

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



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

September 2, 2010

Re: Project No. MO593A22
MD 355 at Cedar Lane
Intersection Improvements
Montgomery County, Maryland

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

Attention: Ms. Keilyn Perez

Dear Mr. Castellanos:

In accordance with the CEQ Regulations, 23 CFR 771 and 23 CFR 774, the Maryland State Highway Administration (SHA) recommends that the proposed intersection improvements at MD 355 (Rockville Pike) and Cedar Lane in Montgomery County be classified as a Categorical Exclusion (CE) and requests your concurrence that the requirements of Section 4(f) do not apply to the temporary uses of property within two historic districts and a park. We also request that the Federal Highway Administration (FHWA) make *de minimis* impact findings with respect to minor permanent impacts to two historic districts and a park to comply with the requirements of Section 4(f).

Existing Conditions/Project Need

The project is located at the intersection of MD 355 and Cedar Lane in Montgomery County (**Attachment 1**). The project limits extend for approximately 0.5 mile along MD 355 from Wilson Drive to Locust Hill Road/Cedar Croft Drive, and along Cedar Lane/West Cedar Lane from Cedarcrest Drive to Elmhirst Parkway. MD 355 runs north-south and is classified as an Urban Principle Arterial in the Functional Classification System. The Average Daily Traffic (ADT) on MD 355 was 74,425 vehicles per day (VPD) in 2008, and is expected to increase to 78,975 VPD by 2011. Trucks account for five percent of the current and future ADT. Cedar Lane is an east-west Urban Minor Arterial roadway with an ADT of 18,400 VPD in 2008 that is expected to increase to 18,950 VPD by 2011. Trucks account for four percent of the current and future ADT along Cedar Lane.

Existing northbound MD 355 approaching the intersection consists of an exclusive left turn lane, two through lanes and one through/right turn shared lane, while southbound MD 355 consists of an exclusive left turn lane, three through lanes and one exclusive right turn lane. Eastbound Cedar Lane approaching the intersection consists of an exclusive left turn lane, one left turn/through shared lane, one through lane and one exclusive right turn lane, while westbound Cedar Lane consists of an exclusive left turn lane, one left turn/through shared lane and one through/right turn shared lane.

Land use within the project area is a mix of governmental/institutional, commercial, educational, parkland and residential. The National Institutes of Health (NIH) occupies the southwest quadrant of the intersection. Stone Ridge School of the Sacred Heart is a private pre-kindergarten through 12th grade school that occupies the southeast quadrant of the intersection. South of the school is the National Naval Medical Center (NNMC). The northeast quadrant of the intersection is occupied by undeveloped parkland owned by the Maryland National Capital Park and Planning Commission (MNCPPC) within Rock Creek Park. The Locust Hill Estates, a community of single family suburban style homes, is located beyond the parkland in the northeast quadrant. A small commercial property and residential housing occupy the northwest quadrant of the intersection. An unnamed tributary to Rock Creek flows northeast through the intersection under MD 355 and Cedar Lane and through Rock Creek Park. The tributary is conveyed under MD 355 and Cedar Lane through culverts that only meet the 10-year storm and therefore currently overtop MD 355 and Cedar Lane during larger storm events.

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

Proposed Action

The purpose of this project is to reduce roadway congestion and improve traffic flow and safety at the intersection. Work consists of roadway widening to provide additional turning and through lanes at the intersection. Additional work consists of roadway resurfacing, pavement removal, installation/upgrade/modification of sidewalks, retaining walls, bike paths, bus pads, fencing, concrete medians, traffic signals, signing, pedestrian ramps, landscaping, utility relocations, slope grading and drainage improvements. The installation of culverts, pipes, inlets, junction boxes, manholes, pipe extensions and a stormwater management facility are the proposed drainage improvements. Additionally, the existing culverts on MD 355 and Cedar Lane will be replaced with larger, depressed box culverts and the stream will be stabilized and realigned. Due to high shear stresses, concrete retaining walls are needed to protect the banks of the stream between MD 355 and Cedar Lane southeast of the intersection. If the retaining walls we constructed based on the current stream alignment, an existing stormwater management facility located on the Stone Ridge School property would be impacted during construction

through grading and access, and the entire stormwater management facility would require reconstruction. Therefore, a stream realignment plan has been developed that will avoid the impacts at the stormwater management facility. The upstream extent of the stream work has been designed to avoid impacts to an existing sanitary sewer line located on NIH property.

Several NIH entrances are located along southbound MD 355 within the project limits. At NIH's request, SHA's maintenance of traffic plan calls for 24-hour a day access to the Commercial Vehicle Inspection Facility. Work at the other entrances will be coordinated closely with NIH to minimize disruptions to the extent possible.

Environmental

Fee-simple right-of-way and/or easements will be required from a total of five adjacent properties. See **Table 1** for a summary of right-of-way requirements.

Table 1: Right-of-way Requirements

Property	Fee-Simple	Perpetual Easements	Revertible Easements	Temporary Construction Easements
National Institutes of Health (NIH)	0	1.1 acres	0	2.0 acres
<i>National Naval Medical Center (NNMC)</i>	<i>0</i>	<i>0.1 acre</i>	<i>0</i>	<i>0.3 acre</i>
9101 Rockville Pike	0.3 acre	0.02 acre	0.1 acre	1.8 acres
<i>Rock Creek Park (includes Locust Hill Estates)</i>	<i>0.7 acre</i>	<i>0</i>	<i>0</i>	<i>0.3 acre</i>
4900 West Cedar Lane	0.003 acre	0	0.02 acre	0.2 acre
Total	1.0 acres	1.2 acres	0.1 acre	4.6 acres

**Italic indicates Section 4(f) properties

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

Two properties within the Area of Potential Effects, the NNMC Historic District and Locust Hill Estates Historic District, are eligible for listing on the National Register of Historic Places (NRHP). See **Table 1** for detailed right-of-way information from the NNMC and the Locust Hill Estates historic districts. On June 1, 2010, the Maryland Historical Trust (MHT) concurred that the proposed improvements would have no adverse effect on historic properties (**Attachment 3**). No comments were received from consulting parties.

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In accordance with 23 CFR 774, we request that FHWA make a *de minimis* impact finding regarding the minor impacts to the NNMC and Locust Hill Estates historic districts. A *de minimis* finding would satisfy the requirements of Section 4(f) and is supported by the Maryland State Historic Preservation Officer's (SHPO) concurrence that the project would have no adverse effect on historic properties. MHT has also acknowledged and agreed with SHA's intent to seek a *de minimis* impact finding (**Attachment 3**).

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

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

The impacted property within the Locust Hill Estates Historic District is owned and maintained by MNCPPC as part of Rock Creek Park, and as such is also Section 4(f) parkland. Approximately 0.7 acre of fee-simple right-of-way is required from an undeveloped parcel of Rock Creek Park in order to construct a stormwater management facility. However, the minor permanent impacts will not adversely affect the activities, features and attributes of the remaining park. In accordance with 23 CFR 774, we request that FHWA make a *de minimis* impact finding regarding the minor impacts to Rock Creek Park. On July 22, 2010, the Montgomery County Planning Board (MCPB) held a Mandatory Referral where SHA and Montgomery County planning staff presented the project to the MCPB and general public. SHA specifically solicited comments from the public concerning the park impacts and proposed *de minimis* impact finding. No comments were received from the public regarding the park impacts. On August 24, 2010, MNCPPC, the official with jurisdiction over Rock Creek Park, agreed that the minor permanent impacts to the park would not impair the remaining uses within the park (**Attachment 4**). Additionally, MNCPPC confirmed that the park was not acquired with any Section 6(f) or Program Open Space funding.

