

Political Pressure Builds for Inter-County Connector

The President's Corner

The Inter-County Connector is front and center in the news, and the heart and soul of the Paint Branch watershed is in the crosshairs. Due to an unprecedented flood of money from the development industry, the last election produced a pro-ICC majority on the Montgomery County Council, the reelection of a pro-ICC Montgomery County Executive, and a pro-ICC Maryland Governor, all of whom campaigned explicitly on building the ICC. Already, they are moving forward with their agenda. The County Council passed a resolution in favor of the ICC on the opening day of this session. The County Executive and Governor both lobbied the Department of Transportation, urging them to designate the ICC as one of President Bush's fast-track review transportation projects--and they were successful.

This issue of *My Backyard* reports the latest ICC-related developments, including the

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The Paint Branch Main Stem near the crossing of the ICC Master Plan Alignment.

Q&A on the ICC

It's costly, it's destructive, and it won't provide traffic relief. Nevertheless, the ICC is back. Here is a summary of what's happening, what's at stake, and what you can do about it.

What is fast-tracking?

Fast-tracking is the popular term for the U.S. Department of Transportation's (DOT) new program of "accelerated environmental review." In late February, DOT

announced that it had selected the ICC as one of 13 projects slated for fast-tracking nationwide. These projects had been nominated by governors and local officials. Eyes of Paint Branch, along with many other groups, does not believe that the ICC meets the criteria for fast-tracking and had written to the DOT Secretary to request that the ICC not be so designated. Our letter, which is posted on our Web site at www.eopb.org, provided strong justification. *See Q&A on the ICC, p. 4, col. 3*

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meaning and significance of the fast-track decision. Our position remains unchanged: we adamantly reject the ICC as a solution to the region's traffic congestion. Studies have shown the ICC would not relieve traffic congestion, would waste in the neighborhood of \$1.5 Billion, and would wreak havoc on the watersheds and neighborhoods it violates as the cars and trucks it would carry traverse the county. There are better options that deserve to be studied, including a Balanced Land Use (BLU) alternative, which is described elsewhere in this issue.

At times it seems the momentum toward building the ICC is unstoppable. I urge you not to get swept up into the illusion of inevitability. The ICC has failed on the merits over and over and over again, and little has changed concerning the substance of the debate. Will the political pressure to build overcome federal and state laws and environmental regulations? It shouldn't and it doesn't have to. But the pro-development forces have enormous financial resources and are more determined than ever. We must work hard to level the playing field and foster an environment that will allow the decision to be based on the facts, not on the money of powerful special interests. We must let our own elected officials know our opposition is strong, determined, and growing. The threat is serious, but the argument is there for the winning. Stay tuned. Far better--get involved--it matters now more than ever.

**Robert Ferraro,
EOPB President**

Vigilant Local Resident Reports Sewage Leak at Valley Mill

In December, Eyes of Paint Branch was notified by a local resident about a potential sewage leak in Valley Mill Park, off Randolph Road. When WSSC first went out to investigate, it could not locate the leak due to heavy snow and ice cover. But after further search by WSSC and an inspector from the Montgomery County Department of Environmental Protection, aided by follow-up work from an MNCPPC official, a clogged and overflowing manhole was found and fixed, and damage to the stream was averted.

Eyes of Paint Branch urges all residents who notice suspicious smells near the streams to report them to Bill Martin, Environmental Health Specialist II, Montgomery County Department of Environmental Protection, 240-777-7746.

EOPB President Nominated for Environmental Award

Eyes of Paint Branch congratulates our president, Robert Ferraro, on his nomination for a Chesapeake Bay Trust volunteer award for his role as president of EOPB. Bob is a founding member of EOPB and has been president for 6 years. He is one of 12 people statewide nominated for the 2003 Ellen Fraites Wagner Award, which recognizes outstanding volunteerism in behalf of the environment.



EOPB meets with Chris Van Hollen

On March 20 three representatives of Eyes of Paint Branch met with Congressman Chris Van Hollen and his aid Phil Alperson. We provided a brief introduction to our organization, highlighted the uniqueness of the Paint Branch watershed, and discussed the likely Inter-County

Connector study. We emphasized that any ICC study needs to be an open and objective evaluation of the facts, and include better land use alternatives that we believe will effectively address the region's traffic congestion problems while preserving our forests and streams. We hope that this is the beginning of an ongoing relationship.

