
February 17, 2022

Mr. Tim Chestnutt
Director, Recreation and Parks Department
City of Rockville
City Hall
111 Maryland Avenue
Rockville, MD 20850

Dear Mr. Chestnutt:

The Maryland Department of Transportation State Highway Administration (MDOT SHA) and the Federal Highway Administration (FHWA) appreciate your participation in the I-495 & I-270 Managed Lanes Study (MLS). The purpose of this letter is to inform the City of Rockville of the FHWA's intent to make a *de minimis* impact determination for the MLS Section 4(f) Evaluation. In accordance with 23 CFR 774, MDOT SHA requests your concurrence with our determination that the impacts of the MLS Preferred Alternative on Rockmead Park, Woottons Mill Park, and Rockville Senior Center and Park, which are owned and managed by the City of Rockville, are minor and would not adversely affect the features, attributes, or activities qualifying the properties for protection under Section 4(f) of the United States Department of Transportation Act of 1966.

As part of the environmental study, MDOT SHA and FHWA are conducting a Section 4(f) evaluation for potential impacts to publicly owned parks, recreation areas, wildlife/waterfowl refuges and public or privately-owned historic sites. Section 4(f) of the United States Department of Transportation (USDOT) Act prohibits agencies under the USDOT, such as FHWA, from using land from these resources unless there is no feasible and prudent alternative to the use of that land, and all possible planning to minimize harm to the property has been included.

An impact to a significant public park, recreation area, or wildlife and waterfowl refuge may be determined to be *de minimis* if the transportation use of the Section 4(f) property, including incorporation of any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures), does not adversely affect the activities, features, or attributes that qualify the resource for protection under Section 4(f) (23 CFR 774.17).

In accordance with 23 CFR 774.5(b), the public should be afforded an opportunity to review and comment on the effects of the Proposed Action on the protected activities, features, or attributes of the Section 4(f) parks, recreation areas or wildlife and waterfowl refuges. Moreover, the official(s) with jurisdiction over the park, recreation area or wildlife and waterfowl refuge property, after being informed of the public comments and FHWA's intent to make the *de minimis* impact finding, must concur in writing that the project will not adversely affect the activities, features, or attributes that qualify the property for protection under Section 4(f). For the MLS, the opportunity for the public to review and comment on the effects of the Proposed Action on the protected activities, features, or attributes of the Section 4(f) parks, recreation areas or wildlife and waterfowl refuges has been provided in conjunction with the overall NEPA document public involvement process. The public was afforded the opportunity to provide comments following publication of the Draft Environmental Impact Statement (DEIS) and again following the Supplemental DEIS (SDEIS). Through that process, no comments related to the potential *de minimis* impact determinations for Rockmead Park, Woottons Mill Park, and Rockville Senior Center and Park were received. While the impacts to Rockville Senior Center and Park have increased slightly since the SDEIS, the intent to seek a *de minimis* Section 4(f) Determination has not changed.

For historic properties, documentation of consulting party involvement is required (23 CFR 774.5(b) and 774.7(b) and written concurrence from the State Historic Preservation Officer (SHPO) in a finding of “no adverse effect” or “no historic properties affected” in accordance with 36 CFR 800 must be received by FHWA.

Section 4(f) Impacts

In total, the MLS Preferred Alternative would impact 5.4 acres of the City of Rockville’s parkland, including 5.2 acres of permanent impact and 0.2 acre of temporary impact. Aside from the three Section 4(f) properties included in this letter for *de minimis* approval, the Preferred Alternative would impact 3.3 acres of Bullards Park and Rose Hill Stream Valley Park, all of which would be permanent impact. Bullards Park and Rose Hill Stream Valley Park requires an individual Section 4(f) evaluation, which is included in the Draft and Final Section 4(f) documentation.

The following text provides a brief overview of the three Section 4(f) properties under the City of Rockville’s jurisdiction for which a *de minimis* determination is being sought, including a description of impacts and proposed mitigation. Please refer to the attached maps for more information on each Section 4(f) property.

Rockmead Park:

Rockmead Park is a 25.3 acre publicly owned park and recreational facility at 1800 Greenplace Terrace in Rockville. The MLS Preferred Alternative would result in a Section 4(f) use of 0.3 acre of Rockmead Park, including 0.2 acre of permanent impact and 0.1 acre of temporary impact.