SHA and MNCPPC have agreed to a number of measures to mitigate the minor impacts to Rock Creek Park. As such, the following mitigation measures will serve as full compensation for the impacts to MNCPPC land:

- The stormwater management facility will be designed as a well landscaped amenity.
- Non-native invasive plants will be removed from the forested area downstream of the proposed pond site to improve the health and appearance of the streamside forest.
- The sanitary sewer line will be relocated as close to the stormwater management facility as feasible to minimize the loss of quality forest.

- SHA will reconstruct the shared use path along Cedar Lane from MD 355 to Elmhirst Parkway to be offset from the roadway by a five-foot wide landscape panel with street trees, outside the immediate area of the culvert under Cedar Lane, where possible while minimizing stream impacts.
- SHA and the Montgomery County Department of Parks will execute an agreement prior to commencement of any construction related activities on parkland.
- SHA will design and construct a hiker-biker trail bridge over Sligo Creek just downstream of Piney Branch Road by June 30, 2012.

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

- The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
- The official with jurisdiction over the property are informed of FHWA's intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and
- The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

In addition to the permanent impacts, temporary construction easements will be required from the NNMC and Locust Hill Estates historic districts and Rock Creek Park during construction. In accordance with 23 CFR 774.13(d) and given that the improvements would occur by temporary occupancy only, the requirements of Section 4(f) would not apply in this instance based on the following criteria:

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

See **Attachment 3** for MHT's concurrence with the temporary use criteria and that the temporary uses of the NNMC and Locust Hill Estates historic districts should not be subject to the requirements of Section 4(f). See **Attachment 4** for MNCPPC's concurrence with the temporary use criteria and that the temporary uses at Rock Creek Park should not be subject to the requirements of Section 4(f).

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Coordination with SHA's Environmental Programs Division confirmed that no wetlands, wetland buffers, or 100-year floodplains will be impacted by the proposed improvements. Permanent impacts to Waters of the U.S. total 4,879 square feet (283 linear feet) and temporary impacts to Waters of the U.S. total 3,955 square feet (368 linear feet). A Joint State/Federal Permit Application (JPA) was submitted to the Maryland Department of the Environment on July 21, 2010 (**Attachment 5**). JPA approval will be received prior to the start of construction. Rock Creek and all tributaries within the project area are classified as Use I waters with no in-stream work permitted during the period of March 1 through June 15, inclusive, during any year. The proposed improvements will not impact fisheries resources, especially since sediment and erosion control methods, and other Best Management Practices typically used for the protection of cool water stream resources will be utilized. The project is not located within the Chesapeake and Atlantic Coastal Bays Critical Area. The project would not impact any proposed or listed federal or state rare, threatened or endangered plant or animal species (**Attachments 6 & 7**).

A portion of the proposed improvements are located within NIH's Forest Conservation Plan (FCP). Any work within the forest conservation area will require an amendment to the FCP, which is subject to approval by the Maryland Department of Natural Resources (DNR). SHA will continue to work with NIH and DNR throughout project design to develop strategies to minimize and mitigate the long-term impacts within the forest conservation area. With input from NIH and DNR, SHA will include special provisions and incorporate tree protection measures in to the contract to ensure protection of the remaining trees. Amendments to the FCP will be finalized before the contractor is granted notice to proceed.

The proposed project will increase capacity only at the immediate intersection. As such, no significant capacity improvements are proposed and air and noise analyses are not warranted. This project is identified as MO593A22 in the current STIP and 09TIP-M5-1 in the current TIP. This project is exempt from the requirement that a conformity determination be made (U.S. EPA Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans, Programs or Projects-Final Rule).

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

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

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

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

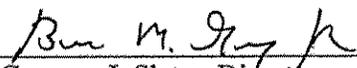
Summary

In summary, the proposed project will not involve any significant environmental impacts to socioeconomic, natural or cultural resources. It will not induce significant foreseeable alterations in land use or affect planned growth. As such, we request your concurrence in classifying this project as a CE and that the requirements of Section 4(f) do not apply to the temporary uses of property within two historic districts and a park. We also request that the Federal Highway Administration (FHWA) make *de minimis* impact findings with respect to minor permanent impacts to the same two historic districts and a park to comply with the requirements of Section 4(f). In addition, your signature below will constitute Location Approval for this project.

Sincerely,

Neil J. Pedersen
Administrator

by:



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

CONCURRENCE:



for Federal Highway Administration
Division Administrator

December 13, 2010
Date

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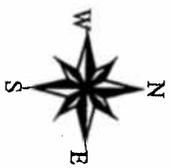
Attachments

cc: Mr. Brian Hillis, Environmental Manager, National Naval Medical Center
(w/Attachments)
Mr. Thomas G. Hinchliffe, Real Property Manager, Office of Real Estate, SHA
Ms. Susan Hinton, Master Planner, National Institutes of Health (w/Attachments)
Mr. Jeffrey Miller, Transportation Program Manager, National Naval Medical Center
(w/Attachments)
Ms. Christina Minkler, Project Manager, Highway Design Division, SHA
(w/Attachments)
Mr. Todd Nichols, Chief, Environmental Programs Division, SHA (w/Attachments)
Ms. Valerie Nottingham, Environmental Quality Chief, National Institutes of Health
(w/Attachments)
Mr. Bradley Smith, Environmental Manager, Environmental Planning Division, SHA
(w/Attachments)
Mr. Guy Talerico, Acting Chief, Federal Aid Programming Section, SHA

Project Location Map MD 355 @ Cedar Lane Montgomery County



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



Kensington Quad



Base Realignment and Closure (BRAC) Intersection Improvement Projects Bethesda

PROJECT NEWSLETTER • MARCH 2009

Design Progresses on 4 BRAC-related Intersections

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

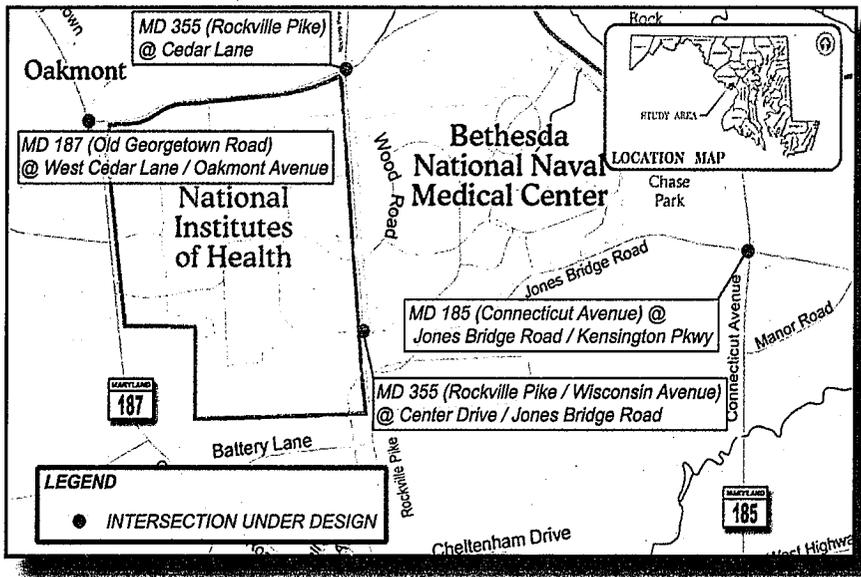
Attend the Public Meeting

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

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

Project Background

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





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

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

Maryland Department of Transportation

April 28, 2010

Re: Project No. MO593A21
BRAC Intersection: MD 355 (Rockville Pike)
at Cedar Lane
Montgomery County
USGS *Kensington* 7.5' Quadrangle

