study		5. Federal Agency Involved US Army Corps of Engineers	
2. Type of Project Highway		6. County and State Montgomery County, MD	
PART II (To be completed by NRCS)		1. Date Request Received by NRCS 6/17/12	2. Person Completing Form James Brewer, RSS
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated na	Average Farm Size 121
5. Major Crop(s) Corn, Soybean, Wheat	6. Farmable Land in Government Jurisdiction Acres: 259,484 % 79	7. Amount of Farmland As Defined in FPPA Acres: 196,219 % 60	
8. Name Of Land Evaluation System Used Modified LESA	9. Name of Local Site Assessment System na	10. Date Land Evaluation Returned by NRCS 7/9/12	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	2.8	18.9	3.1	34.4
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor	2.8	18.9	3.1	34.4

PART IV (To be completed by NRCS) Land Evaluation Information	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres Prime And Unique Farmland	2.2	15.9	2.5	17.7
B. Total Acres Statewide And Local Important Farmland	0.6	1.8	0.6	13.8
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.01	0.01	0.01	0.02
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	91	61	91	61

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)	Corridor A	Corridor B	Corridor C	Corridor D
	52	81	51	80

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points	Corridor A	Corridor B	Corridor C	Corridor D
1. Area in Nonurban Use	15				
2. Perimeter in Nonurban Use	10				
3. Percent Of Corridor Being Farmed	20				
4. Protection Provided By State And Local Government	20				
5. Size of Present Farm Unit Compared To Average	10				
6. Creation Of Nonfarmable Farmland	25				
7. Availability Of Farm Support Services	5				
8. On-Farm Investments	20				
9. Effects Of Conversion On Farm Support Services	25				
10. Compatibility With Existing Agricultural Use	10				
TOTAL CORRIDOR ASSESSMENT POINTS	160	0	0	0	0

PART VII (To be completed by Federal Agency)	Maximum Points	Corridor A	Corridor B	Corridor C	Corridor D
Relative Value Of Farmland (From Part V)	100				
Total Corridor Assessment (From Part VI above or a local site assessment)	160	0	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	0	0	0	0

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
5. Reason For Selection:			

Signature of Person Completing this Part: _____ DATE _____

NOTE: Complete a form for each segment with more than one Alternate Corridor

June 14, 2012

Mr. James E. Brewer, CPSS/SC
Resource Soil Scientist
Natural Resources Conservation Service
28577 Mary's Court, Suite 3
Easton, Maryland 21601-7499

Dear Mr. Brewer:

In accordance with the Farmland Protection Policy Act, Rummel, Klepper & Kahl (RK&K) is submitting a revised Farmland Conversion Impact Rating form (NRCS-CPA-106) on behalf of the Montgomery County Department of Transportation (MCDOT). MCDOT is evaluating several alternative alignments for the extension of Midcounty Highway (also known as M-83) from Goshen Road to MD Route 27 (Ridge Road). Alternative 4 and three Northern Terminus Options of Alternative 9 would impact farmland on the Benson-Sibley Farm, the Woodfield Farm, and the farmed portion of the All Souls Cemetery (see enclosed figures).

The Benson-Sibley Farm is a 120-acre property which has access to Brink Road. It is currently owned by the Bethel Church, which uses the farmhouse as a residence for the pastor. A shed and milk house are no longer used, and have deteriorated. The Church has an application pending for the construction of a church and school, but has been unable to obtain septic approval. This property's fields are leased to several local farmers and parishioners.

The Woodfield Farm is a 105-acre farmstead which has access to Wildcat Road. The property contains a farmhouse constructed in 1903, and two sheds, which are all that remain of the original farm complex. The farmhouse and out-buildings, which have been abandoned by the current owner, are deteriorated, but the fields are leased to a local farmer who is cultivating them.

In accordance with your instruction, we have revised our assessment of farmland impact acreage to include the acquisition of property from the All Souls Cemetery.

Corridor A on the attached form corresponds to highway Alternative 4 Modified. This alternative would widen Brink Road from 2 lanes to a 4-lane divided highway. With this alternative, a sliver of property would need to be acquired from both the Benson-Sibley Farm and the Woodfield Farm, amounting to 2.8 acres of farmland conversion. (The portion of Brink Road along the All Souls Cemetery is already 4 lanes wide.)

Corridor B corresponds to Northern Terminus Option A of Alternative 9. This alternative would provide a 4-lane divided highway on a new alignment that would follow Wildcat Road for a distance of 1000 feet north of Brink Road before swerving to cross the farmland in the rear of the All Souls Cemetery. With this alternative, the impact to the farmed portion of the All Souls Cemetery would result in an 18.9-acre farmland conversion. Farmland remaining on either side of this alternative would continue to be accessible by farm equipment; therefore, this alternative would not result in any indirect conversion of farmland.

Corridor C corresponds to Northern Terminus Option B of Alternative 9. This alternative would necessitate the widening of Brink Road to a 4-lane divided highway, resulting in a farmland conversion of 3.1 acres from Benson-Sibley Farm and Woodfield Farm.

Mr. James Brewer
June 14, 2012
Page 2



Corridor D corresponds to Northern Terminus Option D of Alternative 9. This alternative would provide a 4-lane divided highway on a new alignment bisecting the Benson-Sibley Farm, Woodfield Farm, and the farmland on the All Souls Cemetery property, resulting in a 34.4-acre conversion of farmland. Farmland remaining on either side of this alternative would continue to be accessible by farm equipment; therefore, this alternative would not result in any indirect conversion of farmland.

We have completed Parts I and III of Form CPA-106. We request your assistance in completing Parts II, IV, and V, and request that you return the form to RK&K at 81 Mosher Street, Baltimore, MD 21217. Thank you for your assistance. If you have any questions, please call me at 410-462-9139 or email me at pwettlaufer@rkk.com

Sincerely,

Rummel, Klepper & Kahl, LLP

Paul R. Wettlaufer
Senior Environmental Planner

Enclosures

CC: Greg Hwang, MCDOT



REPLY TO
ATTENTION OF

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

DEC 21 2011

RECEIVED
DOT

DEC 22 2011

DIVISION OF TRANSPORTATION
ENGINEERING

Operations Division

Montgomery County Department of Transportation
Attn: Mr. Gwo-Ruey Hwang, P.E.
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878

Dear Mr. Hwang:

This is in reference to your request as part of **CENAB-OP-RMN (MID COUNTY CORRIDOR STUDY) 2007-07102-M15**, for a preliminary determination of the presence or indications of the approximate location(s) of waters of the United States, including wetlands adjacent to Whetstone Run and unnamed tributaries in the vicinity of Blohm Park on Watkins Mill Road in Gaithersburg, Montgomery County, Maryland.

A field inspection was conducted on November 29, 2011. This preliminary jurisdictional determination finds that there "may be" waters of the United States, including wetlands within the review area as indicated by the approximate location(s) of waters of the United States, including wetlands within the review area on the enclosed drawing dated December 7, 2011 and identifies all potential jurisdictional waters and wetlands within the review area. These areas may be regulated by this office pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act.

This preliminary jurisdictional determination is based on the information included on the enclosed Preliminary Jurisdictional Determination Form and is not appealable. If you do not agree with the extent of waters or wetlands and this preliminary JD, you are hereby advised of your option to request and obtain an approved JD from this office at the address above. An approved JD is an official, written Corps determination stating the presence or absence of jurisdictional waters of the United States and identifies the limits of waters of the United States on a project site. An approved JD can be relied upon for a period of 5 years and can be appealed through the Corps' administrative appeal process set out at 33 CFR Part 331.

You are reminded that any grading or filling of waters of the United States, including wetlands, is subject to Department of the Army authorization. State and local authorizations may be required to conduct activities in these locations. Wetlands under the jurisdiction of the Maryland Department of the Environment (MDE) may be located on the parcel. You may contact the MDE for information regarding jurisdiction and permitting requirements at (410) 537-3768. In addition, the Interstate Land Sales Full Disclosure Act may require that prospective buyers be made aware, by the seller, of the Federal authority over any waters of the United States, including wetlands, being purchased.

In future correspondence and permit applications regarding this area of review, please include the file number located in the first paragraph of this letter.

A copy of this letter will be furnished to Mr. Jeff Thompson, MDE-Nontidal Division for informational purposes. If you have any questions concerning this letter, please contact me at (410) 962-6005.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Dinne", with a large, stylized flourish extending to the right.

Jack Dinne
Maryland Section Northern

Enclosures

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): 12/7/11

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
Montgomery County Department of Transportation, Mr. Greg Hwang, P.E., 100 Edison Park Drive, 4th Floor, Gaithersburg, MD 20878

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: See above

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State:MD County/parish/borough: Montgomery City: Gaithersburg

Center coordinates of site (lat/long in degree decimal format): Lat. 39. 166° N, Long. - 77.216° W.

Universal Transverse Mercator:

Name of nearest waterbody: Whetstone Run

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet: 10-12 width (ft) and/or acres.

Cowardin Class: Riverine

Stream Flow: /Perennial and intermittent

Wetlands: 8.52 acres.

Cowardin Class: PFO, PFO/PSS and PSS/PEM

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date:

Field Determination. Date(s): 11/29/10

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

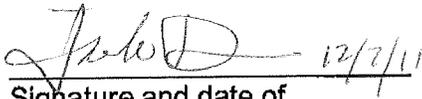
2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply

- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Map 1 and Map 2.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
 - USGS NHD data. Figure 2
 - USGS 8 and 12 digit HUC maps. 7.5 Min. Gaithersburg
- U.S. Geological Survey map(s). Cite scale & quad name: Quadrangle
- USDA Natural Resources Conservation Service Soil Survey. Citation: Figure 3: NRCS Soil Soil Survey
- National wetlands inventory map(s). Cite name: Figure 4: NWI
- State/Local wetland inventory map(s): Map 1 and Map 2
- FEMA/FIRM maps: Figure 5: FEMA Map
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): .
or Other (Name & Date): Site Photos
- Previous determination(s). File no. and date of response letter: .
- Other information (please specify): Wetland Memo

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.


Signature and date of
Regulatory Project Manager
(REQUIRED)


Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining
the signature is impracticable)

Figure 1
Midcounty Corridor Study – Fall 2011 Wetland Delineation at Whetstone Run and Blohm Park, Montgomery County, Maryland

Wetland Number	Latitude	Longitude	Cowardin Class	Estimated Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
W53	39.165898	-77.216595	Riverine, Upper Perennial (WOUS)	0.86	Non-Section 10
W54	39.165803	-77.216618	Riverine, Intermittent (WOUS)	0.07	Non-Section 10
W55	39.165327	-77.216839	Palustrine Forested (PFO)	1.66	Non-Section 10 - Wetland
W56	39.166476	-77.215092	Palustrine Forested (PFO)	0.02	Non-Section 10 - Wetland
W57	39.166225	-77.215616	Palustrine Forested (PFO)	0.04	Non-Section 10 - Wetland
W58	39.166371	-77.216032	Palustrine Forested (PFO)	0.06	Non-Section 10 - Wetland
W59	39.165363	-77.215927	Palustrine Forested (PFO)	0.60	Non-Section 10 - Wetland
W60	39.165835	-77.216414	Palustrine Forested (PFO)	0.18	Non-Section 10 - Wetland
W61/W62	39.167082	-77.214568	Palustrine Forested/Scrub-shrub (PFO/PSS)	4.83	Non-Section 10 - Wetland
W63	39.166236	-77.2179	Palustrine Scrub-Shrub/Emergent (PFO/PEM)	0.98	Non-Section 10 - Wetland
W64	39.166046	-77.216069	Palustrine Scrub-Shrub/Emergent (PFO/PEM)	0.16	Non-Section 10 - Wetland
W65	39.166718	-77.216014	Riverine, Intermittent (WOUS)	0.03	Non-Section 10



DEC 07 2011



DEC 07 2011



REPLY TO
ATTENTION OF

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

JAN 07 2011

Operations Division

Montgomery County Department of Transportation
Attn: Mr. Bruce E. Johnson, P.E. Chief
Division of Transportation Engineering
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878

Dear Mr. Johnson:

The Baltimore District of the U.S. Army Corps of Engineers (Corps) has completed its review of the Alternatives Retained for Detailed Study (ARDS) document, dated November 29, 2010, developed for the Midcounty Corridor Study. Based on the information provided, we concur that the alternatives that are proposed to be 'retained' as identified in the ARDS should be carried forward under the NEPA/404 Process.

