



State Highway Administration  
Maryland Department of Transportation

Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

Beverly K. Swaim-Staley, Secretary  
Neil J. Pedersen, Administrator

Aug 12, 2010

RE: Project No. MO593A24  
MD 355 @ Jones Bridge Road  
Intersection Improvements  
Montgomery County, Maryland

Mr. Nelson J. Castellanos  
Division Administrator  
Federal Highway Administration  
City Crescent Building  
10 South Howard Street, Suite 2450  
Baltimore MD 21201

Attention: Ms. Keilyn Perez

Dear Mr. Castellanos:

In accordance with the CEQ Regulations and 23 CFR 771, the Maryland State Highway Administration (SHA) recommends that the proposed project, be classified as a Categorical Exclusion (CE)/de minimis and temporary use. This latter request is consistent with 23 CFR 774.

Based on the information and conclusions presented for this project, we believe that this project will not involve any significant environmental impacts to socio-economic or natural resources. It will not induce significant foreseeable alterations in land use or affect planned growth. As such, we request your concurrence in classifying this project as a Categorical Exclusion (CE)/de minimis and temporary use. If you agree with this determination, please indicate your approval below. Your signature will also constitute Location Approval for the proposed project.

Sincerely,

Neil J. Pedersen  
Administrator

By:

Digitally signed by Bruce M. Grey  
DN: cn=Bruce M. Grey, o=SHA, ou=EPLD,  
email=bgrey@sha.state.md.us, c=US

Gregory I. Slater, Director  
Office of Planning and  
Preliminary Engineering

My telephone number/toll-free number is 410.545.8500

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

We concur with your determination that the project meets the criteria for a Categorical Exclusion (CE)/Final Section 4(f) Evaluation w/temporary use and the de minimis finding, and hereby grant Location Approval.

  
Federal Highway Administration  
Division Administrator

  
Date

Attachments

cc: Mr. Dennis M. Atkins, Environmental Planning Division, SHA  
Ms. Lynn Carroll, Environmental Planning Division (w/Attachments)  
Mr. Brian Hillis, National Naval Medical Center (w/Attachments)  
Mr. Thomas G. Hinchliffe, Office of Real Estate, SHA  
Ms. Susan Hinton, National Institutes of Health (w/Attachments)  
Ms. Christina Lavoie, Highway Design Division, SHA (w/Attachments)  
Ms. Jeanette Mar, FHWA-DeiMar Division, (w/Attachments)  
Mr. Jeffrey Miller, National Naval Medical Center (w/Attachments)  
Mr. Todd Nichols, Environmental Programs Division, SHA (w/Attachments)  
Ms. Valerie Nottingham, National Institutes of Health (w/Attachments)  
Mr. Bradley Smith, Environmental Planning Division, SHA (w/Attachments)  
Mr. Guy Talerico, Federal Aid Programming Section, SHA

## **Categorical Exclusion/With De minimis and Temporary Use Determination MD 355 @ Jones Bridge Road**

This request for environmental classification concerns the proposed intersection improvements at MD 355 (Rockville Pike) and Jones Bridge Road in Montgomery County. It details that the requirements of Section 4(f) do not apply to the temporary use of property within three historic sites, as well as why the Federal Highway Administration (FHWA) should make a *de minimis* impact determination with respect to minor permanent impacts to three historic sites to comply with the requirements of Section 4(f).

### **Existing Conditions**

The project is located at the intersection of MD 355 and Jones Bridge Road in Montgomery County (**Attachment 1**). The project limits extend along MD 355 from Woodmont Avenue/Glenbrook Parkway to South Drive/Southwood Road. MD 355, a north-south roadway, is classified as an Urban Principal Arterial in the State Functional Classification System. The Average Daily Traffic (ADT) on MD 355 was 48,100 vehicles per day (VPD) in 2008, and is expected to increase to 51,050 VPD by 2011. Trucks account for approximately five percent of the current and future ADT. Jones Bridge Road is an east-west Urban Minor Arterial roadway connecting MD 355 with MD 185 and the Chevy Chase community to the east. The ADT for Jones Bridge Road was 20,475 in 2008, and is expected to increase to 24,900 VPD by 2011. Trucks account for approximately four percent of the current and future ADT along Jones Bridge Road.

Land use within the project area consists of governmental/institutional and residential. The National Institutes of Health (NIH) occupies the parcel immediately west of MD 355 and the National Naval Medical Center (NNMC) occupies the parcel immediately east of MD 355. The southeast quadrant of the intersection is occupied by a recent townhome community.

SHA is evaluating these intersection improvements in order to prepare for the influx of jobs that are expected to be added to the NNMC as part of the Base Realignment and Closure (BRAC) process. In addition, job growth is expected at NIH. As such, extensive coordination with NNMC and NIH has occurred throughout project development, and will continue to occur into design and construction.

### **Proposed Action/Project Need**

The purpose of this project is to reduce roadway congestion and improve traffic flow and safety at the intersection. The improvements are needed in order to prepare for the influx of workers and traffic to the Bethesda NNMC that are expected to result from BRAC. The project consists of median reconstruction to allow additional turning capacity at the intersection.