State Highway Dumps Contaminated Snow in Fragile Headwaters Area

Residents and County Officials Secure Promise to Fix Damage

In late February, several watchful local residents noticed that the State Highway Administration (SHA) was dumping large amounts of dirt and snow cleared from roads onto land it holds near route 198 in Spencerville, Maryland. The mounds covered approximately half an acre, and a large area of disturbed soil was nearby. This land is within the Upper Paint Branch Special Protection Area, adjacent to the fragile headwaters of the Right Fork.

Eyes of Paint Branch learned that a SHA contractor apparently disposed of the snow, and in the process of dumping it, the trucks got stuck in the mud and had to be pulled out.

The dumping of snow contaminated with road chemicals and abrasives in the Special Protection Area is a significant issue. The Special Protection Area has a number of restrictions on activities in order to limit adverse impacts to the headwaters of the

Paint Branch and its natural diversity. For example, regulations require that a water quality plan be approved before any soil disturbance over 5,000 square feet occurs. There are also regulations that prohibit other potentially damaging activities.

In addition, in watersheds such as the Paint Branch that are classified as having the highest water quality rating (Use III), the state of Maryland strictly prohibits any in-stream construction from fall through spring. This closure period is to avoid adverse impacts on the reproductive cycles of aquatic life. Although the dumping of soil and contaminated snow was not directly into the Right Fork, it occurred close enough to the stream that the soil disturbance and the chemicals and abrasives could result in the same net effects as in-stream construction.

SHA owns other sites in the general vicinity, but outside the Special

Protection Area, that could be used for dumping instead.

The activity was reported by a resident to Montgomery County's Department of Permitting Services, which came out to the site immediately to investigate. The department contacted Maryland's Department of the Environment, which issued a stop-work order immediately. Eyes of Paint Branch joined Park and Planning staff and County Councilmember Marilyn Praisner in discussions with SHA about restoring the site. SHA was ordered to install super silt fences and to begin restoration as soon as weather conditions permit.

EOPB also wrote a letter to SHA, with a copy to our state representatives, deploring this and other recent violations of the Special Protection Area by SHA. Councilmember Praisner had also voiced her concern on these matters to SHA. EOPB followed up our letter with phone calls to SHA and the Maryland Department of the Environment and received a commitment from SHA to cease dumping of snow at this site and to remediate the damage.

EOPB Members Compile Wildflower Guides

Barbara and Victor Medina, two of the founding members of Eyes of Paint Branch, are the authors of two recently published wildflower field guides, *Central Appalachian Wildflowers* and *Southern Appalachian Wildflowers* (Falcon Publishing, Inc). The books are based on data they have collected and photographs they have taken of the plants they have identified over the past 15 years. Their database contains information on 827 plants, about 450 of which are in the two books.

An unusual feature of these books is the comment section, in which additional information, beyond that usually found in field guides, is given for each plant. Topics covered in the comment section include why this plant has the common name it has; how it was used for either food or medicine; where and when the plant can be found; and descriptions of similar plants that grow in the area.

Balanced Land Use Should be Included as Alternative in ICC Study

by Pamela Lindstrom

As the newly restarted study of the ICC proceeds, a critical issue in the environmental impact statement (EIS) will be the alternatives to be studied. Not that we prefer one road alignment over another. The real alternative to the ICC is a whole different approach. Instead of trying to build enough roads to handle the traffic, this approach, known as the Balanced Land Use scenario (BLU), would direct growth into compact, balanced mixed-use communities in a pattern closely oriented to the transit system.

This approach was thoroughly tested as part of MNCPPC's Transportation Policy Report of January 2002. A subset of the task force responsible for the report developed the scenario, using three principles:

- balancing jobs and housing in closer proximity, instead of exaggerating the employment character of the I 270 Corridor and the housing character of the eastern part of the county;
- reducing the considerable housing growth of the Agriculture Reserve and exurbs;

- placing a higher share of growth, especially housing growth, near the transit stations.

