

## Eyes of Paint Branch Holds Community ICC Events



*Hikers enjoy the beautiful Good Hope watershed near the ICC Master Plan Alignment.*

Over the past few months, Eyes of Paint Branch members have been busy holding community forums on the ICC and leading educational walks through the ICC right-of-way in the Paint Branch watershed. The forums included a slide show describing the unique natural resources of the Paint Branch and the impacts of the proposed highway. Among the hikers at the ICC walk on Saturday, June 7, were Maryland Department of Transportation Secretary Robert Flanagan's

Special Assistant for Community Outreach on the ICC, Sam Raker, and a top aide to U.S. Congressman Chris Van Hollen.

Another well-attended walk of the ICC route, organized by the Sierra Club and led by Eyes of Paint Branch members, was held on September 13. On a rainy Saturday, hikers stopped at the edge of the trout nursery area on the Good Hope tributary, where the master plan alignment of the ICC would cross the sensitive stream in a 500-foot swath. As

crystal clear water poured into the stream out of the lush and extensive wetlands below the neighborhoods to the east, hikers saw firsthand how valuable these irreplaceable natural filtering systems are to the quality of our water.

If you would like an Eyes of Paint Branch speaker to present a slide show on the ICC to your community group, call Bob Ferraro at 301-890-1998.



## *The President's Corner*

### **Fairness and Integrity**

Once again, this issue of *My Backyard* is largely devoted to the proposed Intercounty Connector (ICC). This controversial highway project has been repeatedly rejected for over four decades, largely for its failure to pass environmental laws and regulations. Little has changed in that regard -- the ICC would be as environmentally destructive today as it was when the Draft Environmental Impact Statement (DEIS) was halted in 1997. The ICC would be prohibitively expensive, a waste of public dollars that could be better spent elsewhere, such as improving education. The fiscal crisis in Maryland can be seen in skyrocketing tuition at Maryland's public colleges, rising property taxes, increased user fees, and reduced services. Add to that this thought: we are hearing that much of the cost of the ICC would be borne by the public through the use of tolls or user fees, and possibly higher taxes.

Previous ICC studies have demonstrated that building the ICC would not improve traffic congestion on I-95 or the Beltway, and that traffic on local community roads would worsen. Air pollution would increase, and, if built on the Master Plan Alignment, the damage to our stream valleys and wetlands would

be horrific. These findings are supported in the 1997 DEIS and by the reviewing federal agencies.

What's different since the last go-round of studies? The answer is nothing and everything. Nothing has changed from an environmental standpoint. Building the ICC would be tantamount to declaring war on the environment. The prohibitive cost hasn't been reduced; in fact, it is likely to grow. What has changed is the political balance in support of the project. The political forces supporting the highway have enabled the perception that the construction of this highway is inevitable. There are powerful forces aligned politically who are pressing hard to build the ICC as fast as possible while "all the stars are aligned," that is while the political support exists prior to the next election. Maryland Governor Robert Ehrlich has declared publicly that there will be shovels in the ground prior to the completion of his term. President Bush's Transportation Secretary approved a fast-track review of the ICC project, a highly unusual move for a project so steeped in controversy and doubt. Development business interests heavily financed the campaigns of the Montgomery County Executive and pro-ICC County Council candidates, and as a result there is now, for the first time, a majority of elected Montgomery County officials supporting the highway.

As we report elsewhere in this issue, some of our public officials appear to retain little objectivity with respect to the final decision and outcome of the project. Public declarations as to when, not if, the ICC will be built reveal an attitude, be it arrogance or ignorance, that the study process is nothing more

than a nuisance, an inconvenient wicket in the ICC's path. We must ensure the fairness and integrity of the entire process is maintained, that all laws are observed and adhered to. Whatever decision is reached on whether or not to build the ICC, it is crucial that public confidence in the process is unblemished.

And frankly, I am already worried. Worried because the draft Purpose and Need does not address studying non-highway alternatives for relieving traffic congestion. Worried because the Governor has bragged that his personal relationship with President Bush will help reach what he would consider to be a favorable outcome. Worried that the study area is limited (for example, Rte. 32, a logical choice to study for improving accessibility to BWI, is not in the current study plans). Worried that the Maryland Transportation Secretary's charter from the Governor is to build this road where no others have before him. Worried that environmental laws and good land use policies and practices will be brushed aside in a fast-track frenzy to start the project.

This newsletter will keep you informed on the latest developments as we know them. The study alignments are supposed to be released in November. If you're against the ICC, let your elected representatives know. Whether you're for or against the ICC, let your elected representatives know you demand a process that is fair, rigorous, and of the highest integrity. The issue of whether or not to build the highway should be decided on its merits in the context of the laws of our land. It should not be built solely because powerful politicians want it.

