



I-495 & I-270 Managed Lanes Study

Appendix S

Select Agency Correspondence

June 2022



U.S. Department
of Transportation

**Federal Highway
Administration**

MDOT MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

Appendix S Table of Contents

Select Agency Correspondence

Preferred Alternative Agency Concurrence.....	2
Maryland Department of the Environmental	3
Maryland-National Park and Planning Commission (M-NCPPC)	6
National Capital Planning Commission (NCPC)	12
National Park Service	13
US Army Corps of Engineers	19
US Environmental Protection Agency	21
Virginia Department of Transportation	23
Cooperating Agency Status Change Documentation	24
Maryland Department of Natural Resources	25
NCPC.....	26
Section 4(f) De Minimis Agency Concurrence.....	28
City of Gaithersburg.....	29
City of Rockville.....	34
M-NCPPC.....	44

Preferred Alternative Agency Concurrence



Recommended Preferred Alternative Concurrence Form

I-495 & I-270 Managed Lanes Study

Having reviewed the attached **Recommended Preferred Alternative** summary, the following cooperating agency (by signing this document):

<input type="checkbox"/> US Army Corps of Engineers	<input checked="" type="checkbox"/>	Maryland Department of the Environment
<input type="checkbox"/> US Environmental Protection Agency	<input type="checkbox"/>	Maryland-National Capital Park and Planning Commission
<input type="checkbox"/> National Capital Planning Commission		
<input type="checkbox"/> National Park Service		
<input type="checkbox"/> Virginia Department of Transportation		

☐ **Concurs without comments**

☒ **Concurs with minor comments (please attach or email comments)**

☐ **Does not concur (please attach reason for non-concurrence)**

Signature: _____

Date: _____

6/17/2021



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

June 17, 2021

Ms. Caryn J G Brookman
I-495 & I-270 P3 Office
601 N. Calvert Street
Baltimore, Maryland 21202

Mailing Address:
707 North Calvert Street, Mailstop P-601
Baltimore, MD 21202

Re: I-495 & I-270 Managed Lanes Study (SHA FMIS No. AW073A11),
Recommended Preferred Alternative MDE Concurrence

Dear Ms. Brookman:

The Maryland Department of the Environment's (MDE), Wetlands and Waterways Program (WWP) and the Sediment, Stormwater and Dam Safety Program (SSDS) have reviewed the Recommended Preferred Alternative (RPA) for the I-495 & I-270 Managed Lanes Study. Attached is the signed Concurrence Form for the project. Although MDE broadly concurs with the RPA, we request that as the project team finalizes the Environmental Impact Statement (EIS) it considers all relevant information, including new information as it becomes known and the potential for impacting regulated resources/structures that are not directly affected by the work. The RPA concurrence is separate from the review and approval of the Conceptual Mitigation Plan.

The Programs emphasize that this action is not a permit approval decision, and in no way affects the review of current and future permit applications for the project. The Joint Permit Application will continue to be reviewed in accordance with MDE policies and procedures, including evaluation and consideration of public and agency input and any new project information. The Program has the following comments for consideration as the project moves forward:

1. Please complete a comprehensive reevaluation of the project Purpose and Need related to traffic changes (both timing and volume) resulting from altered commuting patterns that may result from changed work practices due to the COVID-19 pandemic.
2. Continue to reduce and minimize impacts to resources throughout the project, and specifically consider alternative alignments and impact reduction opportunities at the American Legion Bridge, all interchanges and ramps, and managed lane access points. A detailed avoidance and minimization analysis of the design options at the American Legion Bridge is needed, both for the alignment of the bridge itself and the construction methods, in order to support the design of the alternative within the EIS.
3. Consider Technical Memo No.6 - Stormwater Management for Bridge Decks and Technical Memo No.10 - SWM Overview regarding stormwater management credits at off property locations. Both Technical Memos can be found at:
<https://mde.maryland.gov/programs/Water/StormwaterManagementProgram/Pages/PlanReviewforStateandFederalProjects.aspx>

4. Proactively identify dam and small pond structures along the project corridor that may be impacted by the work and ensure that the EIS includes adequate limits of disturbance to account for any necessary repairs or upgrades to these structures.

If you need any further information or assistance, please don't hesitate to contact Emily Dolbin 410-662-7464, extension 1653, or by email at emily.dolbin@maryland.gov.

Sincerely,



Heather L. Nelson
Program Manager
Wetlands and Waterways Program

Attachments: RPA Concurrence Form

Cc: Emily Dolbin, MDE
Amanda Malcom, MDE
Amanda Sigillito, MDE
Jennifer Smith, MDE

I-495 & I-270 Managed Lanes Study

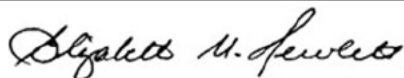
Having reviewed the attached **Recommended Preferred Alternative** summary, the following cooperating agency (by signing this document):

<input type="checkbox"/> US Army Corps of Engineers	<input type="checkbox"/> Maryland Department of the Environment
<input type="checkbox"/> US Environmental Protection Agency	<input checked="" type="checkbox"/> Maryland-National Capital Park and Planning Commission
<input type="checkbox"/> National Capital Planning Commission	
<input type="checkbox"/> National Park Service	
<input type="checkbox"/> Virginia Department of Transportation	

☐ **Concurs without comments**

☐ **Concurs with minor comments (please attach or email comments)**

☒ **Does not concur (please attach reason for non-concurrence)**

Signature: 
Elizabeth M. Hewlett, Chair

Date: June 25, 2021

Signature: 
Casey Anderson, Vice-Chair

Date: June 25, 2021



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

June 25, 2021

Ms. Jeanette Mar
Environmental Program Manager
Federal Highway Administration
Maryland Division
George H. Fallon Federal Building 31 Hopkins Plaza
Suite 1520
Baltimore, MD 21201

Mr. Tim Smith
Administrator
State Highway Administration
Maryland Department of Transportation
Mail Stop C-400
MDOT State Highway Administration
P.O. Box 717
Baltimore MD 21203-0717

Re: I-495/I-270 Managed Lanes Study – Request for Concurrence with Selection of
Alternative 9: Phase I South as the New Recommended Preferred Alternative

Dear Ms. Mar and Mr. Smith,

We are writing to respond to your request for concurrence from the Cooperating Agencies, including the Maryland-National Capital Park and Planning Commission (“M-NCPPC” or the “Commission”), on the New Recommended Preferred Alternative (“RPA”) for the I-495/I-270 Managed Lanes Study (“Study”). M-NCPPC believes that revising the preferred alternative to focus “solely on building a new American Legion Bridge and delivering two high occupancy toll (HOT) managed lanes in each direction on Phase 1 South: American Legion Bridge I-270 to I-370 with no action at this time on I-495 east of the I-270 eastern spur” is a step in the right direction. Until the State Highway Administration (SHA) takes legally dispositive action under the National Environmental Policy Act (“NEPA”), however, the Commission must reserve its right to object to the proposed project. In short, until M-NCPPC can review the Supplemental Draft Environmental Impact Statement (“SDEIS”) to determine the extent of environmental review required for future phases, the Commission cannot concur with the New RPA.

In addition, the Commission reiterates its concerns regarding the absence of a specific and binding commitment to a meaningful transit component; the failure to fully analyze opportunities for transportation demand management; the flawed scope of the project’s stated purpose and

need, the inadequate consideration of environmental justice concerns; and the need to address impacts to Commission parkland and other cultural and historic resources within Phase 1. Even though SHA has indicated repeatedly that concurrence with the RPA is not an endorsement of the preferred alternative for purposes of the NEPA process, such concurrence certainly would provide a basis for SHA to propose limiting or eliminating analysis of other alternatives, including transit and TDM. As further explained below and in the Commission's previous correspondence with SHA, the lack of detail SHA has provided raises questions that SHA must address in the SDEIS or otherwise.

I. Background

In November 2018, SHA and the Federal Highways Administration ("FHWA") issued their Purpose and Need Statement for the Study. The Commission did not concur with the Purpose and Need Statement because its artificially narrow scope excluded substantive consideration of alternatives that would address congestion with fewer environmental and parkland impacts. On May 22, 2019, SHA issued its list of Alternatives Retained for Detailed Study – Revised ("ARDS") for the Study and requested concurrence from the Cooperating Agencies. The Commission expressed its non-concurrence and reasons for the same by letter dated June 12, 2019. The Commission provided further correspondence in which we outlined our concerns regarding the Study's deficiencies under NEPA on June 12, 2019, June 28, 2019 and July 22, 2019.

On October 16, 2019, SHA and FHWA issued a "Revised ARDS Paper" eliminating from further study Alternative 5, which would have added one High Occupancy Toll ("HOT") managed lane in each direction on I-495 and converted the one existing High Occupancy Vehicle ("HOV") lane in each direction on I-270 to a HOT managed lane, on grounds that the alternative was not financially viable and did not meet the project's purpose and need in terms of congestion relief and trip reliability. On October 22, 2019, SHA and FHWA issued their evaluation of the MD 200 Diversion Alternative, put forth by M-NCPPC and other stakeholders as an alternative that would avoid many of the most significant impacts of the Build Alternatives. SHA and FHWA summarily determined not to carry forward that alternative in the Draft Environmental Impact Statement ("DEIS") on grounds that it would not be financially viable and would not perform as well based on many of the metrics used to evaluate the reasonableness of the alternatives.

On November 20, 2019, SHA officials briefed the Commission at a public meeting regarding the Revised ARDS. At that meeting, M-NCPPC Commissioners reaffirmed their concerns regarding parkland impacts from various alternatives and failure to study transit options, among others, and reiterated their requests for key information, such as origin/destination data, certain GIS layers, and traffic and vehicle data and modeling. On November 27, 2019, M-NCPPC informed SHA and FHWA that it did not concur with the Revised ARDS, and submitted further comments and renewed requests for data and information regarding the same. All of this previous correspondence is incorporated by reference herein. We note that SHA did not address the Commission's requests for data and information or comments regarding the impacts of the retained alternatives.

On July 10, 2020, SHA and FHWA formally published the DEIS and Draft Section 4(f) Evaluation for the Study. On November 6, 2020, the Commission submitted public comments, again reiterating its concerns about key environmental aspects of the Study.¹

Despite offering to engage in mediation with the Commission in an attempt to resolve issues regarding the impacts of the alternatives SHA was studying, SHA announced in January 2021 it was selecting Alternative 9 as the RPA for the Study. Alternative 9 would have added four HOT lanes to I-495 and I-270—two in each direction. Several weeks later, SHA announced selection of Accelerate Maryland Partners, LLC as the Study's P3 partner.

On May 12, 2021, SHA announced that “after several months of continuous collaboration and listening to agency partners, public officials and stakeholders, [FHWA and SHA] have identified Alternative 9: Phase 1 South as the new Recommended Preferred Alternative (RPA) for the Managed Lanes Study (MLS).” According to the announcement, the New RPA would solely involve construction of a new American Legion Bridge and two HOT lanes in each direction on the American Legion Bridge I-270 to I-370 and that there would be “no action at this time on I-495 east of the I-270 eastern spur. FHWA and SHA further announced they would issue a SDEIS for Alternative 9: Phase 1 South in late summer 2021. Of note, the notice further states that “MDOT SHA and FHWA continue to consider all comments that were received as part of the DEIS and public hearings held last fall and continue to work with agencies and stakeholders to avoid and minimize impacts to the environment and the communities in the study area. The agencies will respond to substantive comments received on both the DEIS and the SDEIS in the study's combined Final Environmental Impact Statement/Record of Decision (FEIS/ROD).”

II. The New RPA Raises New Questions

The lack of detail provided by SHA and FHWA regarding the New RPA raises several new questions. First, it is unclear how SHA and FHWA intend to memorialize the New RPA, leaving the Commission wondering exactly what it is being asked to endorse. The Commission wants to ensure that by responding to substantive comments made by interested parties to the broader Purpose and Need, SHA and FHWA will not be able to justify conducting a less rigorous environmental review of future phases. In particular, we raise concerns that SHA and FHWA would be able to take the position that it only is required to undertake an Environmental Assessment versus an EIS for future phases and rely on the findings of the broader Purpose and Need Statement and EIS process for the Study culminating in the selection of the New RPA.

Second, it is not clear how the New RPA meets the Study's Purpose and Need Statement, or whether the Statement now needs revision. For example, SHA should explain how movement of goods and services—one of the Study's stated needs—is served since tractor trailers crossing the American Legion Bridge into Virginia would not be able to access the HOT lanes where such

¹ Some time ago, the Army Corps of Engineers (“Corps”) and Maryland Department of the Environment (“MDE”) also issued public notice of availability of the Joint Permit Application (“JPA”) for the Study. While the Commission provided comments raising objections to these permits, the Corps and MDE subsequently withdrew the Permit Application indicating it would not pursue a permit covering the entire study area.

trucks are prohibited from using managed lanes. Additionally, some of the traffic models were flawed in their analysis of tractor trailer travel during uncongested off-peak hours.

