

**V. SECTION 4(f) EVALUATION APPENDIX B**

**POST-AUGUST 2001 DEIS SHA CORRESPONDENCE WITH FHWA AND M-NCPPC  
FOR REDDY BRANCH STREAM VALLEY PARK**

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V-B.1 November 25, 2003 SHA Draft Letter to M-NCPPC Requesting Concurrence of the Assessment of Impacts to Park Property and Associated Mitigation



Robert L. Ehrlich, Jr., Governor  
Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary  
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

November 25, 2003

Re: Project No. MO746B11  
MD 97 Brookeville Project from south of  
Gold Mine Road to north of Holiday Drive  
Montgomery County, Maryland

Mr. Derick P. Berlage, Chairman  
Maryland National Capital  
Park and Planning Commission  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring MD 20910

Dear Mr. Berlage:

The Maryland State Highway Administration (SHA) is writing to request your concurrence that the proposed mitigation measures to offset impacts to the Reddy Branch Stream Valley Park are acceptable. The purpose of the subject project is to improve the operation and safety of MD 97 (Georgia Avenue) within the project limits, as well as preserve the historic character of the Town of Brookeville.

SHA has identified Alternate 7 Modified as the selected alternate for the project. Alternate 7 Modified, which the Montgomery County Planning Board recommended in your letter dated October 7, 2002 (*Attachment 1*), includes a 30 to 40 foot shift of the original Alternate 7 alignment to minimize impacts to the Newlin/Downs Mill Complex. This shift was recommended by the SHA and M-NCPPC's Staff Archaeologist in May 2002. SHA staff presented Alternate 7 Modified to the Montgomery County Council on September 19, 2002. On September 25, 2002, the Council recommended that SHA proceed to final design with Alternate 7 Modified as proposed by the Planning Board in their Memorandum dated September 13, 2002. Detailed information regarding the Selected Alternate and Conceptual Mitigation (SACM) was presented at the March 19, 2003 Interagency Review Meeting attended by Mr. Dan Hardy of your staff.

The SHA is currently completing the Final Environmental Impact Statement (FEIS)/Section 4(f) Evaluation and will submit it to the Federal Highway Administration (FHWA) for approval. Reddy Branch Stream Valley Park is publicly-owned public parkland under your jurisdiction that will be impacted by SHA Selected Alternate 7 Modified. Anticipated Section 4(f) impacts within Reddy Branch Stream Valley Park include 5.62 acres that will be required for the relocation of MD 97. The proposed alignment of Alternate 7

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**November 25, 2003 SHA Draft Letter to M-NCPPC Requesting Concurrence  
of the Assessment of Impacts to Park Property and Associated Mitigation (cont'd)**

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Modified and associated park impacts are illustrated on *Attachment 2*. As part of the Section 4(f) documentation process, we are seeking your agreement as the officials having jurisdiction over the impacted public parkland regarding the assessment of impacts to the park property and the associated mitigation.

The SHA has addressed or is in the process of addressing many of the recommendations in your October 7, 2002 correspondence. These include:

- *SHA selection of Alternate 7 Modified;*
- *SHA preparation of an interagency memorandum of understanding to define the process to achieve Smart Growth conditions.* The Maryland Environmental Trust has tentatively agreed to co-hold the easement pending the development of the Letter of Commitment and the Memorandum of Understanding (MOU). The exact acreage and location of this easement will be finalized during the design phase of this project;
- *The inclusion of the following seven project planning and design activities:*
  - a. *Accommodation of a safe pedestrian and bicycle crossing of the existing Oakley Cabin trail and a potential future natural surface trail as described in the countywide park trails plan.* The SHA has incorporated a pedestrian and bicycle crossing of Alternate 7 Modified. (*See Attachment 2*)
  - b. *Preservation of archeological resources in the core areas of the Newlin/Downs mill site.* SHA will preserve archaeological resources within the Alternate 7 Modified footprint as stipulated in the Section 106 Memorandum of Agreement (MOA) that was forwarded to the FHWA on April 17, 2003 and circulated to the Advisory Council on Historic Preservation on May 2, 2003.

USDOT Section 4(f) criterion requires avoidance and minimization of impacts to historic properties and public parkland. M-NCPPC's staff position, outlined in an April 11, 2003 draft mitigation summary (*see Attachment 3*), and discussed at a May 5, 2003 meeting attended by M-NCPPC and SHA staff, requested additional mitigation for archaeological resources located outside of the footprint of the SHA Selected Alternate, including continuation of the man-made Oakley Cabin Trail to the west towards Oakley Cabin and to the east into Brookeville, and providing either a pedestrian bridge or culvert extension at Brookeville Road. Because both requests would, in effect, create additional impacts to Section 106 and Section 4(f) resources; the Brookeville Historic District and public parkland, SHA will design their portion of the trail so as to not preclude these elements by M-NCPPC.

**November 25, 2003 SHA Draft Letter to M-NCPPC Requesting Concurrence  
of the Assessment of Impacts to Park Property and Associated Mitigation (cont'd)**

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- c. Selection of a bridge, rather than a culvert, to cross Meadow Branch.* Based on additional information provided, M-NCPPC staff agreed to a culvert recommended by SHA for the Meadow Branch crossing. The SHA will investigate culvert design options which will approximate the current channel length, in accordance with Maryland Department of Environment criteria and will evaluate a flood relief culvert in the vicinity of the MD 97 crossing of Reddy Branch as recommended at the May 3, 2003 meeting. SHA will coordinate with M-NCPPC during the design phase of the project once these culvert design options are developed.
- d. Development of mitigation strategies for parkland and wetlands impacts.* This issue was addressed in M-NCPPC's correspondence to SHA dated May 1, 2003 (*see Attachment 4*) that documents your concurrence of the temporary use of sites within Reddy Branch Stream Valley Park for stream restoration and wetlands replacement for the MD 97 Brookeville Project. Please note that your concurrence has resulted in FHWA's July 7, 2003 determination that Section 4(f) would not apply to the temporary use of Reddy Branch Stream Valley Park property for mitigation. If necessary, SHA's future need for any temporary construction easements for the stream restoration and wetland mitigation will be coordinated with members of your staff and SHA's right-of-way officials as part of project design and prior to construction. The extent of the mitigation monitoring will be determined during the future permitting process.
- e. Identification of stormwater management pond locations.* Preliminary stormwater management pond locations within Reddy Branch Stream Valley Park have been identified and are shown on *Attachment 2*.
- f. Identification of construction impacts, including required staging areas.* The SHA will advise construction contractors that construction staging areas be restricted from public park property.
- g. Determination of ownership and maintenance responsibility for the portions of existing MD 97 to be bypassed.* SHA will coordinate future ownership and maintenance responsibility for the portions of MD 97 that will remain for local access with the County and Town of Brookeville officials. SHA has decided that the existing MD 97 structure over Reddy Branch will be removed after the project is built and in operation.

**November 25, 2003 SHA Draft Letter to M-NCPPC Requesting Concurrence  
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The concurrence that SHA is now requesting will satisfy Section 4(f) requirements for the permanent use of (impacts to) lands within Reddy Branch Stream Valley Park. In total, the proposed realignment of MD 97 under the SHA Selected Alternate 7 Modified to the west of the Town of Brookeville will require an estimated 5.62 acre of permanent use (right-of-way) from Reddy Branch Stream Valley Park at two locations (*see Attachment 2*). This includes 5.38 acres located to the south of Brookeville Road from Unit 2 of the park and 0.24 acre from Unit 1 Parcel 1, to the east of Georgia Avenue where the new alignment ties into the existing alignment.

An estimated 3.45 acres of land will be required from the Longwood Community Center. This property is not subject to protection under Section 4(f) of the US DOT Act because it was previously reserved for transportation use at the same time the development plan for the Center was established. Compensation for this non-Section 4(f) property will be negotiated with Montgomery County officials, the owners of the parcel.

Accordingly, the measures proposed by SHA to minimize harm and mitigate for the Section 4(f) permanent use of Reddy Branch Stream Valley Park property include the following:

- SHA will coordinate with M-NCPPC and the Maryland Department of Natural Resources to identify suitable replacement land of equal or greater natural resource and economic value for the estimated 5.62 acres of Reddy Branch Stream Valley Park required for construction of Alternate 7 Modified. The estimated 5.62 acres of public parkland required includes two parcels [Unit 1 Parcel 1 (0.24 acre) and Unit 2 Parcel 8 (2.19 acres)] totaling 2.43 acres that were acquired by Montgomery County with Maryland Program Open Space Funds. For this reason, negotiations for these two parcels as part of the 5.62 acres will also involve coordination with the owners, Montgomery County. SHA will acquire all replacement park properties during the design phase of the project and will complete the transfer prior to construction.
- SHA will continue coordination regarding floodplain impacts with M-NCPPC and state and federal resource agencies regarding final design of the structure over Reddy Branch and the culvert type and size for Meadow Branch within Reddy Branch Stream Valley Park.
- Stormwater management design will also be coordinated with M-NCPPC officials.
- SHA will continue coordination with the M-NCPPC and state and federal resource agencies in the development of more detailed design of the M-NCPPC approved wetland mitigation and stream restoration locations within Reddy Branch Stream Valley Park. Wetland areas will be monitored and maintained in conformance with the timeframe specified in the Section 404 permit. Stream restoration techniques are likely to include riparian buffer plantings as well as in stream stabilization measures such as grading and stabilization of eroded stream banks.

**November 25, 2003 SHA Draft Letter to M-NCPPC Requesting Concurrence  
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- Mitigation for loss of forested areas will be coordinated with M-NCPPC. SHA complies with the Maryland Reforestation Law, which requires a one for one replacement. SHA will coordinate with M-NCPPC staff to identify viable areas for reforestation, including areas of MD 97 pavement removal and within Reddy Branch Stream Valley Park. No mitigation is required for the shingle oak impacts; however, SHA would include shingle oak plantings as part of the reforestation efforts.
- SHA will coordinate with the M-NCPPC regarding the replacement of trees that are damaged during construction.
- Design of wildlife passage along Reddy Branch will be coordinated with M-NCPPC officials. The design goal will be a north side passage meeting the 25 feet of horizontal and 8 feet of vertical clearance requested by the resource agencies. Additional design measures to reduce wildlife collisions could include combinations of fencing, one-way gates, passageways, reflectors, lighting, etc. within state-owned property or SHA right-of-way.
- No equipment or materials will be stored on park property. Additionally, sediment and erosion controls will be implemented prior to construction to minimize sediment runoff into park property and any streams within the vicinity of the proposed project.
- Orange construction fences will be placed around specific trees that will be identified by M-NCPPC and SHA for protection, thereby minimizing the risk of impacts from construction of the proposed MD 97 improvements.

In addition to the above-cited Section 4(f) mitigation measures, coordination with M-NCPPC will also include the following items addressed in the Section 106 Memorandum of Agreement:

- SHA will design a landscape plan for review by M-NCPPC to reduce the visual intrusion of Alternate 7 Modified on the Brookeville Historic District.
- SHA will coordinate with M-NCPPC and the Maryland State Historic Preservation Officer (MD SHPO) concerning the development and placement of an interpretive sign at the Newlin/Downs Mill Complex pertaining to its historic significance. The sign will satisfy the public interpretive component of the proposed data recovery treatment of the Newlin/Downs Mill Complex, a contributing resource to the Brookeville Historic District.

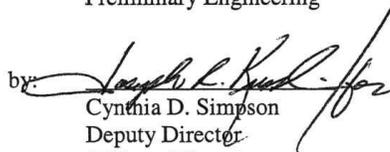
**November 25, 2003 SHA Draft Letter to M-NCPPC Requesting Concurrence  
of the Assessment of Impacts to Park Property and Associated Mitigation (cont'd)**

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Based on the preceding information, we ask that you indicate your concurrence with the proposed minimization and mitigation measures as jurisdictional agency official for Reddy Branch Stream Valley Park on the signature line below. Should you have any questions or concerns regarding the proposed permanent use of Reddy Branch Stream Valley Park property, or the proposed mitigation measures outlined above, please contact Ms. Carmeletta Harris, Project Manager at 410-545-8522 or Mr. Nick Blendy, Environmental Manager at 410-545-2864.