**Robert Ferraro,  
EOPB President**

# Eyes of Paint Branch Questions Statements in SHA's Purpose and Need Draft

Eyes of Paint Branch - along with other organizations, members of the public, and government agencies - has submitted comments to the Maryland State Highway Administration (SHA) on the ICC Purpose and Need (P&N) draft that call into question many of the statements made in that document to justify building the highway.

The opening statement in the P&N draft (available on the study's Web site at [www.iccstudy.org](http://www.iccstudy.org)) says that the ICC is "intended to link existing and proposed development areas between the I-270 and I-95/US 1 corridors . . . with a highway." It adds that the ICC is also intended "to increase community mobility and safety; to facilitate the movement of goods and people to and from economic centers; to provide cost-effective transportation infrastructure to serve existing and future development . . .; to help restore the natural, human, and cultural environments from past development impacts in the project area; and to advance homeland security."

Noticeably absent from this list of justifications for the ICC is any statement that the highway is key to the effort to "end gridlock" in the county, as claimed by many politicians in the last election. In spite of the emphasis on renewed development in the P&N, officials are generally silent on that issue in their public statements, emphasizing instead the theme of congestion relief. For example, in May the Governor stated that "the transportation needs of Montgomery County families and

businesses have been ignored for too long. My administration is determined to build the ICC and make life on the road easier for Maryland commuters" ("New Money Fuels Momentum for Governor's Top Transportation Priority," *Montgomery Gazette*, May 1, 2003).

Eyes of Paint Branch submitted comments on the June draft of the P&N in July, calling it biased and stating that "the study area and draft P&N statement are tailored so that the study will result in approval of the ICC." We are particularly concerned that the study outcome has

been predetermined because the P&N calls for building a highway, rather than finding the best way to meet the area's transportation needs.

We made several general comments, including that the study area should include all of Prince George's and Montgomery counties and should be expanded to Route 32, and that the study must look at a transit alternative.

We also made a number of specific comments objecting to needs presented in the P&N. For example, with regard to the need for environmental restoration, we said "the  
*See Comments on P&N, on p. 4*

## ICC Study Officially Launched on June 11 over Objections by Environmental Groups

Following the ICC's designation by the U.S. Department of Transportation as a "priority project" for "environmental streamlining" in February 2003, Maryland Governor Robert Ehrlich officially launched the ICC Study on June 11. The *Montgomery Gazette* reported that "Ehrlich, who recently spent a day at Camp David with the President, credits his close relationship with the Bush Administration for focusing the attention of federal officials on this project" ("ICC Approved for Fast Track," *Montgomery Gazette*, Feb. 28, 2003).

Before the ICC was chosen from

a list of candidate projects to be streamlined, Eyes of Paint Branch and several other organizations sent a detailed joint letter to Secretary of Transportation Norman Y. Mineta pointing out that streamlining was not intended for controversial projects and that the ICC failed to meet numerous criteria for streamlining as set out by the Department of Transportation. We added that "less damaging, less expensive alternatives exist and enjoy substantial public and official support." Other groups signing the letter included the Audubon Naturalist Society, the Chesapeake Bay Foundation, and the Coalition for Smarter Growth.

# Some ICC Quotations to Ponder

*"None of the ICC alternatives will have a substantial impact on the levels of service experienced by motorists on the Capital Beltway, I-270, or I-95 within the Study Area."*

- Maryland State Highway Administration and Federal Highway Administration in Draft Environmental Impact Statement on the ICC, 1997

*"EPA finds potential adverse impacts to the naturally reproducing brown trout stream in the Paint Branch watershed unacceptable .*

*.and believes that these impacts would likely eliminate the trout resource from the watershed. Elimination of the trout would remove the existing use of the stream, a violation of EPA's antidegradation policy."*

- Environmental Protection Agency in letter to Federal Highway Administration, Aug. 1, 1997

*"Even with substantial mitigation, the Master Plan Alignment's direct and indirect impacts on the Paint Branch and Northwest Branch parks still would be substantial."*

- Army Corps of Engineers in briefing to Governor's Transportation Solutions Group, Dec. 11, 1998

*"End-on construction would not effectively mitigate the impacts of the Master Plan Alignment."*