We also designed an enlarged transit system, which includes the Inner Purple Line, transit further along the I 270 Corridor, and a transit spur up New Hampshire Avenue to White Oak.

BLU was modeled, and compared to several road-emphasizing scenarios. It had far less environmental impact. It did better than the road scenario on some congestion criteria (miles driven on congested roads, time taken by the average commute) and worse on others (vehicle speed). It was, overall, a

fully credible alternative to the ICC.

Though the BLU land use is quite dense at transit station areas, it was well received in the

public workshops and hearings.

The land use principles in BLU were adopted by the Planning Board and the County Council. Planners are trying hard to implement them in several master plans for Red Line station areas, most hotly at Shady Grove. We have two immediate challenges before us. The first is to persuade the State Highway Administration to analyze a BLU scenario in the ICC study. The second is to secure a commitment by the state to fight for the Inner Purple Line.

Pamela Lindstrom, a resident of Shady Grove, is a longtime land use activist and was a member of the Transportation Policy Task Force.

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fiction for our position, but it failed to persuade the DOT Secretary.

What is the usual process for building a road?

The process of building a road involves a number of phases and takes many years, particularly if federal funds are used. These phases include planning, preliminary design, final design, and construction. The *planning phase* involves assessing the purpose and need, soliciting public comment, and, if federal funds are used, preparing a formal environment impact statement. When the project potentially impacts wetlands and parkland, as the ICC does, then a number of federal environmental agencies must be involved. These include the Environmental Protection Agency, the Corps of Engineers, the Fish and Wildlife Service, and the Department of the Interior, in addition to the Federal Highway Administration and the Maryland State Highway Administration. The *preliminary design phase* involves consideration of alignment issues and required lanes, identification of alternatives, and selection of a preferred alternative. The *final design phase* involves completing the design, acquiring right of way, and completing cost estimates. The *construction phase* involves bids and contract awards, actual construction, and delivery.

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Why is fast-tracking a concern?

The prescribed process outlined above has, in the past, given voice and consideration to multiple perspectives and provided some level of checks and balances. The significance of fast-tracking is not yet known, since this program is so new. However, it is likely that any changes that result will reduce the level of checks and balances available in any future ICC study. Eyes of Paint Branch and other groups are concerned that the push to build the road may overwhelm this process and cause important considerations, including non-road-building alternatives that would reduce congestion, to be brushed aside. In announcing the fast-tracking, the DOT Secretary said, "President Bush asked that we facilitate the environmental review process for transportation investments so that they could be completed more quickly, at less cost, and without damaging the environment." The emphasis in this statement seems to be on completing the projects, and here the concern is that federal agencies may feel compelled to do so.

Can the ICC be built without damaging the environment?

No. Federal agencies have stated that the impacts would be unavoidable and severe, no matter what road-building technology was used. The ICC would cut across and severely degrade six watersheds, including fragile headwaters of the Anacostia River; add sediment, heat, and

chemicals to the streams, greatly reducing their biodiversity; destroy over 100 acres of wetlands; devastate over 1,000 acres of increasingly rare forest habitat for 21 species of forest-interior-dependent songbirds; and eliminate the last-remaining east-west wildlife corridors in eastern and central Montgomery County.

Wasn't the ICC killed a few years ago?

Yes. A Draft Environmental Impact Statement (DEIS) was issued by the Maryland State Highway Administration (SHA) and the Federal Highway Administration (FHWA) in 1997. After having gathered exhaustive amounts of data, it said that "None of the ICC alternatives will have a substantial impact on the levels of service [congestion] experienced by motorists on the Capital Beltway, I-270, or I-95 within the Study Area." The Environmental Protection Agency gave the Master Plan Alignment of the ICC, which goes through the Paint Branch, the agency's worst possible rating. The Army Corps of Engineers stated that it would never approve the permits needed for construction on the Master Plan Alignment. The Department of the Interior and the Fish and Wildlife Service responded similarly. SHA stated that "the Master Plan Alignment would have adversely impacted large portions of the Paint Branch and Northwest Branch parks. Proceeding with this option would simply not reflect the Administration's commitment to environmental preservation." Then-Governor Glendening was persuad-

ed by this overwhelming evidence to kill the ICC. And, according to the *Washington Post* (September 10, 1997, p. A1), "[Montgomery] County Executive Douglas M. Duncan (D) praised the state's action, which killed the stretch of the master plan route east of Georgia Avenue and west of U.S. Route 29. That stretch is where the major environmental problems were," Duncan said. "The state did the right thing."