Very truly yours,

Douglas H. Simmons, Director  
Office of Planning and  
Preliminary Engineering

by:   
Cynthia D. Simpson  
Deputy Director  
Office of Planning and  
Preliminary Engineering

CONCURRENCE:

  
Maryland National Capital  
Park and Planning Commission

2/2/04  
Date

Attachments[4]

cc: Mr. Brian Bernstein, KCI (w/Attachments)  
Mr. Nick Blendy, SHA-PPD (w/Attachments)  
Ms. Allison Grooms, SHA-PPD (w/Attachments)  
Mr. Dan Hardy, M-NCPPC (w/Attachments)  
Ms. Carmeletta Harris, SHA-PPD (w/Attachments)  
Ms. Denise W. King, FHWA (w/Attachments)  
Mr. Joseph R. Kresslein, SHA-PPD (w/Attachments)  
Mr. Jim Wynn, SHA-PPD

ATTACHMENT 1



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Office of the Chairman, Montgomery County Planning Board

October 7, 2002

Parker Williams, Administrator  
Maryland Department of Transportation  
State Highway Administration  
P.O. Box 717  
Baltimore, MD 21203-0717

Dear Mr. <sup>Parker</sup> Williams:

The Montgomery County Planning Board reviewed the MD 97 Brookeville project planning study at the regularly scheduled meeting of September 19, 2002. The Board endorsed the staff recommendations (copy enclosed) as described below:

1. The Montgomery County Planning Board recommends that the State Highway Administration select Alternate 7 Modified, a western bypass of the Town of Brookeville, as the preferred alternate for the MD 97 Brookeville project planning study.
2. During the preparation of the Final Environmental Impact Statement, SHA should prepare interagency memoranda of understanding defining the process to achieve the Smart Growth condition which specifies future widening or access to be prohibited via third-party easement.
3. Subsequent project planning and design activities should incorporate the following, prior to mandatory referral:
  - a. Accommodation of safe pedestrian and bicycle crossings for the existing Oakley Cabin Trail and a potential future natural surface trail as described in the Countywide Park Trails Plan.
  - b. Preservation of the archeological resources in the core areas of the Newlin/Downs Mill site

MONTGOMERY COUNTY PLANNING BOARD, 8787 GEORGIA AVENUE SILVER SPRING, MARYLAND 20910  
www.mncppc.org

*ATTACHMENT 1 (Cont'd)*

- c. Selection of a bridge, rather than a culvert, to cross Meadow Branch
- d. Mitigation strategies for parkland and wetlands impacts
- e. Identification of stormwater management pond locations
- f. Identification of construction impacts, including required staging areas
- g. Determination of ownership and maintenance responsibility for the portions of existing MD 97 to be bypassed

We look forward to continued coordination with your staff on this important project as it moves forward into detailed design.

Sincerely,



Derick P. Berlage  
Chairman

DPB:DKH:cmd

MCPB MD 97 Brookeville Recommendations to SHA.doc

ATTACHMENT 1 (Cont'd)



MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

September 25, 2002

Mr. Parker Williams, Administrator  
State Highway Administration  
707 North Calvert Street  
Baltimore, Maryland 21202

Dear Mr. Williams:

On September 25, 2002 the Council reviewed the results of the State Highway Administration's project planning study for the Brookeville Bypass. After reviewing the final alternates, the Council recommended proceeding to final design with Alternate 7 Modified as recommended by the Montgomery County Planning Board and as described in the Planning staff's packet (attached). The Council also concurred with the associated recommendations on C2 of the packet.

We wish to thank Doug Simmons and Carmen Harris for briefing us at our Council worksession. Along with Dan Hardy and Jeff Price of the Planning Board's staff, they aided greatly in helping us understand the alternates that were developed for this study, and in particular the advantages of Alternate 7 Modified.

Sincerely,

Steven A. Silverman  
Council President

SS:go

- cc: The Honorable Kumar Barve, Chair, Montgomery County House Delegation
- The Honorable Ida Ruben, Chair, Montgomery County Senate Delegation
- The Honorable Douglas Duncan, Montgomery County Executive
- John Porcari, Secretary, Maryland Department of Transportation
- Nelson Castellanos, Maryland Division Chief, Federal Highway Administration
- Derick Berlage, Chair, Montgomery County Planning Board
- Albert J. Genetti, Jr., Director, Department of Public Works and Transportation

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ATTACHMENT 1 (Cont'd)



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB  
Item No. 18  
9-19-02

September 13, 2002

**MEMORANDUM**

TO: Montgomery County Planning Board

VIA: Jeffrey Zyontz, Chief  
County-wide Planning Division

Richard C. Hawthorne, Chief  
Transportation Planning  
County-wide Planning Division *RCH*

Judy Daniel, Team Leader  
Rural Team  
Community-Based Planning Division

FROM: Daniel K. Hardy, Supervisor (301-495-4530) *DKH*  
Transportation Planning  
County-wide Planning Division

Khalid Afzal, Team Leader *DKH for*  
Georgia Avenue Team  
Community-Based Planning Division

SUBJECT: MD 97 Brookeville Bypass DEIS Recommendations

**Recommendation: Transmit the following comments to the State Highway Administration**

1. The Montgomery County Planning Board recommends that the State Highway Administration (SHA) select Alternate 7 Modified, a western bypass of the Town of Brookeville, as the preferred alternate for the MD 97 Brookeville project planning study.

**ATTACHMENT 1 (Cont'd)**

2. During the preparation of the Final Environmental Impact Statement, SHA should prepare an interagency memorandum of understanding defining the process to achieve the Smart Growth condition that requires a third-party easement to prohibit future access or widening.
3. Subsequent project planning and design activities should incorporate the following, prior to mandatory referral:
  - a. Accommodation of safe pedestrian and bicycle crossings for the existing Oakley Cabin Trail and a potential future natural surface trail as described in the County-wide Park Trails Plan.
  - b. Preservation of the archeological resources in the core areas of the Newlin/Downs Mill site
  - c. Selection of a bridge, rather than a culvert, to cross Meadow Branch
  - d. Mitigation strategies for parkland and wetlands impacts
  - e. Identification of stormwater management pond locations
  - f. Identification of construction impacts, including required staging areas
  - g. Determination of ownership and maintenance responsibility for the portions of existing MD 97 to be bypassed

**ORGANIZATION OF THIS REPORT**

This report contains five sections:

- **Purpose of the briefing and relationship to SHA decision-making process**
- **Study background**
- **Why select a western bypass;** comparison to the eastern bypass (Alternate 5C) and No-Build (Alternate 1) options
- **Comparison of western bypass alternates;** pros and cons of Alternate 7, Alternate 8A, and Alternate 8B, and development of Alternate 7 Modified
- **Relationship to Smart Growth**
- **Next steps**

**ATTACHMENT 1 (Cont'd)**

**PURPOSE OF BRIEFING**

The purpose of this briefing is to provide comments to SHA in the selection of a preferred alternate for the MD 97 Brookeville study, commonly known as the Brookeville Bypass. SHA completed a Draft Environmental Impact Statement (DEIS) in August 2001 and held a Location and Design Public Hearing on October 3, 2001. The DEIS findings are summarized in the Public Hearing Brochure, attached to copies of this memorandum distributed to Planning Board members. Others may pick up the Brochure at Room 105 in the Montgomery Regional Office, 8787 Georgia Avenue in Silver Spring or request the Brochure from SHA's project manager, Carmeletta Harris, at 1-800-548-5026.

Five alternates are described in the DEIS:

- The No-Build Alternate (Alternate 1)
- An eastern bypass alternate (Alternate 5C)
- Three western bypass alternates (Alternate 7, Alternate 8A, and Alternate 8B)

The locations of these alternates are shown in Exhibit 1. Each of the four build alternates are shown in greater detail in Attachments A through D.

After the October 3, 2001 Public Hearing, SHA performed additional archeological studies at the Newlin/Downs Mill site and the study team developed Alternate 7 Modified, which slightly realigns Alternate 7 to avoid the core areas of archeological interest.

**STUDY BACKGROUND**

The 1980 Olney Master Plan recommends the realignment of Georgia Avenue to the west of the Town of Brookeville. The Planning Board last reviewed the Brookeville Bypass in worksessions of October 12, 1992 and October 22, 1992. The purpose of these worksessions was to review comments on the M-NCPPC feasibility study of the Brookeville Bypass. The Planning Board recommended that SHA begin a project planning study to investigate conceptual details that the M-NCPPC feasibility study did not have resources to address.

SHA initiated the MD 97 Brookeville project planning study in January 1995. After an Alternates Public Meeting in May 1996, three build alternates (two western bypass alignments and one eastern bypass alignment) were retained for detailed study.

In early 1998, the study was delayed due to concerns regarding consistency with the 1997 Maryland Smart Growth and Neighborhood Conservation Act, which established Priority Funding Areas (PFA) where growth is to be encouraged through investment in public infrastructure. While the Town of Brookeville is located within a

**ATTACHMENT 1 (Cont'd)**

PFA (because it is a municipal corporation), the majority of the bypass alternative alignments are not.

Following an agreement with local elected officials, the Maryland Department of Transportation, and the Governor's office, the study resumed in April 2000, with the establishment of four "smart growth" conditions. These conditions, and the means for meeting them, are described in the section of this memorandum on Relationship to Smart Growth.

**WHY SELECT A WESTERN BYPASS**

The alternates examined in the DEIS fall into three general categories: No-Build, eastern bypass, and western bypass. Staff believes that the differences among these three categories are substantive enough to briefly summarize the reasons why a western bypass should be selected before describing the more subtle differences between the western bypass alternates.

Staff believes that the purpose and need for a Brookeville Bypass has been established repeatedly from both civic and technical perspectives, through both our own Master Plan process and the NEPA process. Briefly, the purpose and need for the project are to resolve the incompatible nature of an important State highway serving the needs of 21<sup>st</sup> century travelers within the setting and alignment of an 18<sup>th</sup> century town. Therefore, the project aims to:

- protect the historic Town of Brookeville from the adverse effects of through traffic, and
- improve safety for travelers on MD 97 through Brookeville

Exhibit 2 provides a summary of the environmental impacts of each of the DEIS alternates. The No-Build alternate does not meet the purpose and need of the study. Each of the build alternates listed in Exhibit 2 do meet the purpose and need.

The eastern bypass alternate, Alternate 5C, was retained for detailed study as it avoids the Brookeville Historic District and minimizes the impacts on parkland resources. As shown in Exhibit 2, Alternate 5C passes through a more narrow portion of Reddy Branch Stream Valley Park, resulting in Section 4(f) resource acreage that is roughly an acre lower than the western bypass alternates.

However, Alternate 5C has several major disadvantages. It is more than twice as long as any of the western bypass alternates, resulting in a much larger project footprint. It requires purchase of five homes, whereas the western bypass alternates do not take any homes. At approximately \$35M, Alternate 5C costs more than twice as much as any of the western bypass alternates. Alternate 5C is not consistent with the Olney Master Plan. Staff finds that these disadvantages clearly outweigh the parklands

**ATTACHMENT 1 (Cont'd)**

and historic district minimization/avoidance features of Alternate 5C. Therefore, Alternate 5C should not be recommended.

**COMPARISON OF WESTERN BYPASS ALTERNATES**

Each of the three western bypass alternates described in the DEIS have relatively similar quantitative impacts, as presented in Exhibit 2. Staff finds that each of these three western bypass alternates would be consistent with the Olney Master Plan. The subtle differences between the western bypasses involve the connections to the existing roadway network and location of the alignment relative to adjacent natural resources, communities, and historic and cultural features.

Staff reviewed the western bypass alternates in a two-stage process. In the first stage, the three DEIS alternates were compared and public testimony was considered. This comparison led to the conclusion that Alternate 7 was generally the preferred alternate. Alternate 7, however, creates undesirable and avoidable impacts to the core areas of the Newlin/Downs Mill archeological site. Therefore, in the second stage of the process, Alternate 7 Modified was developed to realign a portion of the roadway to avoid those core areas.

**Comparison of DEIS Alternates**

The DEIS describes three western bypass alignment alternates. All three alternates have a similar southern terminus with a three-leg roundabout at Georgia Avenue at the northeast corner of the Longwood Community Center. The designs of these three alternates are influenced by the desire to avoid an area of wetlands (Wetland #12) in the Reddy Branch floodplain.

- Alternate 7, shown in Attachment B, is the easternmost of the western bypass alternates. It meets Brookeville Road at a four-leg roundabout, has a low-profile bridge crossing Reddy Branch, and passes east of Wetland #12. In Alternate 7, a 300' segment of existing Georgia Avenue including the bridge across the Reddy Branch is closed to vehicular traffic. Access to and from the north into Brookeville is provided via the roundabout at Brookeville Road.
- Alternate 8A, shown in Attachment C, follows an alignment to the west of Alternate 7. Like Alternate 7, Alternate 8A also includes a low-profile bridge over Reddy Branch. However, Alternate 8A passes west of Wetland #12. Access to and from the west on Brookeville Road is provided via a three-leg roundabout. Access to and from the north into Brookeville is provided via a three-leg roundabout at the northern bypass terminus. The Alternate 8A alignment requires closure of a 600' segment of existing Brookeville Road. Access to and from the west into Brookeville is achieved via a dog-leg movement between the two three-leg roundabouts on either side of Reddy Branch.

**ATTACHMENT 1 (Cont'd)**

- Alternate 8B, shown in Attachment C, is the westernmost, and highest, of the western bypass alternates. The westerly alignment carries it higher along the western slope of the Meadow Branch valley. From this higher ground, Alternate 8B passes over both Brookeville Road and Reddy Branch with a single, higher-level bridge and travels west of Wetland #12. The northern bypass terminus consists of a three-leg roundabout with Georgia Avenue. No existing roadway segments are closed.

The relative impacts of the three western bypass alternates compared in the DEIS can essentially be summarized as follows:

- Each of the western bypass alternates would appropriately satisfy the study purpose and need
- Alternate 7, following the shortest alignment and with the smallest footprint, provides the least impact to parklands and interior forest cover and has the lowest capital cost
- Alternate 8B, following a more westerly and higher profile including a high-level bridge across Brookeville Road and Reddy Branch, provides the best protection of cultural resources, specifically the Newlin/Downs Mill site and the Oakley Cabin Trail.