III. M-NCPPC's Outstanding Concerns Should Be Addressed in the Supplemental Draft Environmental Impact Statement or Otherwise

Of primary concern to the Commission is that the New RPA still is expected to take or damage certain Capper Cramton Act ("CCA") parkland, i.e., the parkland surrounding the Clara Barton Parkway, in which the Commission has a significant interest. Therefore, we reiterate our previously stated concerns about the need to comply with the CCA.

Next, the New RPA still lacks specific, binding, and adequate multi-modal and transit elements that are essential for: reducing the need for additional road capacity; limiting impacts to natural, cultural and historic resources; and serving the public interest in environmental justice. The New RPA and DEIS should address funding sufficient to construct transit options developed at the local level, for example, improvements included in the Corridor Forward Plan, MARC rail improvements, and structural enhancements to the American Legion Bridge to accommodate passenger rail. By contrast, SHA's proposal to include a \$300 million contribution by Transurban, along with the other proposals for allowing buses in the managed lanes, adding bus capacity at the Shady Grove Metro station, and expanding the Park and Ride infrastructure at the Westfield Montgomery Transit Center simply are inadequate. In addition, it is essential for SHA to eliminate any impediment to the addition of new transit service between Virginia and Maryland, even if that means modifying any contractual limitations imposed on such transit under Virginia DOT's contract with its P3 vendor.

The SDEIS also should include specific analysis around the impacts of the New RPA on environmental justice, including the implications of toll charges for racial and socioeconomic equity, and fully describe the outreach the lead agencies have conducted or will conduct with relevant communities. SHA and FHWA have proceeded to date on the highly questionable assumption that HOT lanes would offer environmental justice communities the same benefits as the broader population without any drawbacks. Travel on managed lanes will be limited to those who can pay, carpool or use express buses, and the lack of meaningful outreach to environmental justice communities precludes a complete understanding of whether their needs would be served by the proposed project.

SHA also should provide the results of any traffic modelling demonstrating that the New RPA will not simply move the bottlenecks as they currently exist to a different location, e.g., on I-270 north of Rockville where the managed lanes for Phase 1 South end or at the point where I-270/495 merge. SHA's modelling should show whether any such bottlenecks can be resolved through transportation demand management approaches such as adding dynamic signage directing north-bound drivers from the American Legion Bridge to take I-270 at the split and use the ICC to points north, including Baltimore (i.e., assigning I-495 as "local serving" and I-270/ICC as more direct access to I-95 and north toward Baltimore), and vice versa for Baltimore-American Legion Bridge drivers. The purpose is to assure that Phase 1 is not creating a pressure

Ms. Mar and Mr. Smith
Re: Non-Concurrence with RPA
June 25, 2021
Page 5

point to compel construction of future phases and instead maximize use of the ICC to avoid creating such new bottlenecks. Furthermore, SHA has not explained how it plans to address the potential for disruption created by an eight-lane northbound segment of I-270 that will abruptly narrow to two lanes at the northern limit of Phase 1.

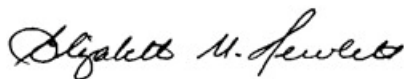
Next, financial viability concerns remain and may in fact have been exacerbated by SHA's proposed slimmed-down RPA given its reliance on toll revenue. SSHA has not provided the basic cost for the proposed project with a delivery model other than the P3 or considered the possible advantages of using federal infrastructure to provide additional transit as part of the project or reduce financial and other risks to the public that are inherent to the use of a P3.

Finally, SHA previously indicated it would analyze changes in traffic patterns due to larger numbers of commuters working from home during and after the Covid-19 pandemic. That analysis must be included in the SDEIS and support the RPA.

* * *

As we have stated throughout this process, our objective is to work with SHA and FHWA to advance the I-495/I-270 Managed Lanes Study while also meeting our responsibilities as a Cooperating Agency and under applicable law. To that end, we look forward to your response and would welcome re-opening a dialogue to address these concerns.

Sincerely,



Elizabeth M. Hewlett
Chair



Casey M. Anderson
Vice-Chair

I-495 & I-270 Managed Lanes Study	
Having reviewed the attached Recommended Preferred Alternative summary, the following cooperating agency (by signing this document):	
<input type="checkbox"/> US Army Corps of Engineers	<input type="checkbox"/> Maryland Department of the Environment
<input type="checkbox"/> US Environmental Protection Agency	<input type="checkbox"/> Maryland-National Capital Park and Planning Commission
<input checked="" type="checkbox"/> National Capital Planning Commission	
<input type="checkbox"/> National Park Service	
<input type="checkbox"/> Virginia Department of Transportation	
<input type="checkbox"/> Concurs without comments <input type="checkbox"/> Concurs with <u>minor</u> comments (please attach or email comments) <input checked="" type="checkbox"/> Does not concur (please attach reason for non-concurrence)	
Signature: <u>Diane Sullivan</u> Date: <u>06/25/21</u>	

In response to your request for NCPC concurrence with the MDOT/SHA preferred Alternative 9 - Phase 1 South, we are unable to concur at this time for the following reasons:

1. M-NCPPC will be the applicant for any changes to Capper-Cramton park land. M-NCPPC continues to maintain its “non-concurrent” position with previous study milestones and with the identified “regionally preferred alternative” (RPA).
2. NCPC cannot concur while we remain unclear about the location and impacts to property under our Commission’s review jurisdiction, and proposed mitigation.

Thank you and we look forward to continuing our coordination with FHWA, MDOT/SHA and other stakeholder agencies involved in the Managed Lanes Study.

I-495 & I-270 Managed Lanes Study

Having reviewed the attached **Recommended Preferred Alternative** summary, the following cooperating agency (by signing this document):

<input type="checkbox"/>	US Army Corps of Engineers	<input type="checkbox"/>	Maryland Department of the Environment
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<input type="checkbox"/>	National Capital Planning Commission		
<input checked="" type="checkbox"/>	National Park Service		
<input type="checkbox"/>	Virginia Department of Transportation		

☐ **Concurs without comments**

☒ **Concurs with minor comments (please attach or email comments)**

☐ **Does not concur (please attach reason for non-concurrence)**

Signature: **TAMMY
STIDHAM**

Digitally signed by TAMMY
STIDHAM

Date: 2021.07.08 14:06:28 -04'00'

Date: _____



United States Department of the Interior

NATIONAL PARK SERVICE
Interior Region 1- National Capital Area
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO:

July 8, 2021

Caryn J. G. Brookman
Environmental Program Manager
I-495 & I-270 P3 Office
707 North Calvert Street, P-601
Baltimore MD 21202

Dear Ms. Brookman:

This letter is in response to your June 10, 2021 email requesting the National Park Service (NPS) review and response to concurrence on the Recommended Preferred Alternative (RPA) for the I-495 & I-270 Managed Lanes Study (MLS) located in Fairfax County, Virginia and Montgomery and Prince George's counties, Maryland. The Department of the Interior submitted comments on the Draft Environmental Impact Statement on November 9, 2020 which highlighted significant concerns and comments related to deficiencies in the document as well as concerns with the impacts associated with the proposed project on NPS parkland at the Baltimore-Washington Parkway (BW Parkway); Greenbelt Park; Chesapeake and Ohio Canal National Historical Park (C&O Canal NHP); and Suitland Parkway and the George Washington Memorial Parkway (GW Memorial Parkway), which also includes the Clara Barton Parkway. Through the development of this new RPA, impacts to the BW Parkway, Greenbelt, and Suitland Parkway have been eliminated and impacts to the GW Memorial Parkway have been greatly reduced. However, significant impacts to the C&O Canal NHP as well as the Clara Barton Parkway remain.

The NPS was copied on a letter (attached) to the Federal Highway Administration that indicated certain commitments by the Maryland Department of Transportation State Highway Administration (MDOT SHA) to further minimize impacts to NPS units. The NPS appreciates these commitments and the continued coordination on the project but remains concerned with the significant impacts to the C&O Canal NHP and the Clara Barton Parkway. The NPS submits our concurrence with the RPA, but will require additional work associated with further reducing impacts in the following areas:

- 858 trees and 127 Rare, Threatened, and Endangered Species are projected to be removed as part of this project. This is an unacceptable amount of impact and will require additional work by MDOT SHA to reduce before the NPS would allow the project to continue.
- Further coordination is required to determine the amount of parkland to be impacted, trail connections and mitigation for unavoidable impacts.

- Further details related to wetland and flood plain work is required. We know that MDOT SHA is working on a draft Statement of Findings, but additional work and mitigation may be required as part of that process. Until NPS sees this document, it is difficult to say.
- Construction access road that is currently proposed significantly impacts the C&O Canal NHP. A reduction in the extent of construction access still needs to be worked out. MDOT SHA should plan on more work to be done from the top of the bridge to further reduce impacts and to lessen the need for the access road. In addition, the width and use need further coordination. Trucks will not be allowed to queue in this area. They will need to queue elsewhere.

Again, the NPS appreciates the coordination with MDOT SHA and believes through continued coordination that the design can be modified to address the ongoing concerns in a manner that is acceptable to all.

Sincerely,



Tammy M. Stidham

Deputy Associate Area Director – Lands and Planning

June 10, 2021

Mr. John V. Nelson,
Regional Environmental Officer
U.S. Department of Interior
Office of the Secretary
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia PA 19106-2904

Dear Mr. Nelson:

The Federal Highway Administration (FHWA) and Maryland Department of Transportation State Highway Administration (MDOT SHA) have recently identified a new Recommended Preferred Alternative (RPA) in compliance with the National Environmental Policy Act (NEPA) for the I-495 & I-270 Managed Lanes Study (MLS) located in Fairfax County, Virginia and Montgomery and Prince George's counties, Maryland. The new RPA, Alternative 9: Phase 1 South, consists of adding two High Occupancy Toll (HOT) lanes in each direction on I-495 and converting the existing High Occupancy Vehicle (HOV) lane to a HOT lane and adding one additional HOT lane in each direction on I-270 within the limits of Phase 1 South and with the No Action Alternative outside of these limits. The limits of Phase 1 South are from the George Washington Memorial Parkway in Virginia to east of MD 187 on I-495, on I-270 from I-495 to north of I-370, and on the I-270 eastern spur from east of MD 187 to I-270. Identifying the build improvements only with Phase 1 South aligns the Environmental Impact Statement (EIS) with the State's phased delivery and permitting plan. While the No Action Alternative is recommended outside of Phase 1 South under the current study, improvements to this section of I-495 would be the subject of future environmental study(ies) after additional analyses and collaboration with agencies and stakeholders. The new RPA will be the subject of a Supplemental Draft Environmental Impact Statement (SDEIS) anticipated to be published in late summer 2021.

Alternative 9: Phase 1 South has many advantages over the other Build Alternatives including performing the best for three key traffic metrics: average speed, level of service and effect on the local roadway network. Alternative 9: Phase 1 South also provides similar overall operational benefits as the Draft Environmental Impact Statement (DEIS) Build Alternatives, but with fewer impacts, lower cost and encourages the use of HOVs by providing toll-free travel for HOV 3+ and free bus usage, thereby reducing dependency on single occupancy vehicles.

Through review of comments on the DEIS and extensive agency and stakeholder coordination, MDOT SHA identified certain recommendations and additional project enhancements that go beyond mitigation to address unavoidable direct impacts. These commitments focus on supporting new options for travel, reducing reliance on single occupancy vehicles, supporting new opportunities for regional transit service, and providing meaningful enhancements to adjacent resources (such as streams and parkland) to improve their values and functions.