A copy of this letter is being furnished to Mrs. Barbara Rudnick, EPA - Region 3, Mr. Bob Zepp, U.S. Fish & Wildlife Service - Chesapeake Bay Field Office, Mr. Jeff Thompson, MDE - Nontidal Wetlands Division, and Mr. Greg Golden, DNR - Environmental Review Unit. If you have any questions concerning this matter, please contact me at (410) 962-4503.

Sincerely,

A handwritten signature in black ink, appearing to read "SME", written over a horizontal line.

Stephen M. Elmsky
Biologist, Maryland Section Northern

Enclosure

Alternatives Retained for Detailed Study

Project Name: Midcounty Corridor Study (MCS), Montgomery County, Maryland

Having reviewed the June 2010 draft Alternatives Retained for Detailed Study (ARDS) document and the November 29, 2010 supplement letter, (by signing this document) the following agency:

U.S. Environmental Protection Agency U. S. Army Corps of Engineers

Maryland Department of the Environment

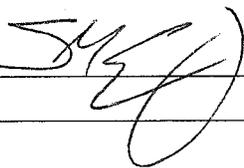
Concurs (without comments) **Concurs (w/ minor comments)** **Does Not Concur**

Comments / Reasons for Non-Concurrence:

Note: Please do not provide "conditional" concurrence. You should either concur with the information as provided (without comments or with minor comments) or non-concur until revisions are made or additional information is provided.

Additional Information Needed:

Signature: _____



Date: _____

1-7-11



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

November 29, 2010

Arthur Holmes, Jr.
Director

Mr. Joe DaVia
US Army Corps of Engineers
CENAB-OP-RMN
Post Office Box 1715
Baltimore, Maryland 21203-1715

**Re: Midcounty Corridor Study
Alternatives Retained for Detailed Study (ARDS)
Modified ARDS Recommendations**

Dear Mr. DaVia,

This letter is to obtain your concurrence on the Montgomery County Department of Transportation's (MCDOT) Midcounty Corridor Study (MCS) Alternatives Retained for Detailed Study (ARDS).

MCDOT is requesting formal concurrence from the United States Army Corps of Engineers (USACE), US Environmental Protection Agency (USEPA) and Maryland's Department of the Environment (MDE) on the alternatives below:

Alternatives recommended for detailed study (see enclosed map):

- Alternative 1, No Build;
- Alternative 2, Transportation Systems Management/Travel Demand Management;
- Alternative 4 Modified, Brink-Wightman-Goshen-Snouffer School-Muncaster Mill;
- Alternative 5, MD 355 with Service Roads;
- Alternative 8, Master Plan Alignment truncated at Watkins Mill Road;
- Alternative 9, Master Plan Alignment; and
- Master Plan Alignment Northern Terminus Options A, B, and D.

Enclosed in more detail is a chronological summary of discussions and meetings that lead to the above set of final alternatives, a map depicting the FINAL recommended ARDS and a matrix capturing all the ARDS comments received and MCDOT's responses.

We appreciate the time and expertise you have provided on the Midcounty Corridor Study and look forward to working together in developing the environmental document.

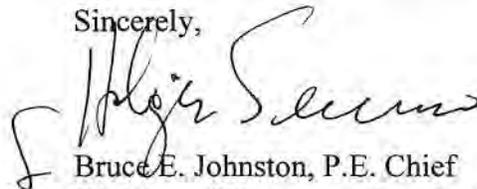
Division of Transportation Engineering

November 29, 2010

Page 2

A concurrence form is enclosed for your signature. Should you have any questions regarding the study, please feel free to contact Mr. Greg Hwang, the Project Manager, at 240-777-7279. Thank you for your continuing support and participation in the MCS.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Johnston". The signature is written in a cursive style with a large initial "B".

Bruce E. Johnston, P.E. Chief
Division of Transportation Engineering

BEJ:mwc

Enclosures

cc: Greg Hwang, MCDOT
Rick Adams, RK&K

Alternatives Retained for Detailed Study

Project Name: Midcounty Corridor Study (MCS), Montgomery County, Maryland

Having reviewed the June 2010 draft Alternatives Retained for Detailed Study (ARDS) document and the November 29, 2010 supplement letter, (by signing this document) the following agency:

_____ U.S. Environmental Protection Agency _____ U. S. Army Corps of Engineers

_____ Maryland Department of the Environment

___ **Concurs (without comments)** ___ **Concurs (w/ minor comments)** ___ **Does Not Concur**

Comments / Reasons for Non-Concurrence:

Note: Please do not provide “conditional” concurrence. You should either concur with the information as provided (without comments or with minor comments) or non-concur until revisions are made or additional information is provided.

Additional Information Needed:

Signature: _____

Date: _____

November 29, 2010

Montgomery County Department of Transportation

Midcounty Corridor Study (MCS)
Alternatives Retained for Detailed Study (ARDS)

THE MODIFICATIONS TO THE JUNE 2010 ARDS RECOMMENDATIONS

This document supplements the June 2010 *Draft Alternatives Retained for Detailed Study* (ARDS) document to provide the following modifications to the recommendations presented in the June 2010 ARDS document:

- (1) Retain Alternative 4 Modified (Brink-Wightman-Snouffer School-Goshen-Muncaster Mill) and drop Alternative 4 (Goshen-Wightman-Brink).
- (2) Retain Master Plan Alignment Northern Terminus Options A, B and D and drop Option C.

These modifications reflect the consensus that were reached in the discussions with the environmental agencies, beginning with the circulation of the June 2010 ARDS document, and followed by ARDS comments from agencies and stakeholders, a September 15, 2010 meeting and the revised ARDS recommendations dated October 15, 2010 and November 5, 2010.

The following discussion summarizes the progression from the original recommendations contained in the June 2010 ARDS document to the final suite of the Alternatives Retained for Detailed Study presented herein

The June 2010 ARDS Recommendations

The original recommendations, contained in the June 2010 ARDS document, consisted of the following:

Alternatives recommended for detailed study:

- Alternative 1, No Build;
- Alternative 2, Transportation Systems Management/Travel Demand Management;
- Alternative 4, Goshen-Wightman-Brink;
- Alternative 5, MD 355 with Service Roads;
- Alternative 8, Master Plan Alignment from Watkins Mill Road Northward;
- Alternative 9, Master Plan Alignment; and
- Master Plan Alignment Northern Terminus Options A and C.

Alternatives NOT recommended for detailed study:

- Alternative 3, Montgomery Village-Wightman-Brink;
- Alternative 6, MD 355-Lower & Upper Watkins Mill- Master Plan Alignment;
- Alternative 7, MD 355-Middlebrook-Master Plan Alignment;
- Alternative 10, Muncaster Mill-Snouffer School-Wightman-Brink;
- Alternative 11, Montgomery Village-Stedwick-Upper Watkins Mill-Master Plan Alignment; and
- Master Plan Alignment Northern Terminus Option B.

Modifications to the ARDS Recommendations

Alternative 4 (Goshen-Wightman-Brink)

As presented in the June 2010 ARDS document, Alternative 4 and Alternative 10 both propose a (4) four-lane highway along their entire length. Alternative 4 and Alternative 10 would improve the horizontal and vertical geometry of Brink Road and Wightman Road to satisfy MCDOT's design guidelines, and widen the corridor to four lanes. These proposed improvements are identical under both alternatives. Alternative 4 and Alternative 10 both assume the following three roadway improvements that are programmed as separate Montgomery County Capital Improvement Projects (CIP):

- (1) Approved CIP 501107 – Widening of Goshen Road to four lanes divided between Snouffer School Road and Midcounty Highway,
- (2) Approved CIP 501109 – Widening of Snouffer School Road to (5) five lanes undivided between Centerway Road and Woodfield Road (MD 124), and
- (3) Pending CIP 501119 - Widening of Snouffer School Road to (4) four lanes divided between Alliston Hollow Way and Centerway Road.

The only improvements that are not common to both alternatives include the addition of auxiliary lanes on the 0.3-mile portion of existing Midcounty Highway between Goshen Road and Montgomery Village Avenue with Alternative 4, and an one-mile dualization of Muncaster Mill Road between Woodfield Road and Shady Grove Road with Alternative 10.

In the June 2010 ARDS document, MCDOT recommended retaining Alternative 4 and dropping Alternative 10. Since the improvements proposed under these two alternatives were very similar, MCDOT did not consider it necessary to carry both alternatives forward. Additionally, there was a concern that the retention of two alternatives along Brink-Wightman would create the perception that we were stacking the deck in favor of a Brink-Wightman solution. Out of the two alternatives, we preferred Alternative 4 over Alternative 10 because Alternative 4 would better satisfy the purpose and need (fewer conflict points, shorter travel time), would have no conflicts with traffic at Montgomery County Airpark Industrial Park, would result in fewer environmental impacts in almost every category, and would affect fewer properties.

In response to the circulation of the June 2010 ARDS document and the October 15, 2010 response letter modifying the original ARDS recommendations, several environmental agencies expressed a concern that Alternative 10 should be retained for detailed study in addition to Alternative 4. The rationale for this request included:

- (1) Alternative 10 results in fewer stream impacts than Alternative 4;
- (2) The proposed improvements along Alternative 10 could help further achieve the transportation needs of the project;
- (3) Retaining both alternatives would ensure that Alternative 10 could serve as a back-up in the event that Alternative 4 was subsequently found to have a fatal flaw.

One agency recommended that portions of the two alternatives be combined, and some agencies concurred in retaining Alternative 4 while dropping Alternative 10.

After careful consideration of these requests, MCDOT modified the ARDS recommendations as follows:

- Combine Alternative 4 and Alternative 10 into a single alternative (new **Alternative 4 Modified, Brink-Wightman-Goshen-Snouffer School-Muncaster Mill**) which is recommended for detailed study.
- Drop Alternative 4 and Alternative 10.

With the combined alternative, traffic on the Brink–Wightman–Snouffer School–Muncaster Mill corridor will have multiple options to access other major corridors such as I-270, the ICC, MD 355 and MD 115. By diverting traffic to multiple corridors, Alternative 4 Modified has the potential to result in less congestion on Snouffer School Road than would have occurred with Alternative 10, and less congestion on Goshen Road than would have occurred with Alternative 4, potentially making this alternative superior to both Alternative 4 and Alternative 10 in terms of accommodating the projected traffic growth. The environmental and property impacts of Alternative 4 Modified is expected to be comparable to Alternative 10 because Alternative 4 Modified differs from Alternative 10, by the addition of widening a 0.3-mile section of existing Midcounty Highway between Goshen Road and Montgomery Village Avenue. In retaining Alternative 4 Modified, there is no need to also retain Alternative 4 or Alternative 10 because Alternative 4 Modified provides additional transportation benefits with only an incremental increase in impact and cost compared to Alternative 10. Retaining Alternative 4 Modified would give us added flexibility to recombine portions of the alternative in the unlikely event fatal flaws are subsequently identified along individual segments of the alternative. Alternative 4 Modified also meets objectives of fairness and streamlining by having only one alternative in the Brink-Wightman corridor.