**Public Comment**

SHA held a Location and Design Public Hearing on October 3, 2001. The summary of oral and written Public Hearing testimony is shown in Exhibit 3. The public testimony reinforced the finding that the eastern bypass should not be selected and that either Alternate 7 or Alternate 8B is the preferred western bypass alternative.

Testimony supporting Alternate 7 was received from both representatives of the Town of Brookeville and a representative of the Olney Village Civic Association. This concurrence from communities both east and west of the master plan bypass alignment represents a significant achievement.

SHA has also maintained a Focus Group of local residents, business, and civic representatives. The Focus Group has met on an approximately bi-monthly basis during the past several years.

**Development of Alternate 7 Modified**

The DEIS states that each of the western bypass alternates have some impact on the Newlin/Downs Mill archaeological site. Because of this impact, further study, called a Phase II survey, to determine significance and mitigating action was required for any western bypass alternate selected. Further review suggested that the varying extent of archeological impacts and mitigation might be a determining factor in the

## ATTACHMENT 1 (Cont'd)

selection of a preferred alternative. SHA therefore postponed the selection of a preferred alternative to complete the Phase II survey work.

The Phase II survey, completed in July 2002, confirmed the hypothesis that Alternate 7 would cause far greater disruption to the core areas of the Newlin/Downs Mill site, specifically the mill site and miller's house, than would Alternate 8B. The Phase II survey also reports that avoidance of the core areas is the most desirable action, but that if these features cannot be avoided, the recommended mitigation is data recovery.

Staff believed that Alternate 7 could be refined to avoid the core areas of Newlin/Downs Mill and requested that SHA examine this possibility. SHA developed Alternate 7 Modified, which is the same as Alternate 7, except for:

- A slight shift of approximately 30' to the west in the vicinity of the Newlin/Downs Mill site, including a slightly sharper turn into the Brookeville Road roundabout
- A retaining wall on the south side of the portion of Brookeville Road adjacent to the Newlin/Downs Mill site.

These refinements protect the core area of the mill and the miller's house.

The Focus Group has continued to meet periodically as the Phase II archeological survey work has been conducted. The attendees at the most recent Focus Group meeting on July 4, 2002, unanimously endorsed the concept of Alternate 7 Modified.

Staff believes the Alternate 7 Modified alignment provides the best compromise between natural and cultural resource impacts for the Brookeville Bypass. Alternate 7 Modified does clip the southwest corner of the Brookeville Historic District (triggering the need for an Historic Area Work Permit), removes a portion of the Newlin/Downs Mill race, and requires realignment of the Oakley Cabin trail with an at-grade trail-crossing of MD 97. However, the primary objective for the Brookeville Bypass project is to preserve the historic resource that is the Town of Brookeville. Staff and Town representatives alike believe that Alternate 7 Modified achieves this objective.

#### Mitigating Actions

The Brookeville Bypass will create noticeable adverse impacts on the natural environment, parkland, historic and archeological resources. The roadway will divide two large forest stands in a biodiversity area, fragmenting forest interior spaces and accelerating the invasion of non-native species. The roadway will cross the Oakley Cabin Trail and impact portions of the Newlin/Downs Mill archeological site (outside those core areas protected by the development of Alternate 7 Modified).

During development of the FEIS, the study team will conduct subsequent evaluation of means by which SHA can best mitigate the adverse impacts of Alternate 7

## ATTACHMENT 1 (Cont'd)

Modified on environmental, historic, archeological, and recreational resources. Staff recommends that these means include:

- Acquiring replacement parklands of equivalent natural value, preferably within the Reddy Branch watershed
- Developing wetlands mitigation and stream reforestation areas within Reddy Branch Park, consistent with Policy for Parks guidance on non-park uses that serve the greater public interest.
- Consider extending the length of the structure carrying the Brookeville Bypass across Reddy Branch from approximately 100' in length to approximately 300' in length (to incorporate the entire length of the floodplain) and raising the elevation of the north end of the lengthened structure by approximately 3' to 5'. These changes, while increasing the project cost, would accomplish the following objectives:
  - Better preserve the integrity of the 100-year floodplain
  - Minimize the risk of flooding the bypass roadway
  - Enhance the ability for larger animal species to pass under the roadwayImprove opportunities for future natural surface trail connectivity on the north side of Reddy Branch as envisioned in the County-wide Park Trails Plan
- Designing the Brookeville Bypass roundabout junction with Brookeville Road to include the Oakley Cabin Trail connection and emphasize, through signs or landscaping, the location of the historic mill race parallel to and on the south side of Brookeville Road.
- Considering provision of Interpretative materials such as information panels at the Newlin/Downs Mill archeological site.
- Providing stream restoration along the Reddy Branch within the stream valley park.
- Providing reforestation where pavement might be removed along the portion of existing Georgia Avenue, north of Reddy Branch, that will be closed to vehicular traffic
- Identifying areas for stormwater management and construction staging that avoid additional impacts to sensitive environmental and archeological resources, including and associated with the Newlin/Downs Mill site.

## ATTACHMENT 1 (Cont'd)

The current project mapping indicates that the Brookeville Bypass will cross Meadow Branch via a culvert. The DEIS indicates that selection of bridge structures and culverts will be made during the subsequent project design phase. Staff recommends that the Meadow Branch crossing be bridged to reduce impacts on hydrology and wildlife passage.

**Other perspectives**

Staff considered several other perspectives in weighing the pros and cons of the western bypass alternatives.

Network connectivity

The primary objective of the Brookeville Bypass is to remove MD 97 traffic, or north-south traffic, from the Town of Brookeville. Traffic currently traveling east-west into, or through, the Town of Brookeville uses Brookeville Road to and from the west and Brighton Dam Road to and from the east.

The 1980 Olney Master Plan classified Brookeville Road and Brighton Dam Road as primary residential roadways (both with the designation P-23). The 1980 Plan envisioned a relocation of a portion of P-23 slightly to the north. To the east of MD 97, P-23 was reassigned to Bordly Drive as part of the Abrams property subdivision approval in 1993. To the west of MD 97, Brookeville Road was reclassified as a Rustic Road in the 1996 Rustic Roads Master Plan. Brighton Dam Road is currently classified as an Interim Rustic Road.

Staff believes that bypass alternatives which either provide a roundabout connection to the bypass at Brookeville Road (Alternates 7, 7 Modified, and 8A) or via existing Georgia Avenue (Alternate 8B) both meet the intent of the master plan and serve local network connectivity needs.

Citizen testimony has raised the concern that the different western bypass alternatives being considered could affect the desirability of Brookeville Road, Bordly Drive, and Brighton Dam Road as east-west cut-through routes. Staff recognizes the concern and concurs that the use of either rustic roads or primary residential roads by through traffic should be discouraged.

Staff finds that the effects of each western bypass alternative on east-west traffic will be minor, based on the level of connectivity retained in each option. The different connection options proposed in Alternates 7, 7 Modified, 8A, and 8B, have only minor effects on east-west travel time. For instance, the closure of a portion of existing Brookeville Road to vehicular traffic in Alternate 8A would increase the east-west travel distance by approximately one-fifth of a mile, or about one-half minute at 30 MPH. Similarly, the closure of a portion of Georgia Avenue in Alternates 7 and 7 Modified would increase travel distance for the motorist entering Brookeville from the north by about one-tenth of a mile, or about one-quarter of a minute at 30 MPH.

## ATTACHMENT 1 (Cont'd)

Rustic Road effects

Brookeville Road is a rustic road based both on its outstanding natural features and its historic value. The 1996 Rustic Roads Master Plan states that "the designation of this road as a rustic road is not to be used to affect in any way the Brookeville Bypass when that road is constructed". Staff believes that the differences in the effects of the different bypass alternatives should nonetheless be noted.

Each of the western bypass alternatives has an adverse effect on the rustic nature of Brookeville Road, which is classified as a Rustic Road. Alternates 7, 7 Modified, and 8A both include a roundabout junction between Brookeville Road and the Brookeville Bypass, whereas in Alternate 8B the Brookeville Bypass crosses over Brookeville Road on a structure. Staff believes that neither Alternate 7 Modified nor Alternate 8B offers a clear advantage, as the roundabout construction would have a greater impact on the historic nature of the existing road alignment but the overpass would have a greater impact on the roadway viewshed.

Typical Section

Each of the bypass alternatives was evaluated as an open-section (no curb-and-gutter) and as a closed-section (curb-and-gutter) roadway, as shown in Exhibit 4. The basic cross-section includes one travel lane in each direction and a five-foot paved shoulder to accommodate bicycle traffic. Because the curb and gutter act as a means to redirect errant vehicles back onto the roadway, the closed-section option has a smaller footprint in terms of graded area than the open-section. Pedestrian accommodations such as sidewalks are not included because the bypass is intended to have no adjacent land use or future access points.

Because the closed-section option has a more narrow footprint than the open-section option, it also generally has lower environmental impacts as identified in Exhibit 2. However, the capital cost and stormwater management needs are greater with a closed-section roadway. Because the area adjacent to the roadway is generally parkland or other open area, staff concurs with the study team recommendation to select an open-section roadway design.

Treatment of Portions of Existing MD 97 to be Bypassed

The Brookeville Bypass will carry MD 97 around the Town of Brookeville, removing the need for SHA ownership and maintenance of those portions of existing MD 97 that will be bypassed. Staff concurs with the 1980 Olney Master Plan recommendation that the portion of existing MD 97 between the two bypass termini should not be included in the Master Plan of Highways, indicating that the functional classification is lower than primary residential roadway. SHA is coordinating with DPWT and the Town of Brookeville to develop ownership and maintenance agreements for these roadway segments.

**ATTACHMENT 1 (Cont'd)**

Alternate 7 Modified also proposes closure of a portion of MD 97 between Reddy Branch and the northern bypass terminus. As the ownership and maintenance agreements are developed, the desirability of retaining this link as a bikeway will be evaluated. If the pavement and bridge structure are to be removed entirely, staff recommends applying reforestation and stream restoration techniques.

**SMART GROWTH CONSISTENCY**

As part of the Maryland Smart Growth and Neighborhood Conservation Act passed in October 1997, Montgomery County identified Priority Funding Areas (PFA) where state investment in infrastructure is considered consistent with desired development patterns. By policy, all municipal corporations, such as the Town of Brookeville, are considered PFAs. The alignment for most of the Brookeville Bypass alternates, however, lies outside any PFA.

In 1999, the Maryland Department of Transportation, the Governor's office, and local elected officials agreed that the Brookeville Bypass could be considered consistent with Smart Growth policies if four conditions were met during design and construction:

- Under local ordinance, Montgomery County is to adopt, through appropriate enforceable action, restrictions that will prevent this bypass from allowing sprawl development. Any capacity a bypass might add to the road network cannot be used to allow development outside the current boundaries of the Town of Brookeville.
- Permanent easement to be held by an entity such as the Maryland Environmental Trust must border the entire roadway to ensure no future access, widening, or connection to the bypass is possible.
- If for any reason these controls fail, Montgomery County will reimburse the State for the full cost of the bypass.
- Montgomery County, the Maryland Department of Transportation, and Howard County Government will work out a safe traffic calming point north of the bypass, which limits traffic capacity to the current capacity of MD 97 through Brookeville.

The first condition has been addressed by Montgomery County by incorporation into the Annual Growth Policy. Staff concurs with the State Highway Administration that the last condition is met through the establishment of roundabouts as the traffic control devices for bypass junctions.

The definition of permanent easement and the identification of the entity responsible for maintaining that easement has not yet been developed. SHA has been working with the Maryland Environmental Trust to develop appropriate interagency agreements to ensure that this Smart Growth criterion is met. Staff requests that this

**ATTACHMENT 1 (Cont'd)**

issue be resolved and craft memoranda of understanding be available for review as part of the Final Environmental Impact Statement.

**NEXT STEPS**

The remaining steps in the implementation process include:

- Development of agency consensus on a preferred alternate during spring 2002, including
  - Presentation to the County Council (scheduled for September 24)
  - Formal designation of a preferred alternate by SHA's Administrator (October 2002)
  - Completion of a Final Environmental Impact Statement identifying the preferred alternate (Winter 2003), and
  - Location and Design Approval of the preferred alternate by the Federal Highway Administration (Spring 2003)
- Engineering, expected to take two to three years, and
- Construction, expected to take two years

The project has only been funded through project planning. The engineering and construction phases will require funding through the state's Consolidated Transportation Plan adoption process.