Based on comments received from the National Park Service (NPS), MDOT SHA has continued to refine the design and to avoid and minimize impacts to multiple NPS units including the George Washington Memorial Parkway, C&O Canal National Historic Park (C&O), Clara Barton Parkway, Greenbelt Park, and the Baltimore-Washington Parkway. This process has been collaborative between our agencies, and we appreciate NPS' willingness to attend multiple meetings, review information and provide substantive feedback. The new RPA which includes improvements within Phase 1 South only was chosen to be responsive to public, stakeholder, and agency comments. We look forward to continued collaboration with you and other agency partners and stakeholders to further reduce and avoid potential project impacts. Additionally, the new RPA also eliminates impacts to NPS properties, Baltimore-Washington Parkway, Greenbelt Park, and Suitland Parkway,

Based on our collaboration with NPS, MDOT SHA is committed to incorporating certain design refinements into the RPA to minimize impacts to NPS units within Phase 1 South. These commitments will be documented in the Final EIS (FEIS) and, if a build alternative is selected, committed to in the Record of Decision (ROD):

George Washington Memorial Parkway (GWMP):

- MDOT SHA will incorporate the interchange design into the RPA that avoids permanent roadway modifications on GWMP within the park boundary and minimizes visual impacts. Continued coordination with the Virginia Department of Transportation (VDOT) will be necessary to ensure design compatibility between the MLS and Virginia's I-495 Northern Extension Project.
- MDOT SHA will incorporate a retaining wall along the backside of the proposed shared use path between the GWMP and inner loop of I-495 to minimize physical impacts to the park.
- MDOT SHA will commit to avoiding construction access for American Legion Bridge (ALB) construction within the GWMP, also identified as the southeast quadrant of the Potomac River and ALB on the Virginia shoreline.
- MDOT SHA will commit to incorporating the signing concept as coordinated between NPS, VDOT, MDOT SHA and FHWA (Attachment 1) that reduces the number of signs, consolidates signs, and minimizes electronic tolling signs within GWMP boundaries. Additional coordination with VDOT, FHWA and NPS will need to occur to finalize design of the signing plan.
- MDOT SHA will commit to not placing stormwater management facilities within the boundaries of the GWMP.

C&O Canal and Clara Barton Parkway:

- MDOT SHA is committed to elimination of the temporary access road which was proposed in the DEIS in the northeast quadrant of the ALB crossing of the Potomac River to further minimize impacts to the C&O Canal property and Plummers Island.
- MDOT SHA is committed to avoiding physical impacts to Locks 12, 13 and 14, except as needed solely for restoration activities as agreed upon by NPS and MDOT SHA.
- MDOT SHA will commit to not placing stormwater management facilities within the boundaries of the C&O Canal property (not within transportation use) and will manage the stormwater off the new ALB so that it does not drain outside of transportation easement or on the C&O Canal towpath.
- MDOT SHA will commit to further review of the temporary access road in the northwest quadrant that is critical to allowing construction of the ALB to determine if further design refinements are possible to minimize impacts.
- MDOT SHA will commit to restoring the area upon which the temporary access road will be located, at a minimum, to its present condition including reforestation. The restoration plan will be developed in coordination with NPS.
- MDOT SHA will commit to minimizing the use of Clara Barton Parkway by truck traffic during construction by providing a crossing from the I-495 ramp to the temporary access road.

Baltimore-Washington Parkway (BWP), Greenbelt Park and Suitland Parkway:

- The new RPA will not include improvements outside of Phase 1 South; therefore, no impacts to the Baltimore-Washington Parkway, Greenbelt Park or Suitland Parkway are proposed.

MDOT SHA acknowledges that coordination between our agencies on many of these efforts will continue as we develop the Final Section 4(f) Evaluation and FEIS and ROD, as well as through final design of the improvements. We remain committed to those productive efforts. Again, we appreciate NPS' active participation in the MLS over the last few years and we look forward to continued coordination. Should you have any questions, please contact Ms. Caryn J. G. Brookman, Environmental Program Manager at cbrookman@mdot.state.md.us or 410-637-3335.

Sincerely,



Jeffrey T. Folden, P.E., DBIA
Deputy Director, I-495 & I-270 P3 Office

cc: Ms. Laurel Hammig, NPS
Ms. Tammy Stidham, NPS
Ms. Megan Cogburn, FHWA
Ms. Jeanette Mar, FHWA
Mr. Jitesh Parikh, FHWA
Ms. Keilyn Perez, FHWA
Ms. Caryn J. G. Brookman, MDOT SHA

I-495 & I-270 Managed Lanes Study

Having reviewed the attached **Recommended Preferred Alternative** summary, the following cooperating agency (by signing this document):

<input checked="" type="checkbox"/>	US Army Corps of Engineers	<input type="checkbox"/>	Maryland Department of the Environment
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<input type="checkbox"/>	Virginia Department of Transportation		

☐ **Concurs without comments**

☒ **Concurs with minor comments (please attach or email comments)**

☐ **Does not concur (please attach reason for non-concurrence)**

Signature: Jack Dinne

Date: 6/23/2021

Comments

The Corps applauds the decision to revise the Managed Lane Study Preferred Alternative and acknowledges that the effort to update the Study to reflect this change and to respond to public comments is on-going. The Corps appreciates the on-going agency coordination for the Study including the Revised Preferred Alternative and this concurrence point.

The Corps concurrence on the Revised Preferred Alternative (Alternative 9-Phase 1 South) is conditioned upon the receipt and evaluation of the updated Study including the previously requested information to address comments raised during the initial Public Comment Period. The previously requested information from the Initial Public Comment Period includes concerns raised regarding factors that could affect the project's Purpose and Need. For example, the effects of the Covid-19 pandemic on traffic congestion, traffic modeling, and increased telecommuting, as well as, reluctance to use mass transit, environmental justice concerns or how the proposed roadway improvements comply with Maryland's Greenhouse Gas Reduction commitments. Beyond the basic project Purpose and Need, factors like reductions in congestion could also ripple through other project evaluation parameters like financial viability including the likelihood of the State benefiting from the project or paying a portion of its costs. Also, our conditional concurrence is dependent upon the outcome of certain items still under discussion/evaluation. For example, the replacement of the American Legion Bridge, interchange improvements, placement of augmented culverts, and off-site stormwater management siting. Our conditional concurrence reflects acceptance of these only as conceptual impacts since at this time design options and location are still under evaluation for these features. Further, the Corps conditional concurrence also reflects the fact that there is likely an additional opportunity for public comments on some of the components of the project (e.g., water quality certification, augmented culverts, and off-site stormwater management). Since at this time it is unknown if comments and responses received during a future comment period may raise additional questions or concerns regarding the Revised Preferred Alternative or the project as a whole; the Corps acknowledges the potential that new significant information could change our conditional concurrence on the Revised Preferred Alternative.

Thank you for the opportunity to review and concur on the Revised Preferred Alternative. Again, we appreciate all the efforts associated with the on-going coordination. We look forward to continuing to work with SHA, FHWA, and the other agencies/stakeholders on the Study.

I-495 & I-270 Managed Lanes Study

Having reviewed the attached **Recommended Preferred Alternative** summary, the following cooperating agency (by signing this document):

<input type="checkbox"/>	US Army Corps of Engineers	<input type="checkbox"/>	Maryland Department of the Environment
X	US Environmental Protection Agency	<input type="checkbox"/>	Maryland-National Capital Park and Planning Commission
<input type="checkbox"/>	National Capital Planning Commission		
<input type="checkbox"/>	National Park Service		
<input type="checkbox"/>	Virginia Department of Transportation		

☐ **Concurs without comments**

☒ **Concurs with minor comments (please attach or email comments)**

☐ **Does not concur (please attach reason for non-concurrence)**

Signature: Witman, Timothy Digitally signed by Witman, Timothy
Date: 2021.06.21 10:18:37 -04'00' Date: _____

**Attachment to Concurrence Form
Comments**

I-495 & I-270 Managed Lanes Study (MLS)
Environmental Impact Statement (EIS)
Recommended Preferred Alternative (RPA)

EPA has reviewed the MLS revised RPA summary dated June 10, 2021 and the MLS Draft EIS. Please consider the following comments in relation to concurrence.

- Based on data from the January 2021 MLS Interagency Working Group Meeting, EPA recognizes that approximately 1,218 of 1,475 (or 83% of) public comments for the DEIS support the No Build Alternative rather than a Build Alternative. EPA acknowledges that the lead agencies have revised the RPA since January 2021. Nonetheless, EPA encourages the Project to remain engaged with individuals, groups, and/or communities who oppose either the RPA or any of the Build Alternatives and to address concerns as may be appropriate.
- EPA recommends continued refinement and implementation of Environmental Justice (EJ) analysis, outreach, and mitigation strategies to support communities who may face disproportionate environmental impacts from the Project. EPA understands that the new RPA contains no projected residential or commercial displacements; however, EPA suggests the continued development of strategies to support populations who may experience adverse impacts either directly or indirectly. EPA recognizes that the Project is utilizing EJSCREEN to advance data collection and analyses of potential EJ concerns.
- Concerning air quality, as identified in EPA's draft EIS comment letter, EPA notes that a transportation conformity determination will be necessary due to the Project location within the Washington, DC-MD-VA 2015 Ozone National Ambient Air Quality. In addition, EPA encourages the adoption of technical controls as needed to manage construction-related air hazards (e.g., diesel particulate matter from both mobile and stationary sources).
- Consistent with the Council for Environmental Quality's February 19th Federal Register notice rescinding the 2019 Draft Green House Gas (GHG) Guidance, the MLS Project should consider all available tools and resources in assessing GHG emissions and climate change effects of proposed actions, including, as appropriate and relevant, the Final Guidance for Federal Department and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews (2016 GHG Guidance).
- EPA looks forward to continued coordination and participation with the MLS Project as it works to define the limits of disturbance in relation to culvert augmentation; refines data on the impacts to aquatic resources while focusing on avoidance, minimization, and mitigation; and proceeds with the Clean Water Act Section 401 process for the applicants' Preferred Alternative.
- EPA recommends identification in the final EIS of any additional hazardous materials sites that the project identifies beyond the draft EIS. EPA understands that methods to identify and review hazardous materials sites have included written record reviews, imagery and map reviews, other document reviews, interviews, and field reconnaissance. EPA encourages field reconnaissance to the extent practicable to review sites that may lack secondary documentation.

I-495 & I-270 Managed Lanes Study


Having reviewed the attached **Recommended Preferred Alternative** summary, the following cooperating agency (by signing this document):

<input type="checkbox"/> US Army Corps of Engineers	<input type="checkbox"/> Maryland Department of the Environment
<input type="checkbox"/> US Environmental Protection Agency	<input type="checkbox"/> Maryland-National Capital Park and Planning Commission
<input type="checkbox"/> National Capital Planning Commission	
<input type="checkbox"/> National Park Service	
<input checked="" type="checkbox"/> Virginia Department of Transportation	

☒ **Concurs without comments**

☐ **Concurs with minor comments (please attach or email comments)**

☐ **Does not concur (please attach reason for non-concurrence)**

Signature: Angel Deem  Digitally signed by
Angel Deem
Date: 2021.06.29
16:46:29 -04'00'

Date: _____

Cooperating Agency Status Change Documentation

February 22, 2021

Caryn J. G. Brookman
Environmental Program Manager
I-495 & I-270 P3 Office
707 North Calvert Street, P-601
Baltimore MD 21202

Re: Revising the Department of Natural Resources' Agency Status from "Cooperating" to "Participating" Agency for the I495-I270 Managed Lane Study

Dear Ms. Brookman,

The Department of Natural Resources (DNR) Environmental Review Program (ERP) has been reviewing its involvement status in current NEPA transportation studies. It has come to our attention that DNR does not meet the definition of a "Cooperating Agency" described in the Agency Coordination Plan. We would like to request that DNR status be changed to Participating Agency.

Changing DNR's status to a Participating Agency for the I495-I270 Managed Lane Study will be more consistent with the definitions provided in the Agency Coordination Plan. DNR is not an authorizing or permitting agency because the Preferred Alternative's limit of disturbance does not include any DNR lands. Revising DNR's status to a Participating Agency is also more consistent with our coordination level in other transportation studies, such as the I270 Pre-NEPA study and Chesapeake Bay Crossing Tier 1 NEPA Study.

DNR ERP appreciates the project team's consideration of this request to reclassify DNR as a Participating Agency for the I495-I270 Managed Lane Study. Please call or email me if you need any additional information to make this change.

Sincerely,



Tony Redman, Director, Environmental Review Program

Cc: Gwen Gibson, MES- DNR
Jeanette Mar, FHWA
Jitesh Parikh, FHW

From: Parikh, Jitesh (FHWA) <Jitesh.Parikh@dot.gov>
Sent: Tuesday, February 1, 2022 7:08 AM
To: Caryn Brookman (Consultant); Jeffrey Folden
Cc: Cogburn, Megan (FHWA); Jeanette Mar; Perez, Keilyn (FHWA)
Subject: FW: call

FYI

From: Sullivan, Diane <diane.sullivan@ncpc.gov>
Sent: Monday, January 31, 2022 5:20 PM
To: Parikh, Jitesh (FHWA) <Jitesh.Parikh@dot.gov>
Subject: RE: call

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Jitesh,
I'm just following up on our call this morning. Since NCPC does not have a NEPA responsibility for Phase 1, you can change our status to "participating". We are glad to hear that progress has been made on the mitigation package. We want to make sure this covers the parkway lands. NCPC is still legally obligated to comply with the 1941 and 1951 Agreements. This includes ensuring that M-NCPPC consents to the transfers and obtains compensation for its contribution to the purchase of the land that NPS will transfer. We have reached out to MNCPPC to see how this is progressing. Thanks,

Diane Sullivan
Director, Urban Design and Plan Review
National Capital Planning Commission
401 9th Street, NW | Suite 500 | Washington, DC 20004
202 482 7200 | [Facebook](#) [Twitter](#) [Instagram](#)
www.ncpc.gov



From: Parikh, Jitesh (FHWA) <Jitesh.Parikh@dot.gov>
Sent: Monday, January 31, 2022 4:21 AM
To: Sullivan, Diane <diane.sullivan@ncpc.gov>
Subject: RE: call

Good Morning Diane,

Thank you. I will call you at 10 am from xxx-xxx-xxxx.