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

Dear Mr. Little:

Introduction and Project Description

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

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

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

The improvements on MD 355 at Cedar Lane are needed in order to prepare for the influx of workers to the Bethesda National Naval Medical Center that is expected to result from BRAC. The project limits extend along MD 355 from Wilson Drive to Locust Hill Road/Cedar Croft Drive and along Cedar Lane from Elmhirst Parkway to Cedarcrest Drive. Work consists of roadway widening to provide additional turning and through lanes at the intersection. Additional

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com



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work consists of roadway resurfacing, pavement removal, installation/upgrade/modification of sidewalks, retaining walls, bike paths, bus pads, fencing, concrete medians, traffic signals, signing, pedestrian ramps, landscaping, utility relocations, slope grading and drainage improvements consisting of the installation of culverts, pipes, inlets, junction boxes, manholes, pipe extensions and a stormwater management facility. Stream realignment and a new bridge will be constructed along Cedar Lane over a tributary of Rock Creek. Additional right-of-way and easements will be required from five adjacent properties.

Project plans are included as Attachment 1.

Funding

Federal funds are anticipated for this project.

Area of Potential Effects

In determining the Area of Potential Effects (APE) for this project, SHA considered direct and indirect impacts to historic properties. In order to consider the area or areas within which the project may directly or indirectly cause alterations in the character of use of historic properties, the APE encompasses the worst case Limits of Disturbance (LOD) of the intersection project and extend 250 feet from the outermost edge of the LOD as indicated on the attached SHA quadrangle map for Kensington (Attachment 2). The archeology survey area is defined as the worst case limits of disturbance.

Identification Methods and Results

Potentially significant architectural and archeological resources were both researched as part of the historic investigation instigated by the proposed intersection improvement project.

Architecture: SHA Architectural Historian Jennifer Goold and Melissa Blair consulted the SHA-GIS Cultural Resources Database, the Maryland Inventory of Historic Properties (MIHP), the NRHP, and conducted research at the Enoch Pratt Free Library and on the Internet. Multiple field visits were made between March 2009 and August 2009.

The APE for this project is comprised of the LOD plus 250 feet to encompass direct and indirect impacts on historic standing structures. The project intersection is located in Bethesda, Maryland, a prosperous northern suburb of Washington D.C. The area is currently characterized by large institutional properties, including the National Institutes of Health (NIH) and National Naval Medical Center (NNMC), leafy late 19th and 20th century residential suburbs, and large late 19th and early 20th century estates that are now occupied by smaller institutions such as schools and country clubs. The main north-south roadway in the project area, MD 355 (Rockville Pike) is a primary commuter route between Washington D.C. and suburban Maryland.

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The National Institutes of Health (NIH) is located on the west side of the project area. While NIH contains several structures and areas that have been determined eligible for the National Register of Historic Places (NRHP), the NIH Campus is not eligible for the NRHP as a whole. None of the eligible resources associated with NIH are located within the APE for MD 355 at Cedar Lane intersection project. The NRHP-eligible portions of the NIH campus are outside of the APE.

There are five previously recorded properties within the APE. Two of these resources were previously listed or found eligible for listing in the NRHP: the National Naval Medical Center (M:35-98) and Locust Hill Estates (M:35-120). Three of these resources were not previously evaluated for NRHP eligibility: Stone Ridge (M:35-7), Cedarcroft (Parker Estate / Goodwill Inc. Headquarters) (M:35-6), and SHA Small Structure 15406RO.

Properties Previously Evaluated for NRHP

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

Locust Hill Estates was found eligible for listing in the NRHP on April 17, 2001. Locust Hill Estates is a planned suburban development built in 1940s during the WWII-era building boom. The community was platted in sections between 1941 and 1950 on land associated with the Samuel Perry House (see M:35-4). The house was retained and the new community developed around it. Upon completion in the early 1950s, the community of Locust Hill Estates contained three distinct sections: north, central, and south, as well as planned parkways and walking trails. The district meets criteria A and C for listing in the NRHP as an excellent example of a planned suburban development that possesses all of the character-defining features of its type. It is also representative of the suburban movement in the Washington D.C. region. The NRHP boundary coincides with the Central Section of the neighborhood.

Properties Not Previously Evaluated for NRHP

Stone Ridge (M:35-7) is recommended as not eligible for listing in the NRHP. Stone Ridge has been the home of the Stone Ridge School of the Sacred Heart since 1947. At the turn of the 20th century, the property was purchased by George Hamilton, a prominent Washington D.C. attorney and dean emeritus of Georgetown University School of Law. Stone Ridge, commencing with 20 acres and subsequently growing to over 100 acres by 1907, served as Hamilton's country estate from 1904 to his death in 1946. In 1947, approx. 36 acres of the

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property including the main dwelling and several associated outbuildings were purchased by the Society of the Sacred Heart, a French international educational order founded in 1800. Stone Ridge was an ideal location for Sacred Heart because the property included a large 1904 dwelling that enabled the immediate reopening of the Catholic preparatory school for girls and the vast acreage allowed for the future construction of new educational buildings. The changes made by the school to the property, however, have diminished its character as an early 20th century country estate. Early 20th century buildings on the estate have been extensively altered and the school has constructed numerous new buildings and sports facilities since the mid-20th century. Thus, the property does not retain integrity as an early 20th country estate or as the country residence of George E. Hamilton and cannot yet be evaluated as the Stone Ridge School of the Sacred Heart because the majority of its resources are not yet 50 years of age. SHA prepared a Determination of Eligibility (DOE) form for Stone Ridge, which is provided in Attachment 3.

Cedarcroft (Parker Estate/Goodwill Inc. Headquarters) (M:35-6) is recommended not eligible for listing in the NRHP. This ca. 1940s Georgian Revival style estate homes is no longer extant and the late 20th century Goodwill corporate headquarters building stands at this site. SHA prepared a Maryland Inventory of Historic Properties (MIHP) addendum and a DOE form for Cedarcroft, which is provided in Attachment 3.

Small Structure 15406RO is recommended not eligible for listing in the NRHP. The stone and brick-faced concrete slab structure is an altered example of a common structure type. SHA prepared a Short Form for Ineligible Properties for the small structure, which is provided in Attachment 3.

SHA concludes that the National Naval Medical Center and Locust Hill Estates are the only NRHP eligible or listed architectural properties within the APE for this project.

Historic Structures Impact Analysis

The historic boundary of the National Naval Medical Center extends to SHA's right-of-way along the east side of MD 355. There will be direct impacts within the historic boundary and 0.28 acre of temporary easements and 0.05 acre of perpetual easements will be needed from the property. The proposed work items within the historic boundary include grading activities to accommodate sidewalk re-installation and drainage improvements, and a minor modification of the intersection of North Wood Road and MD 355. The majority of the sidewalk re-installation and drainage improvements will take place in an area between the Naval Medical Center property's fence and the MD 355 roadway. This area consists of flat, grassy terrain and contains an existing concrete sidewalk. The intersection modification will result in the relocation of a portion of the existing fence and the removal of one mature tree. The southern curblin of North Wood Road will remain intact, but the road will be slightly widened to the north in order to improve the safety of vehicles exiting the medical center property onto MD 355 northbound.