Dynamic lane controls will be implemented so that one MD 355 southbound lane can be converted to an exclusive left turn lane, depending on the time of day. Motorists will be notified of the lane controls through a series of signs. Additional work consists of roadway resurfacing and the installation/reconstruction/upgrade of sidewalks, bike paths, traffic signals, signs, pedestrian ramps, storm drains, utility relocations and landscaping.

In order to complete the improvements 0.25 acre of perpetual easement and 1.43 acres of temporary construction easements will be required from NIH and 0.05 acre of perpetual easement and 0.15 acre of temporary construction easement will be required from NNMC (**Table 1**).

**Table 1:** Easement Requirements

Property	Perpetual Easement	Temporary Construction Easement
<b>National Institutes of Health (NIH)</b>		
<i>George Freeland Peter Estate</i>	<i>0.02 acre</i>	<i>0.74 acre</i>
<i>National Library of Medicine</i>	<i>0.03 acre</i>	<i>0.64 acre</i>
General NIH Property	0.20 acre	0.05 acre
<b>National Naval Medical Center (NNMC)</b>		
<i>NNMC Historic Boundary</i>	<i>0.05 acre</i>	<i>0.15 acre</i>
<b>Total</b>	<b>0.30 acre</b>	<b>1.58 acres</b>

\*Italic indicates Section 4(f) properties.

MD 355/Rockville Pike Crossing Study

Independent from SHA’s proposed improvements at MD 355 and Jones Bridge Road, the Montgomery County Department of Transportation (MCDOT) is currently investigating alternatives that would improve connectivity between NIH, NNMC and nearby transit/Metro stops. The MCDOT project will be advertised and constructed under a separate contract from SHA’s project. While a preferred alternative has not yet been identified, the alternatives that MCDOT is currently studying center around the MD 355 intersection at South Drive/South Wood Road. The Medical Center Metro station, bus stops and entrances to NIH and NNMC are all located at or adjacent to the MD 355 at South Drive/South Wood Road intersection.

Due to its proximity to the MD 355 and Jones Bridge Road intersection, SHA’s resurfacing, signal and pedestrian upgrades extend north to the South Drive/South Wood Road intersection. While project compatibility has been considered, without a preferred alternative in place, the extent of project overlap is not entirely known at this time. Regardless, project plans have been shared between SHA and MCDOT, and SHA has provided comments at several milestones during project development for the MD 355 crossing project. SHA and MCDOT will work together to reduce or eliminate any duplication of effort/construction and work to site improvements in their ultimate configuration/location. It should be noted however that the two projects serve separate users and are on different schedules. The project under consideration by MCDOT focuses on improving access to mass transit facilities, pedestrian/bicycle mobility and

traffic operations at MD 355 and South Drive/South Wood Road, while SHA's project is directed towards vehicular traffic safety and service at the MD 355/Jones Bridge Road intersection. Additionally, while construction schedules have not been established for either project, it is expected that based on the current project status and scope of work, SHA's improvements will be in place much sooner than MCDOT's improvements. In that regard, the pedestrian amenities that will be provided through accessible and countdown pedestrian signals (APS/CPS), ADA upgrades, and hiker/biker trail improvements can be realized through SHA's project before MCDOT's project can be constructed.

### **Environmental Evaluation**

On April 2, 2009, an Informal Public Workshop meeting was held at the Bethesda-Chevy Chase High School (4301 East-West Highway) to discuss the purpose and need of the project, explain the proposed schedule and receive public comments (**Attachment 2**). In addition to public outreach, SHA routinely meets with NNMC and NIH to refine project details and address any comments or concerns either institution may have regarding the improvements. SHA will continue to work with the community, NNMC and NIH throughout project development to minimize impacts to the surrounding institutions and neighborhoods.

Two properties located within the Area of Potential Effects, NIH and NNMC, are listed or found eligible for listing in the National Register of Historic Places (NRHP). While NIH contains several structures and areas that have been determined eligible for the NRHP, the NIH campus as a whole is not eligible. Two individual components of NIH are located within the APE- George Freeland Peter Estate (M:35-009-1) and the National Library of Medicine (M:35-009-8). The NNMC (M:35-098) was found eligible for listing in the NRHP on November 16, 1998. The historic district boundary of NNMC contains 131 of the 242 acres that comprise the campus.

In accordance with 23 CFR 774, we request that FHWA make a *de minimis* impact finding regarding the minor impacts to the George Freeland Peter Estate, National Library of Medicine and the historic boundary of NNMC. As a result of sidewalk alignment and sidewalk reinstatement approximately 0.022 acre of perpetual easement will be required from the George Freeland Peter Estate. In relation to the 48 acre property, this impact would not adversely impact the historic elements of the George Freeland Peter Estate property.

Additionally, as a result of pavement removal, sidewalk alignment and sidewalk reinstatement approximately 0.03 acre of perpetual easement will be required from the National Library of Medicine. In relation to the 116 acre property, this impact would not adversely impact the historic elements of the National Library of Medicine property.