Master Plan Alignment Northern Terminus Options

The Master Plan Alignment Northern Terminus Options presented in the June 2010 ARDS document include three options for connecting Alternatives 8 and 9 to the future Snowden Farm Parkway, which will be built by the developers of Clarksburg Village and Arora Hills that is scheduled to be open to traffic by the end of 2011. Option A follows the Master Plan alignment which has been reserved through the All Souls Cemetery and Seneca Crossing Local Park. Option B was developed to minimize impacts to Dayspring Creek and parkland by incorporating a direct crossing of North Germantown Greenway Stream Valley Park and then following existing Brink Road and Ridge Road. Option C was intended to reduce the acreage of impact to North Germantown Greenway Stream Valley Park by shifting the alignment to the western edge of the Park.

MCDOT originally recommended retaining Options A and C and dropping Option B. Option B was not recommended for detailed study because the alignment does not result in a direct connection to Snowden Farm Parkway, contains numerous driveways along Brink Road resulting in conflicts between local and through traffic, requires traffic from two different highway corridors to share a 1.4-mile portion of Brink Road and a 0.5-mile portion of Ridge Road, is more circuitous than either Option A or Option C, and impacts 14 residential properties, potentially displacing one of them.

The Maryland National Capital Park and Planning Commission (M-NCPPC) subsequently advised that Option C would result in the greatest impact to high quality park resources, including state rare plant species, Dayspring Creek headwaters, and forest interior dwelling species habitat. M-NCPPC also recommended two additional options, Option B Modified and Option D. Option B Modified would improve the operational characteristics of Option B by providing a direct link to Snowden Farm Parkway which is the same as Option C and eliminating the dog-leg movement along Ridge Road. Option D (see enclosed map) was recommended as a means to reduce park impacts by crossing North Germantown Greenway Stream Valley Park on a crossing that is furthest removed from Dayspring Creek, while preserving a consistent level of access control along the entire alignment.

After further evaluation, MCDOT concluded Option C be dropped due to its great impact to high quality park resources and also developed Option A Modified and Option C Modified with intension to reduce the impact on North Germantown Greenway Stream Valley Park and Dayspring Creek by shifting the alignment to the eastern edge of the park toward the rear of the Brink Road residential properties. These options were presented at a September 15, 2010 meeting with the environmental agencies. Option B Modified was recommended to not be retained at the same meeting due to community impacts, traffic conflicts resulting from driveways, and two highway corridors sharing the 1.4-mile portion of Brink Road. Option B Modified and Option C Modified were subsequently determined infeasible due to conflicts with the proposed Orchard Run subdivision on the west side of Ridge Road, and MCDOT's October 15, 2010 letter to the environmental agencies recommended they will not be retained for detailed study.

MCDOT's ARDS recommendations for the Master Plan Alignment Northern Terminus Options are modified as follows:

- Drop Option C for the reasons noted above.
- Retain Option A, which will include evaluation of Option A Modified within North Germantown Greenway Stream Valley Park to reduce park impacts.
- Retain Option B and Option D since both options follow the least objectionable crossing of North Germantown Greenway Stream Valley Park, and both options received support from the environmental agencies.

The Final ARDS Recommendations

With the revisions discussed in this document, the final suite of alternatives recommended by MCDOT are as follows:

Alternatives recommended for detailed study (see enclosed map):

- Alternative 1, No Build;
- Alternative 2, Transportation Systems Management/Travel Demand Management;
- Alternative 4 Modified, Brink-Wightman-Goshen-Snouffer School-Muncaster Mill;
- Alternative 5, MD 355 with Service Roads;
- Alternative 8, Master Plan Alignment truncated at Watkins Mill Road;
- Alternative 9, Master Plan Alignment; and
- Master Plan Alignment Northern Terminus Options A, B, and D.

Alternatives NOT recommended for detailed study:

- Alternative 3, Montgomery Village-Wightman-Brink;
- Alternative 4, Goshen-Wightman-Brink;
- Alternative 6, MD 355-Lower & Upper Watkins Mill- Master Plan Alignment;
- Alternative 7, MD 355-Middlebrook-Master Plan Alignment;
- Alternative 10, Muncaster Mill-Snouffer School-Wightman-Brink;
- Alternative 11, Montgomery Village-Stedwick-Upper Watkins Mill-Master Plan Alignment; and
- Master Plan Alignment Northern Terminus Option C.

Montgomery County Department of Transportation (MCDOT)
Midcounty Corridor Study (MCS), Alternatives Retained for Detailed Study (ARDS)

Agency Comments and MCDOT Responses

November 29, 2010

Agency	Reviewer	Comment	MCDOT Response
M-NCPPC	Dan Hardy 8/31/10 letter	Support retention of Alts 1, 2, 4, 5, 8 & 9. Support dropping Alts 3, 6, 7, 10 & 11.	We appreciate your support of our recommendations.
M-NCPPC	Dan Hardy 8/31/10 letter	Recommend modifications to Northern Terminus Option B and a new Northern Terminus Option D.	Option B Modified has not been retained. M-NCPPC recently approved a subdivision west of Ridge Road that would block a portion of the Option B Modified alignment. However, original Option B has been retained. Option D has also been retained.
M-NCPPC	Dan Hardy 8/31/10 letter	The study team should consider value pricing (i.e., toll collection) to reduce reliance on auto travel.	Tolling will be evaluated, but it is dependent on having sufficient access control to limit access to a few points where toll collection would be feasible and equitable.
M-NCPPC	Dan Hardy 9/24/10 email	Concur with dropping Option C. We favor Option D over Option B as it would reduce resource impacts to Dayspring Creek while providing a reasonable resolution of the study team concerns regarding additional traffic and driveway conflicts associated with the portion of Option B along Brink Road. Staff available to assist with resource identification along Option D.	Option C has been dropped. Both Option B and Option D have been retained. The study team will seek M-NCPPC input on Option D during detailed studies.
M-NCPPC	Doug Redmond 8/30/10 memo to Dan Hardy	Option C would have less park impact than Option A, but more impact to Dayspring Creek, Forest Interior Dwelling species habitat, state rare plants, and Dayspring Silent Retreat.	Option C has been dropped.
M-NCPPC	Doug Redmond 8/30/10 memo to Dan Hardy	An easterly option such as Option B or D would avoid the Dayspring Creek headwaters and is recommended for further study.	Both Options B and D have been retained for detailed study.
M-NCPPC	Doug Redmond 8/30/10 memo to Dan Hardy	The upper portion of Dayspring Creek stream valley contains an exceptional bedrock stream with low rock outcrops, waterfalls, and plunge pools uncharacteristic of other county streams, as well as seeps and wetlands which support diverse flora.	The quality of the Dayspring Creek stream valley has been noted. As a result, Options B and D have been retained, and Option C has been dropped.

Montgomery County Department of Transportation (MCDOT)
Midcounty Corridor Study (MCS), Alternatives Retained for Detailed Study (ARDS)

Agency Comments and MCDOT Responses

November 29, 2010

Agency	Reviewer	Comment	MCDOT Response
M-NCPPC	Doug Redmond 9/15/10 meeting	The Option B/D crossing of North Germantown Greenway Park is the only alignment which reduces the impacts of the Master Plan alternatives on the Park.	Both Option B and Option D have been retained.
M-NCPPC	Mary Dolan and Tina Schneider 8/30/10 memo to Dan Hardy	Of Northern Terminus Options A, B, and C, Option B would have the least impact on high quality and unique natural resources in the Park.	Option B has been retained for detailed study.
M-NCPPC	Mary Dolan and Tina Schneider 8/30/10 memo to Dan Hardy	Recommend modifications to Option B and new Option D.	Modified Option B has not been retained because M-NCPPC recently approved a subdivision that would block a portion of the alignment. Option D has been retained.
State Highway Administration	Mary Deitz and Reena Mathews 9/2/10 letter	Agrees with ARDS recommendations.	Thank you for your concurrence.
State Highway Administration	Mary Deitz and Reena Mathews 9/2/10 letter	For alternatives that impact state roads, SHA requests detailed analysis of right-of-way and operational impacts.	Both issues will be addressed in the forthcoming environmental document.
State Highway Administration	Mary Deitz and Reena Mathews 9/2/10 letter	Low-cost transit improvements should be included with all alternatives.	Transit function will be investigated for all retained alternatives.
City of Gaithersburg	Greg Ossont 7/14/10 letter	This is a much needed project. The City has no objection to retaining Alts 1, 2 & 4.	Thank you for your continued involvement in the study.
City of Gaithersburg	Greg Ossont 7/14/10 letter	Concerned with retention of Alt 5 which would direct more traffic to the already failing Montgomery Village Ave/MD 355 intersection, and may impact development plans within City limits.	During detailed study, the study team will give attention to these concerns.

Montgomery County Department of Transportation (MCDOT)
Midcounty Corridor Study (MCS), Alternatives Retained for Detailed Study (ARDS)

Agency Comments and MCDOT Responses

November 29, 2010

Agency	Reviewer	Comment	MCDOT Response
City of Gaithersburg	Greg Ossont 7/14/10 letter	Concerned that Alt 8 would direct additional traffic to Montgomery Village Ave, MD 355, and Watkins Mill Road; create potential cut-through traffic on Christopher Ave and Russell Ave; and impact neighborhoods and natural resources for the widening of existing Midcounty Highway from Goshen to Montgomery Village Ave.	During detailed study, the study team will give attention to these concerns.
City of Gaithersburg	Greg Ossont 7/14/10 letter	Concerned that Alt 9 would impact City neighborhoods, natural resources, and Blohm Park. Look forward to reviewing results of further studies.	During detailed study, the study team will give attention to these concerns, and will coordinate subsequent studies with the City.
USACE	Steve Elinsky 8/31/10 letter	Recommend retaining Alt 10 due to lower impact on aquatic resources.	Alternative 4 Modified, which is a combination of Alt 4 and Alt 10, is being retained.
USACE	Steve Elinsky 8/31/10 letter	Portions of Alt 4 can be combined with Alt 10.	Alt 4 has been combined with Alt 10 to produce Alternative 4 Modified. The impacts will be comparable to the impacts of Alt 10.
USACE	Steve Elinsky 8/31/10 letter	Northern Terminus Options A and C impact higher quality aquatic resources than Option B, with Option C impacting the highest quality resources. Recommend retaining Options A and B, and eliminating Option C.	Option A has been retained because it is shown on the County Master Plan. Option B has been retained at the request of the environmental agencies because it is the least objectionable crossing of North Germantown Greenway Park. Option C has been dropped.
USACE	Steve Elinsky 8/31/10 letter	USACE continues to have concerns about Alts 8 and 9. USACE is confident that other alternatives, or combinations, would satisfy the need.	The study team will evaluate the benefits and detriments of all alternatives retained for detailed study, including the degree to which they satisfy the purpose and need.
USACE	Steve Elinsky 9/15/10 meeting	Could the emergency exit from Montgomery Airpark Industrial Park to Woodfield Road be improved to reduce the number of turning movements to and from the Industrial Park on the Snouffer School Road portion of Alt 10?	Allowing traffic to use this exit would route industrial park traffic through the parking lot of a small, existing shopping center, causing safety and economic impacts (see page 79 of the ARDS document).