The NRHP registration form completed in 1998 for the National Naval Medical Center indicates that the design for the original fence along Rockville Pike was inspired by President Franklin Roosevelt's request for a fence that looked like an old English sheep fence. Preparers of the 1998 form surmised that the fence that existed at the time of their survey was not original, but noted that it retained the simplicity, character, and feeling that historic documents suggested was intended by Roosevelt. A 1997 photograph of the fence shows that it was a simple fence with vertical posts connected with four horizontal rails. Apparently, this fence was replaced some time after 1997. The current fence consists of tall concrete pillars with pyramidal caps connected with vertical iron railing with a decorative treatment along the top. While the fence is not a historic feature, it does help to define the edge of the historic property. SHA will need to relocate a short stretch of the fence between North Wood Road and the medical center's northern property line. The fence will be reset several feet to the east of its existing location and in a manner that approximates the existing bend in the fence, and will tie in prior to the entrance gate on North Wood Road. The mature tree that will be removed due to this fence location is one of several mature deciduous trees at the property's entrance that contribute to the overall setting of the National Naval Medical Center. SHA will replace the removed tree in-kind and in consultation with the National Naval Medical Center. Because impacts to the National Naval Medical Center property are minor in scope and measures will be taken that will restore existing conditions, the project will not alter the characteristics that make the property eligible for listing in the NRHP. The project will have no adverse impacts on the National Naval Medical Center.

The historic boundary of the Locust Hill Estates (M:35-120) extends to SHA's right-of-way along the east side of MD 355 and the north side of Cedar Lane west of MD 355. There will be direct impacts within the historic boundary and 0.26 acres of temporary easements and 0.74 acres of right-of-way acquisition will be needed from the historic district. All of the impacts will be to a 4.08 acre parcel owned by the Maryland National Capitol Park and Planning Commission (MNCPPC), which serves as a park for the neighborhood. The historic district's MIHP form indicates that parkland associated with the Locust Hill Estate is considered a contributing element to the historic district.

The proposed work items on the MNCPPC parcel within the Locust Hill Estates include grading activities to accommodate sidewalk re-installation and drainage improvements, and the installation of a new stormwater management facility. The stormwater management facility construction will result in the removal of several mature trees. The project includes extensive landscaping measures around the stormwater management facility that will reestablish the park-like character and will provide a vegetative buffer between the roadway and the historic district. A mixture of deciduous and evergreen native species is proposed. Landscape plans identifying the planting plan is included in the project plans (Attachment 1). Because measures will be taken that will restore and enhance the existing conditions, the project will not alter the characteristics that make the historic district eligible for listing in the NRHP. The project will have no adverse impacts on the Locust Hill Estates.

Mr. Jr. Rodney Little
MD 355 at Cedar Lane
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Upon your agreement that the 0.05 acre of perpetual easements from the National Naval Medical Center and 0.74 acre of right-of-way acquisition from the Locust Hill Estates will not adversely impact either property, SHA intends to propose a *de minimis* impact finding to the Federal Highway Administration for Section 4(f) use of the National Naval Medical Center and Locust Hill Estates.

In addition, 0.28 acre of temporary easements are needed from the National Naval Medical Center and 0.26 acre of temporary easements are needed from the Locust Hill Estates to construct the project. Given that these improvements would occur by temporary occupancy only, the requirements of Section 4(f) would not apply to the temporary construction easements based on your agreement with the following criteria as the official with jurisdiction:

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

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

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

For archeology, the survey area is defined as the limits of proposed construction at each intersection, where ground disturbance would occur. No archeological sites are recorded in the survey area. The survey area was included in investigations carried out by Gardner in 1976 along MD 355, and no sites were identified at the project intersection during the course of this survey. A number of archeological sites have been recorded both west (18MO35, 18MO243, 18MO354, 18MO462, 18MO463, 18MO464, 18MO465) and east of MD 355 (18MO555-MO557, 18MO664-MO648) on the National Institute of Health (NIH) property; however, the terrain within the NIH grounds appears to be more level and more intact than the area immediately adjacent to MD 355.

Soils in the general vicinity of the intersection are part of the Urban Land-Glenelg-Wheaton Association, and the MD 355/Cedar Lane intersection are classed as Baile Silt Loam on 0-3% slopes and Glenelg-Urban Land Complex on 0-8% slopes. Baile Silt Loam is described as

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deep, poorly-drained, and is generally found along drainageways. Glenelg-Urban Land Complex contains Glenelg soils and Urban soils in a proportion of about 50/50, and has been impacted by construction, paving, and other development. In terms of prehistoric models that have been developed for the Piedmont Region (Kavanaugh 1982), the potential for prehistoric aboriginal sites in the APE is low - these sites tend to be found along major waterways on well-drained, gently sloping terrain.

Although the soil survey, completed in 1989, indicates that some soils in the survey area may be intact and unpaved, As-built plans for MD 355 from 1927 through the 1950s show substantial alterations to the landscape surrounding MD 355, including utility installation, roadway improvements, sidewalk installation, removal and replacement, as well as changes in the residential and commercial properties on both sides of the road. A May 20, 2009 site visit confirmed that the areas to be impacted by the intersection improvements have already been extensively disturbed by installation of electric and water utilities, utility poles, parking lots, and other commercial and residential construction.

In light of the negative survey coverage, low probability for archeological sites, and the extensive disturbance documented within the survey area for the intersection of MD 355 and Cedar Lane, it is unlikely that any archeological resources will be impacted by the proposed intersection improvements, and no further work is recommended.

Review Request

Please examine the attached plans, maps, DOE forms, and Eligibility/Effects Table (Attachment 4). We request your concurrence by May 28, 2010 that there would be no adverse effects on historic properties by the intersection improvements on MD 355 at Cedar Lane. Based on your concurrence with our determination of no adverse effect, SHA intends to propose a *de minimis* impact finding to the Federal Highway Administration for Section 4(f) use of the National Naval Medical Center, the Locust Hill Citizens Associations and the East Bethesda Citizens Association. By carbon copy, we invite the Montgomery County Historic Preservation Commission, Montgomery Preservation, Inc., the National Institutes of Health, the National Naval Medical Center, the Stone Ridge School of the Sacred Heart, the Locust Hills Citizens Association to provide comments and participate in the Section 106 process. Pursuant to the requirements of the implementing regulations found at 36 CFR Part 800, SHA seeks their assistance in identifying historic preservation issues as they relate to this specific project (see 36 CFR §800.2(c)(3) and (5), and §800.3(f) for information regarding the identification and participation of consulting parties, and §800.4, and §800.5 regarding the identification of historic properties and assessment of effects). For additional information regarding the Section 106 regulations, see the Advisory Council on Historic Preservation's website, www.achp.gov, or contact the Maryland State Highway Administration or the Maryland Historical Trust. If no response is received by May 28, 2010, we will assume that these offices decline to participate. Please call Melissa Blair at 410-545-8560 (or via email at mblair@sha.state.md.us) with

Mr. Jr. Rodney Little
MD 355 at Cedar Lane
Page Eight

questions regarding standing structures for this project. Lisa Kraus may be reached at 410-545-2884 (or via email at lkraus@sha.state.md.us) with concerns regarding archeology.