Finally, as a result of sidewalk alignment and reinstallation approximately 0.05 acre of perpetual easement will be required from the historic boundary of NNMC. In relation to the 131 acre historic boundary, this impact would not adversely impact the historic elements of the historic boundary of NNMC. This finding would satisfy the requirements of Section 4(f) and is supported by the Maryland State Historic Preservation Officer's June 1, 2010 concurrence that the project would have no adverse effect on historic properties (**Attachment 3**). On June 1, 2010, MHT has also acknowledged and agreed with SHA's intent to seek a *de minimis* impact finding (**Attachment 3**). No comments were received from consulting parties.

This project meets the requirements for a *de minimis* impact finding for historic resource impacts based on the following criteria:

- The SHPO, as part of the Section 106 process, determined that the project would have no adverse effect on historic properties (**Attachment 3**);
- The SHPO has been informed of FHWA's intent to make a *de minimis* impact finding based on their written concurrence in the Section 106 determination;
- The views of consulting parties participating in the Section 106 consultation have been considered.

Additionally, temporary construction easements will be required from George Freeland Peter Estate, National Library of Medicine and the historic boundary of NNMC during construction (**Table 1**). In accordance with 23 CFR 774.13(d) and given that the improvements would occur by temporary occupancy only, the requirements of Section 4(f) would not apply in this instance based on the following criteria:

- The duration of the impact will be temporary, i.e., less than the time needed for construction of the project;
- There will be no change in ownership of the land;
- The scope of the work will be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) resource are minimal;
- There are no anticipated permanent adverse physical impacts; and
- The land being used will be fully restored, i.e., the resource will be returned to a condition which is at least as good as that which existed prior to the project.

See **Attachment 3** for MHT's concurrence with the temporary use criteria and that the temporary uses at George Freeland Peter Estate, National Library of Medicine and the historic boundary of NNMC should not be subject to the requirements of Section 4(f).

Coordination with SHA's Environmental Programs Division confirmed that no wetlands, waterways or 100-year floodplains will be impacted by the proposed improvements. The proposed improvements will not impact fisheries resources, especially if sediment and erosion control methods, and other Best Management Practices typically used for the protection of stream resources are utilized. The project is not located within the Chesapeake and Atlantic Coastal Bays Critical Area. The project would not impact any proposed or listed federal or state rare, threatened or endangered plant or animal species (**Attachments 4 & 5**).

Air and noise analyses are not warranted since the proposed project does not result in any significant capacity improvements. This project is identified as MO593A24 in the current STIP and 09TIP-M5-1 in the current TIP. This project is exempt from the requirement that a conformity determination be made (U.S. EPA Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans, Programs or Projects-Final Rule).

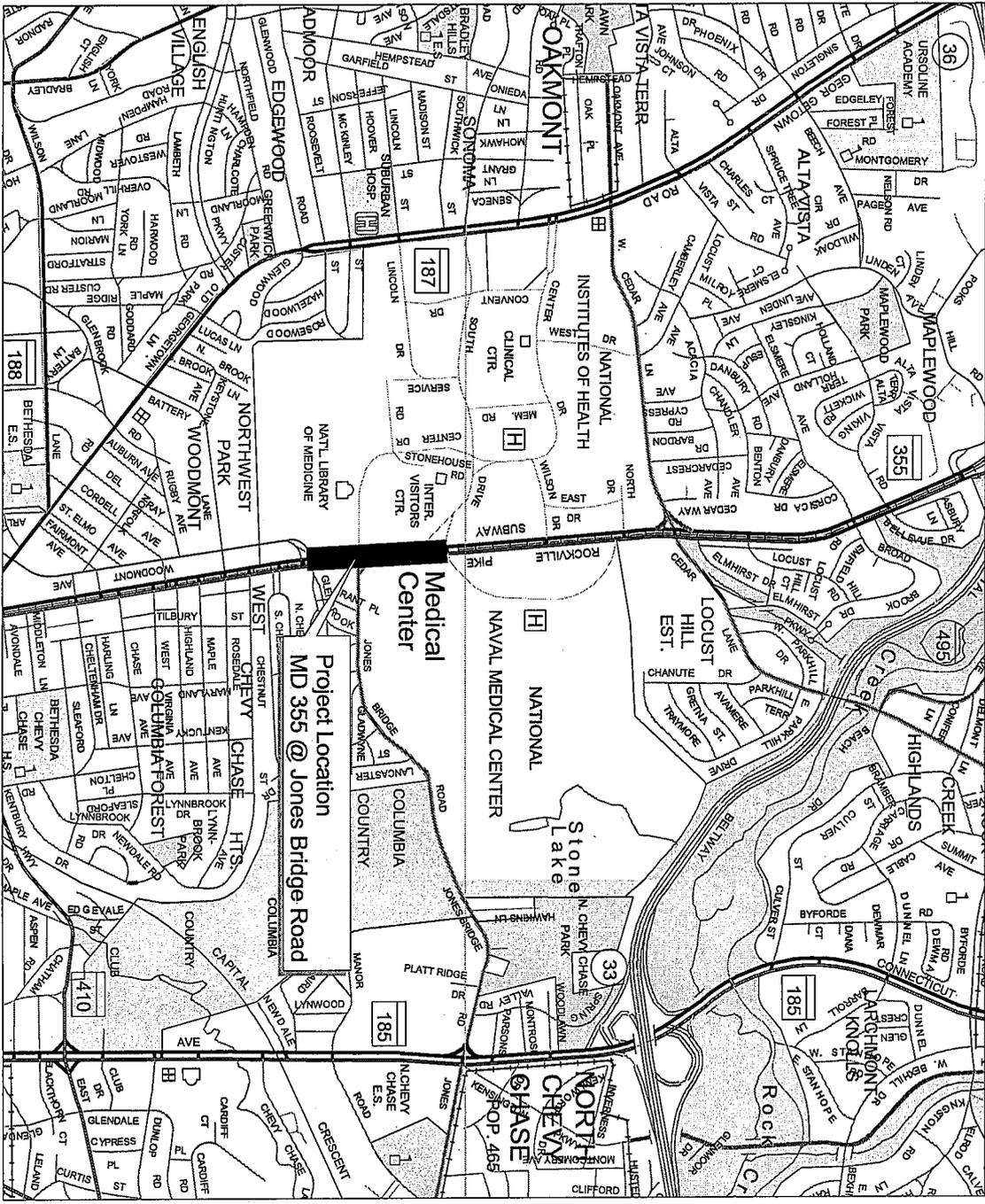
This project will not result in any meaningful changes in traffic volumes, vehicular mix, location of the existing facility, or any other factor that would cause an increase in emissions impacts relative to the No-Build Alternative. As such, this project will generate minimal air quality impacts for the Clean Air Act criteria pollutants and has not been linked with any special Mobile Source Air Toxics (MSAT) concern. Consequently, this project is exempt from an analysis for MSATs.