Montgomery County Department of Transportation (MCDOT)
Midcounty Corridor Study (MCS), Alternatives Retained for Detailed Study (ARDS)

Agency Comments and MCDOT Responses

November 29, 2010

Agency	Reviewer	Comment	MCDOT Response
USACE	Steve Elinsky 10/22/10 email	Alt 10 should be retained. USACE believes any concerns about congestion at the industrial park can be addressed.	Alt 10 has been incorporated into Alternative 4 Modified, and traffic conflicts at the industrial park will be studied under this alternative.
EPA	Barbara Rudnick 8/30/10 email	EPA has serious concerns about impacts to Great Seneca Creek.	Avoidance/minimization techniques such as bridging, retaining walls, and narrowing the cross section will be evaluated along all alternatives.
EPA	Barbara Rudnick 8/30/10 email	EPA would like to retain Alt 10 as a fall-back solution, should Alt 4 be found to have fatal flaws.	Alternative 4 Modified is a combination of Alt 4 and Alt 10. The combined alternative could be scaled back if fatal flaws are identified along individual segments of the alternative.
EPA	Barbara Rudnick 8/30/10 email	Alt 7 will be analyzed through the study of other alternatives (i.e. Alts 8 and 9). It should be noted that alternatives can be combined to avoid a segment of an alternative having a fatal flaw.	Alt 7 will not be studied as a stand-alone alternative, but the environmental document will note that the Master Plan Alignment could be truncated at Middlebrook Road.
EPA	Barbara Rudnick 8/30/10 email	Recommend dropping Northern Terminus Option C. Recommend retaining Options A and B, provided only existing roads are utilized north of Brink Road.	Option C has been dropped. Option B has been retained and will utilize existing Brink Road and Ridge Road. Option A has been retained, but incorporates an alignment on new location through All Souls Cemetery. This alignment has been reserved by its designation on the County Master Plan.
EPA	Barbara Rudnick 9/15/10 meeting	If Alt 10 has potential problems concerning the number of turns at the industrial park, incorporate the improvements needed to address this concern into the County's capital improvement project for Snouffer School Road.	With Alternative 4 Modified, the turning movements at the industrial park will be studied and appropriate measures proposed to reduce conflicts between local traffic and regional through traffic.
EPA	Barbara Rudnick 10/22/10 email	Supports USACE's 10/22/10 email, in which USACE recommended retaining Alt 10.	Alt 10 has been incorporated into Alternative 4 Modified.

Montgomery County Department of Transportation (MCDOT)
Midcounty Corridor Study (MCS), Alternatives Retained for Detailed Study (ARDS)

Agency Comments and MCDOT Responses

November 29, 2010

Agency	Reviewer	Comment	MCDOT Response
MDE	Paula Carlson 9/1/10 letter	No objection to dropping Alts 3, 6, & 11. Recommend dropping Option C.	Thank you for your concurrence in dropping these alternatives.
MDE	Paula Carlson 9/01/10 letter	Recommend retaining Alts 7, 10, and Northern Terminus Option B.	Alt 7 will not be a stand-alone alternative, but the environmental document will note that the Master Plan Alignment could be truncated at Middlebrook Road. Alt 10 has been incorporated into Alternative 4 Modified. Option B has been retained.
MDE	Paula Carlson 9/15/10 meeting	Several alternatives are being retained which would widen existing highways. Why then does MCDOT have concerns with including the widening of a portion of Brink Road under Option B?	Option B is one of several Northern Terminus Options to the Master Plan Alternatives (Alts 8 & 9). Alts 8 and 9 would have no driveways or entrances anywhere else along the alignment. Therefore, the 1.4-mile segment with driveways would not be as safe as the remainder of the alternative. Furthermore, it is desirable to have consistency in the design, cross section, and access control throughout a major highway corridor to promote appropriate driver speed and response to the conditions that are likely to be encountered.
MDE	Paula Carlson 10/01/10 letter	Recommend retaining Alts 7, 10, and Option B. Would like to see further study of Option D.	Alt 7 will not be a stand-alone alternative, but the environmental document will note that the Master Plan Alignment could be truncated at Middlebrook Road. Alt 10 has been incorporated into Alternative 4 Modified. Options B and D have been retained.

Midcounty Corridor Study
Modified Alternatives Retained for Detailed Study (ARDS) Recommendations

DISTRIBUTION LIST

November 29, 2010

RECEIVER	AGENCY	ADDRESS	NO. OF COPIES
Joe DaVia	US Army Corps of Engineers	CENAB-OP-RMN P.O. Box 1715 Baltimore, MD 21203-1715	1
Steve Elinsky	US Army Corps of Engineers	CENAB-OP-RMN P.O. Box 1715 Baltimore, MD 21203-1715	1
Barbara Rudnick	US Environmental Protection Agency	US EPA Region III (3EA30) 1650 Arch Street Philadelphia, PA 19103	1
Bob Zepp	US Fish and Wildlife Service	177 Admiral Cochrane Drive Annapolis, MD 21401	1
Paula Carlson	Maryland Department of the Environment	1800 Washington Blvd Baltimore, MD 21230	1
Greg Golden	Maryland Department of Natural Resources Environmental Review Unit Watershed Services Unit	Tawes State Office Building, E-2 Annapolis, MD 21401	1
Elizabeth Cole	Maryland Historical Trust	100 Community Place Crownsville, MD 21032	1
Mary Dolan	Maryland-National Capital Park and Planning Commission Montgomery County Planning Department	8787 Georgia Avenue Silver Spring, MD 20910	1
Doug Redmond	Maryland-National Capital Park and Planning Commission	1109 Spring Street, Suite 800 Silver Spring MD 20910	1
Dan Hardy	Maryland-National Capital Park and Planning Commission	8787 Georgia Avenue Silver Spring, MD 20910-3760	1
Reena Mathews	Maryland State Highway Administration	707 N. Calvert Street Mail Stop C-502 Baltimore, Maryland 21202	1
Rob Robinson	City of Gaithersburg	31 S. Summit Avenue, Gaithersburg MD 20877	1
Bob Simpson	Montgomery County Department of Transportation	101 Monroe Street, 10th Floor Rockville, MD 20850	1
Carl Starkey	Montgomery County Department of Transportation	100 Edison Park Drive, 4th Floor Gaithersburg, MD 20878	1



REPLY TO
ATTENTION OF

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

AUG 3 1 2010

Operations Division

Montgomery County Department of Transportation
Division of Transportation Engineering
Attn: Mr. Greg Hwang, P.E., Project Manager
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878

Dear Mr. Hwang:

This is in response to the Draft Alternatives Retained for Detailed Studies (ARDS) dated June 2010, developed by the Montgomery County Department of Transportation (MCDOT) for the Midcounty Corridor Study (MCS) [CENAB-OP-RMN (MCDOT/MIDCOUNTRY CORRIDOR STUDY) 07-07102-M12] that was submitted to the Baltimore District of the U.S. Army Corps of Engineers (Corps) for review and comment. We appreciate the opportunity to provide comments on the Draft ARDS. The Corps has carefully considered the recommendations provided in the ARDS document and offers the comments and recommendations below.

The Corps recommends that Alternative 10 should be retained for detailed study because the alignment would provide improvements to an existing facility that would result in lower impacts to aquatic resources. The Corps realizes that this alternative would provide moderate improvements to current congestion because of the existing infrastructure located at the southern terminus of the alignment. However, we believe that a portion of Alternative 10 could be combined with a portion Alternative 4 to satisfy the project purpose and need.

Three option corridors have been developed for the northern terminus of the project. The Corps has conducted field investigations on each of the options. The alignments proposed for Options A and C were observed to contain higher quality aquatic resources than those observed within the Option B corridor. The Option C alignment was observed to contain the highest quality resources of any of the proposed alignments. Therefore, we recommend that Options A and B should be retained for further study and that Option C should be eliminated from further consideration.

Throughout the NEPA/404 process, the Corps has consistently expressed concerns regarding the direct and indirect impacts associated with Alternatives 8 and 9 that would occur to Great Seneca Creek, Whetstone Run, other aquatic resources, in addition to the natural and human environments. We are confident that MCDOT and its transportation team can utilize one of the other proposed alternatives or a combination of them that would satisfy the project need.

A copy of this letter is being furnished to Mrs. Barbara Rudnick (EPA), Mr. Bob Zepp (USFWS), Mr. Jeff Thompson (MDE), and Mr. Greg Golden (DNR) for informational purposes. If you have any questions concerning this matter, please contact me at 410.962.4503.

Sincerely,

A handwritten signature in black ink, appearing to read 'SME', with a horizontal line extending to the left.

Stephen M. Elinsky
Acting Enforcement Program Manager (Maryland)

Concurrence Form

**Midcounty Corridor Study
Montgomery County, Maryland
Purpose and Need Statement**

January 3, 2007

Responsible Organization: Montgomery County Department of Public Works and Transportation

Project Manager: Jeri Cauthorn, PE, Project Manager
Montgomery County Department of Public Works and Transportation
101 Monroe Street
Rockville, Md. 20850
Phone: 240-777-7231
FAX: 240-777-7277
E-mail: Jeri.Cauthorn@montgomerycountymd.gov

Supporting Document: Purpose and Need
Midcounty Corridor Study
January 2007

Coordination Meetings: June 1, 2005
April 6, 2006
October 18, 2006

Definition of Concurrence: Written determination by the agency that the project information to date is considered adequate and the agency agrees the project development process can be advanced to the next stage. Agencies agree not to revisit the previous process steps unless project conditions change.

The Montgomery County Department of Public Works and Transportation (DPWT), in cooperation with the US Army Corps of Engineers (USACE), is evaluating improvements between the communities of Washington Grove and Clarksburg, east of I-270, in Montgomery County, Maryland.

DPWT, USACE, local, state and federal resource agencies are working collaboratively to follow the Maryland Streamlined Environmental and Regulatory Process for Transportation Projects. As part of that process, written concurrence is needed to advance this project. Your signature on this form will fulfill that requirement. By signing this document, agencies have indicated concurrence with the Midcounty Corridor Study Purpose and Need.

The purposes for transportation improvements in the Midcounty Corridor Study area are:

- To relieve projected congestion on roadway facilities between Clarksburg and Gaithersburg, east of I-270;
- to provide a north-south corridor which improves the safety and efficiency of short and moderate length trips in the study area;
- to improve vehicular, pedestrian and bicycle access to residential, commercial and employment destinations in Clarksburg and in the eastern areas of Gaithersburg and Germantown; and
- to develop all improvements in an environmentally sensitive manner using measures to avoid, minimize, and mitigate impacts.

The needs for this project are based on the following:

- *Reduce Existing and Future Congestion.* Several intersections along MD 355 and other major roadways in the study area were approaching unacceptable levels of service or were failing in the peak hours in 2005. Almost every signalized intersection will worsen over the existing condition, and in many cases, will deteriorate to LOS F by 2030. North-south travel times along the existing arterials will also significantly increase over the planning horizon.
- *Improve vehicular safety.* The accident history of MD 355 exceeds the statewide average for similar roadways. Most of the accidents are clustered around the numerous intersections on MD 355.
- *Enhance the efficiency of the roadway network and improve the connections between economic centers.* Currently, localized north-south travel is provided by MD 355, which has little to no access control. In fact, between MD 124 and MD 27 there are almost 100 access points along MD 355 over a distance of 4.3 miles. Improved network efficiency and connections between economic and residential centers in the study area are necessary to facilitate the movement of goods and people in the region.
- *Accommodate planned land use and future growth.* This region of the county is among the fastest growing for both employment and housing, with a sizable portion of the county's remaining residential growth planned within the study area.
- *Provide bicycle and pedestrian connections.* The region lacks adequate north-south, off-street bike paths necessary to provide continuity and connections between existing and future bike facilities in the region.
- *Enhance homeland security.* Improved north-south access would enhance emergency response and evacuation by providing an efficient alternative to the existing congested north-south routes. Furthermore, less congestion on the existing routes would improve emergency response along these roadways.
- *Improve the Quality of Life.* Reducing commute times and offering a safer alternative to the already congested local roads and arterials for vehicles, bicycles, and pedestrians would enhance the overall quality of life of potential users.

Having discussed the identified needs, the agency representative by his/her signature to the document signifies concurrence with the Midcounty Corridor Study Purpose and Need. Concurrence with the Purpose and Need establishes the foundation for moving forward with the project. Only after fully evaluating alternatives and assessing their social, economic, and environmental impacts, as well as receiving public input, can a decision be made concerning whether or not an acceptable solution exists to satisfy the purpose and need for a transportation improvement.

Concur as Presented X Concur with Comments _____ Do Not Concur _____

Comments/Reason for Non-Concurrence:

Additional Information Needed:

Signature:

Quinn Pelt

Agency:

US ARMY CORPS OF ENGINEERS - BALTIMORE DISTRICT

Date:

1/8/07

Please return this form to Jeri Cauthorn, PE (Project Manager) no later than January 17, 2007.