Jitesh

From: Sullivan, Diane <diane.sullivan@ncpc.gov>
Sent: Friday, January 28, 2022 4:37 PM
To: Parikh, Jitesh (FHWA) <Jitesh.Parikh@dot.gov>
Subject: Re: call

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Jitesh,
I can talk between 10 and 11 on Monday. Let me know what time works for you. My cell phone is (xxx)xxx-xxxx

Diane

Get [Outlook for iOS](#)

From: Parikh, Jitesh (FHWA) <Jitesh.Parikh@dot.gov>
Sent: Thursday, January 27, 2022 12:28:53 PM
To: Sullivan, Diane <diane.sullivan@ncpc.gov>
Subject: call

Hi Diane,

Hope things are going well for you!

Would you let me know good time for a call on Monday. It should not take more than 5-10 minutes. I am available on Monday anytime except between 1 and 2 pm. Thank you!

Jitesh

Section 4(f) De Minimis Agency Concurrence

March 2, 2022

Ms. Carolyn Muller
Director, Department of Parks, Recreation and Culture
City of Gaithersburg
Activity Center at Bohrer Park
506 South Frederick Avenue
Gaithersburg, MD 20877

Dear Ms. Muller:

The Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA) appreciate your participation in the I-495 & I-270 Managed Lanes Study (MLS). The purpose of this letter is to inform the City of Gaithersburg of the FHWA's intent to make a *de minimis* impact determination for the MLS Section 4(f) Evaluation. In accordance with 23 CFR 774, MDOT SHA requests your concurrence with our determination that the impacts of the MLS Preferred Alternative on Malcolm King Park, which is owned and managed by the City of Gaithersburg, are minor and would not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f) of the U.S. Department of Transportation Act of 1966.

As part of the environmental study, MDOT SHA and FHWA are conducting a Section 4(f) evaluation for potential impacts to publicly owned parks, recreation areas, wildlife/waterfowl refuges and public or privately-owned historic sites. Section 4(f) of the United States Department of Transportation (US DOT) Act prohibits agencies under the USDOT, such as FHWA, from using land from these resources unless there is no feasible and prudent alternative to the use of that land, and all possible planning to minimize harm to the property has been included.

An impact to a significant public park, recreation area, or wildlife and waterfowl refuge may be determined to be *de minimis* if the transportation use of the Section 4(f) property, including incorporation of any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures), does not adversely affect the activities, features, or attributes that qualify the resource for protection under Section 4(f) (23 CFR 774.17).

In accordance with 23 CFR 774.5(b), the public should be afforded an opportunity to review and comment on the effects of the Proposed Action on the protected activities, features, or attributes of the Section 4(f) parks, recreation areas or wildlife and waterfowl refuges. Moreover, the official(s) with jurisdiction over the parks, recreation areas or wildlife and waterfowl refuge property, after being informed of the public comments and FHWA's intent to make the *de minimis* impact finding, must concur in writing that the project will not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f). For the MLS, the opportunity for the public to review and comment on the effects of the Proposed Action on the protected activities, features, or attributes of the Section 4(f) parks, recreation areas or wildlife and waterfowl refuges was provided following the Draft Environmental Impact Statement (DEIS) and again following the Supplemental DEIS (SDEIS). However, the DEIS and SDEIS did not identify Malcolm King Park as a property for which FHWA intends to make a *de minimis* impact finding. Subsequent to the publication of the SDEIS, the Section 4(f) use of Malcolm King Park was further reduced. Based upon that reduction, FHWA now intends to make a *de minimis* impact finding for Malcolm King Park. A public notice disclosing the current Section 4(f) use of the property, declaring FHWA's intent to make a *de minimis impact* finding, and requesting public comments was posted on the MLS website on February 11, 2022. The notice indicated a 15-day comment period ending on February 26, 2022. The City of Gaithersburg also posted the public notice on their website. The comments received from the public regarding the intent to seek a *de minimis* Section 4(f) impact determination for Malcolm King Park to the City of Gaithersburg are attached to this letter.

Section 4(f) Use of Malcolm King Park

Malcolm King Park is a 72.9 acre publicly owned park and recreation area located at 1200 West Side Drive in Gaithersburg. The MLS Preferred Alternative would result in a Section 4(f) use of 0.5 acre of Malcolm King Park, including 0.4 acre of permanent impact and less than 0.1 acre of temporary impact. Please refer to the attached map for more information on Malcolm King Park.

These impacts would be required to accommodate a constructability area related to the widening of I-270; augmenting an existing culvert; stabilizing the Muddy Branch outfall; and improvements to an existing outfall culvert. Malcolm King Park has a variety of park amenities, including a basketball court, picnic area, playground, tot lot, hiking trails, and tennis courts. Most of the park is wooded and serves as a buffer for Muddy Branch. Since the Supplemental Draft Environmental Impact Statement (SDEIS), proposed permanent impacts to Malcolm King Park have decreased by 0.8 acre due to changes in the design concept related to culvert augmentation. As seen in the attached map, the potential Section 4(f) use would occur at the edge of the park, near the existing I-270 ramps. No recreational facilities within the park would be impacted.

Mitigation for impacts to City of Gaithersburg parkland has been developed in coordination with the City of Gaithersburg and will consist of providing property to replace the parkland that would be impacted by the Preferred Alternative.

Ms. Carolyn Muller
Page Three

Conclusions

Based on this information, MDOT SHA believes that the proposed use of Malcolm King Park will not adversely affect the activities, features, or attributes that qualify the resource for protection under Section 4(f).

If you agree with this determination, please indicate your approval on the following page. If you require additional information or have comments, please contact Ms. Caryn Brookman at cbrookman@mdot.maryland.gov.

Sincerely,


A handwritten signature in cursive script that reads "Jeffrey T. Folden".

Jeffrey T. Folden, P.E. DBIA
Director, I-495 & I-270 P3 Office

Ms. Carolyn Muller
Page Four

CONCURRENCE:

We agree that the proposed minor impacts to Malcolm King Park will not adversely affect the activities, features, and attributes which qualify the resource for protection under Section 4(f):

 _____ Tanisha Briley, City Manager City of Gaithersburg	<u>TANISHA BRILEY</u> Printed Name	<u>3-23-22</u> Date
--	---------------------------------------	------------------------

We concur that the proposed minor impacts to Malcolm King Park constitute a *de minimis* Section 4(f) use:

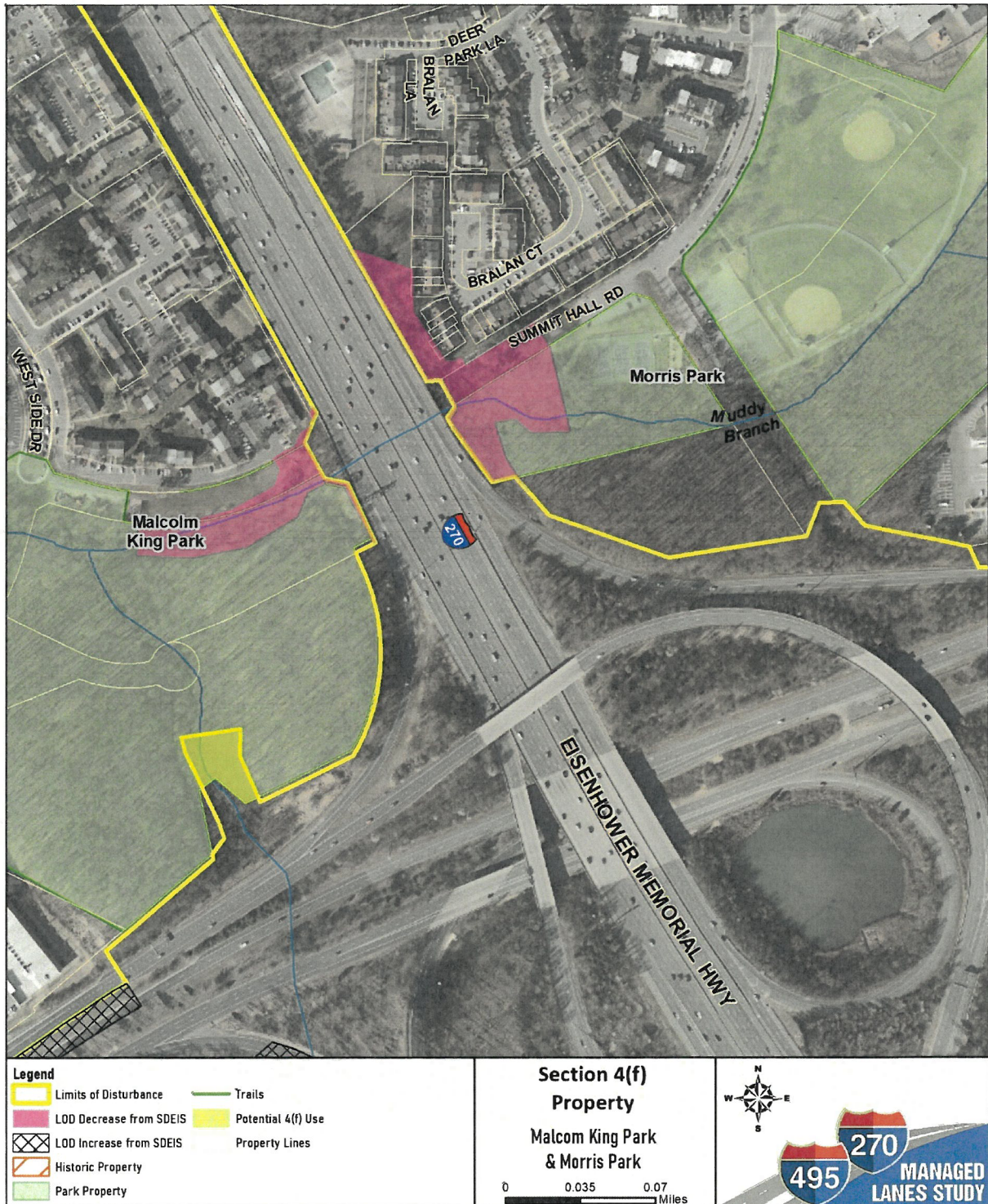
<u>JEANETTE J MAR</u> <small>Digitally signed by JEANETTE J MAR Date: 2022.03.28 16:13:05 -04'00'</small> Federal Highway Administration	<u>Jeanette Mar</u> Printed Name	<u>3/28/2022</u> Date
---	-------------------------------------	--------------------------

Attachments:

1. Comment Letter from Joel Chalfin
2. Comment Letter from Kevin Misener
3. Comment Letter from Mark Pierzchala, Rockville Councilmember
4. Comment Letter from Josh Tulkin, Maryland Sierra Club
5. Comment Letter from Janet Gallant, DontWiden270.org

cc: Mr. Dennis Enslinger, Deputy City Manager, City of Gaithersburg
Mr. Rob Robinson, Long Range Planning Manager, City of Gaithersburg
Ms. Jeanette Mar, Environmental Manager, FHWA
Mr. Jitesh Parikh, P3/MLS Director, FHWA
Ms. Keilyn Perez, Senior Area Engineer, FHWA
Ms. Caryn Brookman, Environmental Program Manager, OP3, MDOT SHA

Map of Malcolm King Park





U.S. Department
of Transportation
**Federal Highway
Administration**

Maryland Division

31 Hopkins Plaza, Suite 1520
Baltimore, Maryland 21201
(410) 962-4440
(410) 962-4054

April 21, 2022

In Reply Refer To:
HDA-MD

The Honorable Bridget Donnell Newton
Mayor
City of Rockville Council
111 Maryland Avenue
Rockville, MD 20850

Dear Mayor Newton and City of Rockville Councilmembers:

The Federal Highway Administration (FHWA) and the Maryland Department of Transportation State Highway Administration (MDOT SHA) appreciate the productive dialogue with the City of Rockville representatives during our April 14, 2022 executive level coordination meeting. Per your request during that meeting, we are responding to comments outlined in the City's March 21, 2022 letter concerning the February 17, 2022 request seeking the City's concurrence on the proposed Section 4(f) *de minimis* finding for three parks proposed to be minimally impacted by improvements associated with the Preferred Alternative under the I-495 & I-270 Managed Lanes Study (MLS).