Very truly yours,



Julie M. Schablitsky
Assistant Division Chief
Environmental Planning Division

Attachments: 1) Project Plans
2) Area of Potential Effects Maps
3) Determination of Eligibility Forms and Short Form for Ineligible Properties
4) Eligibility/Effect Table

cc: Ms. Melissa Blair, SHA-EPLD
Ms. Susan Hinton, National Institutes of Health (w/Attachments)
Ms. Kristen Hohman, Locust Hill Citizens Association (w/Attachments)
Ms. Lisa Kraus, SHA-EPLD
Ms. Christina Lavoie, SHA-EPLD
Mr. Jeff Miller, National Naval Medical Center (w/Attachments)
Mr. Patrick L. O'Neil, Stone Ridge School of the Sacred Heart (w/Attachments)
Ms. Lorraine Pearsall, Montgomery Preservation Inc. (w/Attachments)
Dr. Julie Schablitsky, SHA-EPLD
Mr. Bradley Smith, SHA-EPLD
Mr. Greg Volz, East Bethesda Citizens Association (w/Attachments)
Mr. Scott Whipple, Montgomery County Historic Preservation Commission
(w/Attachments)

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

Project Number: MO593A21

MHT Log No. 201002342

Project Name: MD 355 (Rockville Pike) at Cedar Lane

County: Montgomery

Letter Date: April 28, 2010

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

Eligibility (as noted in the Eligibility Table [Attachment 4]):

- Concur
- Do Not Concur

Effect (as noted in the Effect Table [Attachment 4]):

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

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

- Agree

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

- Agree

Comments:

By:

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

6/1/2010
Date

Return by U.S. Mail or Facsimile to:
Dr. Julie Schablitsky, Assistant Division Chief, Environmental Planning Division,
MD State Highway Administration, P.O. Box 717, Baltimore, MD 21203-0717
Telephone: 410-545-8870 and Facsimile: 410-209-5046

cc: SCOTT WHITTLE, MONTGOMERY CO. HPC

Hybrid Eligibility/Effects Table

Attachment 4

Project Name

April 28, 2010

Resource	Type	SHA NR Det.	SHPO Opinion	Impact	SHPO Concur	Attachment	Remarks
National Naval Medical Center (M:35-098)	HD	NR	11/16/1998	No Adverse	Requested 04/2010		
Locust Hill Estates (M:35-120)	HD	NR	04/17/2001	No Adverse	Requested 04/2010		
Stone Ridge (M:35-007)	S	X	Requested 04/2010	n/a			
Cedarcroft (M:35-006)	S	X	Requested 04/2010	n/a			
Small Structure 15406RO	S	X	Requested 04/2010	n/a			
Effect				NAE	Requested 04/2010		

Codes:

Resource Types: S (Structure), A (Archeological Site), HD (Historic District), NHL (National Historic Landmark)
 NR Determination: ND (Not Determined), X (Not Eligible), NR (Eligible), NRL (Listed), NHL (Landmark)
 SHPO Opinion: (B) designates opinion regarding boundary, Code following date signifies SHPO opinion
 Impact: None, No Adverse, Adverse
 Effect: NPA (No Properties Affected), NAE (No Adverse Effect), AE (Adverse Effect)
Bold rows indicate review action requested



July 27, 2010

RE: Project No. MO593A22
MD 355 (Rockville Pike) @ Cedar Lane
Intersection Improvements
Montgomery County

Ms. Mitra Pedoeem
Chief- Park Development
Maryland National Capital
Park and Planning Commission
9500 Brunett Avenue
Silver Spring, Maryland 20901

Dear Ms. Pedoeem:

The Maryland State Highway Administration (SHA) is proposing improvements at the intersection of MD 355 (Rockville Pike) and Cedar Lane in Montgomery County. Work consists of roadway widening to provide additional turning and through lanes at the intersection. Additional work consists of roadway resurfacing, pavement removal, installation/upgrade/modification of sidewalks, retaining walls, bike paths, bus pads, fencing, concrete medians, traffic signals, signing, pedestrian ramps, landscaping, utility relocations, slope grading and drainage improvements consisting of the installation of culverts, pipes, inlets, junction boxes, manholes, pipe extensions and a stormwater management facility. Stream realignment and a new bridge will be constructed along Cedar Lane over a tributary of Rock Creek.

In order to complete the improvements as proposed, minor right-of-way and temporary construction easements will be required from the Maryland National Capital Parks and Planning Commission (MNCPPC) owned Rock Creek Park, located in the northeast quadrant of the intersection. After evaluating several alternate sites, SHA determined that the park property was the only feasible site for a required stormwater management facility. See **Table 1** for a summary of the park impacts.

Table 1: Park Impacts

Property	Fee-simple Right-of-way	Temporary Construction Easements
Rock Creek Park	0.74 acre	0.25 acre

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

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

Given this project is federally funded, any impacts to publicly owned public parks, recreation areas, wildlife or waterfowl refuges and/or historic sites are subject to the requirements of Section 4(f) of the Department of Transportation Act. Additionally, 43 CFR 774 allows the Federal Highway Administration (FHWA) to determine that certain uses of Section 4(f) land will have no adverse effect on the protected resource. When this is the case, and the responsible official with jurisdiction over the resource agrees in writing, compliance with Section 4(f) is greatly simplified. *De minimis* impacts on publicly owned parks, recreation areas, and wildlife and waterfowl refuges are defined as those that do not "adversely affect the activities, features and attributes" of the Section 4(f) resource. Mitigation is an important consideration in determining the overall impacts a project may have on a Section 4(f) resource.

In addition to the permanent impacts to Rock Creek Park, there are also temporary impacts proposed. Given that the improvements would occur by temporary occupancy only, the requirements of Section 4(f) would not apply in this instance based on the following criteria:

- The duration of impact will be temporary, i.e., less than the time needed for construction of the project, and there will be no change in ownership of the land;
- The scope of work is minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
- There are no anticipated permanent adverse physical impacts, nor will there be interference with the properties activities, features, or attributes of the property, on either a temporary or permanent basis;
- The land being used will be fully restored, i.e., the property will be returned to a condition which is at least as good as that which existing prior to the project, and;
- There is documented agreement of the official with jurisdiction over the Section 4(f) resource regarding the above conditions.

On July 22, 2010, the Montgomery County Planning Board (MCPB) held a Mandatory Referral (MR2010806) for the project. Following presentations from SHA and MNCPPC planning staff, the MCPB "approved" the MD 355 @ Cedar Lane project as proposed. SHA and MNCPPC have agreed to a number of measures to mitigate the minor impacts to Rock Creek Park. As such, the following mitigation measures will serve as full compensation for the impacts to MNCPPC land:

- The stormwater management facility will be designed as a well landscaped amenity.
- Non-native invasive plants will be removed from the forested area downstream of the proposed pond site to improve the health and appearance of the streamside forest.

Ms. Mitra Pedoeem
MD 355 (Rockville Pike) @ Cedar Lane
Page Three

- The sanitary sewer line will be relocated as close to the stormwater management facility as feasible to minimize the loss of quality forest.
- SHA will reconstruct the shared use path along Cedar Lane from MD 355 to Elmhirst Parkway to be offset from the roadway by a five-foot wide landscape panel with street trees, outside the immediate area of the culvert under Cedar Lane, where possible while minimizing stream impacts.
- SHA and the Montgomery County Department of Parks will execute an agreement prior to commencement of any construction related activities on parkland.
- SHA will design and construct a hiker-biker trail bridge over Sligo Creek just downstream of Piney Branch Road by June 30, 2012.

We request your concurrence that the minor impacts will not impair the remaining Rock Creek Park and that the temporary use of the park is not subject to the requirements of Section 4(f). Based on your agreement, SHA intends to propose a *de minimis* impact finding to FHWA for the use of the park property. Your concurrence will also confirm that this portion of the park was not acquired or developed with any Section 6(f) or Program Open Space funding.

Should you have any questions or need additional information, please feel free to contact the Environmental Manager, Mr. Bradley Smith, at 410-545-8698 or via email at bsmith9@sha.state.md.us.