Moreover, the EPA regulations for vehicle engines and fuels will cause overall MSATs to decline significantly over the next 20 years. Even after accounting for a 64 percent increase in vehicle miles traveled (VMT), FHWA predicts MSATs will decline in the range of 57 percent to 87 percent, from 2000 to 2020, based on regulations now in effect, even with a projected 64 percent increase in VMT. This will both reduce the background level of MSATs as well as the possibility of even minor MSAT emissions from this project.

Projects which are exempt from project level conformity are also exempt from the PM2.5 project level conformity determination requirements, in accordance with 40 CFR 93.126. Exempt projects are listed in 40 CFR 93.126 in Table 2 and the proposed project is an example of Safety—Projects that correct, improve or eliminate a hazardous location or feature projects in that table. This project will improve safety and will not increase through traffic capacity.

No right-of-way would be required from any publicly-owned public park, recreation area, wildlife or waterfowl refuge. The project is located within a Priority Funding Area, and is therefore consistent with Maryland's Smart Growth Legislation. The proposed project will not provide new access to any new or planned development areas. Therefore, indirect impacts are not anticipated as a result of this project. No disproportionately high or adverse effects on minority or low-income populations will occur as a result of this project. The project is consistent with the Montgomery County General Plan, Adopted 1993.

**Project Location Map**  
**MD 355 @ Jones Bridge Road**  
**Montgomery County**



- USGS Topo Quad Index
- Roads**
- CO
- IS
- MD
- OP
- SR
- US
- MU
- GV
- County



Washington West Quad



# Base Realignment and Closure (BRAC) Intersection Improvement Projects Bethesda

PROJECT NEWSLETTER • MARCH 2009

## Design Progresses on 4 BRAC- related Intersections

The Maryland State Highway Administration (SHA) has initiated design activities for the four intersections in the vicinity of the National Naval Medical Center (NNMC) most affected by the Base Realignment and Closure (BRAC). Below are the project background, schedule, and information on the upcoming Public Informational Workshop where concept plans for the four intersection projects will be presented to the community.

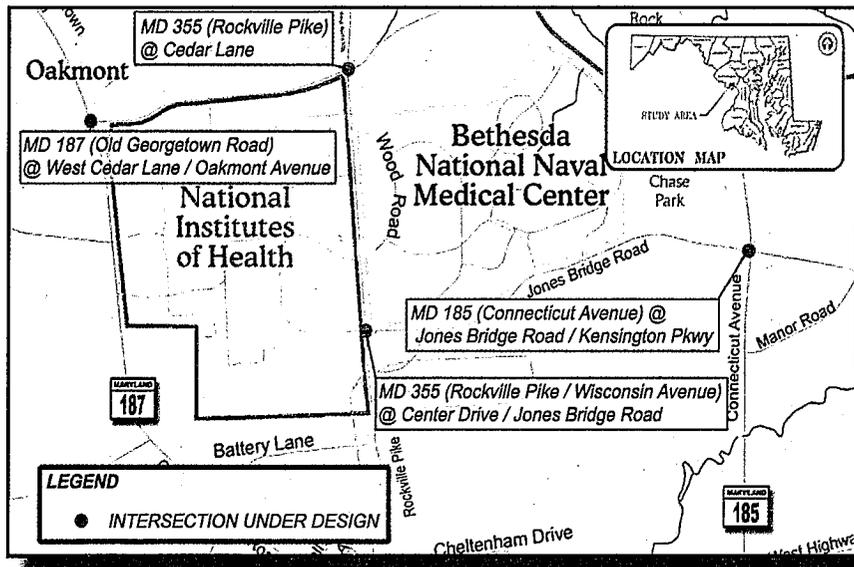
## Attend the Public Meeting

SHA invites you to attend an Informational Workshop at which transportation improvements associated with four intersections near NNMC will be presented. This meeting format will allow attendees to review the concepts at their own pace and provide feedback. SHA staff and other agency representatives will be available to discuss the project issues, answer questions, and address any concerns you may have. No formal presentation will be given. Feel free to arrive at any time and walk through at your own convenience.