- Environmental Protection Agency, Sept. 8, 1997

*"We've looked at the Inter-County Connector - and seen that it would be a disaster. When I was first elected Governor, I supported it. But the more I got into the analysis of it, I said it made no sense. The environmental impact cannot be mitigated; it will be very serious. It's just not cost-effective. You are talking about at least a billion and a half dollars, and the best analysis I've seen shows it will reduce about 6 minutes for people coming from central Montgomery County and going to BWI Airport."*

- Former Governor Parris Glendening in interview on county cable channel, August 2002

*"That stretch is where the major environmental problems were. The state did the right thing."*

- County Executive Douglas M. Duncan, praising the state's action, which killed the stretch of the master plan route east of Georgia Avenue and west of U.S. Route 29, The Washington Post, Sept. 10, 1997, p. A1

environmental impacts from past development are a completely different subject than the environmental impacts from a potential major roadway and they must not be confused." As the Environmental Protection Agency pointed out in its comments, "to frame the discussion in terms of the natural environment needing a transportation project is awkward at best."

With regard to the need for homeland security, we said that justification should be removed and that "homeland security is a weak argument that could be viewed as a strategy to frighten the public." Prince George's County Council member Thomas Dernoga also commented on the homeland security justification, calling it "a cynical exploitation of a critical concern" and adding that "an east-west road, far removed from the Beltway, which promotes congestion at its east and west termini, does nothing to disperse traffic out of the immediate Washington, D.C., area. It is very disturbing to see government agencies seek to exploit such a vital concern to jump-start a failed transportation project."

We also noted that "notably and unconscionably absent from the P&N statement is any acknowledgment of the severe ozone (smog) pollution problem in the greater Washington, D.C., area, in direct violation of the National Ambient Air Quality Standards, which poses a serious health threat to area residents." We added that the study "must examine the impact of such a road on the region's already abysmal air quality."

Eyes of Paint Branch also included



*Hikers cross the Good Hope tributary near the ICC Master Plan Alignment.*

in our P&N comments criticism of the P&N review process itself. We noted that SHA did not inform the public about the entire draft P&N at its two public open houses in June; it presented only a summary version. SHA also did not let people know they could comment on the P&N or that it was a work in progress. SHA advertised no deadline for comments to be submitted and did not inform the public of the significance of a P&N for determining the parameters of the subsequent Draft Environmental Impact Statement.

SHA issued a slightly revised draft of the P&N statement in August, which ignored the points made by Eyes of Paint Branch, as well as the points in comments that we have read from other concerned individuals, organizations, and government agencies.

The federal environmental agencies (EPA, Army Corps of Engineers,

U.S. Fish & Wildlife Service) were not required to concur on the P&N. This is a fundamental change in the process, as compared to previous studies, and is likely to have profound consequences. This unfortunate occurrence is a result of the “streamlining” process, despite assurances from officials that “streamlining” would not result in any steps being omitted.

Eyes of Paint Branch sends a special thank you to our steadfast supporters at the Paint Branch Unitarian Universalist Church. We are grateful for your continued generosity and stewardship of the watershed.

## Staying Informed on the ICC Study Process

To learn the latest news about the ICC Study Process, check our Web site at [www.eopb.org](http://www.eopb.org). Better yet, because the study process is designed to move quickly and your opportunity to provide timely comments may be limited, join our e-mail list (eopb-announce) to get

fast-breaking action alerts. To join eopb-announce, just go to our home page and click on Support and then click on Join Our List Services. For official information and to provide comments on the ICC study process, see <http://www.iccstudy.org/>.

An editorial originally published in the Baltimore Sun on September 14, 2003, and reprinted here with permission:

# Make the Case

**E**VEN AS THE Intercounty Connector races down a fast track greased by the Ehrlich and Bush administrations, state officials offer a presumed, not precise, case for its benefits.

That was evident last week at a meeting of the state task force studying the roughly \$10.5 billion gap between Maryland's transportation needs and available funds through 2010. There, Neil J. Pedersen, state highway administrator, was asked if the state had quantified the benefits of the long-proposed 18-mile highway tying the Interstate 270 and Interstate 95 corridors. Mr. Pedersen replied that that awaits study by the University of Maryland - explaining later that the study will be done next year as part of the project's environmental impact statements.

Given that the ICC has been debated for decades, that some worry it actually would drain jobs from Prince George's County, that its estimated cost is \$1.7 billion and that public hearings begin this fall on various routes, it's surprising Ehrlich administration officials don't see the need to detail for Marylanders the ICC's potential bang.

Sure, it's logical to more tightly link the state's top economic engine with BWI. Sure, the ICC may modestly reduce costly congestion on the Washington Beltway. But the strapped state ought not to be undertaking an investment of this scale without rigorous study of the benefits of building a limited-access highway in this corridor, irrespective of its specific route.