Very truly yours,



Dennis M. Atkins
Assistant Division Chief
Environmental Planning Division

CONCURRENCE:


Maryland National Capital Park
and Planning Commission

8/24/2010
Date

cc. Mr. Bradley Smith, Environmental Manager, SHA-EPLD



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

State Highway
Administration

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

Maryland Department of Transportation

July 21, 2010

Ms. Andi Cunabaugh
Maryland Department of the Environment
Water Management Administration
Regulatory Services Coordination Center
1800 Washington Boulevard, Suite 430
Baltimore, Maryland 21230

Re: Proposed Intersection Capacity Improvements
MD 355 at Cedar Lane, Bethesda
Montgomery County, Maryland
SHA FMIS No: MO593A21

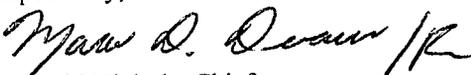
Dear Ms. Cunabaugh:

The Maryland State Highway Administration (SHA) is proposing intersection improvements at MD 355 and Cedar Lane in Bethesda, Montgomery County. The project consists of roadway widening to construct additional through and turn lanes, replace existing culverts with larger, depressed box culverts, stream realignment and stabilization, reconstruct sidewalks and biker trail, and other various improvements necessary to accommodate the anticipated increases in traffic due to the Base Realignment and Closure (BRAC). The National Naval Medical Center (NNMC) is increasing employment by 2,500, and the number of visitors and patients is expected to increase as well. Across MD 355, the National Institutes of Health (NIH) is expected to increase employment from 17,500 to 26,000 by 2020. These increases in employment and visitors are adding to an already congested corridor. SHA is taking a proactive approach to meeting the projected increased demand on the State highway system as a result of the 2005 BRAC Commission's decision to relocate jobs to NNMC with the expected closure of the Walter Reed Army Medical Center. MD 355 @ Cedar Lane is one of the four priority intersection improvement projects being focused on. It is projected to have a failing or near failing level of service (LOS) and can be improved through roadway base widening.

An unnamed tributary to Rock Creek flows through the MD 355 and Cedar Lane intersection, which will be impacted by the proposed improvements. Permanent impacts to Waters of the U.S. (WUS) have been calculated to be 283 linear feet (4879 square feet), and temporary impacts to WUS have been calculated to be 368 linear feet (3955 square feet). There is no FEMA regulated 100-year floodplain associated with this tributary at this location, and no wetlands were identified within the project limits.

Please find attached one original and four copies of the Joint Federal/State Permit Application, a location map and impact plates, adjacent property owner notification letters, environmental correspondence letters, and site photos. Should you have any questions, or need additional information, please contact Mr. Brett Schrader at (410) 545-8587.

Respectfully,


Mr. Todd Nichols, Chief
Environmental Programs Division
Maryland State Highway Administration

Enclosure: 5 Copies of the State /Federal Joint Permit Application

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com



**JOINT FEDERAL/STATE APPLICATION FOR THE ALTERATION OF ANY FLOODPLAIN,
WATERWAY, TIDAL OR NONTIDAL WETLAND IN MARYLAND**

FOR AGENCY USE ONLY

Application number	_____	Date Determined Complete	_____
Date received by State	_____	Date(s) Returned	_____
Date received by Corps	_____		_____
Type of State permit needed	_____	Date of Field Review	_____
Type of Corps permit needed	_____	Agency Performed Field Review	_____

° Please submit 1 original and 4 copies of this form required maps and plans to the Wetlands and Waterway Program as noted on the last page of this form.

° Any application which is not completed in full or is accompanied by poor quality drawings may be considered incomplete and result in time delay to the applicant.

Please check one of the following:

RESUBMITTAL: **APPLICATION AMENDMENT:** **MODIFICATION TO AN EXISTING PERMIT:** **JURISDICTIONAL DETERMINATION ONLY:**
APPLYING FOR AUTHORIZATION:

PREVIOUSLY ASSIGNED NUMBER (RESUBMITTALS AND AMENDMENTS) _____

DATE: July 21, 2010

APPLICATION DESCRIPTION: MD SHA / MD 355 at Cedar Lane / MO593A21

1. APPLICANT INFORMATION:

APPLICANT NAME:

A. Name: Mr. Todd Nichols B. Telephone: (410) 545-8628
C. Company: Maryland State Highway Administration - Mailstop C-306
D. Address: 707 N. Calvert Street
E. City: Baltimore State: Maryland Zip: 21202

AGENT/ENGINEER INFORMATION:

A. Name: Mr. Michael Blose, PE B. Telephone: (443) 589-2448
C. Company: Century Engineering Inc.
D. Address: 10710 Gilroy Road
E. City: Hunt Valley State: Maryland Zip: 21031

ENVIRONMENTAL CONSULTANT:

A. Name: Mr. Dave Manly B. Telephone: (443) 589-2400
C. Company: Century Engineering Inc.
D. Address: 10710 Gilroy Road
E. City: Hunt Valley State: Maryland Zip: 21031

MDE CONSULTANT REVIEWER: McCormick Taylor

A. Name: Susie Ridenour B. Telephone: (410) 662-7400
C. Company: McCormick Taylor
D. Address: 509 South Exeter Street, 4th Floor
E. City: Baltimore State: Maryland Zip: 21202

PRINCIPAL CONTACT:

A. Name: Mr. Brett Schrader B. Telephone: (410) 545-8587
C. Company: Maryland State Highway Administration - Mailstop C-306
D. Address: 707 N. Calvert Street
E. City: Baltimore State: Maryland Zip: 21202

2. PROJECT DESCRIPTION:

A. GIVE A WRITTEN DESCRIPTION OF PROJECT:

Contract No. MO5935270. The Maryland State Highway Administration (SHA) is proposing intersection improvements at MD 355 and Cedar Lane in Bethesda, Montgomery County. The project consists of roadway widening to construct additional through and turn lanes, replace existing culverts with larger, depressed box culverts, stream realignment and stabilization, reconstruct sidewalks and biker trail, and other various improvements necessary to accommodate the anticipated increases in traffic due to the Base Realignment and Closure (BRAC). More information is available on the stream/culvert design in the pre-application meeting minutes attached to this application. There is no wetland impacts associated with the construction of this intersection improvement project. An unnamed tributary to Rock Creek flows through this intersection and will be impacted by the proposed improvements. Permanent impacts to Waters of the U.S. (WUS) have been calculated to be 283 linear feet (4879 square feet), and temporary impacts to WUS have been calculated to be 368 linear feet (3955 square feet). There is no FEMA regulated 100-year floodplain associated with this tributary.

Has any portion of the project been completed? Yes No If yes, explain

B. ACTIVITY: Check all activities that are proposed in the wetland, waterway, floodplain, and nontidal wetland buffer as appropriate.

- A. Filling
- B. Dredging
- C. Excavating
- D. Flooding or impounding water
- E. Draining
- F. Grading
- G. Removing or destroying vegetation
- H. Building structures

Area for items(s) checked:	Wetlands		Wetland Buffers	
Nontidal Wetland - <i>Permanent</i>	0	sq. ft.	Buffer - <i>Permanent</i> (Nontidal Wetlands Only)	0 sq. ft.
Nontidal Wetland - <i>Temporary</i>	0	sq. ft.	Buffer - <i>Temporary</i> (Nontidal Wetlands Only)	0 sq. ft.
Tidal Wetland - <i>Permanent</i>	0	sq. ft.	Expanded Buffer (Nontidal Wetland Only)	0 sq. ft.
Tidal Wetlands - <i>Temporary</i>	0	sq. ft.		
	Stream /Waters		100-year Floodplain	
Stream affected - <i>Permanent</i>	4879	sq. ft.	Disturbance in Floodplain	0 sq. ft.
Stream affected - <i>Temporary</i>	3955	sq. ft.	Net Volume of Material in Floodplain	0 +/- CY
Tidal Waters - <i>Permanent</i>	0	sq. ft.		
Tidal Waters - <i>Temporary</i>	0	sq. ft.		