WHEN:	WHERE:
Thursday, April 2, 2009 5:30 PM to 7:30 PM	Bethesda - Chevy Chase High School - Gymnasium 4301 East - West Highway Bethesda, MD 20814

## Project Background

Base Realignment and Closure, or "BRAC," is the congressionally authorized process used by the U.S. Department of Defense to reorganize and consolidate its military bases nationwide. In preparation for the 40,000 to 60,000 direct and indirect jobs coming to Maryland over the next six to ten years, SHA is designing short-term intersection improvements at four intersections in the Bethesda area (see map).





Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

Beverley K. Swaim-Staley, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

April 29, 2010

Re: Project No. MO593A21  
BRAC Intersection: MD 355 (Rockville Pike) at Jones Bridge Road  
Montgomery County  
USGS *Kensington* and *Washington West*  
7.5' Quadrangles

Mr. J. Rodney Little  
State Historic Preservation Officer  
Maryland Historical Trust  
100 Community Place  
Crownsville MD 21032-2023

Dear Mr. Little:

**Introduction and Project Description**

This letter serves to inform the Maryland Historical Trust (MHT) of the Maryland State Highway Administration's (SHA) finding that proposed Project No. MO593A21 MD 355 (Rockville Pike) at Jones Bridge Road Base Re-alignment and Closures (BRAC) related intersection improvement project will have no adverse effect on historic properties. This is one of four interrelated Base Re-alignment and Closures (BRAC) related intersection improvement projects in Montgomery County:

- MD 187 (Old Georgetown Road) at West Cedar Lane/Oakmont Avenue;
- MD 355 (Rockville Pike) at Cedar Lane;
- MD 355 (Rockville Pike) at Jones Bridge Road; and
- MD 185 (Connecticut Avenue) at Jones Bridge Road.

The eligibility and effects at MD 187 (Old Georgetown Road) at West Cedar Lane/Oakmont Avenue has been previously coordinated with the MHT via letters on December 4, 2008 and June 12, 2009. The MHT concurred with SHA's findings of No Adverse Effect for this intersection on August 13, 2009. The eligibility and effects at MD 355 at Cedar Lane has been submitted via a separate letter. The eligibility and effects at MD 185 (Connecticut Avenue) at Jones Bridge Road will be submitted at a later date.

SHA is proposing intersection improvements at the intersection of MD 355 (Rockville Pike) and Jones Bridge Road in Montgomery County. The improvements are needed in order to prepare for the influx of workers to the Bethesda National Naval



Mr. J. Rodney Little

BRAC Intersection: MD 355 (Rockville Pike) at Jones Bridge Road

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The project intersection is located in Bethesda, Maryland, which is a prosperous northern suburb of Washington D.C. The project area is currently characterized by large institutional properties, including the National Institutes of Health (NIH) and National Naval Medical Center (NNMC), and a recent townhouse community. The main north-south roadway in the project area, MD 355 (Rockville Pike), is a primary commuter route between Washington D.C. and suburban Maryland.

Rockville Pike (MD 355), like many of Montgomery County's earliest roads, follows the course of a Native American trail. By the mid-18<sup>th</sup> century it was a popular route connecting towns in northwestern Maryland to the tobacco port of Georgetown. Following the Civil War, the Metropolitan Branch of the Baltimore & Ohio Railroad offered stiff competition to the Turnpike, which fell into disrepair. The Rockville Turnpike was reconstructed at the turn of the 20<sup>th</sup> century and affluent D.C. residents began to settle the rural agricultural area and build large estate homes along the turnpike.

Simultaneously, a pair of developers purchased several huge tracts of land west of the Rockville Pike that would become Chevy Chase. The existing character of standing structures in the area was largely completed in post-Great Depression through the post WWII-era, when most of the remaining large properties were converted to institutional or commercial uses or were redeveloped as residential neighborhoods. The regional building boom of the late 1990s and early 2000s has impacted the area. Institutions, large and small, have continued to develop their properties through the present day and several large properties in the project area were also redeveloped as large-scale, dense residential developments.

Two previously recorded properties are located within the APE at MD 355 (Rockville Pike) and Jones Bridge Road. Both of these resources were previously listed or found eligible for listing in the NRHP:

- National Institutes of Health (M:35-009)
- National Naval Medical Center (M:35-098)

*Properties Previously Evaluated for NRHP*

While National Institutes of Health (NIH) contains several structures and areas that have been determined eligible for the NRHP, the NIH Campus is not eligible for the NRHP as a whole. Two eligible components of the National Institutes of Health are located within the APE for MD 355 (Rockville Pike) and Jones Bridge Road: The George Freeland Peter Estate (M:35-9-1) and the National Library of Medicine (M:35-9-8) (see Attachment 3 – NIH eligible resources maps).