We are seeking your concurrence on the Section 4(f) de minimis finding by April 26, 2022. If the City is unable to concur, per our discussion at the meeting, FHWA and MDOT SHA will send the Final Section 4(f) Evaluation including individual evaluation of the impacted parks to the City of Rockville, as the Official with Jurisdiction, for a 45-day review.

Parkland Impacts

To confirm, impacts to City owned parkland have been reduced since the Supplemental Draft Environmental Impact Statement (SDEIS). This 2.1-acre impact reduction, which was accomplished by avoiding Cabin John Stream Valley Park, was documented in the February 17th letter and will be reflected in the Final Environmental Impact Statement (FEIS)/Final Section 4(f) Evaluation. All other City park impacts have remained the same since the SDEIS except for a minor 0.1-acre temporary impact increase to the Rockville Senior Center and Park.

In total, the MLS Preferred Alternative would impact 5.4 acres of the City of Rockville's parkland, including 5.2 acres of permanent impact and 0.2 acre of temporary impact. This total includes the three Section 4(f) properties proposed for *de minimis* findings and 3.3 acres of permanent impact to Bullards Park and Rose Hill Stream Valley Park. The impacts to Bullards Park and Rose Hill Stream Valley Park are documented in an individual Section 4(f) evaluation, which is included in the Draft and Final Section 4(f) Evaluation.

The following text briefly reviews the three Section 4(f) properties under the City's jurisdiction for which a *de minimis* determination is being sought, including a description of impacts and proposed mitigation. Please refer to the attached maps for more information on each Section 4(f) property.

Rockmead Park:

Rockmead Park is a 25.3-acre publicly owned park and recreational facility at 1800 Greenplace Terrace in Rockville. The MLS Preferred Alternative would result in a Section 4(f) use of 0.3 acres, including 0.2 acre of permanent impact and 0.1 acre of temporary impact.

These impacts would be required to accommodate improvements to two existing culverts, provide access for construction vehicles and materials, and for the construction of a retaining wall and noise barrier. Rockmead Park abuts the I-270 southbound lanes and contains amenities including open space, benches, natural and hard surface paths, and playground equipment. As seen in the attached map, the potential Section 4(f) use of Rockmead Park would be located along I-270. Tree removal would be required within the affected portion of the park but no recreational facilities within the park would be impacted.

Woottons Mill Park:

Woottons Mill Park is a 106.5-acre publicly owned park and recreation area on Hurley Road in Rockville. The MLS Preferred Alternative would result in a Section 4(f) use of 0.7 acres, all of which would be permanent impact.

These impacts would be required to improve a storm drain outfall and for augmentation of one culvert with potential stream restoration improvements. Woottons Mill Park extends along Watts Branch and contains amenities including basketball and tennis courts, benches and picnic tables, natural and hard surface paths, playground equipment, and garden plots. As seen in the attached map, the potential Section 4(f) use of Woottons Mill Park would be located along Watts Branch Parkway and the I-270 and MD 28 interchange. Tree removal would be required within the affected portion of the park but no recreational facilities within the park would be impacted.

Rockville Senior Center and Park:

Rockville Senior Center and Park is a 12.1-acre publicly owned park and recreational facility at 1150 Carnation Drive in Rockville. The property also is subject to review under the National Historic Preservation Act; the Senior Center building contributes to the significance of Woodley Gardens, which is eligible for the National Register of Historic Places (NRHP). The MLS Preferred Alternative would result in a Section 4(f) use of 1.1 acres, including 1.0 acre of permanent impact and 0.1 acre of temporary impacts.

These impacts would be required to accommodate the construction, operation, and future maintenance of a stormwater management facility; construction of a retaining wall and noise barrier; and widening of Gude Drive. Rockville Senior Center and Park abuts the northbound lanes of I-270 and contains amenities including benches, picnic tables, walking paths, a nature trail, community garden, outdoor fitness equipment, art, bocce ball court, and playground equipment; the Senior Center building features additional recreational facilities. As seen in the attached map, the potential Section 4(f) use of Rockville Senior Center and Park would be

located along West Gude Drive and I-270. Tree removal would be required within the affected portion of the park but no recreational facilities within the park would be impacted.

The Maryland State Historical Preservation Office (SHPO) (Maryland Historical Trust) concurred in writing with a finding of “no adverse effect” for Woodley Gardens in accordance with 36 CFR 800 on March 12, 2020 and was notified of FHWA’s intent to make a *de minimis* finding.

During our April 14 meeting, the City requested that the proposed stormwater management facility at this resource be designed in a way not to jeopardize the historic designation of the resource. MDOT SHA is committing to work with the Developer and the City during final design to design the facility in a context sensitive manner in keeping with the historic character defining elements of Woodley Gardens.

In your March 21 letter and also at the April 14 meeting, you expressed concerns regarding the City’s proposed new entrance to the Rockville Senior Center, MDOT SHA has worked with the Developer to consider a stub out along West Gude Drive at Piccard Drive to accommodate the future intersection leg. Therefore, MDOT SHA is committing that the proposed design will not preclude the City’s planned new entrance to the Rockville Senior Center and MDOT SHA is committed to continued coordination with the City on the final design details.

Mitigation

During coordination meetings through Fall 2021 and Winter 2022, City staff stated that mitigation for all park impacts should be focused entirely on providing parkland replacement property. We appreciate the additional map the City provided with the March 21st letter that identified specific parcels of interest as replacement parkland. Based on further review of the provided parcels, MDOT SHA is committed to acquiring or conveying the following parcels to the City as parkland replacement properties as compensation for impacts to all impacted parks under the City’s jurisdiction.

The replacement parkland totals 7.22 acres:

- Millennium Garden Park: Consisting of 2 parcels (Account Nos. 160400205270 and 160400205281) totaling 1.25 acres
- Betty B. Casey Property (Fleet Street): Consisting of 1 parcel (Account No. 160400144125) totaling 1.32 acres
- Lodging Partners, LLC Property (41 Maryland Avenue): Consisting of 1 parcel (Account No. 160403198603) totaling 0.42 acre.
- Cynthia Robertson Property (Potomac Woods): Consisting of 1 parcel (Account No. 160401523951) totaling 4.23 acres

In addition to parkland replacement acreage as mitigation and compensation, FHWA and MDOT SHA are committing to continue to consult on context sensitive solutions during the design phase of the project to the four existing parks (Bullards Park and Rose Hill Stream Valley Park, Rockmead, Woottons Mill, and the Rockville Senior Center). This is not meant to be an open-ended relationship but constrained to context sensitive solutions that are both compensatory to the impacts on the 4(f) resources and a justifiable expenditure of public funds. For example,

plantings and context sensitive stormwater management facility design are an appropriate context sensitive solution. Additional park amenities will not be considered by FHWA.

Conclusion

In summary, FHWA and MDOT SHA appreciate the City's active participation in the study and your specific comments received in response to our February 17th letter Section 4(f) *de minimis* concurrence letter. As stated, the purpose of this letter is to receive a response from the City relative to our request for concurrence that the minor impacts associated with the MLS Preferred Alternative on Rockmead Park, Woottons Mill Park, and Rockville Senior Center and Park that are owned and managed by the City would not adversely affect the features, attributes, or activities qualifying the properties for protection under Section 4(f) of the United States Department of Transportation Act of 1966.

FHWA and MDOT SHA are committed to continuing to work with the City on issues outside of this specific Section 4(f) request, related to the Memorandum of Understanding on other items not related to these parks, and look forward to future meetings to discuss these important issues.

If you agree with the Section 4(f) *de minimis* determination, please indicate your approval on the following page. If you require additional information or have comments, please contact Mr. Jitesh Parikh at Jitesh.parikh@dot.gov.

Sincerely,

GREGORY KEITH
MURRILL

Digitally signed by GREGORY
KEITH MURRILL
Date: 2022.04.21 15:10:55 -0400

Gregory Murrill
Division Administrator

CONCURRENCE:

We agree that the minor impacts to the following parks will not adversely affect the activities, features, and attributes which qualify the resource for protection under Section 4(f):

Check all that apply

- ☒ Rockmeade Park
☒ Woottons Mill Park
☒ Rockville Senior Center and Park


 City of Rockville

Robert DiSpirito
 Printed Name

4/26/22
 Date

We concur that the minor impacts to following parks constitute a *de minimis* impact:

Check all that apply

- ☒ Rockmeade Park
☒ Woottons Mill Park
☒ Rockville Senior Center and Park

JEANETTE J MAR

Digitally signed by JEANETTE J
 MAR
 Date: 2022.04.26 15:49:34 -04'00'