DKH:cmd

MO 87 Brookeville Bypass DEIS Recommendations.doc



## ATTACHMENT 3

## MD 97 Brookeville (Bypass)

M-NCPPC staff position on FEIS mitigation  
April 11, 2003 Draft

Note: Explanatory items shown in italics

**Archeologic**

- Clear any invasive species from the core areas of the site
- Stabilize the Miller's House foundation by rebuilding its above-ground outline and reconstructing the chimney hearth.
- Design any retaining walls in the core area of the site to reflect the historic character of the site
- Provide interpretative signing for the Miller's House and Mill Site
- Provide interpretative materials such as clearing or landscaping to define the location of the mill/wheel pit foundation and emphasize location of mill races
- *Future site maintenance to be provided by M-NCPPC*

**Hydrology**

- Revise the design of the culvert carrying relocated MD 97 across the Meadow Branch (a.k.a. Olney Mill tributary) to retain the current channel length (*based on further study, staff is willing to accept the SHA recommendation that a culvert be provided rather than a bridge, as part of this comprehensive mitigation package*).
- Include a flood relief culvert on the relocated MD 97 crossing of Reddy Branch
- *The auxiliary "flood relief" or "wetland feeding" culverts on the relocated MD 97 crossing of Meadow Branch are not considered vital to M-NCPPC staff*

**Parkland**

- Acquire property and transfer to M-NCPPC as parkland sufficient to accomplish the following objectives:
  - Minimum of 5.62 acres to replace direct parkland impacts
  - Minimum of 4.00 acres of interior forest (defined as forested area buffered by at least 300' of edge forest) to replace interior forest resource
  - Preferably part of Thomas Nash property at 3415 Brookeville Road
  - Preferably contiguous to Reddy Branch Stream Valley Park (or separated only by Brookeville Road right-of-way)

**Park Trails**

- Maintain or improve the Oakley Cabin trail through the archeologic site
- Provide 8' wide natural surface connection between existing MD 97 (Market Street) in the Brookeville historic district and the eastern edge of archeologic site, including either a pedestrian bridge spanning Meadow Branch (Olney Mill tributary) or a rebuilt/widened Brookeville Road culvert

## ATTACHMENT 3 (Cont'd)

- Provide a bridge where the Oakley Cabin Trail crosses Reddy Branch (approximately 150' east of Oakley Cabin) to complete the pedestrian connection between the Brooksville historic district, the archeologic site, and the Oakley Cabin
- *M-NCPPC staff finds that the Oakley Cabin Trail, improved as described in this document, will serve as the natural surface trail in the Reddy Branch stream valley referenced in the 1998 Countywide Park Trails Plan. No additional provision for future pedestrian trails within the Reddy Branch stream valley need be considered.*

**Reforestation**

- Reforest the area where pavement along existing MD 97 will be removed
- Identify areas, preferably in the Hawlings River watershed, where the remaining reforestation will occur to maintain the required 1:1 replacement ratio

**Stream Restoration**

- Provide stream restoration along Meadow Branch and Reddy Branch as indicated in Attachments 1 and 2
- *Additional participation in future DEP restoration projects in the Hawlings River watershed, particularly along the lowest portion of Meadow Branch, could also be considered*

**Wetlands**

- Provide replacement wetlands
- Maintain wetlands for a period of 20 years, with perpetual maintenance easement to be granted by M-NCPPC.

**Other**

- *M-NCPPC staff support the Corps of Engineers interest in relocating the agreed-upon 8' high by 25' wide bench under the Relocated MD 97 bridge crossing Reddy Branch from the south side of the stream channel to the north side of the stream channel to facilitate wildlife passage. However, M-NCPPC staff do not find the north-side specification important enough to warrant additional adverse impacts to other resources.*
- Identify construction staging areas
- Determine the ownership and maintenance responsibilities for the portions of existing MD 97 to be bypassed.
- Provide interagency memoranda of understanding defining the process to achieve the Smart Growth condition which specifies future widening or access to be prohibited via third-party easement.

ATTACHMENT 4



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Office of the Chairman, Montgomery County Planning Board

May 1, 2003

Ms. Cynthia D. Simpson  
Deputy Director  
Office of Planning and Preliminary Engineering  
Maryland State Highway Administration  
707 North Calvert Street  
Baltimore, MD 21202

Re: Project No. MO746B11  
MD 97/Brookeville from South of Goldmine Road to Holiday Drive, Montgomery  
County, Maryland

Dear Ms. Simpson:

This letter is in response to the Maryland State Highway Administration's (SHA) request for approval to use portions of Meadow Branch and Reddy Branch Stream Valley Parks for stream restoration and wetland mitigation for impacts associated with the MD 97 project. During the past year, our staffs have worked successfully to find alternative mitigation sites for the US 29 project and the Planning Board has supported the selection of Alternate 7 Modified for the MD 97 Brookeville project.

As presented at the March 19<sup>th</sup>, 2003 Interagency Meeting attended by our staff representative Dan Hardy, the MD 97 Brookeville project will cross Meadow Branch and Reddy Branch and affect approximately 0.12 to 0.16 acres of wetlands. Our staff finds the wetlands creation and stream restoration mitigation locations, as shown in the attachments to this letter, to be beneficial and consistent with our Policy for Parks guidance on non-park uses that serve the greater public interest. In this case, therefore, we support the use of the Reddy Branch Stream Valley Park for mitigating the wetlands and stream restoration impacts anticipated as a result of the MD 97 Brookeville project. We look forward to working with SHA staff in the development of more detailed mitigation for stream restoration and wetlands replacement.

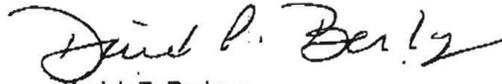
I have asked my staff to continue to coordinate with you with regards as to how we best approach the additional mitigation requirements for the MD 97 Brookeville project that will involve further agreements between our agencies. I would appreciate a briefing on that approach after it has been developed to the mutual satisfaction of our respective agency staffs.

MONTCOMERY COUNTY PLANNING BOARD, 8787 GEORGIA AVENUE, SILVER SPRING, MARYLAND 20910  
[www.mnccppc.org](http://www.mnccppc.org)

*ATTACHMENT 4 (Cont'd)*

Thank you for your continuing efforts on this important project. If you have further questions please contact me or Dan Hardy at (301) 495-4530.

Sincerely,

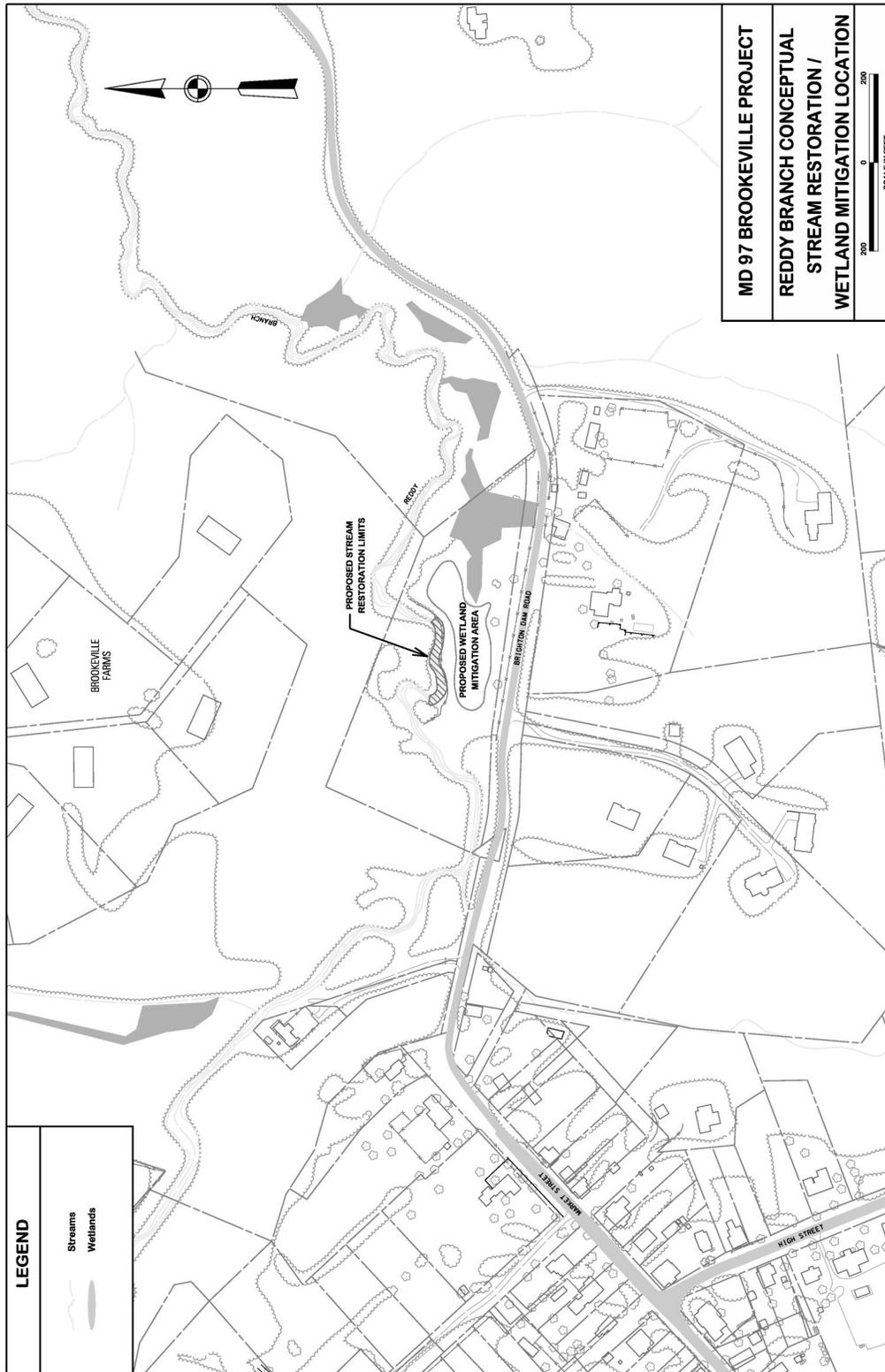


Derick P. Berlage  
Chairman

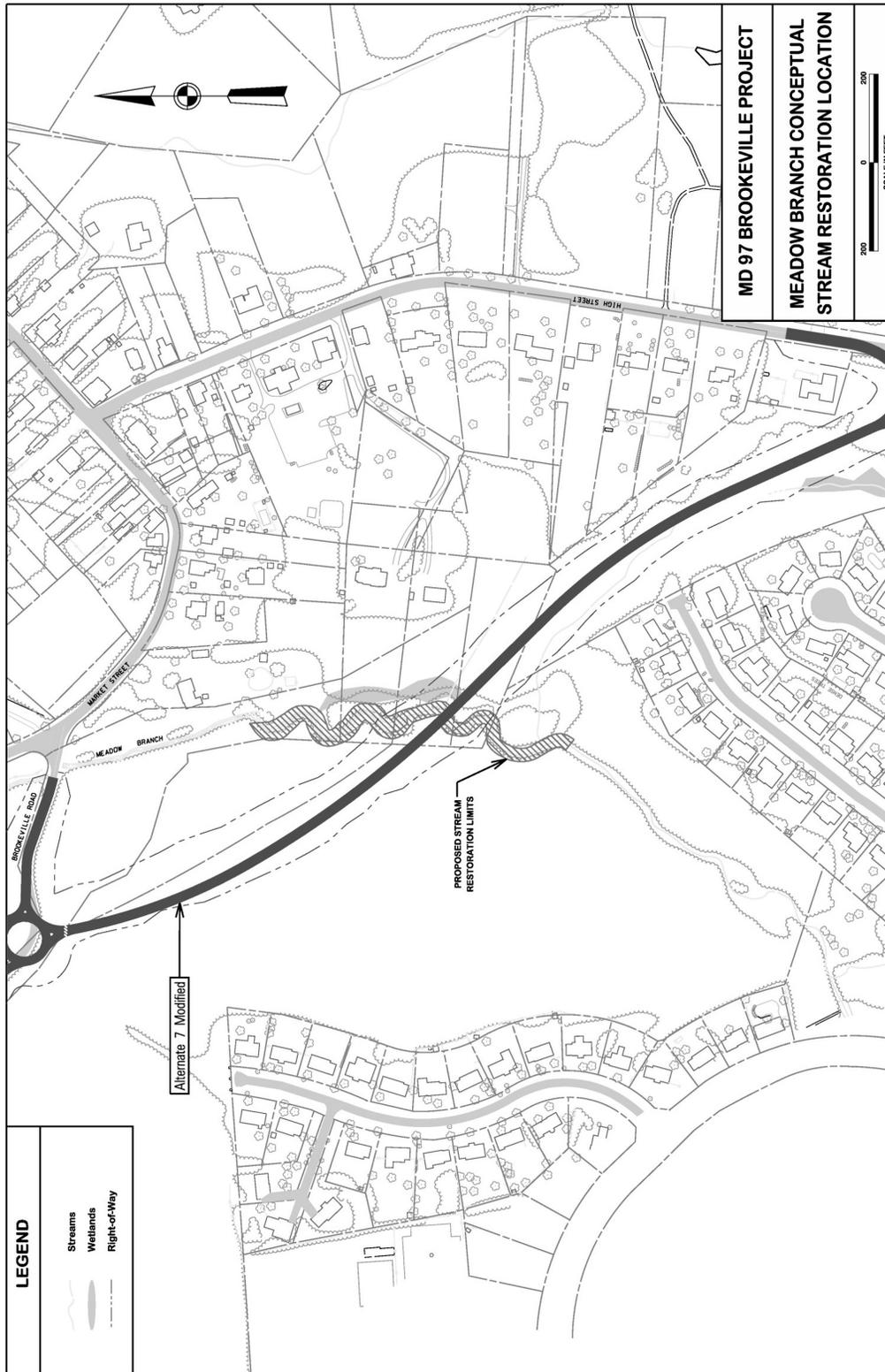
DPB:DH:ss

cc: Paul Wettlaufer, US Army Corps of Engineers  
Bill Schultz, US Fish and Wildlife Service  
Jeff Zyontz  
Dan Hardy

ATTACHMENT 4 (Cont'd)



ATTACHMENT 4 (Cont'd)



V-B.2 July 7, 2003 FHWA Concurrence of SHA's June 20, 2003 Request for Section 4(f) Non-Applicability of Temporary Use



Robert L. Ehrlich, Jr., Governor | Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary | Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

JUN 20 2003

RE: Project No. MO746B11 MD 97 - Brookeville Project From South of Gold Mine Road to North of Holiday Drive Montgomery County, Maryland

Mr. Nelson J. Castellanos Division Administrator Federal Highway Administration The Rotunda - Suite 220 711 West 40th Street Baltimore, Maryland 21211

Attention: Ms. Denise W. King

Dear Mr. Castellanos:

The Maryland State Highway Administration (SHA) requests your concurrence with a determination of the non-applicability of Section 4(f) of the US DOT Act (49 U.S.C. Section 303) regarding the temporary use of publicly-owned public parkland for the development of one wetland mitigation and two stream restoration sites being considered for the MD 97 Brookeville Project. The construction of the stream restoration and wetland mitigation improvements, as currently proposed, will require temporary construction easement within the Reddy Branch Stream Valley Park. This regional park is owned by the Maryland National Capital Park and Planning Commission (MNCPPC). The SHA initiated project coordination with MNCPPC in 1997.