The George Freeland Peter Estate is comprised of Buildings 16 and 16A on the Bethesda Campus of the NIH. Building 16 is a large stone Colonial Revival dwelling, 16A is the small frame caretaker's cottage. During the early 20<sup>th</sup> century, Rockville Pike

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BRAC Intersection: MD 355 (Rockville Pike) at Jones Bridge Road

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was a corridor of large country houses. George Freeland Peter, a prominent Episcopal clergyman and Canon-chancellor of the Washington National Cathedral, built the estate on a hill adjacent to Rockville Pike on family land. Walter G. Peter, George's brother, was a noted Washington architect and designed the classical revival buildings. George Peter lived in the house until 1949 when the federal government purchased the estate for the expansion of its medical institution. Landscape features at the house consist of formal gardens surrounding the structure, which is set back from the roadway. Significant for its association with the early 20<sup>th</sup> century development of Rockville Pike and its architectural style, the Peters Estate was found eligible for the NRHP under Criteria A and C on August 23, 2000.

The National Library of Medicine at the NIH, designed by O'Connor and Kilham and completed in 1962, is a block and limestone library that contains one of the world's largest collections of medical literature. The architects collaborated with Keyes Metcalf, well-known in the 1960s for his library planning, to produce the innovative design of the hyperbolic paraboloid shell. The architects also addressed the concerns about nuclear war by placing the collections underground. Landscaping at the National Library of Medicine was designed to create an open vista to the building from Rockville Pike with horizontal landscape features to emphasize the building's architecture. Due to its national significance, the National Library of Medicine was determined eligible for the NRHP under Criteria A and C on August 23, 2000.

National Naval Medical Center (NNMC) was found eligible for listing in the NRHP on November 16, 1998. The NNMC campus, designed between 1939 and 1942, was built as a naval veterans' convalescent hospital. Paul P. Cret, consulting architect to the Bureau of Yards and Docks, designed the campus plan and original Art Deco style buildings, which both contribute to the resource, with considerable input from President Franklin D. Roosevelt. The NNMC campus was found eligible for listing under Criteria A, B, and C for its role in Naval medical history, for its association with President Roosevelt and architect Paul Cret, and for its campus plan and building design. The historic district boundary contains 131 of the 242 acres that comprise the campus (see Attachment 3).

#### *Historic Structures Impact Analysis*

SHA finds that proposed Project No. MO593A21 MD 355 (Rockville Pike) at Jones Bridge Road BRAC related intersection improvement project will have no adverse impacts on historic standing structures. No historic standing structures are located within the APE. Buildings and features that contribute to the character of the National Institutes of the Health (NIH) and National Naval Medical Center (NNMC) are set well back from the roadway and improvements.

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BRAC Intersection: MD 355 (Rockville Pike) at Jones Bridge Road

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The proposed intersection improvements at MD 355 (Rockville Pike) and Jones Bridge Road are in character with the existing appearance of this intersection. The proposed improvements are largely confined to the existing roadway and right-of-way and utilize median reconstruction, dynamic lane controls, and signage to provide additional traffic capacity at this location. Necessary perpetual easements primarily provide for sidewalks improvements to provide increased pedestrian and bicycle capacity and safe street crossings for pedestrians and bicycles. Necessary temporary easements primarily provide for landscaping.

The historic boundary of the George Freeland Peter Estate at the NIH(M:35-9-1) extends to SHA's right-of-way along the west side of MD 355. There will be impacts within the historic boundary and 0.022 acres of perpetual easement and 0.74 acres of temporary construction easement will be needed from the 48 acre property. The proposed work items at the George Freeland Peter Estate include sidewalk alignment changes and sidewalk reinstatement to provide safe pathways for pedestrians and bicycles. The temporary construction easement will provide for project staging area and landscaping. Landscaping measures have been designed to integrate with the existing plantings. Landscape plans identifying the planting plan are included in the project plans (Attachment 1). The project will not alter the characteristics that make the property eligible for listing in the NRHP. The project will have no adverse impacts on the George Freeland Peter Estate.

The historic boundary of the National Library of Medicine at the NIH (M:35-9-8) extends to SHA's right-of-way along the west side of MD 355 and the north side of Woodmont Avenue. There will be impacts within the historic boundary and 0.03 acres of perpetual easement and 0.64 acres of temporary construction easement will be needed from the 116 acre property. The proposed work items at the National Medical Library include pavement removal at the intersection of Woodmont Avenue and MD 355 in order to reduce lane width for traffic calming and sidewalk alignment changes and sidewalk reinstatement to provide safe intersection crossings for pedestrians and bicycles. The temporary construction easement will provide for project staging area and landscaping. Landscaping measures have been designed to integrate with the existing plantings. Landscape plans identifying the planting plan are included in the project plans (Attachment 1). The project will not alter the characteristics that make the property eligible for listing in the NRHP. The project will have no adverse impacts on the National Medical Library.