Jeanette Mar

4/26/2022

for

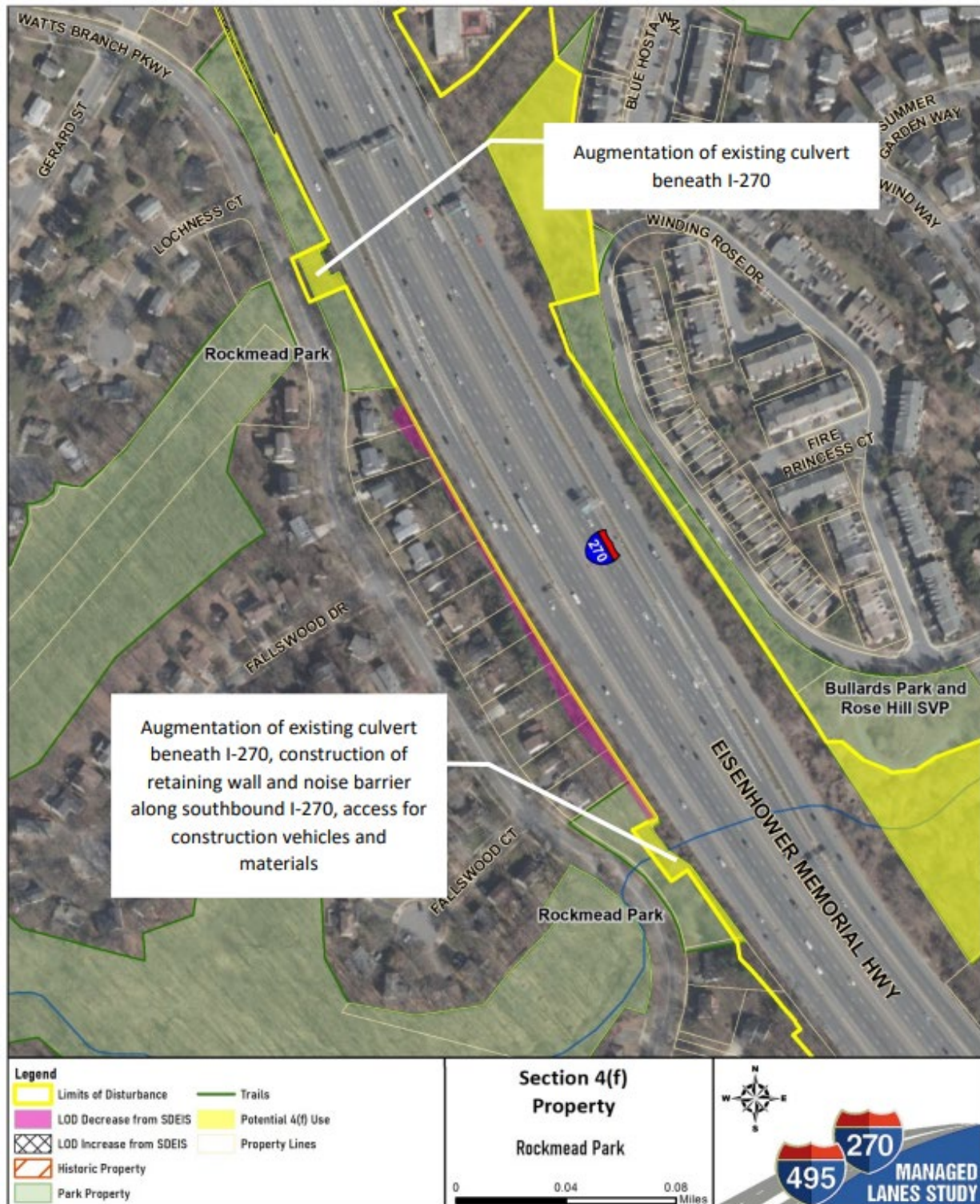
Federal Highway Administration

Printed Name

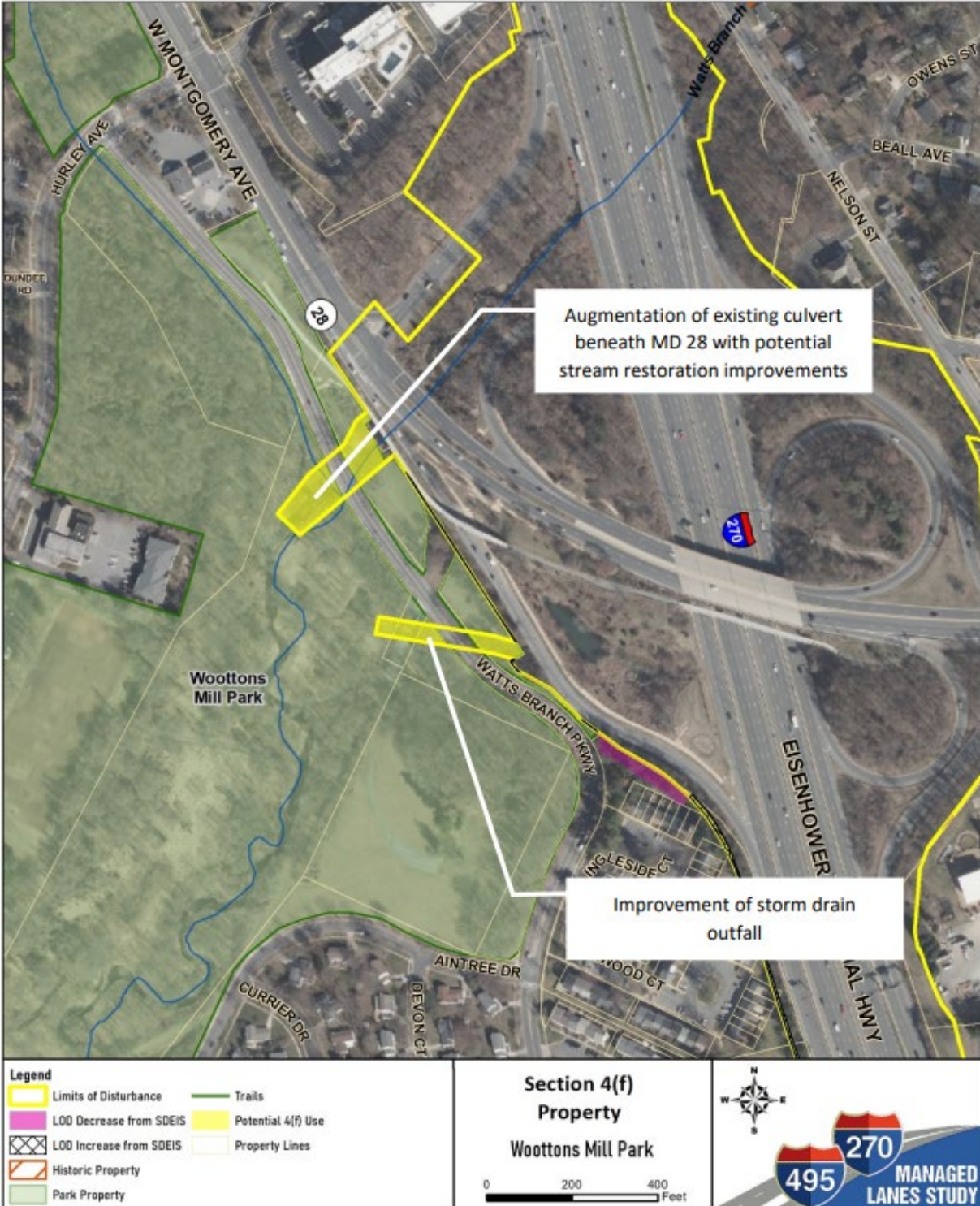
Date

cc: Mr. Robert DiSpirito, Rockville City Manager
 Mr. Tim Chesnutt, Rockville Director of Recreation and Parks
 Mr. Craig Simoneau, Director, Department of Public Works, City of Rockville
 Ms. Jeanette Mar, Environmental Manager, FHWA
 Mr. Jitesh Parikh, P3/MLS Director, FHWA
 Ms. Keilyn Perez, Senior Area Engineer, FHWA
 Ms. Caryn Brookman, Environmental Program Manager, I-495 & I-270 P3 Office,
 MDOT SHA
 Jeffrey T. Folden, P.E., DBIA, Director, I-495 & I270 P3 Office, MDOT SHA
 Tim Smith, P.E., Administrator, MDOT SHA
 Mayor Newton and Councilmembers

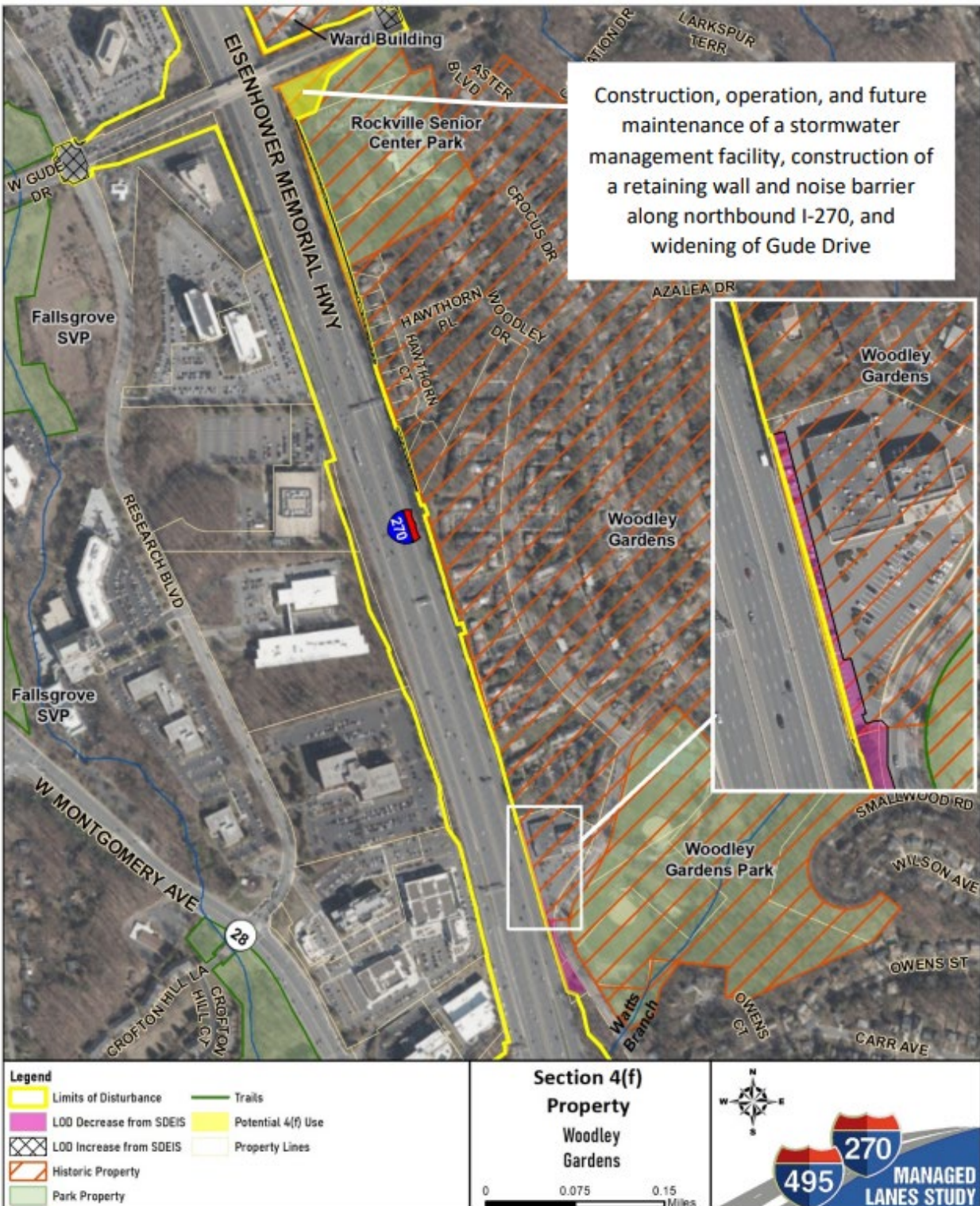
Rockmead Park



Woottons Mill Park



Rockville Senior Center and Park





City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

240-314-5000
TTY 240-314-8137

April 26, 2022

Gregory Murrill, Division Administrator
Federal Highway Administration, Maryland Division
U.S. Department of Transportation
31 Hopkins Plaza, Suite 1520
Baltimore, MD 21201

Dear Mr. Murrill:

Thank you for your letter dated April 21, 2022, to the Mayor and Council of Rockville ("Mayor and Council"), requesting the City of Rockville's written concurrence that the proposed I-495 & I-270 Managed Lanes Study (the "**Proposed I-495 / I-270 Project**") would have *de minimis* Section 4(f) impacts on three (3) parks owned and managed by the City of Rockville: (i) Rockmead Park, (ii) Woottons Mill Park, and (iii) Rockville Senior Center and Park. The authority to provide written concurrence rests with the Mayor and Council of Rockville.

Enclosed as requested is the City of Rockville's signed Section 4(f) *de minimis* concurrence for the three subject parks. Mayor and Council's concurrence is contingent upon (i) delivery to the City of the mitigation commitments outlined in your April 21st letter, including 7.22 acres of specific replacement parkland across four separate properties, and (ii) incorporation of context-sensitive design solutions. These commitments are intended to compensate the City of Rockville for the 5.4 total acres of City-owned parkland to be affected by the Proposed I-495 / I-270 Project—should the Project proceed beyond a Record of Decision.

To be clear, Mayor and Council's limited Section 4(f) *de minimis* concurrence herein is not, and should not be construed, as support for either the Proposed I-495 / I-270 Project, or as a waiver of Mayor and Council's valid concerns communicated in its prior submitted comments. Mayor and Council takes this very limited action in order to maximize a fair mitigation package for any City-owned parkland impacts that would occur should the Proposed I-495 / I-270 Project proceed beyond a Record of Decision. This step, as with any future actions by Mayor and Council regarding the Proposed I-495 / I-270 Project, is taken solely in furtherance of the best interests of the City's residents.

We look forward to further discussions with the United States Federal Highway Administration and the Maryland Department of Transportation State Highway Administration and their Project consultants to protect against and appropriately mitigate the Proposed I-495 / I-270 Project's disparate and significant impacts on the City of Rockville.

Sincerely,

Robert DiSpirito, City Manager

MAYOR
Bridget Donnell Newton

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COUNCIL OPERATIONS
Sara Taylor-Ferrell

CITY ATTORNEY
Robert E. Dawson

April 26, 2022
Gregory Murrill, Division Administrator
Page 2

cc: Mayor & Council, City of Rockville
Robert E. Dawson, Rockville City Attorney
Tim Chesnutt, Rockville Director of Recreation and Parks
Craig Simoneau, Rockville Director of Public Works
Jeanette Mar, Environmental Manager, FHWA
Jitesh Parikh, P3/MLS Director, FHWA
Keilyn Perez, Senior Area Engineer, FHWA
Caryn Brookman, Environmental Program Manager, I-495 & I-270 P3 Office,
MDOT SHA
Jeffrey T. Folden, P.E., DBIA, Director, I-495 & I270 P3 Office, MDOT SHA
Tim Smith, P.E., Administrator, MDOT SHA

April 5, 2022

Mr. Michael Riley
Director, Montgomery Parks
Maryland-National Capital Park and Planning Commission
Wheaton Headquarters
2425 Reddie Drive
Wheaton, MD 20902

Dear Mr. Riley:

The Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA) appreciate your participation in the I-495 & I-270 Managed Lanes Study (MLS). The purpose of this letter is to inform the Maryland-National Capital Park and Planning Commission (M-NCPPC) of the FHWA's intent to make a *de minimis* impact determination for the MLS Section 4(f) Evaluation. In accordance with 23 CFR 774, MDOT SHA requests your concurrence with our determination that the impacts of the proposed project on Cabin John Stream Valley Park Unit 2, Cabin John Stream Valley Park Unit 6, Tilden Woods Stream Valley Park, and Old Farm Neighborhood Conservation Area, which are owned and managed by M-NCPPC, are minor and would not adversely affect the features, attributes, or activities qualifying the properties for protection under Section 4(f) of the United States Department of Transportation Act of 1966.

As part of the environmental study, MDOT SHA and FHWA are conducting a Section 4(f) evaluation for potential impacts to publicly owned parks, recreation areas, wildlife/waterfowl refuges and public or privately-owned historic sites. Section 4(f) of the United States Department of Transportation (USDOT) Act prohibits agencies under the USDOT, such as FHWA, from using land from these resources unless there is no feasible and prudent alternative to the use of that land, and all possible planning to minimize harm to the property has been included.