What has changed since then?

The environmental issues have not gone away. But over the past couple of years, the ICC issue has been successfully framed in a well-coordinated and well-financed publicity campaign by development interests in terms of "traffic gridlock." Simultaneously, many of the federal rules that govern the process described above and have provided protection in the past are being rolled back. For example, according to the Natural Resources Defense Council's January 2003 report, *Rewriting the Rules*, "In early January 2003, the EPA announced plans for new policies to greatly reduce the number of wetlands and waterways protected by the Clean Water Act." The report also states that the current administration has "moved to undercut the grandfather of environmental statutes, the National Environmental Policy Act (NEPA). NEPA requires public participation in key environmental decisions, and mandates the preparation of environmental impact statements for

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federal actions with potentially important environmental repercussions. In recent proposals, the Bush administration has sought to scale back long-standing requirements for environmental reviews and public participation applying to highway construction.”

Why is public participation important?

EOPB members have participated in all three previous ICC studies and have first-hand knowledge that public participation has been essential to ensure a fair, open, and honest assessment of the facts. (All three previous ICC studies resulted in decisions by federal and state agencies to not build the ICC.) Expediting the environmental review process can only reduce public participation, decrease the disclosure of information, and limit the evaluation of any new facts.

Do new or improved road-building techniques exist?

None that we are aware of. If the State Highway Administration has new or improved construction and mitigation techniques, then there needs to be fair, open, and honest evaluation of its approach. An evaluation of mitigation strategies and technologies is detailed work, and it is absolutely critical that there is enough time to do this properly.

Would the ICC provide relief from traffic congestion?

No. Government studies have shown

that the ICC would not appreciably reduce traffic on Rte 29, I-270, or the Beltway. In fact, if the ICC is built and (currently stalled) development proceeds as the ICC would permit, the average Beltway speed would drop from 27 mph to 22 mph. And studies have shown that because the ICC would be a limited-access highway there would be more travel, not less, on local roads.

What is the BLU alternative?

The Balanced Land Use scenario (BLU) is a less costly, non-road-building alternative to reduce traffic congestion that would have fewer adverse impacts on the environment. It would direct growth into compact, balanced mixed-use communities in a pattern closely oriented to the transit system. This approach was thoroughly tested as part of MNCPPC’s Transportation Policy Report of January 2002 and shown to provide a real alternative to the ICC. EOPB believes the BLU alternative should be studied, but it may require a major lobbying effort to persuade decision-makers to include it in the new ICC study. See Pam Lindstrom’s article elsewhere in this issue.

What are some of the transit projects that could help provide true congestion relief?

Examples include the Corridor Cities Light Rail project, which would connect Clarksburg with Shady Grove Metro via Germantown, Gaithersburg, and Rockville; and the Inner Purple

Line, which would connect Silver Spring to Bethesda.

Where can I learn more?

More detailed information on the fast-tracking program is available at <http://www.fhwa.dot.gov/stewardshipeo/index.htm>. For information on the ICC and the damage it would cause, visit <http://www.eopb.org>. For information on true solutions to traffic congestion, see the Solutions Not Sprawl Web site at solutionsnotsprawl.org.

What can we do?

The best way to ensure that the next study is conducted fairly is to get involved. While the details of the fast-tracking decision are not yet clear, the meaning for those who value the local environment and want a real solution to traffic congestion is plain. It is going to take more work by more people to ensure that the anticipated ICC study process is fair, equitable, and factual. Citizen participation was critical in the past, and will be even more important in the next study. EOPB plans to continue to work to make the facts known. Bring your questions to any of our upcoming public forums on the ICC, or just come and listen to the discussion. Write letters to your elected officials that express your opposition. And if you send us your e-mail address through our Web site, we’ll include you in important alerts and notifications.