The historic boundary of the National Naval Medical Center (NNMC) (M:35-098) extends to SHA's right-of-way along the west side of MD 355 and along the north side of Jones Bridge Road. There will be impacts within the historic boundary and 0.05 acres of perpetual easement and 0.15 acres of temporary construction easement will be needed from the 242 acre property. The proposed work items at NNMC include sidewalk

Mr. J. Rodney Little  
BRAC Intersection: MD 355 (Rockville Pike) at Jones Bridge Road  
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alignment changes and sidewalk reinstallation to provide safe pathways for pedestrians. Work will be restricted to the area between the existing fence at the NNMC and the roadway. Landscaping at this location will be minimal because of the constrained area. Landscape plans identifying the planting plan are included in the project plans (Attachment 1). The project will not alter the characteristics that make the property eligible for listing in the NRHP. The project will have no adverse impacts on the NNMC.

Upon your agreement that the 0.052 acres of perpetual easements from the NIH and 0.05 acre of perpetual easement from the NNMC will not adversely impact either property, SHA intends to propose a *de minimis* impact finding to the Federal Highway Administration for Section 4(f) use of the National Institutes of Health and National Naval Medical Center.

In addition, 1.38 acres of temporary easements are needed from the NIH and 0.15 acre of temporary easement is needed from NNMC to construct the project. Given that these improvements would occur by temporary occupancy only, the requirements of Section 4(f) would not apply to the temporary construction easements based on your agreement with the following criteria as the official with jurisdiction:

- The duration of the impact will be temporary, i.e., less than the time needed for construction of the project;
- There will be no change in the ownership of the land;
- The scope of the work will be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) resource are minimal;
- There are no anticipated permanent adverse physical impacts; and
- The land being used will be fully restored, i.e., the resource will be returned to a condition which is at least as good as that which existed prior to the project..

SHA concludes that the proposed intersection improvement project will have no adverse impacts on historic standing structures.

*Archeology:* SHA Archeologist Lisa Kraus assessed the potential of the referenced project based on review of previous archeological studies, SCS soil survey data, As-built plans, topographic and historic maps (see Attachment 4), aerial photographs, and site file data in the SHA-GIS Cultural Resources Database. Multiple field visits were made between May 2009 and August 2009.

For archeology, the survey area is defined as the limits of proposed construction at each intersection, where ground disturbance would occur.

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BRAC Intersection: MD 355 (Rockville Pike) at Jones Bridge Road  
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The survey area has been included in investigations carried out by Gardner in 1976 and Wesler et al. 1981, and an area immediately west of the project area was surveyed by Goodwin et al. in 1992. No sites have been identified within the survey area.

Soils in the general vicinity of the project area are part of the Glenelg-Gaila Association. Within the current project limits, soils are classed as Glenelg Silt Loam and Gaila Silt Loam on 3-15% slopes. In terms of prehistoric models that have been developed for the Piedmont Region (Kavanaugh 1982), the potential for prehistoric aboriginal sites in the APE is low - these sites tend to be found along major waterways on well-drained, gently sloping terrain.

Gardner (1976) surveyed the portion of MD 355 included in this intersection improvement project, and although it was initially considered to have high potential for archeological resources, the ground had evidently been disturbed by recent construction. The May 20 site visit confirmed that the survey area has been disturbed by residential and commercial development, along with utility installation, roadway construction and improvements, and other ground-disturbing activities such as fencing, parking lot construction and landscaping.

In light of prior negative survey coverage, the presence of steeply sloping terrain that is unlikely to contain archeological sites, and the extent of prior disturbance throughout the APE, it is unlikely that any potentially significant archeological resources will be impacted, and no further archeological investigation is recommended.

#### **Review Request**

Please examine the attached maps, plans, and Effects Table (Attachment 5). We request your concurrence by May 28, 2010 that there would be no adverse effects on historic properties by the intersection improvement project at MD 355 and Jones Bridge Road. Based on your concurrence with our determination of no adverse effect and consideration of the views of any consulting parties participating in the Section 106 consultation, SHA intends to request that the Federal Highway Administration make a de minimis impact finding for the minor Section 4(f) use of the National Institutes of Health (M:35-009) and National Naval Medical Center (M:35-098). By carbon copy, we invite the National Institutes of Health, National Naval Medical Center, Montgomery Preservation, Inc., East Bethesda Citizens Association, and Montgomery County Historic Preservation Commission to provide comments and participate in the Section 106 process. Pursuant to the requirements of the implementing regulations found at 36 CFR Part 800, SHA seeks their assistance in identifying historic preservation issues as they relate to this specific project (see 36 CFR §800.2(c)(3) and (5), and §800.3(f) for information regarding the identification and participation of consulting parties, and §800.4, and §800.5 regarding the identification of historic properties and assessment of effects). For additional information regarding the Section 106 regulations, see the

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BRAC Intersection: MD 355 (Rockville Pike) at Jones Bridge Road  
Page Seven

Advisory Council on Historic Preservation's website, [www.achp.gov](http://www.achp.gov), or contact the Maryland State Highway Administration or the Maryland Historical Trust. If no response is received by May 28, 2010, we will assume that these offices decline to participate. Please call Jennifer Goold at 410-545-2899 (or via email at [jgooldatsha.state.md.us](mailto:jgooldatsha.state.md.us)) with questions regarding standing structures for this project. Lisa Kraus may be reached at 410-545-2884 (or via email at [lkrausatsha.state.md.us](mailto:lkrausatsha.state.md.us)) with concerns regarding archeology.