During the summer of 2002, SHA met with MNCPPC to discuss mitigation strategies and stream restoration opportunities within the park. Potential areas for stream restoration and wetland mitigation within the Reddy Branch Stream Valley Park were agreed upon by representatives of MNCPPC, and they subsequently provided written approval to SHA on May 1, 2003 (Attachment 1).

The SHA Selected Alternate 7 Modified will impact 1,339 linear feet of streams and 0.12 acre of wetlands. Replacement mitigation is proposed at a 2:1 ratio for 0.03 acre of palustrine forested and 0.03 acre of palustrine scrub shrub wetlands, and at a 1:1 ratio for 0.06 acre of

My telephone number/toll-free number is Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

**July 7, 2003 FHWA Concurrence of SHA's June 20, 2003 Request for Section 4(f) Non-Applicability of Temporary Use (cont'd)**

Mr. Nelson J. Castellanos  
MD 97 – Brookeville Project  
Page Two

palustrine emergent wetlands. Therefore, the wetland mitigation needed for this project totals approximately 0.18 acre. Recommended areas of potential stream restoration included a section of Meadow Branch south of Brookeville Road and a section along Reddy Branch adjacent to Brighton Dam Road.

Approved stream restoration sites include upstream and downstream of the proposed location where Alternate 7 Modified would cross Meadow Branch (Attachment 2) and along a section of Reddy Branch adjacent to Brighton Dam Road (Attachment 3). Stream restoration techniques are likely to include riparian buffer plantings and grading and stabilization of eroded stream banks. The SHA will work closely with the regulatory resource agencies and MNCPPC in the development of the detailed stream restoration and wetland mitigation design as part of project design, when funding for design activities is approved.

The MNCPPC, as the agency with jurisdiction over Reddy Branch Stream Valley Park, has no objections to the temporary occupancy of parkland and has concurred with the proposed project (see May 1, 2003 letter Attachment 1) with consideration of the following conditions:

- 1) The MNCPPC Planning Board supports the selection of Alternate 7 Modified including the recommended stream restoration and wetland mitigation locations within Reddy Branch Stream Valley Park coordinated with MNCPPC staff.
- 2) The temporary occupation of the parkland will not affect ownership of the land (MNCPPC will retain ownership of the area) and will be limited to the creation of stream restoration and wetlands mitigation locations with a maintenance easement to be granted by MNCPPC. The SHA will maintain and monitor the wetland and stream restoration mitigation sites for a period not to exceed the regulatory requirements to be established during the permitting.
- 3) The MNCPPC staff finds the wetlands creation and stream restoration mitigation locations to be beneficial with MNCPPC's Policy for Parks guidance on non-park uses that serve the greater public interests. As a result, there will be no temporary or permanent adverse change to the activities or features which are important to the purpose or function that qualifies the resource for protection under 4(f); and,
- 4) The temporary occupation will include a minor amount of land.

July 7, 2003 FHWA Concurrence of SHA's June 20, 2003 Request for Section 4(f) Non-Applicability of Temporary Use (cont'd)

Mr. Nelson J. Castellanos  
MD 97 – Brookeville Project  
Page Three

Therefore, in accordance with the Federal Highway Administration guidance on the applicability of Section 4(f) in cases of temporary use, we request your concurrence that the temporary occupancy of Reddy Branch Stream Valley Park for stream restoration and wetland creation mitigation is not subject to the requirements of Section 4(f).

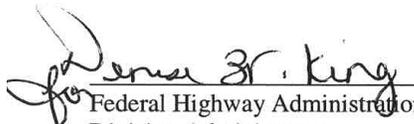
Sincerely,

Neil J. Pedersen  
Administrator

by:

  
Douglas H. Simmons, Director  
Office of Planning and  
Preliminary Engineering

Concurrence:

  
Federal Highway Administration  
Division Administrator

7/7/03  
Date

Attachments

- cc: Mr. Nicholas Blendy, Environmental Manager, State Highway Administration, Project Planning Division (w/Attachments)
- Mr. Bruce M. Grey, Deputy Director, State Highway Administration, Project Planning Division
- Ms. Carmeletta Harris, Project Manager, State Highway Administration, Project Planning Division (w/Attachments)
- Mr. Joseph R. Kresslein, Assistant Division Chief, State Highway Administration, Project Planning Division
- Ms. Cynthia D. Simpson, Deputy Director, State Highway Administration, Project Planning Division
- Mr. James Wynn, Assistant Division Chief, State Highway Administration, Project Planning Division

**V-B.3 May 1, 2003 M-NCPPC Response to SHA Request for Wetland Mitigation Sites**



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Office of the Chairman, Montgomery County Planning Board

May 1, 2003

Ms. Cynthia D. Simpson  
Deputy Director  
Office of Planning and Preliminary Engineering  
Maryland State Highway Administration  
707 North Calvert Street  
Baltimore, MD 21202

Re: Project No. MO746B11  
MD 97/Brookeville from South of Goldmine Road to Holiday Drive, Montgomery  
County, Maryland

Dear Ms. Simpson:

This letter is in response to the Maryland State Highway Administration's (SHA) request for approval to use portions of Meadow Branch and Reddy Branch Stream Valley Parks for stream restoration and wetland mitigation for impacts associated with the MD 97 project. During the past year, our staffs have worked successfully to find alternative mitigation sites for the US 29 project and the Planning Board has supported the selection of Alternate 7 Modified for the MD 97 Brookeville project.

As presented at the March 19<sup>th</sup>, 2003 Interagency Meeting attended by our staff representative Dan Hardy, the MD 97 Brookeville project will cross Meadow Branch and Reddy Branch and affect approximately 0.12 to 0.16 acres of wetlands. Our staff finds the wetlands creation and stream restoration mitigation locations, as shown in the attachments to this letter, to be beneficial and consistent with our Policy for Parks guidance on non-park uses that serve the greater public interest. In this case, therefore, we support the use of the Reddy Branch Stream Valley Park for mitigating the wetlands and stream restoration impacts anticipated as a result of the MD 97 Brookeville project. We look forward to working with SHA staff in the development of more detailed mitigation for stream restoration and wetlands replacement.

I have asked my staff to continue to coordinate with you with regards as to how we best approach the additional mitigation requirements for the MD 97 Brookeville project that will involve further agreements between our agencies. I would appreciate a briefing on that approach after it has been developed to the mutual satisfaction of our respective agency staffs.

MONTGOMERY COUNTY PLANNING BOARD, 8787 GEORGIA AVENUE, SILVER SPRING, MARYLAND 20910  
[www.mncppc.org](http://www.mncppc.org)

**May 1, 2003 M-NCPPC Response to SHA Request for Wetland Mitigation Sites (cont'd)**

Thank you for your continuing efforts on this important project. If you have further questions please contact me or Dan Hardy at (301) 495-4530.