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Annual memberships in Eyes of Paint Branch are \$15 for individuals, and \$25 for families. Our community action programs depend entirely upon membership dues and contributions. Send your tax deductible check today to:

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Eyes of Paint Branch

Eyes of Paint Branch Upcoming Events

Guided Bird Walk,

Sunday, April 6, 2003 • 8am

Enjoy a leisurely walk around the Good Hope sub-watershed, through scarce interior forest habitat, with EOPB birder Laura Appelbaum. Meet in the parking lot of Charles R. Drew Elementary School.

ICC Stream Walk,

Saturday, April 12, 2003

9am to 12 noon

Join us for a leisurely walk through a beautiful mature hardwood forest, wetlands, the primary brown trout spawning and nursery area, and see the path that the ICC would cut through the heart of it all. Meet in the parking lot of Charles R. Drew Elementary School.

University of Maryland's Earth Day Festival in College Park,

Friday, April 18th • 12pm - 8pm

This Earth Day festival includes speakers, games, education booths from both on- and off-campus organizations, art activities, bands, and hopefully you. EOPB will have a display table at Hornbake plaza.

Community Tree Planting,

Saturday, May 3, 2003 • 9am to 12

This the next in a series of plantings to reforest the Upper Paint Branch Stream Valley Park. The Metropolitan Washington Council of Governments/Anacostia Restoration Committee will dig the holes for the trees in advance, which makes this an event for all ages. MNCPPC will provide the native trees and shrubs. The site is in the vicinity of the Good Hope Recreation Center.

From Good Hope Road turn right onto Twig Road, Right at the stop sign onto Cavendish Drive, right on to Gladbeck Drive, and follow the dirt road to the planting site.

EOPB ICC Community Forum, Thursday, April 24, 2003 and again on May 22, 2003

7:30 to 9pm

Come hear the latest information on the proposed Inter-County Connector, see detailed maps from the previous studies, see a presentation highlighting the issues, and share your concerns with other residents. Held in the meeting room at the Eastern Montgomery Regional Services Center, 3300 Briggs Chaney Road, Silver Spring, MD (1/3 mile east of Rt. 29).

Colesville Community

Strawberry Festival,

Saturday, late-May • 10am to 4pm

This festival has become a part of community life in Colesville and is always well attended. Enjoy fresh strawberries and ice cream with friends and neighbors, and join us at our booth to hear about what is happening in the Paint Branch. East side of New Hampshire Avenue at Hobbs Drive in Colesville.

All events are conducted rain or shine. EOPB submitted a proposal to fund our largest stream improvement project to date. If we receive this grant, we will need volunteers for a number of additional significant events that will be scheduled throughout the coming months. See the calendar of events on our Web site at www.eopb.org for the latest information.

EOPB has completed its 2003 fundraising drive. We appreciate those of you who renewed your memberships, and welcome our new members. If you know of anyone who would like to be on our mailing list or participate in any of our activities, please refer them to our mailing address or our Web site, www.eopb.org. Thanks for supporting the Paint Branch.

ICC Community Forums

Eyes of Paint Branch announces a series of community forums on the proposed Inter-County Connector. While little official information about a likely new ICC study is available as yet, there is widespread concern throughout the community about what could happen. Eyes of Paint Branch has actively participated in the ICC debate and so can provide the public with information on the history as well as current issues. At these forums you can expect to

- Hear the latest information
- See slide presentation on the Paint Branch watershed
- See detailed maps from previous ICC studies
- Get copies of informative handouts on the ICC and related issues
- Share your concerns with EOPB members and others
- Discuss how you can contribute to the consensus process and make your issues known

These Community Forums will be from 7:30 until 9:00 PM on Thursday, April 24, and on Thursday, May 22. Both will be at the Eastern Montgomery Regional Services Center, 3300 Briggs Chaney Road, Silver Spring, MD (1/3 mile east of Rt. 29) . Additional forums may also be scheduled if needed.

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Conservation, Education, and Action for the Paint Branch and Its Watershed