An impact to a significant public park, recreation area, or wildlife and waterfowl refuge may be determined to be *de minimis* if the transportation use of the Section 4(f) property, including incorporation of any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures), does not adversely affect the activities, features, or attributes that qualify the resource for protection under Section 4(f) (23 CFR 774.17).

Mr. Michael Riley

Page Two

In accordance with 23 CFR 774.5(b), the public should be afforded an opportunity to review and comment on the effects of the Proposed Action on the protected activities, features, or attributes of the Section 4(f) parks, recreation areas or wildlife and waterfowl refuges. Moreover, the official(s) with jurisdiction over the property, after being informed of the public comments and FHWA's intent to make the *de minimis* impact finding, must concur in writing that the project will not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f). For the MLS, the opportunity for the public to review and comment on the effects of the Proposed Action on the protected activities, features, or attributes of the Section 4(f) parks, recreation areas or wildlife and waterfowl refuges has been provided in conjunction with the overall NEPA document public involvement process. The public was afforded the opportunity to provide comments following publication of the Draft Environmental Impact Statement (DEIS) and again following the Supplemental DEIS (SDEIS). Through that process, no comments related to the potential *de minimis* impact determinations for Cabin John Stream Valley Park Unit 2, Cabin John Stream Valley Park Unit 6, Tilden Woods Stream Valley Park, and Old Farm Neighborhood Conservation Area were received. While the impacts to Cabin John Stream Valley Park Unit 6 have increased slightly since the SDEIS the intent to seek a *de minimis* Section 4(f) determination has not changed.

Section 4(f) Use

The following text provides a brief overview of the four Section 4(f) properties under M-NCPPC's jurisdiction for which a *de minimis* finding is being sought, including a description of impacts and proposed mitigation. Please refer to the attached maps for more information on each Section 4(f) property.

Cabin John Stream Valley Park Unit 2

Cabin John Stream Valley Park Unit 2 is an approximately 105.0 acre publicly owned park and recreation area that is one of six units that comprise M-NCPPC's Cabin John Stream Valley Park in Montgomery County. Since the DEIS, efforts to further avoid and minimize impacts to Cabin John Stream Valley Park Unit 2 have been undertaken. Design refinements for the FEIS include a different ramp configuration at the Cabin John Parkway/MD 190 interchange, resulting in a narrower proposed pavement footprint along the I-495 inner loop at the park. *This refinement resulted in a reduction of 0.8 acres of impact to the park.* The MLS Preferred Alternative would currently result in a Section 4(f) use of approximately 0.6 acres of Cabin John Stream Valley Park Unit 2, which is comprised of 0.6 acre of permanent impact and less than 0.1 acre of temporary impact.

Mr. Michael Riley
Page Three

These impacts would be required to accommodate the widening of I-495, the replacement of bridges across Seven Locks Road and Cabin John Parkway and associated construction access, realigning the interchange with Cabin John Parkway, a proposed noise barrier along the inner loop of I-495, and providing northbound managed lane access to River Road. Along southbound Cabin John Parkway, there would be impacts associated with culvert augmentation, construction of a retaining wall, and resurfacing of Cabin John Parkway for maintenance of traffic. Additionally, two culverts would be augmented in the southwest quadrant of the I-495 and River Road interchange.

Cabin John Stream Valley Park Unit 2 contains portions of the natural-surface Cabin John Trail, as well as undeveloped wooded area that provides a protective buffer along Cabin John Creek.

As seen in the attached map, the potential Section 4(f) use of Cabin John Stream Valley Park Unit 2 would be located along I-495 and Cabin John Parkway. Impacts would be limited to the existing edges of wooded area adjacent to the roadways. No recreational facilities within the park would be impacted by the Preferred Alternative.

Cabin John Stream Valley Park Unit 6

Cabin John Stream Valley Park Unit 6 is an approximately 19.8 acre publicly owned park and recreation area that is one of six units that comprise M-NCPPC's Cabin John Stream Valley Park in Montgomery County. The MLS Preferred Alternative would result in a Section 4(f) use of approximately 0.8 acres of Cabin John Stream Valley Park Unit 6, which is comprised of 0.8 acre of permanent impact and less than 0.1 acre of temporary impact.

These impacts would be required to accommodate grading, improvements to an existing culvert, access for construction vehicles and materials, construction of a retaining wall along the realigned ramp from northbound I-270 to eastbound Montrose Road, and construction of a stormwater management facility. Cabin John Stream Valley Park Unit 6 contains portions of the natural-surface Cabin John Trail, as well as undeveloped wooded area that provides a protective buffer along Cabin John Creek. As seen in the attached map, the potential Section 4(f) use of Cabin John Stream Valley Park Unit 6 would be located along I-270. Impacts would be limited to tree removal within the affected area. No recreational facilities within the park would be impacted by the Preferred Alternative.

Tilden Woods Stream Valley Park

Tilden Woods Stream Valley Park is a 67.4 acre publicly owned park and recreation area accessed via Sulky Lane in Bethesda. The MLS Preferred Alternative would result in a Section 4(f) use of 0.4 acre of Tilden Woods Stream Valley Park, including 0.3 acre of permanent impact and 0.1 acre of temporary impact.

Mr. Michael Riley
Page Four

These impacts would be required to accommodate an area for construction to widen I-270, replace the bridge that carries I-270 over Tuckerman Lane, augmenting an existing culvert, provide access for construction vehicles and materials, and utility relocation. Tilden Woods Stream Valley Park extends along the banks of Old Farm Creek from Montrose Road to I-270 and contains an undeveloped wooded area that provides a buffer along Old Farm Creek. As seen in the attached map, the potential Section 4(f) use of Tilden Woods Stream Valley Park would be located along I-270 and removal of trees within the impacted area would be required. No recreational facilities within the park would be impacted.

Old Farm Neighborhood Conservation Area

Old Farm Neighborhood Conservation Area is a 0.8 acre publicly owned park and recreation area at 7030 Tilden Lane in Rockville. The MLS Preferred Alternative would result in a Section 4(f) use of 0.1 acres of Old Farm Neighborhood Conservation Area, all of which would be permanent impact.

These impacts would be required to construct, operate, and maintain a stormwater management facility on land adjacent to the park. Old Farm Neighborhood Conservation Area is composed of an undeveloped wooded area. As seen in the attached map, the proposed Section 4(f) use of Tilden Woods Stream Valley Park would be located along I-270. Construction of the proposed stormwater management facility would require the removal of trees from within the impacted area of the park. No recreational facilities within the park would be impacted.

Mitigation

Mitigation for impacts to M-NCPPC parkland has been developed in coordination with M-NCPPC and will consist of providing property to replace the parkland that would be impacted by the MLS as well as numerous other park improvements identified as priorities by M-NCPPC.

Refer to Attachment 1 dated April 5, 2022.

Conclusions

Based on the information presented, MDOT SHA believes that the use of the four Section 4(f) properties will not adversely affect the activities, features, or attributes that qualify the resources for protection under Section 4(f).

If you agree with this determination, please indicate your approval on the following page. If you require additional information or have comments, please contact Caryn Brookman via email at cbrookman@mdot.maryland.gov.

Sincerely,



Jeffrey T. Folden, PE, DBIA
Director, I-495 & I-270 P3 Office

CONCURRENCE:

We agree that the proposed minor impacts to the following parks will not adversely affect the activities, features, and attributes which qualify the resources for protection under Section 4(f):

Check all that apply

- ☒ Cabin John Stream Valley Park Unit 2
- ☒ Cabin John Stream Valley Park Unit 6
- ☒ Tilden Woods Stream Valley Park
- ☒ Old Farm Neighborhood Conservation Area

 Michael B. Riey 4/3/2022
Maryland-National Capital Park and Planning Commission Printed Name Date

We concur that the proposed minor impacts to following parks constitute *de minimis* Section 4(f) uses:

Check all that apply

- ☒ Cabin John Stream Valley Park Unit 2
- ☒ Cabin John Stream Valley Park Unit 6
- ☒ Tilden Woods Stream Valley Park
- ☒ Old Farm Neighborhood Conservation Area

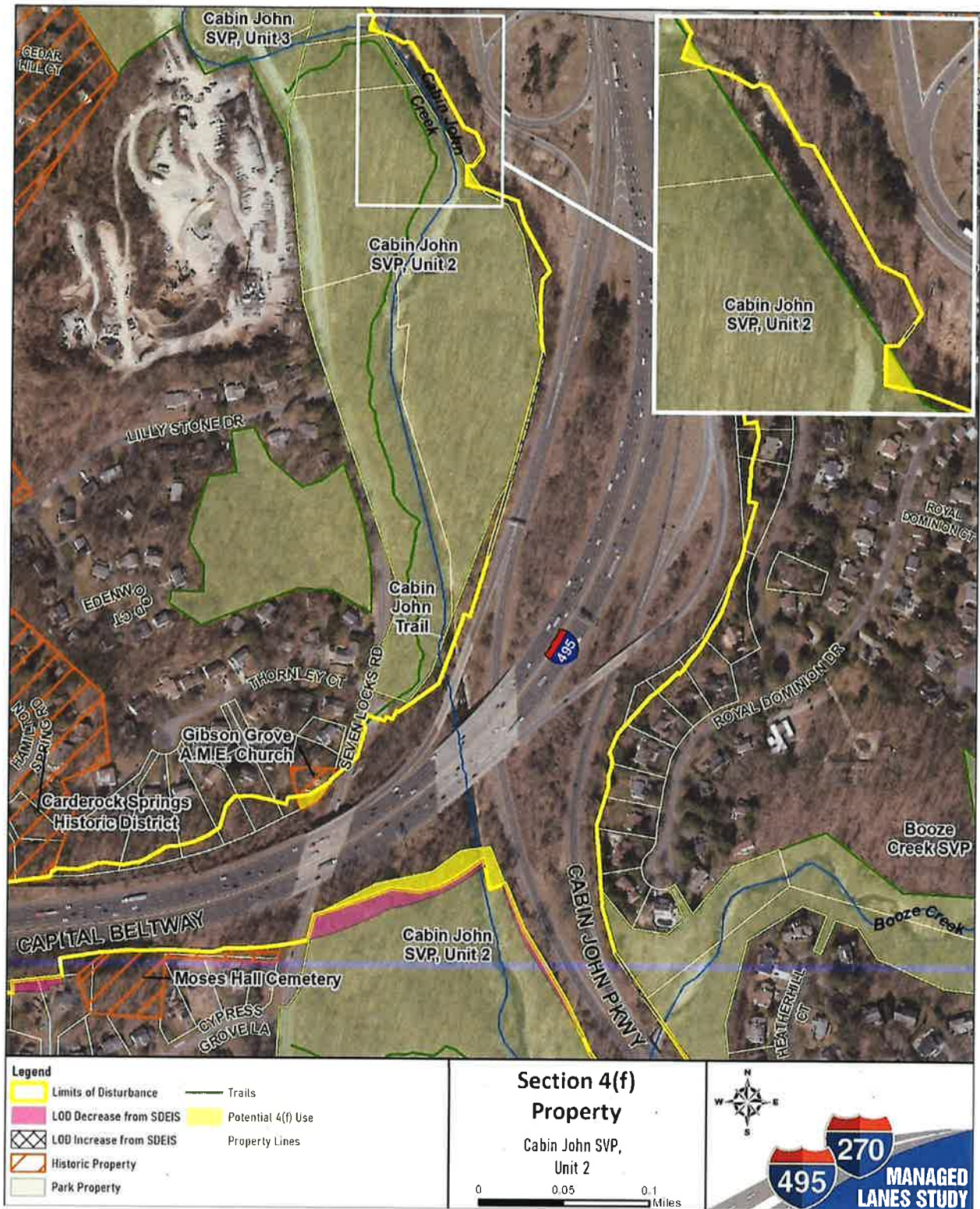
JEANETTE J MAR Digitally signed by JEANETTE J
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for Federal Highway Administration