Robert L. Flanagan, the state transportation secretary, says that's not needed now because there's already a strong "consensus" as to the ICC's benefits, one reflected in Gov. Robert L. Ehrlich Jr.'s election last fall. That bit of hubris is further testimony that the governor's team is determined to build the ICC as a political statement to Montgomery County and the state's business community. The goal: a 2006 groundbreaking, the ultimate re-election photo-op.

To that end, Mr. Ehrlich has employed his Bush administration connections to streamline the federal approval process. At the meeting last week, Mr. Pedersen bragged that the last time the state sought ICC approval the first federal step took two years. This time, it only took six weeks.

And the state is moving fast to come up with creative ways to drum up the \$1.7 billion at a time when it can't even keep up with its road and transit system preservation needs. But even if the ICC becomes a toll road, it still may eat up \$60 million a year in state funds for 30 years.

That kind of commitment makes detailing the road's economic benefits even more critical, independent of and long before environmental impact statements. Marylanders deserve - and good management demands - a public appraisal of the ICC's benefits sooner, not later.

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*My Backyard* is the newsletter of Eyes of Paint Branch, a local grassroots organization dedicated to preserving, protecting, and restoring the Paint Branch and its watershed. The Paint Branch watershed is home to the metropolitan Washington area's last remaining wild trout population.

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Annual memberships in Eyes of Paint Branch are \$15 for individuals. Family memberships are \$25. 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

### **Burtonsville Day Festival, Saturday, October 4, 2003 9am to 4pm**

This festival has become a part of community life in Burtonsville and is always well attended. Enjoy the food and entertainment with friends and neighbors, and stop by our display booth for the latest on what is happening in the Paint Branch. Parade starts at Paint Branch High School and goes north on Old Columbia Pike to the Fairland Community Center.

### **Streambank Restoration Project, Saturday, November 15, 2003 9am to 12 noon**

Our fall service project involves relocating an access road at the Beltsville Agricultural Research Center, grading and planting the stream bank, and planting a riparian buffer. Meet in the North Drive bridge.

### **EOPB ICC Community Forum, Thursday, December 4, 2003 7:30 to 9pm**

Come hear the latest info on the proposed Inter-County Connector, see highlights on the issues, and share your concerns. Fairland Community Center, 14906 Old Columbia Pike, Burtonsville, MD (1/4 mile south of Rt. 198, next to the Fairland library).

### **Stream Walk and Trout Nest Count, Saturday, December 6th 10am - 12 noon**

Enjoy an easy hike around the Good Hope sub-watershed, the primary wild trout spawning and nursery area, and help us count trout redds (nests). Meet at Charles Drew Elementary School parking lot (be prepared for wet & muddy conditions).

Directions: From the Beltway, go North on New Hampshire Ave. 2 lights north of Randolph Rd., turn Right onto Cape May Rd., then Right onto Good Hope Rd., then Right onto Twig Rd., & Right onto Cavendish Rd., and Right into Drew Elem. parking lot. For more

information: 301/890-1998

*All events are conducted rain or shine. See the calendar of events on our Web site at [www.eopb.org](http://www.eopb.org) for the latest information.*

## Restoration and Public Awareness Project

Eyes of Paint Branch recently received a grant from the Chesapeake Bay Trust for streambank restoration and public awareness activities. The streambank stabilization project will take place at the USDA Beltsville Agricultural Research Center (BARC) on November 15. The stream banks at the site are rapidly eroding due to the proximity of a maintenance road and lack of a riparian buffer. BARC personnel will relocate the road and grade the streambanks back to a 4 to 1 slope. Our role is to provide volunteers to stabilize the reconstructed banks with bioengineering material including coir logs and coconut fiber matting, and to plant a 30 to 90 foot wide riparian buffer of native trees and shrubs along the reconfigured reach. The public awareness aspects of this project include translation of informational materials into Spanish, and the distribution of our materials to broader areas of the watershed. Contact David Dunmire at [ddunmire@eopb.org](mailto:ddunmire@eopb.org) or 301-989-0331 for more information on this project.

# Grant Funds Paint Branch Restoration Project

## Volunteers Needed for November 15

Eyes of Paint Branch recently received a grant from the Chesapeake Bay Trust for streambank restoration and public awareness activities. The streambank restoration project will take place on November 15, and we need volunteers to help with the installation of bioengineering materials (coir logs and coconut fiber matting) and to plant trees and shrubs for a riparian buffer. This is a great opportunity for public service hours. See the “EOPB Upcoming Events” column inside for more information.

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