Very truly yours,

  
  
Julie M. Schablitsky  
Assistant Division Chief  
Environmental Planning Division

- Attachments: 1) Project Plans  
2) Area of Potential Effects Maps  
3) Boundary Maps for Previously Evaluated NRHP Listed and Eligible Properties  
4) Historic Maps  
5) Effects Table

cc: Ms. Jennifer Goold, SHA-EPLD  
Ms. Susan Hinton, National Institutes of Health (w/ Attachments)  
Ms. Lisa Kraus, SHA-EPLD  
Ms. Christina Lavoie, SHA-EPLD  
Mr. Jeff Miller, National Naval Medical Center (w/ Attachments)  
Ms. Lorraine Pearsall, Montgomery Preservation, Inc. (w/ Attachments)  
Dr. Julie Schablitsky, SHA-EPLD  
Mr. Bradley Smith, SHA-EPLD  
Mr. Greg Volz, East Bethesda Citizens Association (w/ Attachments)  
Mr. Scott Whipple, Montgomery County Historic Preservation Commission (w/ Attachments)

*Effects Table*

Attachment #4

Project Name: Project No. MO593A21 [BRAC Intersection: MD 355 (Rockville Pike) at Jones Bridge Road]  
April 30, 2010

Resource	Type	Impact	SHPO Concur	Attachment	Remarks
The National Institutes of Health: George Freeland Peter Estate (M:35-009-1)	S	No Adverse	Requested 4/2010		
The National Institutes of Health: National Library of Medicine (M:35-009-8)	S	No Adverse	Requested 4/2010		
National Naval Medical Center (M:35-098)	HD	No Adverse	Requested 4/2010		
Effect		NAE			

**Codes:**

Resource Types: S (Structure), A (Archaeological Site), HD (Historic District), NHL (National Historic Landmark)

Impact: None, No Adverse, Adverse

Effect: NPA (No Properties Affected), NAE (No Adverse Effect), AE (Adverse Effect)

**Bold** rows indicate review action requested.

Concurrence with the MD State Highway Administration's  
Determination(s) of Eligibility and/or Effects

Project Number: MO593A21

MHT Log No. 201002412

Project Name: BRAC Intersection: MD 355 (Rockville Pike) at Jones Bridge Road

County: Montgomery

Letter Date: April 29, 2010

The Maryland Historical Trust has reviewed the documentation attached to the referenced letter and concurs with the MD State Highway Administration's determinations as follows:

Eligibility (as noted in the Eligibility Table [N/A]):

- Concur  
 Do Not Concur

Effect (as noted in the Effects Table [Attachment ~~9~~]):

- No Properties Affected  
 No Adverse Effect  
 Conditioned upon the following action(s) (see comments below)  
 Adverse Effect

Agreement with FHWA's Section 4(f) criteria of temporary use (as detailed in the referenced letter, if applicable):

- Agree

Agreement with FHWA's de minimis impact finding (as detailed in the referenced letter, if applicable):

- Agree

Comments:

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By:

Epin J. Cole  
MD State Historic Preservation Office/  
Maryland Historical Trust

6/1/2010  
Date

Return by U.S. Mail or Facsimile to:

Dr. Julie M. Schablitsky, Assistant Division Chief, Environmental Planning Division,  
MD State Highway Administration, P.O. Box 717, Baltimore, MD 21203-0717  
Telephone: 410-545-8870 and Facsimile: 410-209-5046

Co: SCOTT WHIPPLE, MONTGOMERY Co. HPC



*Martin O'Malley, Governor*  
*Anthony G. Brown, Lt. Governor*  
*John R. Griffin, Secretary*  
*Eric Schwaab, Deputy Secretary*

January 13, 2009

Mr. Bruce M. Grey  
Maryland Department of Transportation  
State Highway Administration  
707 North Calvert Street  
Baltimore, MD 21202

**RE: Environmental Review for Project No. MO593A21, Bethesda BRAC Intersections Improvements, Montgomery County, Maryland.**

Dear Mr. Grey:

For the intersections of MD 355 at West Cedar Lane, MD 355 at Jones Bridge Road, MD 187 at West Cedar Lane and MD 185 at Jones Bridge Road, the Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. As a result, we have no specific comments or requirements pertaining to protection measures at this time. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present. If appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted.

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# 2008.2492.mo  
Cc: G. Golden, DNR



United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Chesapeake Bay Field Office  
177 Admiral Cochrane Drive  
Annapolis, MD 21401  
410/573-4575



20090107 10:00 AM

January 7, 2009

State Highway Administration  
Maryland Department of Transportation  
707 North Calvert Street  
Baltimore, MD 21202

RE: Project No. MO593A21 Bethesda BRAC Intersections Improvements Montgomery County

Dear: Bruce M. Grey

This responds to your letter, received December 10, 2008, 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.

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,



Leopoldo Miranda Castro  
Field Supervisor