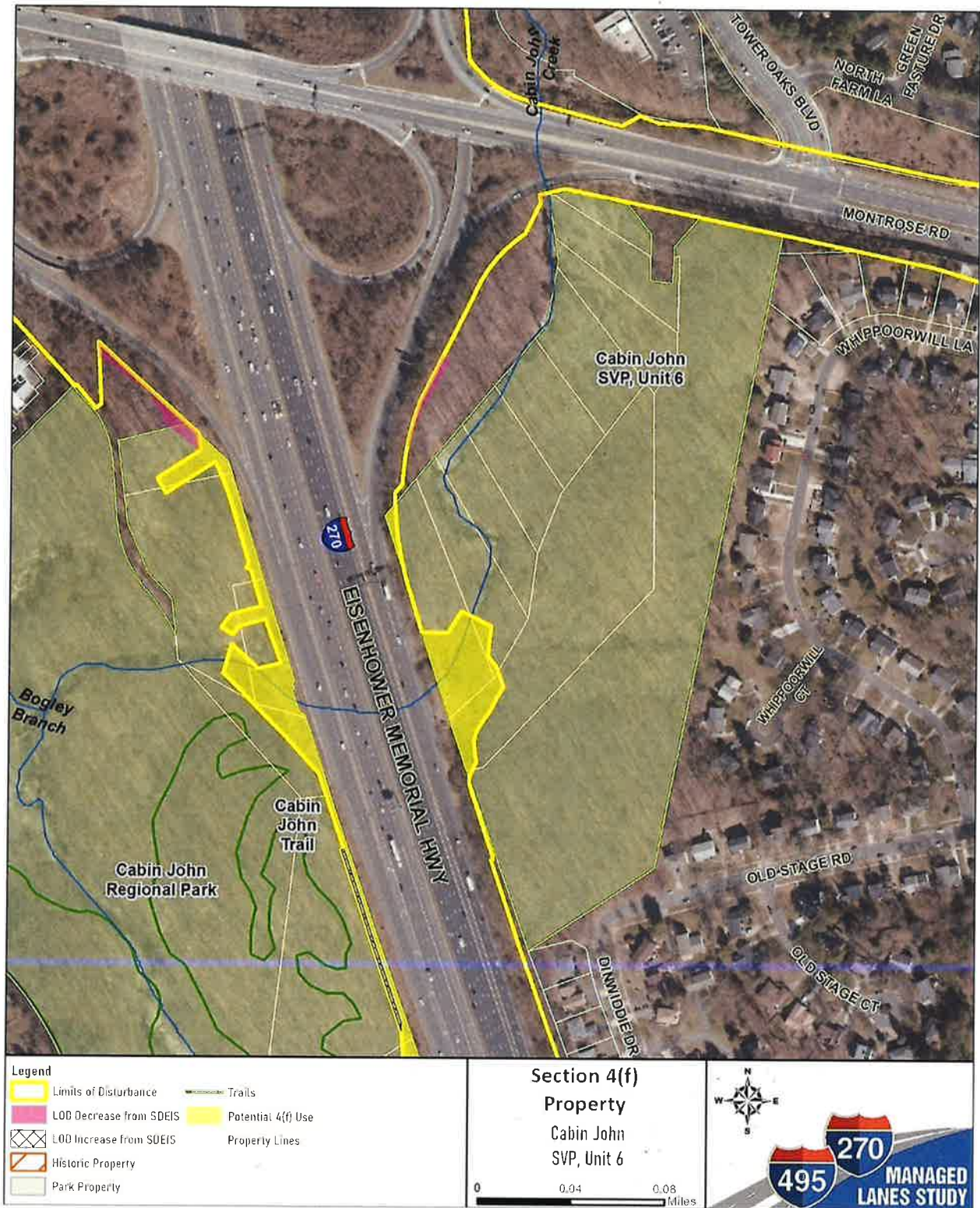
Jeanette Mar 04/06/2022
Printed Name Date

cc: Ms. Debra Borden, Principal Counsel, M-NCPPC
Mr. Matthew Harper, Natural Resources Manager, M-NCPPC
Mr. Douglas Stephens, Principal Natural Resources Specialist, M-NCPPC
Ms. Jeanette Mar, Environmental Manager, FHWA
Mr. Jitesh Parikh, P3/MLS Director, FHWA
Ms. Keilyn Perez, Senior Area Engineer, FHWA
Ms. Caryn Brookman, Environmental Program Manager, I-495 & I-270 P3 Office,
MDOT SHA

Map of Cabin John Stream Valley Park Unit 2



Map of Cabin John Stream Valley Unit 6



Map of Tilden Woods Stream Valley Park and Old Farm Neighborhood Conservation Area



No.	Maryland-National Capital Park & Planning Commission Mitigation Commitment	Mitigation Benefit or Concerns
Parkland Replacement Proposed for all Impacts		
Total Park Impacts -Permanent: 7.5 acres -Temporary: 0.7 acre -Total: 8.2 acres		
1	Acquire the 24.14-acre Bardon, Inc. property (Acct. no. 00402385) and convey to M-NCPPC	Equals 3.3:1 replacement ratio adjacent to existing Serpentine Barrens Conservation Park that has similar qualities and is a Best Natural Area, Preserves 24.71 acres of existing FIDS habitat;
2	Acquire the 0.57-acre Bardon, Inc. property (Acct. no. 02620882) and convey to M-NCPPC	
3	Unused SHA property post-construction (unknown acreage) Evaluate the ability to re-convey unused property previously owned by M-NCPPC back to that agency post construction.	Reduces total park property converted to transportation use.
4	Convey the MDOT SHA owned ~3.0-acre parcel located at MD 97 and 16 th Street	Provides recreational value
5	Convey the MDOT SHA owned ~15.50-acre parcel located near Northwood High School and Northwest Stream Valley Park	Provides recreational value
CABIN JOHN STREAM VALLEY PARK UNIT 2		
Park Impacts: Cabin John Stream Valley Park Unit 2 -Permanent: 0.6 acre -Temporary: <0.1 acre -Total: 0.6 acre		
6	Plan, design, and construct improvements to formalize the Cabin John Trail trailhead parking area along Seven Locks Road including: <ul style="list-style-type: none"> Reconstruct the existing driveway per MD Standard No. 630.02 or applicable County standard. Pave the existing gravel lot with full depth asphalt. Paved area measures approximately 60' x 100'. Assume open section lot. Optimize parking lot design to provide maximum number of spaces, including ADA spaces (with signage) per the ADA Guidelines. Stripe new parking spaces. Provide drainage and stormwater management facilities as required to treat impervious area per County requirements. Install signage prohibiting littering/dumping, replace existing trash can, and remove existing illicitly dumped material. Relocate existing sign kiosk. Construct bicycle repair stand, with tools and pump at Cabin John Trail trailhead. 	Recreational Improvements and improved access to park
7	Stream stabilization (~1,000 linear feet) along Cabin John Creek including: <ul style="list-style-type: none"> Remove all concrete structures within stream along both along existing banks and failed pieces in the stream Rebuild banks with rock and vegetative stabilization techniques that promote environmental functions Replant riparian buffer with native seed, herbaceous plugs, and native shrubs and trees Install instream grade control structures (such as rock sill, crossvane, riffles, etc.) to transition stream into, through, and out of the underpass area in a stable and ecologically sound way Protect sewer manhole and restore I-495 on-ramp outfall to Cabin John Creek with environmentally sensitive channel techniques 	Stream stabilization and re-vegetation

No.	Maryland-National Capital Park & Planning Commission Mitigation Commitment	Mitigation Benefit or Concerns
8	Plan, design, and implement forest and terrestrial vegetation mitigation including: <ul style="list-style-type: none"> Non-native/Invasive (NNI) control for 7 years within 50' buffer of LOD. Infill plantings consisting of shrubs, understory/canopy trees and herbaceous seeding within NNI control areas (50 ft buffer from LOD). 	Removal and control of non-invasive species; re-vegetation and reforestation
9	Plan and design wildlife passage area under I-495 overpass of Cabin John Creek and Cabin John Parkway by lengthening new bridge structures. This will allow wildlife passage on the west side bank of Cabin John Creek while minimizing wildlife-vehicular conflicts along Cabin John Parkway by constructing wildlife exclusion fencing along the east side of the creek next to the Parkway, in coordination with M-NCPPC.	Provides wildlife passage
CABIN JOHN REGIONAL PARK		
Park Impacts: Cabin John Regional Park -Permanent: 5.7 acres -Temporary: 0.6 acre -Total: 6.3 acres		
10	Plan, design, and construct a fiberglass pedestrian bridge over the outfall/tributary to Cabin John Creek at STA 3640+00 for the natural surface connector trail including: <ul style="list-style-type: none"> Performing hydraulic study and determining feasibility of new crossing Constructing fiberglass bridge per M-NCPPC-provided Fiberglass Bridge specification or per equal to or better alternative approved by M-NCPPC. 	Improved pedestrian and cyclist access to park
11	Plan, design, and construct improvements for pedestrian and cycling access to the Robert C. McDonell campground access road by: <ul style="list-style-type: none"> Reconstruction of existing bridge over Old Farm Creek in same location per M-NCPPC-provided specifications for Prefabricated Steel Truss Bridge (Section 401) and Helical Piles (Section 403) (hydraulically in-kind replacement). Provide temporary crossing for pedestrians and cyclists during bridge reconstruction. Provide stream stabilization work immediately upstream, underneath, and immediately downstream of the bridge Limit time of year of bridge reconstruction to window when campground access is closed. Bridge design shall provide for ADA compliance, pedestrian access, and passage of cyclists without dismounting while incorporating a gate to prevent unauthorized access by vehicles 	Improved pedestrian and cyclist access to park; stream stabilization
12	Plan, design, and construct improvements to the existing parking area on Tuckerman Lane near the Robert C. McDonell Campground access road including: <ul style="list-style-type: none"> Resurface the existing paved lot. (Paved area measures approximately 2500 SF. (25' x 100')) Optimize parking lot design to provide maximum number of spaces. Stripe new parking spaces. Incorporating ADA parking, as applicable. Provide additional landscaping in vicinity of lot. 	Improved access to park and landscaping
13	Plan, design, and construct a fiberglass pedestrian bridge over Cabin John Creek to connect the Cabin John Trail to the Kidney Bean Loop Trail, in the vicinity of Goya Drive including: <ul style="list-style-type: none"> Constructing fiberglass bridge per provided Fiberglass Bridge specification or per equal to or better alternative approved by M-NCPPC. Design and construct in-stream grade control and bank protection structures to stabilize stream in the vicinity of the new bridge	Improved pedestrian and cyclist access to park; reduce erosion; streambank stabilization
14	Plan, design, and construct improvements for the stabilization of the Gainsborough Road stormwater outfall to Cabin John Creek (approximately 255 linear feet) with environmentally sensitive channel techniques. <ul style="list-style-type: none"> Include a planting plan to compensate for forest impacts related to this work. Provide treatment of invasive bamboo surrounding the channel. Construct pedestrian trail bridge replacement over Gainsborough outfall channel 	Outfall stabilization; improved water quality; non-invasive species removal; reforestation and revegetation; improved pedestrian access to park

No.	Maryland-National Capital Park & Planning Commission Mitigation Commitment	Mitigation Benefit or Concerns
15	Plan, design, and implement forest and terrestrial vegetation mitigation including: <ul style="list-style-type: none"> Conducting forest stand delineation (FSD) within 100 ft buffer of LOD within park property and develop a 7-year non-native invasive control management plan. Implementing a 7-year non-native invasive control management plan within 100 feet of the LOD in the biodiversity area. Specific target areas and species to be determined by M-NCPPC Montgomery Parks. Infill plantings consisting of shrubs, understory/canopy trees and herbaceous seeding within NNI control areas (100 ft buffer from LOD). 	Removal and control of non-invasive species, comprehensive natural resource inventory; park management plan; reforestation and revegetation; natural resource restoration
TILDEN WOODS STREAM VALLEY PARK, OLD FARM NEIGHBORHOOD CONSERVATION AREA, AND CABIN JOHN STREAM VALLEY PARK UNIT 6		
<div> <div> Park Impacts: Tilden Woods Stream Valley Park: -Permanent: 0.3 acre -Temporary: 0.1 acre -Total: 0.4 acre </div> <div> Park Impacts: Old Farm Neighborhood Conservation Area: -Permanent: 0.1 acre -Temporary: 0 acre -Total: 0.1 acre </div> <div> Park Impacts: Cabin John Stream Valley Park – Unit 6: -Permanent: 0.8 acre -Temporary: 0.1 acre -Total: 0.8 acre </div> </div>		
16	Plan, design, and construct improvements for the stabilization of the Greentree Road stormwater outfall from the pipe to a natural surface trail just south of Cabin John Creek (approximately 310 linear feet) with environmentally sensitive channel techniques. Include a planting plan to compensate for forest impacts related to this work.	Outfall stabilization; improved water quality; reforestation or revegetation; reduced erosion
17	Plan, design, and implement forest and terrestrial vegetation mitigation including: <ul style="list-style-type: none"> NNI control for 7 years within 50' buffer of LOD. Infill plantings consisting of shrubs, understory/canopy trees and herbaceous seeding within NNI control areas (50 ft buffer from LOD). 	Reforestation and revegetation
18	Single span bridge structure spanning Tuckerman Lane and Old Farm Creek: <ul style="list-style-type: none"> Develop plan, design, and construct wildlife passage area on northern bank per M-NCPPC specifications Provide fish passage under Old Farm Creek overpass by restoring the stream to a natural channel and tie into the existing stream restoration immediately upstream 	Wildlife corridor, stream restoration, connectivity