Sincerely,

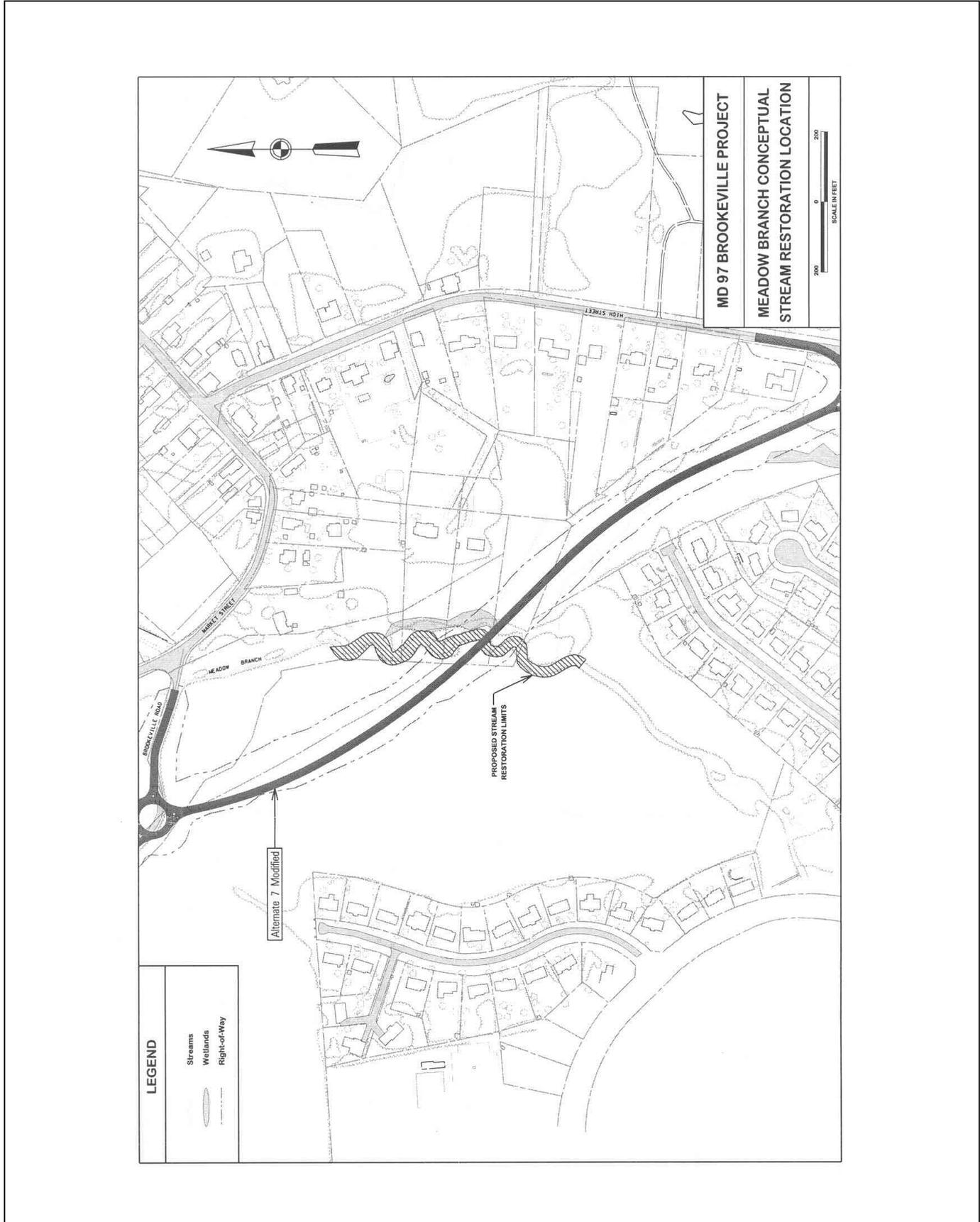


Derick P. Berlage  
Chairman

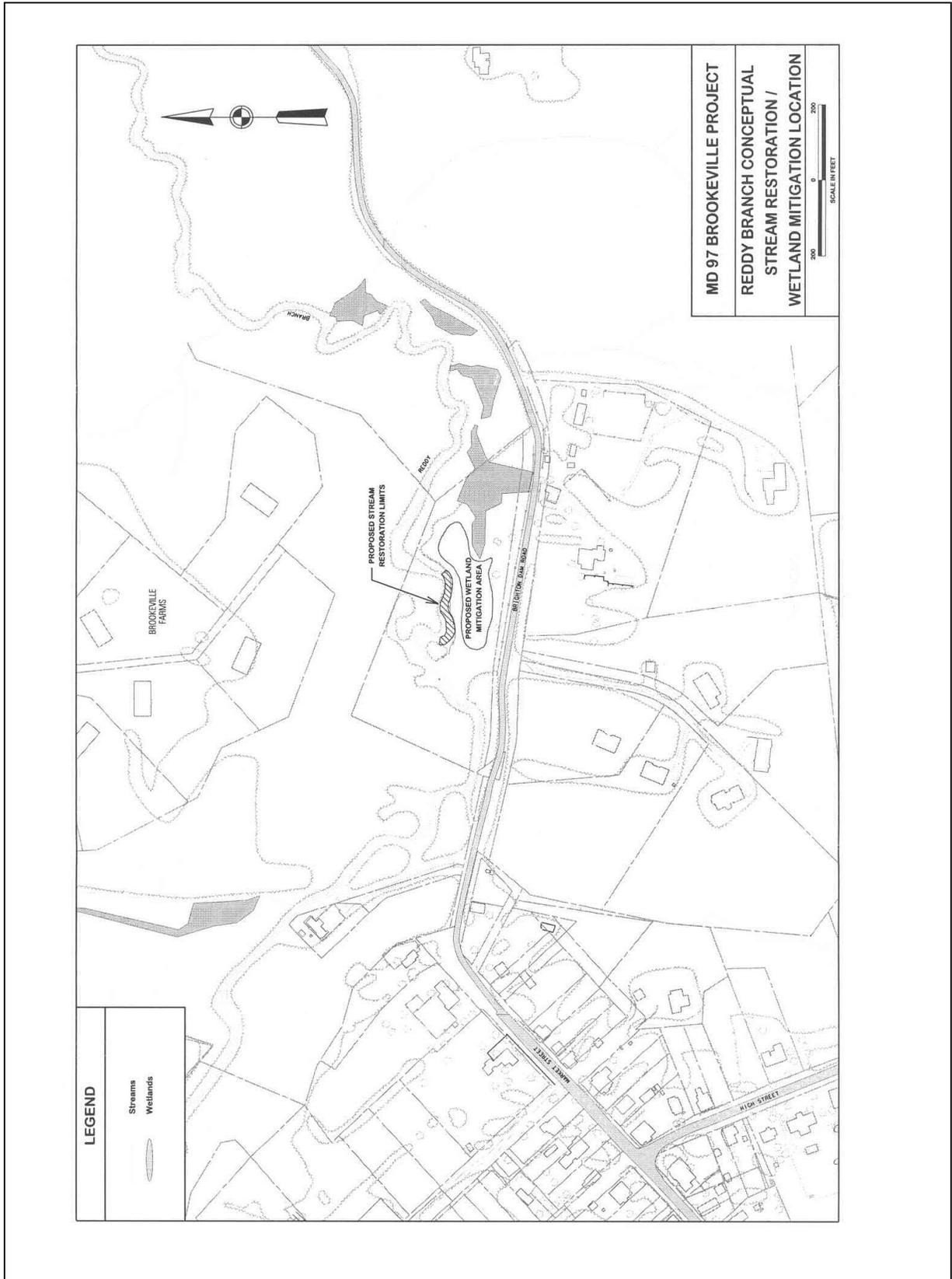
DPB:DH:ss

cc: Paul Wettlaufer, US Army Corps of Engineers  
Bill Schultz, US Fish and Wildlife Service  
Jeff Zyontz  
Dan Hardy

May 1, 2003 M-NCPPC Response to SHA for Wetland Mitigation Sites (cont'd)



May 1, 2003 M-NCPPC Response to SHA for Wetland Mitigation Sites (cont'd)



V-B.4 November 27, 2002 M-NCPPC Coordination Meeting Summary



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

RECEIVED

DEC 17 2002

Ans'd.....

MEMORANDUM

TO: Ms. Cynthia D. Simpson
Deputy Director
Office of Planning and
Preliminary Engineering

FROM: Carmeletta T. Harris
Project Manager
Project Planning Division

[Handwritten signature]

DATE: December 11, 2002

SUBJECT: MD 97 Brookeville Project
Montgomery County
Contract Number MO746B11

RE: M-NCPPC Coordination Meeting

On Wednesday, November 27, 2002, a meeting was held in the Project Planning Conference Room, at the State Highway Administration (SHA) Headquarters in Baltimore.

The following people were in attendance:

- Carmeletta Harris SHA, Project Planning Division (410) 545-8522
Alvaro Sifuentes SHA, Project Planning Division (410) 545-8544
Steve Ches SHA, Highway Design Division (410) 545-8835
Danelle Bernard SHA, Bridge Design (410) 545-8073
Prakash Dave SHA, Bridge Hydraulics (410) 545 8355
Nader Mondanipour SHA, Bridge Hydraulics (410) 545-8357
Dan Hardy M-NCPPC (301) 495-4530
Mike Zamore M-NCPPC (301) 495-4530
Karen Kahl RK&K (410) 728-2900
Brian Bernstein KCI Technologies (410) 316-7858

The purpose of the meeting was to review outstanding issues raised at the Selected Alternate Meeting regarding potential Storm Water Management (SWM) sites that have been identified by RK&K, the bridge over the Reddy Branch Stream north of Brookeville Road and the box culverts located north of the M-NCPPC property reserved for transportation use.

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**November 27, 2002 M-NCPPC Coordination Meeting Summary (cont'd)**

MD 97 Brookeville Rd

Page 2

The attendees introduced themselves and Carmeletta Harris briefly reviewed the outstanding issues raised at the Selected Alternate Meeting with the Administrator. At the meeting, Mr. Dan Hardy from the M-NCPPC stated that Montgomery County would prefer to have a bridge structure rather than to provide box culverts, over Meadow Branch stream north of the M-NCPPC property reserved for transportation use. Dan also stated that having a structure rather than box culverts would minimize impacts to the stream meander. Mr. Prakash Dave from Bridge Hydraulics replied that a study had been performed to determine if a bridge or box culverts were needed at the Meadow Branch stream crossing. After the hydrological study was completed it was determined that two 11' x 9.5' size box culverts will be the most appropriate adequate solution at the Meadow Branch crossing and that a bridge was not needed. Mr. Mike Zamore from M-NCPPC asked if it was possible to have box culverts that would follow the path of the stream in order to minimize impacts to the stream. Mr. Prakash Dave answered that it is possible to have box culverts that would closely follow the stream flow but the maintenance costs would be higher because of the large debris that could get stuck trying to make its way through the box culverts. Mr. Dan Hardy requested copies of the hydrological studies so that his office could review the results and comment on them.

Mr. Dan Hardy inquired whether the bridge over the Reddy Branch Stream could be lengthened in order to minimize impacts to the floodplain. Ms. Danelle Bernard from the Office of Bridge Design responded that the structure over Reddy Branch will provide a horizontal clearance to be 25 feet on the south side and 10 feet on the north side. The vertical clearance would be 8.5 ft on the south side. This will meet the minimum requirements preferred by USFWS, DNR and ACOE, which consist of a minimum of an 8' vertical clearance with a 25 foot embankment on the south side for wildlife passage. She added that after the respective analyses had been performed it was determined that a bridge length of 75 feet was sufficient, but in order to comply with USFWS, DNR and ACOE requests, the bridge length was extended to 120 feet. Mr. Dan Hardy asked if it was possible to span the floodplain area. Mr. Prakash Dave answered that it was not necessary to span the whole floodplain and that was not standard practice, he added that a 120 feet long bridge was more than required by the different analyses performed. Mr. Prakash Dave also added that some of the analyses performed might change if the bridge upstream, on existing MD 97, would be removed. Ms. Carmeletta Harris said that there was still no decision made regarding the removal of the bridge on existing MD 97 at Brookeville Road. Mr. Dan Hardy requested copies of the analyses performed so that his office could review the results and comment on them.

A report was submitted by RK&K to Highway Hydraulics concerning possible SWM sites. Highway Hydraulics did not have any comments on the methodology to determine the approximate sizes or the possible locations of the ponds. It was noted by Ms. Karen Kahl from RK&K that the SWM Report had been submitted for Alternates 5C and 8B so the locations of the ponds for Alternate 7 Modified would have to be slightly modified from those for Alternate 8B. Mr. Dan Hardy requested a map of Alternate 7 Modified with the respective SWM pond locations, the bridge north of Brookeville Road at Reddy Branch Stream as well as the proposed connection of the Oakley Trail at the roundabout.

**October 7, 2002 Montgomery County Planning Board Letter**



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Office of the Chairman, Montgomery County Planning Board

October 7, 2002

Parker Williams, Administrator  
Maryland Department of Transportation  
State Highway Administration  
P.O. Box 717  
Baltimore, MD 21203-0717

Dear Mr. <sup>Parker</sup> Williams:

The Montgomery County Planning Board reviewed the MD 97 Brookeville project planning study at the regularly scheduled meeting of September 19, 2002. The Board endorsed the staff recommendations (copy enclosed) as described below:

1. The Montgomery County Planning Board recommends that the State Highway Administration select Alternate 7 Modified, a western bypass of the Town of Brookeville, as the preferred alternate for the MD 97 Brookeville project planning study.
2. During the preparation of the Final Environmental Impact Statement, SHA should prepare interagency memoranda of understanding defining the process to achieve the Smart Growth condition which specifies future widening or access to be prohibited via third-party easement.
3. Subsequent project planning and design activities should incorporate the following, prior to mandatory referral:
  - a. Accommodation of safe pedestrian and bicycle crossings for the existing Oakley Cabin Trail and a potential future natural surface trail as described in the Countywide Park Trails Plan.
  - b. Preservation of the archeological resources in the core areas of the Newlin/Downs Mill site

**October 7, 2002 Montgomery County Planning Board Letter (cont'd)**

- c. Selection of a bridge, rather than a culvert, to cross Meadow Branch
- d. Mitigation strategies for parkland and wetlands impacts
- e. Identification of stormwater management pond locations
- f. Identification of construction impacts, including required staging areas
- g. Determination of ownership and maintenance responsibility for the portions of existing MD 97 to be bypassed

We look forward to continued coordination with your staff on this important project as it moves forward into detailed design.

Sincerely,



Derick P. Berlage  
Chairman

DPB:DKH:cmd

MCPB MD 97 Brookeville Recommendations to SHA.doc

**September 25, 2002 Montgomery County Planning Board Letter**



**MONTGOMERY COUNTY COUNCIL**  
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

September 25, 2002

Mr. Parker Williams, Administrator  
State Highway Administration  
707 North Calvert Street  
Baltimore, Maryland 21202

Dear Mr. Williams:

On September 25, 2002 the Council reviewed the results of the State Highway Administration's project planning study for the Brookeville Bypass. After reviewing the final alternates, the Council recommended proceeding to final design with Alternate 7 Modified as recommended by the Montgomery County Planning Board and as described in the Planning staff's packet (attached). The Council also concurred with the associated recommendations on ©2 of the packet.

We wish to thank Doug Simmons and Carmen Harris for briefing us at our Council worksession. Along with Dan Hardy and Jeff Price of the Planning Board's staff, they aided greatly in helping us understand the alternates that were developed for this study, and in particular the advantages of Alternate 7 Modified.

Sincerely,

A handwritten signature in black ink, appearing to read "SAS", written over a faint circular stamp.

Steven A. Silverman  
Council President

SS:go

cc: The Honorable Kumar Barve, Chair, Montgomery County House Delegation  
The Honorable Ida Ruben, Chair, Montgomery County Senate Delegation  
The Honorable Douglas Duncan, Montgomery County Executive  
John Porcari, Secretary, Maryland Department of Transportation  
Nelson Castellanos, Maryland Division Chief, Federal Highway Administration  
Derick Berlage, Chair, Montgomery County Planning Board  
Albert J. Genetti, Jr., Director, Department of Public Works and Transportation

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September 13, 2002 M-NCPPC MD 97 DEIS Recommendations



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB  
Item No. 18  
9-19-02

September 13, 2002

**MEMORANDUM**

TO: Montgomery County Planning Board

VIA: Jeffrey Zyontz, Chief  
County-wide Planning Division

Richard C. Hawthorne, Chief  
Transportation Planning  
County-wide Planning Division

*RC#*

Judy Daniel, Team Leader  
Rural Team  
Community-Based Planning Division

FROM: Daniel K. Hardy, Supervisor (301-495-4530)  
Transportation Planning  
County-wide Planning Division

*DKH*

Khalid Afzal, Team Leader  
Georgia Avenue Team  
Community-Based Planning Division

*DKH for*

SUBJECT: MD 97 Brookeville Bypass DEIS Recommendations

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**Recommendation: Transmit the following comments to the State Highway Administration**

- 1 The Montgomery County Planning Board recommends that the State Highway Administration (SHA) select Alternate 7 Modified, a western bypass of the Town of Brookeville, as the preferred alternate for the MD 97 Brookeville project planning study.