C. TYPE OF PROJECTS: Project Dimensions

For each activity, give all overall length and width (in feet), in columns 1 and 2. For multiple activities, give total area of disturbance in square feet in column 3. For activities in tidal waters, give maximum distance channelward (in feet) in column 4. For dam or small ponds, give average depth (in feet) for the completed project in column 5. Give the volume of fill or dredged material in column 6.

	Length (Ft.) 1	Width (Ft.) 2	Area Sq. Ft. 3	Maximum/Average Channelward Encroachment 4	Pond Depth 5	Volume of fill/dredge material (cubic yards) below MHW or OHW 6
A. Bulkhead*	_____	_____	_____	_____	_____	_____
B. Revetment*	_____	_____	_____	_____	_____	_____
C. Vegetative Stabilization	_____	_____	_____	_____	_____	_____
D. Gabions	_____	_____	_____	_____	_____	_____
E. Groins	_____	_____	_____	_____	_____	_____
F. Jetties	_____	_____	_____	_____	_____	_____
G. Boat Ramp	_____	_____	_____	_____	_____	_____
H. Pier*	_____	_____	_____	_____	_____	_____
I. Breakwater	_____	_____	_____	_____	_____	_____
J. Repair & Maintenance	_____	_____	_____	_____	_____	_____
K. Road Crossing	_____	_____	_____	_____	_____	_____
L. Utility Line	_____	_____	_____	_____	_____	_____
M. Outfall Construction	40	22	_____	_____	_____	_____
N. Small Pond	_____	_____	_____	_____	_____	_____
O. Dam	_____	_____	_____	_____	_____	_____
P. Lot Fill	_____	_____	_____	_____	_____	_____
Q. Building Structures	_____	_____	_____	_____	_____	_____
R. Culvert	_____	_____	15,400	_____	_____	_____
S. Bridge	_____	_____	_____	_____	_____	_____
T. Stream Channelization	_____	_____	_____	_____	_____	_____
U. Parking Area	_____	_____	_____	_____	_____	_____
V. Dredging*	_____	_____	_____	_____	_____	_____
	1. <input type="checkbox"/> New	2. <input type="checkbox"/> Maintenance	3. <input type="checkbox"/> Hydraulics	4. <input type="checkbox"/> Mechanical		

W. Other (explain) _____

*For projects indicated with an asterisk refer to the sample plans and checklists found in the January, 1988 Joint Application booklet.

D. PROJECT PURPOSE: Give brief written description of the project purpose:

The purpose of the project is to improve the intersection in order to accommodate a projected increase of traffic volume associated with BRAC. The National Naval Medical Center (NNMC) is increasing employment by 2,500, and the number of visitors and patients is expected to increase as well. Across MD 355, the National Institutes of Health (NIH) is expected to increase employment from 17,500 to 26,000 by 2020. These increases in employment and visitors are adding to an already congested corridor. SHA is taking a proactive approach to meeting the projected increased demand on the State highway system as a result of the 2005 BRAC Commission's decision to relocate jobs to NNMC with the expected closure of the Walter Reed Army Medical Center. MD 355 @ Cedar Lane is one of the four priority intersection improvement projects being focused on. It is projected to have a failing or near failing level of service (LOS) and can be improved through roadway base widening.

3. PROJECT LOCATION:

LOCATION INFORMATION

A. County: Montgomery B. City: Bethesda C. Name of waterway or closest waterway Rock Creek

D. State stream use class designation: Use I

E. Site Address or Location: Intersection of MD 355 and Cedar Lane, Bethesda, Montgomery County

F. Directions from nearest intersection of two state roads: From Strathmore Avenue (MD547) and Rockville Pike (MD 355), head South on MD 355 approximately 2.0 miles to the intersection of MD 355 and Cedar Lane.

G. Is your project located in the Chesapeake Bay Critical Area (generally within 1000 feet of tidal Yes No waters or tidal wetlands)?:

H. County Book Map Coordinates (Alexandria Drafting Co.); Excluding Garrett and Somerset Counties:

Page: 52 (Map 5285) Letter: E Number: 9 & 10 (to the nearest tenth)

I. FEMA Floodplain Map Panel Number (If Known): 240361C0365D

J. 1. 39°00' Latitude 2. 77°05' Longitude

b. **ACTIVITY LOCATION:** Check one or more of the following as appropriate for the type of wetland/waterway where you are proposing an activity:

- A. Tidal Waters
- B. Tidal Wetlands
- C. Special Aquatic Site (e.g. mudflat, vegetated shallows)
- D. Nontidal Wetland
- E. 25-Foot buffer(nontidal wetlands only)
- F. 100-foot buffer (nontidal wetland of special State concern)
- G. In stream channel
 - 1. Tidal 2. Nontidal
- H. 100 year floodplain (outside stream channel)
- J. Other (Explain)

c. **LAND USE:**

- A. Current Use of Parcel is: 1. Agriculture: Has SCS designated project site as a prior converted cropland? Yes No
- 2. Wooded 3. Marsh/Swamp 4. Developed
- 3. Other (Explain): Transportation
- B. Present Zoning Is: 1. Residential 2. Commercial/Industrial 3. Agriculture 4. Marina 5. Other
- C. Project complies with current zoning: Yes No

THE FOLLOWING INFORMATION IS REQUIRED BY THE STATE (blocks 4-7):

Note: If you are proposing activities in nontidal wetlands, their buffers, or expanded buffers in the Chesapeake Bay Critical Area do not complete these blocks.

4. REDUCTION OF IMPACTS: Explain measures taken or considered to avoid or minimize wetlands losses in F. Also check items A-E if any of these apply to your project.

- A. Reduced the area of disturbance
- B. Reduced size/scope of project
- C. Relocated structures
- D. Redesigned project
- E. Other
- F. Explanation: No wetlands will be impacted by this intersection improvement project.

Described reasons why impacts were not avoided or reduced in Q. Also check items G-P that apply to your project.

- | | | | | | | | | |
|----|-------------------------------------|--------------------------------|----|-------------------------------------|---------------------------------------|----|--------------------------|-------------------|
| G. | <input type="checkbox"/> | Cost | K. | <input type="checkbox"/> | Parcel size | O. | <input type="checkbox"/> | Inadequate zoning |
| H. | <input type="checkbox"/> | Extensive wetlands on site | L. | <input checked="" type="checkbox"/> | Other regulatory requirements | | | |
| I. | <input checked="" type="checkbox"/> | Engineering/design Constraints | M. | <input type="checkbox"/> | Failure to accomplish project purpose | | | |
| J. | <input type="checkbox"/> | Other natural features | N. | <input type="checkbox"/> | Safety/public welfare issue | | | |
| P. | <input type="checkbox"/> | Other | | | | | | |

Q. Description The proposed culvert and stream alignment has been selected in order to avoid permanent impacts to the existing SWM facility adjacent to the stream channel. Due to high shear stresses, concrete retaining walls are needed to protect the banks. The wall construction would permanently impact the SWM facility if the walls were constructed at the existing channel alignment. Permanent impacts to this SWM facility increases the project SWM requirements as compensatory SWM would be needed. This would result in an additional facility being needed and the only available SWM location is the existing facility along Cedar Lane. Because this existing facility does not meet current SWM design standards, a retrofit would be required to bring the facility up to current standards and to increase the storage volume needed for the intersection project. This would require significant right-of-way from the Stone Ridge School or National Institutes of Health to build additional SWM facilities. More information is available on this matter in the pre-application meeting minutes attached to this application.