REPLY TO
ATTENTION OF

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

August 10, 2005

Operations Division

Montgomery County DPW&T
c/o A. Morton Thomas & Associates
Attn: Norman Haines
Suite 200
12750 Twinbrook Parkway
Rockville, Maryland 20852

RECEIVED

AUG 12 2005

A. MORTON THOMAS

Dear Mr. Haines:

This is in reference to your letter, dated September 20, 2004, regarding application CENAB-OP-RMS(MO DPW&T/M-83 MIDCOUNTY HWY EXT:MONTGOMERY VILLAGE AVE TO RT 27/JD)04-65683-11, requesting a jurisdictional determination (JD) and verification of the delineation of Waters of the United States within multiple watersheds, including jurisdictional wetlands, for a proposed road-corridor between Montgomery Village Avenue and Ridge Road, Montgomery County, Maryland.

Field inspections were conducted by George Harrison of this office on November 3 and December 14, 2004, with you in attendance. These inspections indicated that the delineation of Waters of the United States, including jurisdictional wetlands within the "Area of Review" on the enclosed maps are accurate. Those areas indicated as Waters of the United States, including non-tidal wetlands, are regulated by this office pursuant to Section 404 of the Clean Water Act. Enclosed is a document that outlines the basis of our determination of jurisdiction over these areas.

Please note that on March 28, 2000, an administrative appeals process was established for JDs. Enclosed is a JD appeals form that can be used if you believe the JD you received warrants further review. You may accept this JD, submit new information seeking reconsideration of the JD or appeal the JD. If you accept the JD, you do not need to notify the Corps. A JD will be reconsidered if you submit new information or data to the Baltimore District Engineer (DE) within 60 days from the date of this letter. If you decide to appeal the approved JD, please submit the attached form within 60 days from the date of this letter to our Regulatory Appeals Review Officer at the following address:

James W. Haggerty
Regulatory Appeals Review Officer
North Atlantic Division, US Army Corps of Engineers

Fort Hamilton Military Community
General Lee Avenue, Bldg 301
Brooklyn, NY 11252-6700

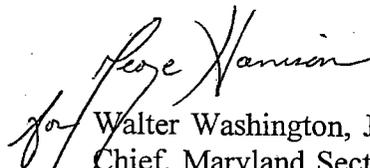
If we do not hear from you within 60 days, we will consider this JD accepted by you. This approved JD is valid for five years from the date of issuance unless new information warrants a revision before the expiration date.

You are reminded that any grading or filling of Waters of the United States, including jurisdictional wetlands, is subject to Department of the Army authorization. State and local authorizations may also be required to conduct activities in the locations. In addition, the Interstate Land Sales Full Disclosure Act may require that prospective buyers be made aware, by the seller, of the Federal authority over any waters of the United States, including jurisdictional wetlands, being purchased.

This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA (United States Department of Agriculture) program participants, or anticipate participation in USDA programs, you should request a certified wetland delineation from the local office of the Natural Resources Conservation Service prior to starting work.

If you have any questions concerning this matter, please call George Harrison of this office at (410) 962-6002.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Harrison".

Walter Washington, Jr.
Chief, Maryland Section Southern

JURISDICTIONAL DETERMINATION
U.S. Army Corps of Engineers

Revised 8/13/04

DISTRICT OFFICE: Baltimore
FILE NUMBER: JD 200465683; 10Aug05

PROJECT LOCATION INFORMATION:

State: Maryland
County: Montgomery
Center coordinates of site (latitude/longitude): 39° 9.58' / 77° 12.16'
Approximate size of area (parcel) reviewed, including uplands: 250 acres.
Name of nearest waterway: Great Seneca Creek
Name of watershed: Great Seneca Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date:
Site visit(s) Date(s): 3Nov04 & 14Dec04

Jurisdictional Determination (JD):

- Preliminary JD - Based on available information, *there appear to be* (or) *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
- Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).
Check all that apply:
- There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: _____.
- There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 30 acres.
- There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
 The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) - (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

^{B5} Walkers Run, Whetstone Run, King Tributary, Brandermil Tributary, North Germantown Tributary, and unnamed tributaries are tributaries of Great Seneca Creek, which empties into the Potomac River (an interstate waterway).

^{B7} All jurisdictional wetlands meet the 3 parameters, as established in the 1987 Corps delineation manual, and are contiguous with the tributaries in B5.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:*

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Ordinary High Water Mark indicated by: | <input checked="" type="checkbox"/> High Tide Line indicated by: |
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects |
| <input checked="" type="checkbox"/> the presence of litter and debris | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input checked="" type="checkbox"/> changes in the character of soil | <input type="checkbox"/> physical markings/characteristics |
| <input checked="" type="checkbox"/> destruction of terrestrial vegetation | <input type="checkbox"/> tidal gages |
| <input checked="" type="checkbox"/> shelving | <input type="checkbox"/> other: |
| <input type="checkbox"/> other: | |

- Mean High Water Mark indicated by:
- survey to available datum; physical markings; vegetation lines/changes in vegetation types.

- Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
A. Morton Thomas and Associates, Inc. (AMT)

Basis For Not Asserting Jurisdiction:

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
 - Artificially irrigated areas, which would revert to upland if the irrigation ceased.
 - Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
 - Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
 - Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
 - Isolated, intrastate wetland with no nexus to interstate commerce.
 - Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
 - Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
 - Other (explain):

DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated June 2005, prepared by (company): AMT
- This office does not concur with the delineation report, dated _____, prepared by (company):
- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
- U.S. Geological Survey 7.5 Minute Topographic maps:
- U.S. Geological Survey 7.5 Minute Historic quadrangles:
- U.S. Geological Survey 15 Minute Historic quadrangles:
- USDA Natural Resources Conservation Service Soil Survey:
- National wetlands inventory maps:
- State/Local wetland inventory maps:
- FEMA/FIRM maps (Map Name & Date):
- 100-year Floodplain Elevation is: (NGVD)
- Aerial Photographs (Name & Date): by Montgomery Co DOT; April 2004
- Other photographs (Date): ground photos by agent
- Advanced Identification Wetland maps:
- Site visit/determination conducted on: 3Nov04 & 14Dec04
- Applicable/supporting case law:
- Other information (please specify):

George Harrison 10 Aug 05

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Sandy Zelen
Regulatory Branch Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715
(410) 962-6028 or 3670

If you only have questions regarding the appeal process you may also contact:

James W. Haggerty
Regulatory Appeals Review Officer
North Atlantic Division, US Army Corps of Engineers
Fort Hamilton Military Community
General Lee Avenue, Building 301
Brooklyn, NY 11252-6700
(718) 765-7150

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of applicant or agent.

Date:

Telephone number:

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Montgomery County DPW&T

File Number: 200465683

Date: August 8, 2005

Attached is:

See Section Below

	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
	PERMIT DENIAL	C
x	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations (JD) associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.



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

January 14, 2011

Mr. Gwo-Ruey Hwang, P.E.
Montgomery County Department of Transportation
Division of Transportation Engineering
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878

Re: Midcounty Corridor Study Alternatives Retained for Detailed Study (ARDS) Modified ARDS Recommendations, Montgomery County, Maryland November 29, 2010

Dear Mr. Hwang,

The U.S. Environmental Protection Agency (EPA) Region III has received copy of the above referenced document and the request for concurrence on the ARDS recommendations for the Midcounty study. EPA tries to maintain involvement and understanding of the Montgomery County project because of the threatened significant impact to natural resources posed by some alternatives being considered in the study. EPA looks forward to a continued involvement in the study as work is done to analyze alternatives to address transportation needs of the area, identify natural and cultural resources, and measures and designs to avoid impacts to these resources.

EPA appreciates the County's continued work to solicit input on the project from the public and government agencies, and for the consideration given to the comments made by resource and permitting agencies. EPA is comfortable with the range of alternatives retained for the environmental impact study. It is important for these alternatives to be evaluated in a complete and fair manner. As the area's transportation network is a complex mixture of modes and infrastructure, it is understood the study is a large undertaking. EPA looks forward to an analysis which investigates the complexities and seeks ways to improve infrastructure function across the study area and preserves the County's critical natural resources. Comparison of alternatives will need to be sophisticated, as different termini are being considered, movement in multiple corridors are of interest, various modes of transportation (transit, truck, vehicular, bicycle and pedestrian) will be analyzed along local and regional paths, and as an alternative such as 4 Modified which combine analysis of alignments may obviously have a larger number of intersections, driveways, property impacts, etc. (though benefit may be realized over existing conditions).

EPA supports inclusion of Alternative 4 Modified. We believe it is understood with all alternatives, as study progresses, the alternative can be adapted to take advantage of findings, to

minimize impacts and enhance transportation service. For example, there could be reason to suggest the truncation of the Master Plan alignment at Middlebrook Road in the Master Plan Alternatives (8 or 9); there may be suggestions for resource avoidance in the design of the Master Plan Northern Terminus Options. Since Alternative 4 Modified combines ideas from two previous suggested alternatives, it will need to be viewed for the best options within these alignments to meet purpose and need, for instance the alternative may need flexibility in the conceptual design of the connection to Shady Grove and improvements of flow by the airpark for local and regional traffic. If it is determined that portions will not benefit from more than the planned upgrades (MCDOT Capital improvements), impacts may not need to be considered as part of the Midcounty project (or can be segregated when presenting comparison impacts). It should be made clear if both Options 10A and 10B will be studied in Alternative 4 Modified.

Thank you for the opportunity to provide comment on the project. If you have any questions or would like to discuss comments further, please feel free to contact me at your convenience, at 215-814-3322 or rudnick.barbara@epa.gov.

Sincerely yours,



Barbara Rudnick
NEPA Team Leader
Office of Environmental Programs

Enclosure

cc: Army Corps of Engineers
Maryland DNR



Alternatives Retained for Detailed Study

Project Name: Midcounty Corridor Study (MCS), Montgomery County, Maryland

Having reviewed the June 2010 draft Alternatives Retained for Detailed Study (ARDS) document and the November 29, 2010 supplement letter, (by signing this document) the following agency:

U.S. Environmental Protection Agency U. S. Army Corps of Engineers

Maryland Department of the Environment

Concur (without comments) Concur (w/ minor comments) Does Not Concur

Comments / Reasons for Non-Concurrence: *attached*

Note: Please do not provide "conditional" concurrence. You should either concur with the information as provided (without comments or with minor comments) or non-concur until revisions are made or additional information is provided.

Additional Information Needed:

Signature: _____



Date: 1/14/11

Fw: Mid County Highway ARDS

From : Rudnick Barbara <Rudnick.Barbara@epamail.epa.gov>

Mon, Aug 30, 2010 03:57 PM

Subject : Fw: Mid County Highway ARDS

To : Gwo-Ruey Hwang (Greg) <Greg.Hwang@montgomerycountymd.gov>

Greg,

Thanks for giving us the opportunity to comment on the draft ARDS. EPA has the following comments:

- As everyone realizes, EPA has serious concerns about impacts to Great Seneca Creek and associated resources from alternatives of the Master Plan alignment.
- EPA would like to see Alternative 10 be evaluated in the EIS. Although we understand your concern with Snouffer School Road, we see the need for an alternate in addition to Goshan Road for an eastern on-alignment option.
- We recognize the issues associated with Alternative 7; but also see that all the components of the option will be analyzed through other alternatives (alt 5 and 8), so it should be noted that "recombining" alternative could be done if there are "fatal flaws" with segments of alternatives. This would be similar for Alt 10, if Snouffer School is analyzed in detail.

EPA prefers dropping Option C (it seems to have more impact to streams and the Dayspring center; this may be clarified) and retaining Option B and Option A after modifying to remove the portion north of Brink Rd, and using existing alignment as done with the other options. It should be determined if additional avoidance of aquatic resources and buffers, and upland forest, can be identified for these options.