①

**September 13, 2002 M-NCPPC MD 97 DEIS Recommendations (cont'd)**

2. During the preparation of the Final Environmental Impact Statement, SHA should prepare an interagency memoranda of understanding defining the process to achieve the Smart Growth condition that requires a third-party easement to prohibit future access or widening.
3. Subsequent project planning and design activities should incorporate the following, prior to mandatory referral:
  - a. Accommodation of safe pedestrian and bicycle crossings for the existing Oakley Cabin Trail and a potential future natural surface trail as described in the County-wide Park Trails Plan.
  - b. Preservation of the archeological resources in the core areas of the Newlin/Downs Mill site
  - c. Selection of a bridge, rather than a culvert, to cross Meadow Branch
  - d. Mitigation strategies for parkland and wetlands impacts
  - e. Identification of stormwater management pond locations
  - f. Identification of construction impacts, including required staging areas
  - g. Determination of ownership and maintenance responsibility for the portions of existing MD 97 to be bypassed

**ORGANIZATION OF THIS REPORT**

This report contains five sections:

- **Purpose of the briefing** and relationship to SHA decision-making process
- **Study background**
- **Why select a western bypass;** comparison to the eastern bypass (Alternate 5C) and No-Build (Alternate 1) options
- **Comparison of western bypass alternates;** pros and cons of Alternate 7, Alternate 8A, and Alternate 8B, and development of Alternate 7 Modified

**Relationship to Smart Growth**

- **Next steps**

**September 13, 2002 M-NCPPC MD 97 DEIS Recommendations (cont'd)**

**PURPOSE OF BRIEFING**

The purpose of this briefing is to provide comments to SHA in the selection of a preferred alternate for the MD 97 Brookeville study, commonly known as the Brookeville Bypass. SHA completed a Draft Environmental Impact Statement (DEIS) in August 2001 and held a Location and Design Public Hearing on October 3, 2001. The DEIS findings are summarized in the Public Hearing Brochure, attached to copies of this memorandum distributed to Planning Board members. Others may pick up the Brochure at Room 105 in the Montgomery Regional Office, 8787 Georgia Avenue in Silver Spring or request the Brochure from SHA's project manager, Carmeletta Harris, at 1-800-548-5026.

Five alternates are described in the DEIS:

The No-Build Alternate (Alternate 1)

An eastern bypass alternate (Alternate 5C)

- Three western bypass alternates (Alternate 7, Alternate 8A, and Alternate 8B)

The locations of these alternates are shown in Exhibit 1. Each of the four build alternates are shown in greater detail in Attachments A through D.

After the October 3, 2001 Public Hearing, SHA performed additional archeological studies at the Newlin/Downs Mill site and the study team developed Alternate 7 Modified, which slightly realigns Alternate 7 to avoid the core areas of archeological interest.

**STUDY BACKGROUND**

The 1980 Olney Master Plan recommends the realignment of Georgia Avenue to the west of the Town of Brookeville. The Planning Board last reviewed the Brookeville Bypass in worksessions of October 12, 1992 and October 22, 1992. The purpose of these worksessions was to review comments on the M-NCPPC feasibility study of the Brookeville Bypass. The Planning Board recommended that SHA begin a project planning study to investigate conceptual details that the M-NCPPC feasibility study did not have resources to address.

SHA initiated the MD 97 Brookeville project planning study in January 1995. After an Alternates Public Meeting in May 1996, three build alternates (two western bypass alignments and one eastern bypass alignment) were retained for detailed study.

In early 1998, the study was delayed due to concerns regarding consistency with the 1997 Maryland Smart Growth and Neighborhood Conservation Act, which established Priority Funding Areas (PFA) where growth is to be encouraged through investment in public infrastructure. While the Town of Brookeville is located within a

**September 13, 2002 M-NCPPC MD 97 DEIS Recommendations (cont'd)**

PFA (because it is a municipal corporation), the majority of the bypass alternative alignments are not.

Following an agreement with local elected officials, the Maryland Department of Transportation, and the Governor's office, the study resumed in April 2000, with the establishment of four "smart growth" conditions. These conditions, and the means for meeting them, are described in the section of this memorandum on Relationship to Smart Growth.

**WHY SELECT A WESTERN BYPASS**

The alternates examined in the DEIS fall into three general categories; No-Build, eastern bypass, and western bypass. Staff believes that the differences among these three categories are substantive enough to briefly summarize the reasons why a western bypass should be selected before describing the more subtle differences between the western bypass alternates.

Staff believes that the purpose and need for a Brookeville Bypass has been established repeatedly from both civic and technical perspectives, through both our own Master Plan process and the NEPA process. Briefly, the purpose and need for the project are to resolve the incompatible nature of an important State highway serving the needs of 21<sup>st</sup> century travelers within the setting and alignment of an 18<sup>th</sup> century town. Therefore, the project aims to:

- protect the historic Town of Brookeville from the adverse effects of through traffic, and  
  
improve safety for travelers on MD 97 through Brookeville

Exhibit 2 provides a summary of the environmental impacts of each of the DEIS alternates. The No-Build alternate does not meet the purpose and need of the study. Each of the build alternates listed in Exhibit 2 do meet the purpose and need.

The eastern bypass alternate, Alternate 5C, was retained for detailed study as it avoids the Brookeville Historic District and minimizes the impacts on parkland resources. As shown in Exhibit 2, Alternate 5C passes through a more narrow portion of Reddy Branch Stream Valley Park, resulting in Section 4(f) resource acreage that is roughly an acre lower than the western bypass alternates.

However, Alternate 5C has several major disadvantages. It is more than twice as long as any of the western bypass alternates, resulting in a much larger project footprint. It requires purchase of five homes, whereas the western bypass alternates do not take any homes. At approximately \$35M, Alternate 5C costs more than twice as much as any of the western bypass alternates. Alternate 5C is not consistent with the Olney Master Plan. Staff finds that these disadvantages clearly outweigh the parklands

**September 13, 2002 M-NCPPC MD 97 DEIS Recommendations (cont'd)**

and historic district minimization/avoidance features of Alternate 5C. Therefore, Alternate 5C should not be recommended.

**COMPARISON OF WESTERN BYPASS ALTERNATES**

Each of the three western bypass alternates described in the DEIS have relatively similar quantitative impacts, as presented in Exhibit 2. Staff finds that each of these three western bypass alternates would be consistent with the Olney Master Plan. The subtle differences between the western bypasses involve the connections to the existing roadway network and location of the alignment relative to adjacent natural resources, communities, and historic and cultural features.

Staff reviewed the western bypass alternates in a two-stage process. In the first stage, the three DEIS alternates were compared and public testimony was considered. This comparison led to the conclusion that Alternate 7 was generally the preferred alternate. Alternate 7, however, creates undesirable and avoidable impacts to the core areas of the Newlin/Downs Mill archeological site. Therefore, in the second stage of the process, Alternate 7 Modified was developed to realign a portion of the roadway to avoid those core areas.

**Comparison of DEIS Alternates**

The DEIS describes three western bypass alignment alternates. All three alternates have a similar southern terminus with a three-leg roundabout at Georgia Avenue at the northeast corner of the Longwood Community Center. The designs of these three alternates are influenced by the desire to avoid an area of wetlands (Wetland #12) in the Reddy Branch floodplain.

- Alternate 7, shown in Attachment B, is the easternmost of the western bypass alternates. It meets Brookeville Road at a four-leg roundabout, has a low-profile bridge crossing Reddy Branch, and passes east of Wetland #12. In Alternate 7, a 300' segment of existing Georgia Avenue including the bridge across the Reddy Branch is closed to vehicular traffic. Access to and from the north into Brookeville is provided via the roundabout at Brookeville Road.
- Alternate 8A, shown in Attachment C, follows an alignment to the west of Alternate 7. Like Alternate 7, Alternate 8A also includes a low-profile bridge over Reddy Branch. However, Alternate 8A passes west of Wetland #12. Access to and from the west on Brookeville Road is provided via a three-leg roundabout. Access to and from the north into Brookeville is provided via a three-leg roundabout at the northern bypass terminus. The Alternate 8A alignment requires closure of a 600' segment of existing Brookeville Road. Access to and from the west into Brookeville is achieved via a dog-leg movement between the two three-leg roundabouts on either side of Reddy Branch.

**September 13, 2002 M-NCPPC MD 97 DEIS Recommendations (cont'd)**

Alternate 8B, shown in Attachment C, is the westernmost, and highest, of the western bypass alternates. The westerly alignment carries it higher along the western slope of the Meadow Branch valley. From this higher ground, Alternate 8B passes over both Brookeville Road and Reddy Branch with a single, higher-level bridge and travels west of Wetland #12. The northern bypass terminus consists of a three-leg roundabout with Georgia Avenue. No existing roadway segments are closed.

The relative impacts of the three western bypass alternates compared in the DEIS can essentially be summarized as follows:

Each of the western bypass alternates would appropriately satisfy the study purpose and need

- Alternate 7, following the shortest alignment and with the smallest footprint, provides the least impact to parklands and interior forest cover and has the lowest capital cost
- Alternate 8B, following a more westerly and higher profile including a high-level bridge across Brookeville Road and Reddy Branch, provides the best protection of cultural resources, specifically the Newlin/Downs Mill site and the Oakley Cabin Trail.

**Public Comment**

SHA held a Location and Design Public Hearing on October 3, 2001. The summary of oral and written Public Hearing testimony is shown in Exhibit 3. The public testimony reinforced the finding that the eastern bypass should not be selected and that either Alternate 7 or Alternate 8B is the preferred western bypass alternative.

**Testimony supporting Alternate 7 was received from both representatives of the Town of Brookeville and a representative of the Olney Village Civic Association.** This concurrence from communities both east and west of the master plan bypass alignment represents a significant achievement.

SHA has also maintained a Focus Group of local residents, business, and civic representatives. The Focus Group has met on an approximately bi-monthly basis during the past several years.

**Development of Alternate 7 Modified**

The DEIS states that each of the western bypass alternates have some impact on the Newlin/Downs Mill archeological site. Because of this impact, further study, called a Phase II survey, to determine significance and mitigating action was required for any western bypass alternate selected. Further review suggested that the varying extent of archeological impacts and mitigation might be a determining factor in the

**September 13, 2002 M-NCPPC MD 97 DEIS Recommendations (cont'd)**

selection of a preferred alternate. SHA therefore postponed the selection of a preferred alternate to complete the Phase II survey work.

The Phase II survey, completed in July 2002, confirmed the hypothesis that Alternate 7 would cause far greater disruption to the core areas of the Newlin/Downs Mill site, specifically the mill site and miller's house, than would Alternate 8B. The Phase II survey also reports that avoidance of the core areas is the most desirable action, but that if these features cannot be avoided, the recommended mitigation is data recovery.

Staff believed that Alternate 7 could be refined to avoid the core areas of Newlin/Downs Mill and requested that SHA examine this possibility. SHA developed Alternate 7 Modified, which is the same as Alternate 7, except for:

- A slight shift of approximately 30' to the west in the vicinity of the Newlin/Downs Mill site, including a slightly sharper turn into the Brookeville Road roundabout
- A retaining wall on the south side of the portion of Brookeville Road adjacent to the Newlin/Downs Mill site.

These refinements protect the core area of the mill and the miller's house

The Focus Group has continued to meet periodically as the Phase II archeological survey work has been conducted. The attendees at the most recent Focus Group meeting on July 14, 2002, unanimously endorsed the concept of Alternate 7 Modified.

Staff believes the Alternate 7 Modified alignment provides the best compromise between natural and cultural resource impacts for the Brookeville Bypass. Alternate 7 Modified does clip the southwest corner of the Brookeville Historic District (triggering the need for an Historic Area Work Permit), removes a portion of the Newlin/Downs Mill race, and requires realignment of the Oakley Cabin trail with an at-grade trail-crossing of MD 97. However, the primary objective for the Brookeville Bypass project is to preserve the historic resource that is the Town of Brookeville. Staff and Town representatives alike believe that Alternate 7 Modified achieves this objective.

**Mitigating Actions**

The Brookeville Bypass will create noticeable adverse impacts on the natural environment, parkland, historic and archeological resources. The roadway will divide two large forest stands in a biodiversity area, fragmenting forest interior spaces and accelerating the invasion of non-native species. The roadway will cross the Oakley Cabin Trail and impact portions of the Newlin/Downs Mill archeological site (outside those core areas protected by the development of Alternate 7 Modified).

During development of the FEIS, the study team will conduct subsequent evaluation of means by which SHA can best mitigate the adverse impacts of Alternate 7

**September 13, 2002 M-NCPPC MD 97 DEIS Recommendations (cont'd)**

Modified on environmental, historic, archeological, and recreational resources. Staff recommends that these means include:

- Acquiring replacement parklands of equivalent natural value, preferably within the Reddy Branch watershed
- Developing wetlands mitigation and stream reforestation areas within Reddy Branch Park, consistent with Policy for Parks guidance on non-park uses that serve the greater public interest.
- Consider extending the length of the structure carrying the Brookeville Bypass across Reddy Branch from approximately 100' in length to approximately 300' in length (to incorporate the entire length of the floodplain) and raising the elevation of the north end of the lengthened structure by approximately 3' to 5'. These changes, while increasing the project cost, would accomplish the following objectives:

Better preserve the integrity of the 100-year floodplain

Minimize the risk of flooding the bypass roadway

Enhance the ability for larger animal species to pass under the roadway

Improve opportunities for future natural surface trail connectivity on the north side of Reddy Branch as envisioned in the County-wide Park Trails Plan

- Designing the Brookeville Bypass roundabout junction with Brookeville Road to include the Oakley Cabin Trail connection and emphasize, through signs or landscaping, the location of the historic mill race parallel to and on the south side of Brookeville Road.