5. LETTER OF EXEMPTION: If you are applying for a letter of exemption for activities in nontidal wetlands and/or their buffers, explain why the project qualifies (*Use III and Use IV watersheds do not qualify for LOE*):

- | | | | | | |
|----|--------------------------|---|----|--------------------------|--------------------|
| A. | <input type="checkbox"/> | No significant plant or wildlife value and wetland impacts: | C. | <input type="checkbox"/> | Mitigation Project |
| 1. | <input type="checkbox"/> | Less than 5,000 square feet | D. | <input type="checkbox"/> | Utility Line |
| 2. | <input type="checkbox"/> | In an isolated nontidal wetland less than 1 acre in size | 1. | <input type="checkbox"/> | Overhead |
| B. | <input type="checkbox"/> | Repair existing structure/fill | 2. | <input type="checkbox"/> | Underground |
| E. | <input type="checkbox"/> | Other (explain) | | | |

F. Check here if you are not applying for a letter of exemption

IF YOU ARE APPLYING FOR A LETTER OF EXEMPTION, PROCEED TO BLOCK 10

6. ALTERNATIVE SITE ANALYSIS: Explain why other sites that were considered for this project were rejected in N. Also check any items in E-M if they apply to your project. (If you are applying for a letter of exemption, do not complete this block):

- | | | | | | | | | |
|----|-------------------------------------|--------|----|--------------------------|-----------|----|--------------------------|-----------------|
| A. | <input checked="" type="checkbox"/> | 1 site | B. | <input type="checkbox"/> | 2-4 sites | C. | <input type="checkbox"/> | 5 or more sites |
|----|-------------------------------------|--------|----|--------------------------|-----------|----|--------------------------|-----------------|

Alternative sites were rejected/not considered for the following reason(s):

- | | | | | | | | | |
|----|-------------------------------------|--|----|--------------------------|--------------------------------|----|--------------------------|--------|
| D. | <input type="checkbox"/> | Cost | H. | <input type="checkbox"/> | Greater wetlands impact | L. | <input type="checkbox"/> | Other: |
| E. | <input type="checkbox"/> | Lack of availability | I. | <input type="checkbox"/> | Water dependency | | | |
| F. | <input checked="" type="checkbox"/> | Failure to meet project purpose | J. | <input type="checkbox"/> | Inadequate zoning | | | |
| G. | <input type="checkbox"/> | Located outside general/market area | K. | <input type="checkbox"/> | Engineering/design constraints | | | |
| M. | <input type="checkbox"/> | Explanation: Improvements at this intersection will help to alleviate traffic congestion and improve access to NNMC and NIH. | | | | | | |

7. PUBLIC NEED: Describe the public need or benefits that the project will provide in F. Also check items in A-E that apply to your project.

(If you are applying for a letter of exemption, do not complete this block):

- | | | | | | |
|----|-------------------------------------|----------|----|--------------------------|----------------------------------|
| A. | <input checked="" type="checkbox"/> | Economic | C. | <input type="checkbox"/> | Health/welfare |
| B. | <input checked="" type="checkbox"/> | Safety | D. | <input type="checkbox"/> | Does not provide public benefits |
| E. | <input type="checkbox"/> | Other | | | |

F. Description Intersection improvements at MD 355 and Cedar Lane will decrease traffic congestion creating a safer roadway experience for the traveling public. Also, replacing the existing culverts with larger, depressed box culverts to alleviate the potential for flooding of the roadway.

8. OTHER APPROVALS NEEDED/GRANTED:

A. Agency	B. Date Sought	C. Decision 1. Granted	2. Denied	D. Decision Date	E. Other Status
Stormwater Management Plan Approval					Pending
Erosion & Sediment Control Plan Approval					Pending
MD Historical Trust	4/28/09	Yes		6/1/09	
MD DNR Wildlife Heritage Service	12/10/08	Yes		1/13/09	
US Fish and Wildlife Service	12/10/08	Yes		1/7/09	

9. MITIGATION PLAN: Please provide the following information:

a. Description of a monetary compensation proposal, if applicable (For State requirements only). Attach another sheet if necessary.
Compensatory mitigation is not being proposed.

b. Give a brief description of the proposed mitigation project:

c. Describe why you selected your proposed mitigation site, including what other areas were considered and why they were rejected:

d. Describe how the mitigation site will be protected in the future:

10. HAVE ADJACENT PROPERTY OWNERS BEEN NOTIFIED?: A. Yes B. No

Provide names and mailing addresses for property owners adjacent to impacts below (Use separate sheet if necessary):

a. b. c.

11. HISTORIC PROPERTIES: Is your project located in the vicinity of historic properties? (For example: structures over 50 years old. Archeological sites, shell mounds, Indian or Colonial artifacts). Provide any supplemental information in Section 13.

A. Yes B. No C. Unknown (Attach MHT coordination)

12. ADDITIONAL INFORMATION: Use this space for detailed responses to any of the previous items. Attach another sheet if necessary: (Attach DNR and F&WS letters)

Check box if data is enclosed for any one or more of the following (See checklist for required information):

- A. Soil borings
- B. Wetland data sheets
- C. Photographs
- D. Field surveys
- E. Alternative site analysis
- F. Market analysis
- G. Site plan
- H. Avoidance and minimization analysis
- I. Other (explain):
 - Vicinity map and impact plates are attached.
 - Pre-application field review meeting minutes are attached.
 - MHT, FWS, DNR approval letters are attached.
 - Site photos are attached.
 - Property owner notification letters are attached.

CERTIFICATION:

I hereby designate and authorize the agent named above to act on my behalf in the processing of this application and to furnish any information that is requested. I certify that the information on this form and on the attached plans and specifications is true and accurate to the best of my knowledge and belief. I understand that any of the agencies involved in authorizing the proposed works may request information in addition to that set forth herein as may be deemed appropriate in considering this proposal. I certify that all Waters of the United States have been identified and delineated on site, and that all jurisdictional wetlands have been delineated in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. I grant permission to the agencies responsible for authorization of this work, or their duly authorized representative, to enter the project site for inspection purposes during working hours. I will abide by the conditions of the permit or license if issued and will not begin work without the appropriate authorization. I also certify that the proposed works are consistent with Maryland's Coastal Zone Management Plan. I understand that none of the information contained in the application form is confidential and that I may request that additional required information be considered confidential under applicable laws. I further understand that failure of the landowner to sign the application will result in the application being deemed incomplete.

LANDOWNER MUST SIGN: *Todd D. Quinn / R* Date: 7-22-10
Mr. Todd Nichols, Chief
Environmental Programs Division



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

January 13, 2009

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

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

Dear Mr. Grey:

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

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

Sincerely,

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

ER# 2008.2492.mo
Cc: G. Golden, DNR



United States Department of the Interior

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



January 7, 2009

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

2009 JAN 07 10 20 AM

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

Dear: Bruce M. Grey

This responds to your letter, received December 10, 2008, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the vicinity of the above reference project area. We have reviewed the information you enclosed and are providing comments in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

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

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

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

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

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

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

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

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

Sincerely,



Leopoldo Miranda Castro
Field Supervisor