Barbara
 ^^^^^^^^^^^^^^^^^^^^^^^^^^^^^^^^^^^^^
 Barbara Rudnick, PG
 NEPA Team Leader
 US EPA Region III (3EA30)
 1650 Arch Street, Phila, PA 19103
 (215) 814-3322/ Fax: (215) 814-2783



FAX TRANSMISSION

To: Jeri Cauthorn

Date: 1-29-07

Fax #: 240-777-7277

Pages: 2, including this cover sheet.

From: Barbara Rudrud

Subject: Mid County Highway P+N concurrence

COMMENTS:

The needs for this project are based on the following:

- *Reduce Existing and Future Congestion.* Several intersections along MD 355 and other major roadways in the study area were approaching unacceptable levels of service or were failing in the peak hours in 2005. Almost every signalized intersection will worsen over the existing condition, and in many cases, will deteriorate to LOS F by 2030. North-south travel times along the existing arterials will also significantly increase over the planning horizon.
- *Improve vehicular safety.* The accident history of MD 355 exceeds the statewide average for similar roadways. Most of the accidents are clustered around the numerous intersections on MD 355.
- *Enhance the efficiency of the roadway network and improve the connections between economic centers.* Currently, localized north-south travel is provided by MD 355, which has little to no access control. In fact, between MD 124 and MD 27 there are almost 100 access points along MD 355 over a distance of 4.3 miles. Improved network efficiency and connections between economic and residential centers in the study area are necessary to facilitate the movement of goods and people in the region.
- *Accommodate planned land use and future growth.* This region of the county is among the fastest growing for both employment and housing, with a sizable portion of the county's remaining residential growth planned within the study area.
- *Provide bicycle and pedestrian connections.* The region lacks adequate north-south, off-street bike paths necessary to provide continuity and connections between existing and future bike facilities in the region.
- *Enhance homeland security.* Improved north-south access would enhance emergency response and evacuation by providing an efficient alternative to the existing congested north-south routes. Furthermore, less congestion on the existing routes would improve emergency response along these roadways.
- *Improve the Quality of Life.* Reducing commute times and offering a safer alternative to the already congested local roads and arterials for vehicles, bicycles, and pedestrians would enhance the overall quality of life of potential users.

Having discussed the identified needs, the agency representative by his/her signature to the document signifies concurrence with the Midcounty Corridor Study Purpose and Need. Concurrence with the Purpose and Need establishes the foundation for moving forward with the project. Only after fully evaluating alternatives and assessing their social, economic, and environmental impacts, as well as receiving public input, can a decision be made concerning whether or not an acceptable solution exists to satisfy the purpose and need for a transportation improvement.

Concur as Presented _____ Concur with Comments Do Not Concur _____

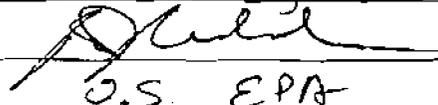
Comments/Reason for Non-Concurrence:

EPA supports efforts to accommodate and promote mass transit and high occupancy vehicles in alternatives design, to address the need to reduce congestion.

Additional Information Needed:

Look forward to seeing alternatives incorporate above ideas (as discussed in December 2006 meeting).

Signature:



Agency:

J.S. EPA

Date:

1-29-07

Please return this form to Jeri Cauthorn, PE (Project Manager) no later than December 22, 2006.

Alternatives Retained for Detailed Study

Project Name: Midcounty Corridor Study (MCS), Montgomery County, Maryland	
Having reviewed the June 2010 draft Alternatives Retained for Detailed Study (ARDS) document and the November 29, 2010 supplement letter, (by signing this document) the following agency:	
<input type="checkbox"/> U.S. Environmental Protection Agency	<input type="checkbox"/> U. S. Army Corps of Engineers
<input checked="" type="checkbox"/> Maryland Department of the Environment	
<input checked="" type="checkbox"/> Concur (without comments) <input type="checkbox"/> Concur (w/ <u>minor</u> comments) <input type="checkbox"/> Does Not Concur	
Comments / Reasons for Non-Concurrence:	
<i>Note: Please do <u>not</u> provide "conditional" concurrence. You should either concur with the information as provided (without comments or with <u>minor</u> comments) or non-concur until revisions are made or additional information is provided.</i>	
Additional Information Needed:	
Signature: <u>Jeffrey L. Thompson</u>	Date: <u>2/9/11</u>

ATTN:
Aruna Miller
2 - Pages

Concurrence Form

**Midcounty Corridor Study
Montgomery County, Maryland
Purpose and Need Statement**

April 9, 2007

Responsible Organization:

Montgomery County Department of Public Works and Transportation

Project Manager:

Aruna Miller, Project Manager
Montgomery County Department of Public Works and Transportation
101 Monroe Street
Rockville, Md. 20850
Phone: 240-777-7194
FAX: 240-777-7277
E-mail: aruna.miller@montgomerycountymd.gov

Supporting Document:

Purpose and Need
Midcounty Corridor Study
January 2007

Coordination Meetings:

June 1, 2005
April 6, 2006
October 18, 2006

Definition of Concurrence: Written determination by the agency that the project information to date is considered adequate and the agency agrees the project development process can be advanced to the next stage. Agencies agree not to revisit the previous process steps unless project conditions change.

The Montgomery County Department of Public Works and Transportation (DPWT), in cooperation with the US Army Corps of Engineers (USACE), is evaluating improvements between the communities of Washington Grove and Clarksburg, east of I-270, in Montgomery County, Maryland.

DPWT, USACE, local, state and federal resource agencies are working collaboratively to follow the Maryland Streamlined Environmental and Regulatory Process for Transportation Projects. As part of that process, written concurrence is needed to advance this project. Your signature on this form will fulfill that requirement. By signing this document, agencies have indicated concurrence with the Midcounty Corridor Study Purpose and Need.

The purposes for transportation improvements in the Midcounty Corridor Study area are:

- To relieve projected congestion on roadway facilities between Clarksburg and Gaithersburg, east of I-270;
- to provide a north-south corridor which improves the safety and efficiency of short and moderate length trips in the study area;
- to improve vehicular, pedestrian and bicycle access to residential, commercial and employment destinations in Clarksburg and in the eastern areas of Gaithersburg and Germantown; and
- to develop all improvements in an environmentally sensitive manner using measures to avoid, minimize, and mitigate impacts.

The needs for this project are based on the following:

- *Reduce Existing and Future Congestion.* Several intersections along MD 355 and other major roadways in the study area were approaching unacceptable levels of service or were failing in the peak hours in 2005. Almost every signalized intersection will worsen over the existing condition, and in many cases, will deteriorate to LOS F by 2030. North-south travel times along the existing arterials will also significantly increase over the planning horizon.
- *Improve vehicular safety.* The accident history of MD 355 exceeds the statewide average for similar roadways. Most of the accidents are clustered around the numerous intersections on MD 355.
- *Enhance the efficiency of the roadway network and improve the connections between economic centers.* Currently, localized north-south travel is provided by MD 355, which has little to no access control. In fact, between MD 124 and MD 27 there are almost 100 access points along MD 355 over a distance of 4.3 miles. Improved network efficiency and connections between economic and residential centers in the study area are necessary to facilitate the movement of goods and people in the region.
- *Accommodate planned land use and future growth.* This region of the county is among the fastest growing for both employment and housing, with a sizable portion of the county's remaining residential growth planned within the study area.
- *Provide bicycle and pedestrian connections.* The region lacks adequate north-south, off-street bike paths necessary to provide continuity and connections between existing and future bike facilities in the region.
- *Enhance homeland security.* Improved north-south access would enhance emergency response and evacuation by providing an efficient alternative to the existing congested north-south routes. Furthermore, less congestion on the existing routes would improve emergency response along these roadways.
- *Improve the Quality of Life.* Reducing commute times and offering a safer alternative to the already congested local roads and arterials for vehicles, bicycles, and pedestrians would enhance the overall quality of life of potential users.

Having discussed the identified needs, the agency representative by his/her signature to the document signifies concurrence with the Midcounty Corridor Study Purpose and Need. Concurrence with the Purpose and Need establishes the foundation for moving forward with the project. Only after fully evaluating alternatives and assessing their social, economic, and environmental impacts, as well as receiving public input, can a decision be made concerning whether or not an acceptable solution exists to satisfy the purpose and need for a transportation improvement.

Concur as Presented Concur with Comments _____ Do Not Concur _____

Comments/Reason for Non-Concurrence:

Concurrence in no way implies that a permit will ultimately be issued

Additional Information Needed:

Signature: [Signature] Robert Cooper
 Agency: MD, Dept of Environment, Nat Parks & Waterways
 Date: 4/17/07

Please return this form to Aruna Miller (Project Manager) no later than April 16, 2007.



August 24, 2012

Mr. Greg Hwang, Capital Projects Manager
Division of Transportation Engineering
Montgomery County Department of Transportation
100 Edison Park Drive, 4th 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
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaithersburgmd.gov •
www.gaithersburgmd.gov

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Jud Ashman
Cathy C. Drzyzgula
Henry F. Marraffa, Jr.
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



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, 4th 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

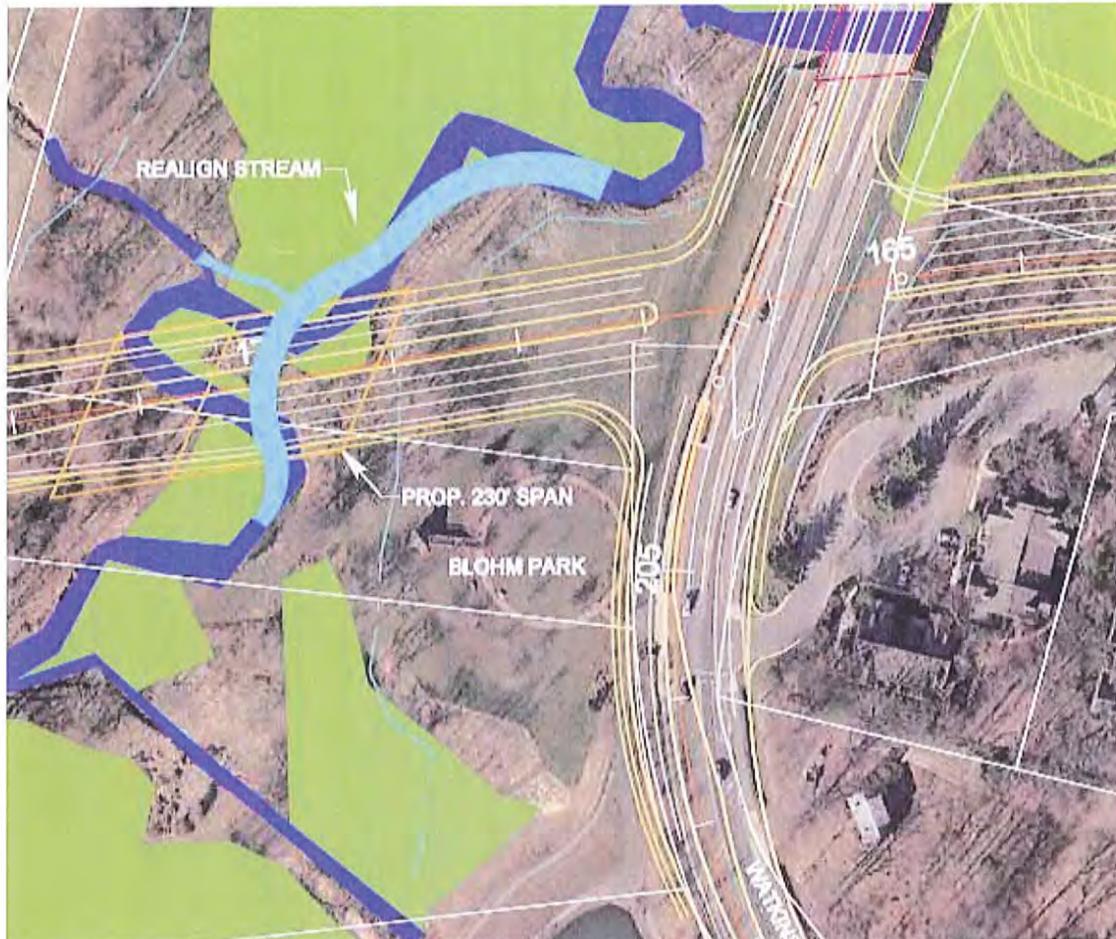
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MAYOR
Sidney A. Katz

CITY COUNCIL MEMBERS
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, 4th 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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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

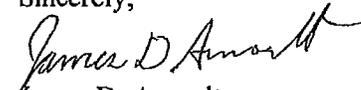
Alternative 9 (Master Planned Alternative) – Staff notes significant impacts to City neighborhoods, natural resources and park properties.