Considering provision of interpretative materials such as information panels at the Newlin/Downs Mill archeological site.

- Providing stream restoration along the Reddy Branch within the stream valley park.
- Providing reforestation where pavement might be removed along the portion of existing Georgia Avenue, north of Reddy Branch, that will be closed to vehicular traffic

Identifying areas for stormwater management and construction staging that avoid additional impacts to sensitive environmental and archeological resources, including and associated with the Newlin/Downs Mill site.

**September 13, 2002 M-NCPPC MD 97 DEIS Recommendations (cont'd)**

The current project mapping indicates that the Brookeville Bypass will cross Meadow Branch via a culvert. The DEIS indicates that selection of bridge structures and culverts will be made during the subsequent project design phase. Staff recommends that the Meadow Branch crossing be bridged to reduce impacts on hydrology and wildlife passage.

**Other perspectives**

Staff considered several other perspectives in weighing the pros and cons of the western bypass alternates.

Network connectivity

The primary objective of the Brookeville Bypass is to remove MD 97 traffic, or north-south traffic, from the Town of Brookeville. Traffic currently traveling east-west into, or through, the Town of Brookeville uses Brookeville Road to and from the west and Brighton Dam Road to and from the east.

The 1980 Olney Master Plan classified Brookeville Road and Brighton Dam Road as primary residential roadways (both with the designation P-23). The 1980 Plan envisioned a relocation of a portion of P-23 slightly to the north. To the east of MD 97, P-23 was reassigned to Bordly Drive as part of the Abrams property subdivision approval in 1993. To the west of MD 97, Brookeville Road was reclassified as a Rustic Road in the 1996 Rustic Roads Master Plan. Brighton Dam Road is currently classified as an Interim Rustic Road.

Staff believes that bypass alternates which either provide a roundabout connection to the bypass at Brookeville Road (Alternates 7, 7 Modified, and 8A) or via existing Georgia Avenue (Alternate 8B) both meet the intent of the master plan and serve local network connectivity needs.

Citizen testimony has raised the concern that the different western bypass alternates being considered could affect the desirability of Brookeville Road, Bordly Drive, and Brighton Dam Road as east-west cut-through routes. Staff recognizes the concern and concurs that the use of either rustic roads or primary residential roads by through traffic should be discouraged.

Staff finds that the effects of each western bypass alternative on east-west traffic will be minor, based on the level of connectivity retained in each option. The different connection options proposed in Alternates 7, 7 Modified, 8A, and 8B, have only minor effects on east-west travel time. For instance, the closure of a portion of existing Brookeville Road to vehicular traffic in Alternate 8A would increase the east-west travel distance by approximately one-fifth of a mile, or about one-half minute at 30 MPH. Similarly, the closure of a portion of Georgia Avenue in Alternates 7 and 7 Modified would increase travel distance for the motorist entering Brookeville from the north by about one-tenth of a mile, or about one-quarter of a minute at 30 MPH.

**September 13, 2002 M-NCPPC MD 97 DEIS Recommendations (cont'd)**

Rustic Road effects

Brookeville Road is a rustic road based both on its outstanding natural features and its historic value. The 1996 Rustic Roads Master Plan states that "the designation of this road as a rustic road is not to be used to affect in any way the Brookeville Bypass when that road is constructed". Staff believes that the differences in the effects of the different bypass alternatives should nonetheless be noted.

Each of the western bypass alternates has an adverse effect on the rustic nature of Brookeville Road, which is classified as a Rustic Road. Alternates 7, 7 Modified, and 8A both include a roundabout junction between Brookeville Road and the Brookeville Bypass, whereas in Alternate 8B the Brookeville Bypass crosses over Brookeville Road on a structure. Staff believes that neither Alternate 7 Modified nor Alternate 8B offers a clear advantage, as the roundabout construction would have a greater impact on the historic nature of the existing road alignment but the overpass would have a greater impact on the roadway viewshed.

Typical Section

Each of the bypass alternates was evaluated as an open-section (no curb-and-gutter) and as a closed-section (curb-and-gutter) roadway, as shown in Exhibit 4. The basic cross-section includes one travel lane in each direction and a five-foot paved shoulder to accommodate bicycle traffic. Because the curb and gutter act as a means to redirect errant vehicles back onto the roadway, the closed-section option has a smaller footprint in terms of graded area than the open-section. Pedestrian accommodations such as sidewalks are not included because the bypass is intended to have no adjacent land use or future access points.

Because the closed-section option has a more narrow footprint than the open-section option, it also generally has lower environmental impacts as identified in Exhibit 2. However, the capital cost and stormwater management needs are greater with a closed-section roadway. Because the area adjacent to the roadway is generally parkland or other open area, staff concurs with the study team recommendation to select an open-section roadway design.

Treatment of Portions of Existing MD 97 to be Bypassed

The Brookeville Bypass will carry MD 97 around the Town of Brookeville, removing the need for SHA ownership and maintenance of those portions of existing MD 97 that will be bypassed. Staff concurs with the 1980 Olney Master Plan recommendation that the portion of existing MD 97 between the two bypass termini should not be included in the Master Plan of Highways, indicating that the functional classification is lower than primary residential roadway. SHA is coordinating with DPWT and the Town of Brookeville to develop ownership and maintenance agreements for these roadway segments.

**September 13, 2002 M-NCPPC MD 97 DEIS Recommendations (cont'd)**

Alternate 7 Modified also proposes closure of a portion of MD 97 between Reddy Branch and the northern bypass terminus. As the ownership and maintenance agreements are developed, the desirability of retaining this link as a bikeway will be evaluated. If the pavement and bridge structure are to be removed entirely, staff recommends applying reforestation and stream restoration techniques.

**SMART GROWTH CONSISTENCY**

As part of the Maryland Smart Growth and Neighborhood Conservation Act passed in October 1997, Montgomery County identified Priority Funding Areas (PFA) where state investment in infrastructure is considered consistent with desired development patterns. By policy, all municipal corporations, such as the Town of Brookeville, are considered PFAs. The alignment for most of the Brookeville Bypass alternates, however, lies outside any PFA.

In 1999, the Maryland Department of Transportation, the Governor's office, and local elected officials agreed that the Brookeville Bypass could be considered consistent with Smart Growth policies if four conditions were met during design and construction:

- Under local ordinance, Montgomery County is to adopt, through appropriate enforceable action, restrictions that will prevent this bypass from allowing sprawl development. Any capacity a bypass might add to the road network cannot be used to allow development outside the current boundaries of the Town of Brookeville.
- Permanent easement to be held by an entity such as the Maryland Environmental Trust must border the entire roadway to ensure no future access, widening, or connection to the bypass is possible.
- If for any reason these controls fail, Montgomery County will reimburse the State for the full cost of the bypass.
- Montgomery County, the Maryland Department of Transportation, and Howard County Government will work out a safe traffic calming point north of the bypass, which limits traffic capacity to the current capacity of MD 97 through Brookeville.

The first condition has been addressed by Montgomery County by incorporation into the Annual Growth Policy. Staff concurs with the State Highway Administration that the last condition is met through the establishment of roundabouts as the traffic control devices for bypass junctions.

The definition of permanent easement and the identification of the entity responsible for maintaining that easement has not yet been developed. SHA has been working with the Maryland Environmental Trust to develop appropriate interagency agreements to ensure that this Smart Growth criterion is met. Staff requests that this

**September 13, 2002 M-NCPPC MD 97 DEIS Recommendations (cont'd)**

issue be resolved and draft memoranda of understanding be available for review as part of the Final Environmental Impact Statement.

**NEXT STEPS**

The remaining steps in the implementation process include:

- Development of agency consensus on a preferred alternate during spring 2002, including
  - Presentation to the County Council (scheduled for September 24)
  - Formal designation of a preferred alternate by SHA's Administrator (October 2002)
  - Completion of a Final Environmental Impact Statement identifying the preferred alternate (Winter 2003), and
  - Location and Design Approval of the preferred alternate by the Federal Highway Administration (Spring 2003)
- Engineering, expected to take two to three years, and  
Construction, expected to take two years

The project has only been funded through project planning. The engineering and construction phases will require funding through the state's Consolidated Transportation Plan adoption process.

DKH:cmd

MD 97 Brookeville Bypass DEIS Recommendations.doc

V-B.4 July 19, 2003 Summary of Agency and SHA Field Review of MD 97

Memorandum

TO: Ms. Cynthia D. Simpson  
Deputy Director  
Office of Planning and Preliminary Engineering

FROM: Joseph R. Kresslein  
Project Manager  
Project Planning Division

SUBJECT: Project No. MO746B11  
Agency and SHA Field Review of the MD 97/Brookeville study area.

DATE: July 19, 2002

The purpose of the meeting was to meet with the Maryland National Capital Parks and Planning Commission (MNCPPC) to discuss wetland mitigation and stream restoration requirements for the MD 97 Brookeville Bypass project. More specifically, the meeting focused on the process required by MNCPPC to formally approve the use of the MNCPPC park sites for mitigation/ restoration purposes. In addition, parkland mitigation needs were also on the agenda to be discussed.

Those in attendance included the following:

ATTENDEES

Mr. Dan Hardy, MNCPPC  
Ms. Mary Dolan, MNCPPC  
Mr. Doug Redmond, MNCPPC  
Mr. Mike Zamore, MNCPPC  
Ms. Shannon Rousey, SHA-PPD  
Mr. Brian Bernstein, KCI Technologies

Brian Bernstein explained to the group that the United States Army Corps of Engineers (ACOE) has required written confirmation from the MNCPPC approving the use of their land for wetland mitigation and stream restoration. He showed the group a map highlighting the approximate location within Reddy Branch Stream Valley Park of both the stream restoration and wetland mitigation areas. Brian further explained the process of how the mitigation sites were selected including that the sites had been verbally approved by representatives from MNCPPC, ACOE and the United States Fish and Wildlife Service.

Doug Redmond added that the MNCPPC is in the process of developing a Hawlings River Study with the goal of identifying potential areas to conduct stream restoration and

**July 19, 2002 Summary of Agency and SHA Field Review of MD 97 (cont'd)**

MD 97 Brookeville Rd

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The attendees introduced themselves and Carmeletta Harris briefly reviewed the outstanding issues raised at the Selected Alternate Meeting with the Administrator. At the meeting, Mr. Dan Hardy from the M-NCPPC stated that Montgomery County would prefer to have a bridge structure rather than to provide box culverts, over Meadow Branch stream north of the M-NCPPC property reserved for transportation use. Dan also stated that having a structure rather than box culverts would minimize impacts to the stream meander. Mr. Prakash Dave from Bridge Hydraulics replied that a study had been performed to determine if a bridge or box culverts were needed at the Meadow Branch stream crossing. After the hydrological study was completed it was determined that two 11' x 9.5' size box culverts will be the most appropriate adequate solution at the Meadow Branch crossing and that a bridge was not needed. Mr. Mike Zamore from M-NCPPC asked if it was possible to have box culverts that would follow the path of the stream in order to minimize impacts to the stream. Mr. Prakash Dave answered that it is possible to have box culverts that would closely follow the stream flow but the maintenance costs would be higher because of the large debris that could get stuck trying to make its way through the box culverts. Mr. Dan Hardy requested copies of the hydrological studies so that his office could review the results and comment on them.

Mr. Dan Hardy inquired whether the bridge over the Reddy Branch Stream could be lengthened in order to minimize impacts to the floodplain. Ms. Danelle Bernard from the Office of Bridge Design responded that the structure over Reddy Branch will provide a horizontal clearance to be 25 feet on the south side and 10 feet on the north side. The vertical clearance would be 8.5 ft on the south side. This will meet the minimum requirements preferred by USFWS, DNR and ACOE, which consist of a minimum of an 8' vertical clearance with a 25 foot embankment on the south side for wildlife passage. She added that after the respective analyses had been performed it was determined that a bridge length of 75 feet was sufficient, but in order to comply with USFWS, DNR and ACOE requests, the bridge length was extended to 120 feet. Mr. Dan Hardy asked if it was possible to span the floodplain area. Mr. Prakash Dave answered that it was not necessary to span the whole floodplain and that was not standard practice, he added that a 120 feet long bridge was more than required by the different analyses performed. Mr. Prakash Dave also added that some of the analyses performed might change if the bridge upstream, on existing MD 97, would be removed. Ms. Carmeletta Harris said that there was still no decision made regarding the removal of the bridge on existing MD 97 at Brookeville Road. Mr. Dan Hardy requested copies of the analyses performed so that his office could review the results and comment on them.

A report was submitted by RK&K to Highway Hydraulics concerning possible SWM sites. Highway Hydraulics did not have any comments on the methodology to determine the approximate sizes or the possible locations of the ponds. It was noted by Ms. Karen Kahl from RK&K that the SWM Report had been submitted for Alternates 5C and 8B so the locations of the ponds for Alternate 7 Modified would have to be slightly modified from those for Alternate 8B. Mr. Dan Hardy requested a map of Alternate 7 Modified with the respective SWM pond locations, the bridge north of Brookeville Road at Reddy Branch Stream as well as the proposed connection of the Oakley Trail at the roundabout.