These impacts would be required to accommodate improvements to two existing culverts, provide access for construction vehicles and materials, and for the construction of a retaining wall and noise barrier. Rockmead Park abuts the I-270 southbound lanes and contains amenities including open space, benches, natural and hard surface paths, and playground equipment. As seen in the attached map, the potential Section 4(f) use of Rockmead Park would be located along I-270. Tree removal would be required within the affected portion of the park but no recreational facilities within the park would be impacted.

Woottons Mill Park:

Woottons Mill Park is a 106.5 acre publicly owned park and recreation area on Hurley Road in Rockville. The MLS Preferred Alternative would result in a Section 4(f) use of 0.7 acre of Woottons Mill Park, all of which would be permanent impact.

These impacts would be required to improve a storm drain outfall and for augmentation of one culvert with potential stream restoration improvements. Woottons Mill Park extends along Watts Branch and contains amenities including basketball and tennis courts, benches and picnic tables, natural and hard surface paths, playground equipment, and garden plots. As seen in the attached map, the potential Section 4(f) use of Woottons Mill Park would be located along Watts Branch Parkway and the I-270 and MD 28 interchange. Tree removal would be required within the affected portion of the park but no recreational facilities within the park would be impacted.

Rockville Senior Center and Park:

Rockville Senior Center and Park is a 12.1 acre publicly owned park and recreational facility at 1150 Carnation Drive in Rockville. The property is also historic; the Senior Center building contributes to the significance of Woodley Gardens, which is eligible for the National Register of Historic Places (NRHP). The MLS Preferred Alternative would result in a Section 4(f) use of 1.1 acres of Rockville Senior Center and Park, including 1.0 acre of permanent impact and 0.1 acre of temporary impacts.

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These impacts would be required to accommodate the construction, operation, and future maintenance of a stormwater management facility; construction of a retaining wall and noise barrier; and widening of Gude Drive. Rockville Senior Center and Park abuts the northbound lanes of I-270 and contains amenities including benches, picnic tables, walking paths, a nature trail, community garden, outdoor fitness equipment, art, bocce ball court, and playground equipment; the Senior Center building features additional recreational facilities. As seen in the attached map, the potential Section 4(f) use of Rockville Senior Center and Park would be located along West Gude Drive and I-270. Tree removal would be required within the affected portion of the park but no recreational facilities within the park would be impacted.

The Maryland SHPO (Maryland Historical Trust) concurred in writing in a finding of “no adverse effect” for Woodley Gardens in accordance with 36 CFR 800 on March 12, 2020 (see Attachment 1) and was notified of FHWA’s intent to make a *de minimis* finding.

Mitigation

Mitigation for impacts to City of Rockville parkland has been discussed with the City of Rockville and based on this coordination will likely consist of providing property to replace the parkland that would be impacted by the MLS. We await further feedback from the City on specific properties that should be pursued as parkland replacement.

Conclusions

Based on the information presented, MDOT SHA believes that the use of Rockmead Park, Woottons Mill Park, and Rockville Senior Center and Park will not adversely affect the activities, features, or attributes that qualify these resources for protection under Section 4(f).

If you agree with this determination, please indicate your approval on the following page. If you require additional information or have comments, please contact Caryn Brookman at cbrookman@mdot.maryland.gov.

Sincerely,



Jeffrey T. Folden, PE, DBIA
Director, I-495 & I-270 P3 Office

CONCURRENCE:

We agree that the minor impacts to the following parks will not adversely affect the activities, features, and attributes which qualify the resource for protection under Section 4(f):

Check all that apply

- ☐ Rockmeade Park
- ☐ Woottons Mill Park
- ☐ Rockville Senior Center and Park

City of Rockville

Printed Name

Date

We concur that the minor impacts to following parks constitute a *de minimis* impact:

Check all that apply

- ☐ Rockmeade Park
- ☐ Woottons Mill Park
- ☐ Rockville Senior Center and Park

Federal Highway Administration

Printed Name

Date

cc: Mr. Craig Simenou, Director, Department of Public Works, City of Rockville
Ms. Jeanette Mar, Environmental Manager, FHWA
Mr. Jitesh Parikh, P3/MLS Director, FHWA
Ms. Keilyn Perez, Senior Area Engineer, FHWA
Ms. Caryn Brookman, Environmental Program Manager, I-495 & I-270 P3 Office,
MDOT SHA

Map of Rockmead Park



Map of Woottons Mill Park



Map of Rockville Senior Center and Park