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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Ann T. Somerset

CITY MANAGER
David B. Humpton

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



July 14, 2010

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

Dear Mr. Hwang:

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Mr. Greg Hwang
July 14, 2010
Page 2

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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



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:

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Ms. Jeri Cauthorn

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October 8, 2004

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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



MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Joseph P. Gill, Deputy Secretary

12-MIS-123

March 9, 2012

Greg Hwang
Montgomery County
Division of Transportation Engineering
100 Edison Park Drive, 4th Floor
Gaithersburg, MD 20878

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DIVISION OF TRANSPORTATION
ENGINEERING

Subject: Fisheries Information for the Proposed Options from the Alternative Retained for Detailed Study of the Midcounty Corridor Study, in Montgomery County, Maryland.

Dear Mr. Hwang,

The above referenced project has been reviewed to determine fisheries species in the vicinity of the proposed project. The proposed activities include the alternatives and options from the Alternative Retained for Detailed Study of the Midcounty Corridor Study, in Montgomery County, Maryland.

Cabin Branch, Great Seneca Creek, Gunners Branch, North Creek, Walkers Run, and Whetstone Run (Washington Metropolitan River Basin) and tributaries near the site are classified as Use I-P streams (Water Contact Recreation, and Protection of Aquatic Life and Public Water Supply). Generally, no instream work is permitted in Use I streams during the period of March 1 through June 15, inclusive, during any year.

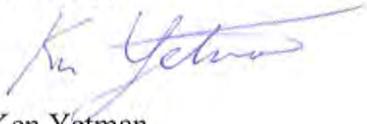
Wildcat Branch (Washington Metropolitan River Basin) and Little Bennett Creek (Middle Potomac River Basin) and tributaries near the site are classified as Use III-P streams (Natural Trout Waters and Public Water Supply). Generally, no instream work is permitted in Use III streams during the period of October 1 through April 30, inclusive, during any year.

Little Seneca Creek (Washington Metropolitan River Basin) and tributaries near the site are classified as Use IV-P streams (Recreational Trout Waters and Public Water Supply). Mill Creek (Washington Metropolitan River Basin) and tributaries near the site are classified as Use IV streams (Recreational Trout Waters). Generally, no instream work is permitted in Use IV streams during the period of March 1 through May 31, inclusive, during any year.

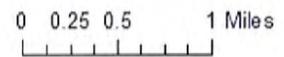
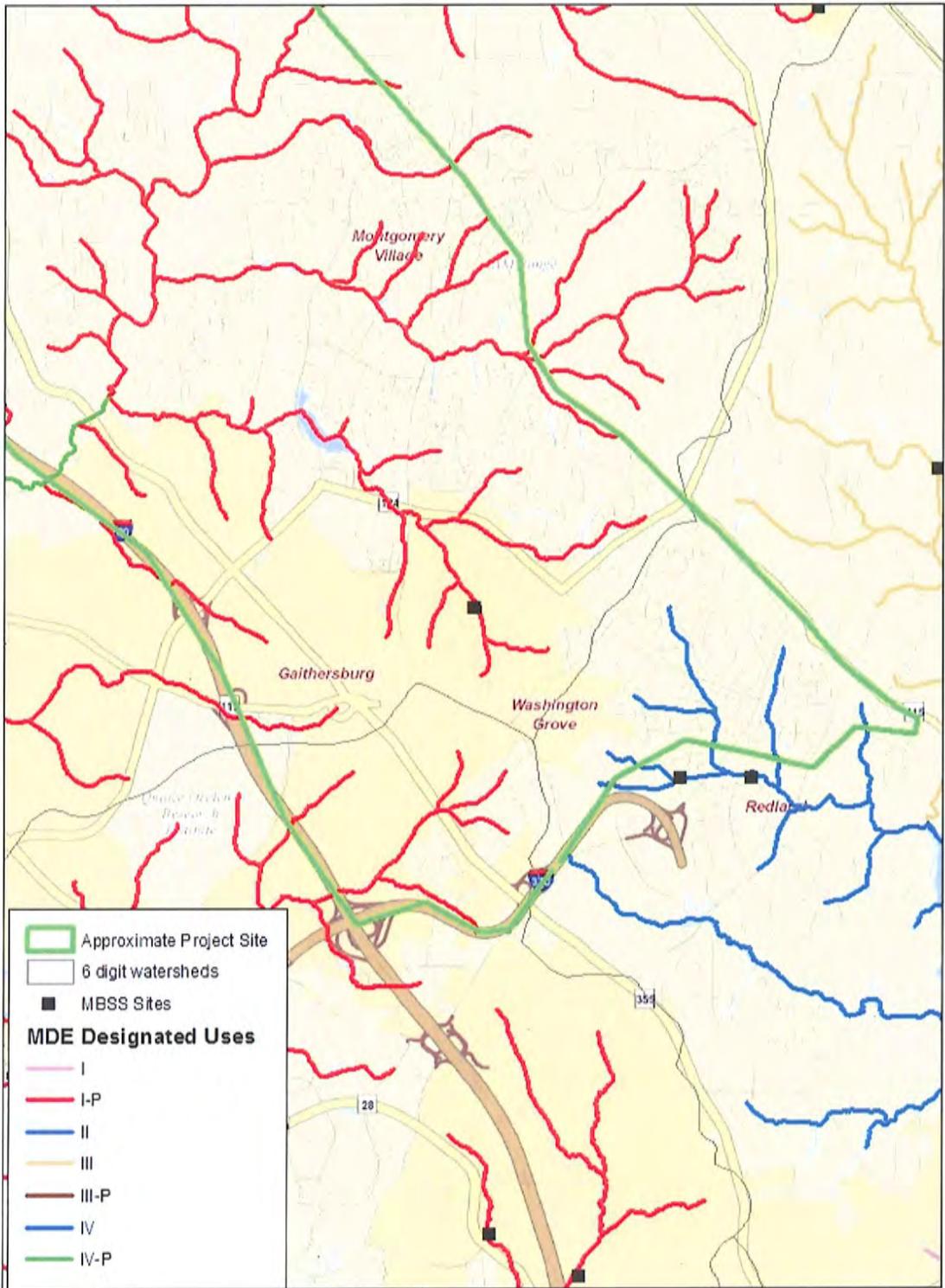
No anadromous fish have been documented near the project site. These streams may support many resident fish species documented by our Maryland Biological Stream Survey. MBSS data can be accessed via the MDDNR web page at <http://mdimap.towson.edu/streamhealth/>, allowing access to resource surveys in neighboring tributaries.

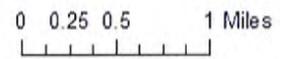
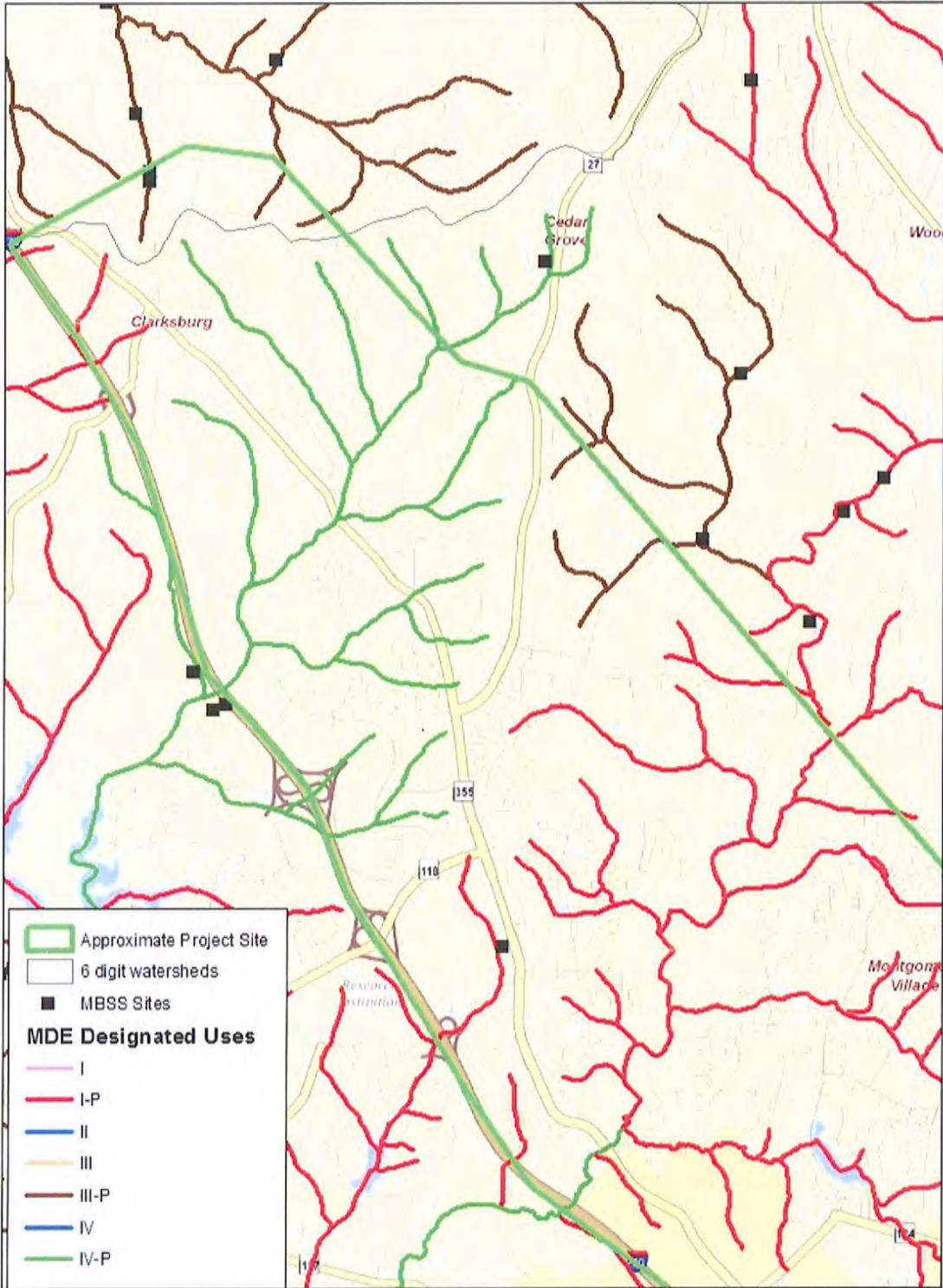
If you have further questions, please contact the Environmental Review Program at 410-260-8799.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Yetman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ken Yetman
Environmental Review Program







MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Joseph P. Gill, Deputy Secretary

March 13, 2012

Mr. Greg Hwang
Montgomery County Dept. of
Transportation
100 Edison Park Drive, 4th Floor
Gaithersburg, MD 20878

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DIVISION OF TRANSPORTATION
ENGINEERING

RE: Environmental Review for Midcounty Corridor Study – February 2011 ARDS, Montgomery County, Maryland.

Dear Mr. Hwang:

The Wildlife and Heritage Service's database indicates that there are the following sites supporting rare, threatened or endangered species (RT&Es) or protected habitats within the study area as delineated on your map. Please note that the utilization of state funds, the need to obtain a state-authorized permit, or changes to the plan might warrant additional evaluations that could lead to protection or survey recommendations by the Wildlife and Heritage Service. As the project progresses, we would request that coordination with WHS continue, in order to avoid impacts to these important sites:

- Germantown Bog is located along Observation Drive within the study area, and is designated in state regulations as a Nontidal Wetland of Special State Concern by Maryland Department of the Environment. Your project may need review by MDE for any necessary permits associated with this wetland. It is known to support the following RT&Es:

<u>Scientific Name</u>	<u>Common Name</u>	<u>State Status</u>
<i>Spenopholis pensylvanica</i>	Swamp-oats	Threatened
<i>Sanguisorba canadensis</i>	Canada Burnet	Threatened
<i>Carex buxbaumii</i>	Buxbaum's Sedge	Threatened

- The Forest Brooke site is located west of Watkins Mill Road in the study area, and is known to support a population of the state-listed endangered Crested Iris (*Iris cristata*). This species is described as occurring in oak forest habitat on loamy deep soil among rock outcrops.
- There is a recent record for a population of state-listed threatened Purple Fringeless Orchid (*Platanthera peramoena*) documented as occurring on the edge of the current study area, along Great Seneca Creek north of the intersection of Brink Road with Wightman Road. The habitat of this population is described as open canopy, rich meadow seepage habitat.

- A heron colony utilizes the manmade island in Lake Whetstone during the breeding season. Heronries are a rare resource that should be protected. Conservation of the few heron colonies that are located outside of the Chesapeake Bay Critical Area is strongly encouraged. Significant mortality of chicks or eggs resulting from disturbance of the colony during the breeding season is a violation of the U.S. Migratory Bird Treaty Act. Disturbance includes actions such as cutting nest trees, cutting nearby trees or nearby construction that causes abandonment of chicks by the adults.

The following guidelines are provided for conservation and protection of this heron colony:

1. Establish a protection area of $\frac{1}{4}$ mile radius from the colony's outer boundary. Within this area establish three zones of protection: Zone 1 extends from the outer boundary of the colony to a radius of 330 feet, Zone 2 extends from 330 feet to 660 feet in radius, and Zone 3 extends from 660 feet to $\frac{1}{4}$ mile (1320 feet).
2. During the breeding season, 15 February through 31 July, all human entry into Zone 1 should be restricted to only that essential for protection of the heron colony. Human disturbance of colony sites that results in significant mortality of eggs and/or chicks is considered a prohibited taking under various state and federal regulations.
3. No land use changes, including development or timber harvesting, should occur in Zone 1.
4. Construction activities, including clearing, grading, building, etc., should not occur within Zones 1 and 2.
5. Selective timber harvesting may occur in Zone 2, but clearcutting should be avoided.
6. No construction or timber harvesting activities should occur within the $\frac{1}{4}$ mile protection area during the above breeding season.

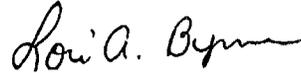
These guidelines are usually suitable for protection of most heron colonies; however, this colony is situated in a highly disturbed area and may be protected with modified guidelines. For further technical assistance on heron colony conservation, please contact David Brinker of our staff at (410) 744-8939.

- Our analysis of the information provided also suggests that the forested area on or adjacent to the project site (within the overall study area) contains Forest Interior Dwelling Bird habitat. Populations of many Forest Interior Dwelling Bird Species (FIDS) are declining in Maryland and throughout the eastern United States. The conservation of FIDS habitat is strongly encouraged by the Department of Natural Resources. The following guidelines will help minimize the project's impacts on FIDS and other native forest plants and wildlife:
 1. Avoid placement of new roads or related construction in the forest interior. If forest loss or disturbance is absolutely unavoidable, restrict development to the perimeter of the forest (i.e., within 300 feet of the existing forest edge), and avoid road placement in areas of high quality FIDS habitat (e.g., old-growth forest). Maximize the amount of remaining contiguous forested habitat.
 2. Do not remove or disturb forest habitat during May-August, the breeding season for most FIDS. This seasonal restriction may be expanded to February-August if certain early nesting FIDS (e.g., Barred Owl) are present.

3. Maintain forest habitat as close as possible to the road, and maintain canopy closure where possible.
4. Maintain grass height at least 10" during the breeding season (May-August).

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER #2012.0132.mo
Cc: D. Brinker, DNR
T. Redman, DNR



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, Maryland 21401
<http://www.fws.gov/chesapeakebay>

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MAR 29 2012

DIVISION OF TRANSPORTATION
ENGINEERING

March 28, 2012

Montgomery County Maryland
Department of Transportation
Division of Transportation Engineering
100 Edison Park Drive, 4th Floor
Gaithersburg, MD 20878

RE: Midcounty Corridor Study Montgomery County MD

Dear Greg Hwang:

This responds to your letter, received January 24, 2012, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the vicinity of the above reference project area. We have reviewed the information you enclosed and are providing comments in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project impact area. Therefore, no Biological Assessment or further section 7 Consultation with the U.S. Fish and Wildlife Service is required. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. For information on the presence of other rare species, you should contact Lori Byrne of the Maryland Wildlife and Heritage Division at (410) 260-8573.

Effective August 8, 2007, under the authority of the Endangered Species Act of 1973, as amended, the U.S. Fish and Wildlife Service (Service) removed (delist) the bald eagle in the lower 48 States of the United States from the Federal List of Endangered and Threatened Wildlife. However, the bald eagle will still be protected by the Bald and Golden Eagle Protection Act, Lacey Act and the Migratory Bird Treaty Act. As a result, starting on August 8, 2007, if your project may cause "disturbance" to the bald eagle, please consult the "National Bald Eagle Management Guidelines" dated May 2007.

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If any planned or ongoing activities cannot be conducted in compliance with the National Bald Eagle Management Guidelines (Eagle Management Guidelines), please contact the Chesapeake Bay Ecological Services Field Office at 410-573-4573 for technical assistance. The Eagle Management Guidelines can be found at:

<http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>.

In the future, if your project can not avoid disturbance to the bald eagle by complying with the Eagle Management Guidelines, you will be able to apply for a permit that authorizes the take of bald and golden eagles under the Bald and Golden Eagle Protection Act, generally where the take to be authorized is associated with otherwise lawful activities. This proposed permit process will not be available until the Service issues a final rule for the issuance of these take permits under the Bald and Golden Eagle Protection Act.

An additional concern of the Service is wetlands protection. Federal and state partners of the Chesapeake Bay Program have adopted an interim goal of no overall net loss of the Basin's remaining wetlands, and the long term goal of increasing the quality and quantity of the Basin's wetlands resource base. Because of this policy and the functions and values wetlands perform, the Service recommends avoiding wetland impacts. All wetlands within the project area should be identified, and if construction in wetlands is proposed, the U.S. Army Corps of Engineers, Baltimore District, should be contacted for permit requirements. They can be reached at (410) 962-3670.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interests in these resources. If you have any questions or need further assistance, please contact Devin Ray at (410) 573-4531.

Sincerely,



Genevieve LaRouche
Supervisor



The Montgomery County Deer Management Work Group

2000 Shorefield Road, Wheaton, MD 20902
M-NCPPC, Montgomery County Department of Park and Planning
Maryland Department of Natural Resources Wildlife Division
Montgomery County Cooperative Extension Service
Montgomery County Police Department
USGS, Patuxent Wildlife Research Center

September 27, 2004

MEMORANDUM

To: Jeri Cauthorn, Midcounty Highway Ext./Middlebrook Rd (M83) Project Manager

From: Rob Gibbs, Chairman, Montgomery County Deer Management Work Group

Subject: Deer-vehicle collision concerns for proposed Midcounty Highway extension.

I am chairman of the Montgomery County Deer Management Work Group (DMWG). This multi-agency group was established through actions of the Montgomery County Council and is charged with the development and implementation of a Comprehensive Deer Management Plan for the county. I am writing to express a number of concerns and recommendations regarding the proposed Extension of Midcounty Highway (M 83) and its potential impacts on deer and deer-vehicle collisions (DVC's).

Increases in the frequency of DVC's over the past decade represent a serious safety concern and it is one of the goals of the County's Deer Management plan to reduce these incidents. The construction of this highway, without appropriate safeguards, would likely cause an increase in the already high number of DVC's in this area and raise concern for human safety. The proposed alignment crosses the Great Seneca as well as several other stream valleys and runs parallel to streams and large areas of habitat in several locations. It is imperative that wildlife concerns, specifically the application of methods to reduce potential DVC's, receive a high priority in the design and development of M 83.

Concerns

Over the past nine years the DMWG has mapped the locations of DVC's and identified several factors that influence their occurrence. Roadways that cross stream valleys, parks and other natural areas have much higher numbers of DVC's. There is also a correlation with speed – i.e. the higher the speed limit, the higher the number of DVC's. Several key points are listed below that will clarify the need to consider deer management in the design and construction of the Midcounty Highway Extension:

- The proposed alignment goes through the North Germantown area of the Great Seneca Stream Valley. The DMWG's Annual Report and Recommendations for FY 2004 listed this as the number one area of concern for deer issues in the County.
- Other roads in this area already experience some of the highest numbers of DVC's in the County.
- The alignment crosses and runs parallel to large areas of wildlife habitat that hold some of the County's highest deer populations.
- M 83 will be a high speed, multi-lane roadway, very similar in design to the Great Seneca Highway built about 12 years ago from Germantown to Gaithersburg. For the first few years after construction this road was, by far, the highest risk roadway in the county with well over 40 DVC's per year within a three-mile stretch of road, resulting in auto damage and human injury.
- If the landscaping design includes planted medians and roadsides, this could actually attract deer and other wildlife onto the roadway to feed.

Recommendations

There are a number of safeguards that can be designed into a roadway that will greatly reduce the potential for DVC's:

- **All major stream crossings should be bridges** that allow adequate space for wildlife to pass under the roadway. Bridges should be as long as possible with fencing incorporated into the design to funnel deer and other wildlife to these safe crossings.
- Where bridges are not feasible, **culverts should be as large as possible with a minimum height of 8 feet and an openness ratio of at least 1.0 when the following formula is applied – width of opening x height of opening/ length of culvert.**
- Long stretches of roadway passing through or adjacent to natural habitat should be **fenced with 8 foot fencing** that is securely attached to the ground – deer prefer to go under fences and require as little as 6 inches clearance to do so.
- **A rigorous annual fence inspection schedule** should be established to identify and repair any openings.
- Where fencing ends and deer may gain access to fenced sections of the road, **one-way wildlife gates or other similar “escape” structures** should be incorporated into the design to allow escape routes so that deer don't become “trapped” in the roadway. An excellent website for designs is: <http://www.wildlifecrossings.info/summary.htm>
- Where extensive areas of fill are needed, retaining walls should be used to accomplish several things: 1) it would reduce disturbed habitat; 2) help prevent access to the road; 3) can be incorporated into designs to allow escape structures as described above.
- Where fencing is not appropriate, **wildlife reflectors (Strieter-lite)** should be considered. SHA conducted tests on the effectiveness of these devices and recommended their use. The DMWG is less enthusiastic about the effectiveness of reflectors but DPWT may wish to conduct their own evaluations in the interest of their responsibility for public safety on roads they construct and maintain.
- Median areas and roadsides should be made as un-inviting to deer as possible. **Vegetation used in landscaping** should be minimized and limited to non-preferred species so as not to lure deer onto the roadway for food. **Although** not as aesthetically pleasing to drivers, a sterile landscape is less attractive to wildlife.

The Montgomery County Deer Management Work Group would like to work with the appropriate teams to ensure adequate measures are considered for reducing DVC's along this road if it is built. We would welcome the opportunity to review design plans and make further suggestions. Please contact me at the address or phone number below.

Rob Gibbs, Chairman
Montgomery County Deer Management Work Group
2000 Shorefield Road, Wheaton, MD 20902
(301) 949-2909

CC: DMWG
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