

**Rock Creek Conservancy
Comments on Managed Lane Study Supplemental Draft Environmental Impact Statement
November, 2021**

Rock Creek Conservancy (the Conservancy) submits these comments on the I-495 and I-270 Managed Lanes Study Supplemental Draft Environmental Impact Statement (SDEIS). While appreciating the significantly reduced impacts of Phase I on Rock Creek's parks and watershed relative to the entirety of the project, we continue to emphasize the need for stronger commitments to stormwater management and environmental protection practices. We also ask the state to make specific commitments to rigorous environmental study before any Phase II work.

Rock Creek Conservancy is a non-profit organization based in Bethesda, Maryland, that restores Rock Creek and its parklands for all people to appreciate and protect, and annually engages nearly 4,000 volunteers in people-powered restoration.

First, the Conservancy is pleased to see that the new Recommended Preferred Alternative -- Alternative 9 - Phase 1 South -- will, for the moment, avoid impacts on 52 acres of the Rock Creek watershed that had been in direct proximity to proposed construction.

Previously, Alternative 9, which was selected as the Recommended Preferred Alternative in January of 2021, proposed to expand I-495 through the Rock Creek watershed with addition of two new high-occupancy toll lanes. The Conservancy submitted comments in opposition to the selection of Alternative 9 and the approaches used to evaluate impacts on environmental resources, emphasizing the need for further analysis of runoff and downstream impacts in the Rock Creek watershed. Under Alternative 9, significant areas of the Rock Creek watershed and Rock Creek stream valley parks would have been at risk to dangerous levels of erosion, sedimentation, and pollution from construction and loss of parkland.

The new Recommended Preferred Alternative avoids construction in much of the Rock Creek watershed during the first phase of the project. We appreciate the constructive dialogue surrounding the Draft Environmental Impact Statement published in July of 2020, and the resulting changes in this SDEIS that avoid, in part, and significantly reduce the impacts to public property, parkland, and natural resources. That being said, there are still significant environmental concerns for Rock Creek with Phase 1 of the Managed Lanes Study project. Most saliently, 2.6 acres (112,088 sq. ft.) of impervious surface will be added to the Rock Creek watershed under Alternative 9 - Phase I South (shown in Table 4-33) via additions to the I-270 east spur (Maps 19-22) and the portion of I-495 that is east of the I-270 west spur (Maps 13-16).

In Section 4.13.2 of the SDEIS, the impacts on Rock Creek are discussed as follows:

Note that while the Preferred Alternative LOD crosses the Rock Creek watershed, the stream of Rock Creek is not within the Preferred Alternative LOD and is not impacted by the build improvements included in the Preferred Alternative.

While the changes to the location of construction with regard to Rock Creek itself are an improvement over the previous

Alternative, all risks associated with the proposed construction are not eliminated or mitigated. All water that falls within a watershed eventually flows to the receiving body of water for that watershed; even if pollutants are not washed from a roadway directly into Rock Creek, they still pose a significant risk to the health of the stream. Some of the most common roadway pollutants, such as salt, are conveyed very easily by runoff into streams. Rock Creek is already heavily impacted by salt due to its proximity to residential and commercial roadways, and regularly experiences toxic levels of salt that can result in eutrophication and fish kills. Increasing the area of roadways in the Rock Creek watershed increases the amount of salt needed to treat them in wintertime, and poses an environmental risk to Rock Creek.

Additionally, as noted in Section 4.13.3, the loss of forest coverage in the Rock Creek watershed will further exacerbate the ability for runoff to be mitigated. Mature forests are an indispensable tool in reducing the effects of impervious surface runoff. Vegetation slows the flow of stormwater two-fold: first as it is raining and again as it travels overland to the receiving body of water. Vegetation also acts as a natural filtration system by removing pollutants from water absorbed through the roots. Root systems also help to prevent erosion and decrease sedimentation in streams. By removing 2.6 acres of forest cover in the Rock Creek watershed and replacing them with impervious surface, the Managed Lanes Study project takes away one of the most effective tools we have to fight further degradation of Rock Creek. We ask that the Montgomery County Environmental Site Design requirements for managing stormwater runoff be strictly adhered to, with proper mitigation planning and plans for reforestation or stormwater management elsewhere in the Rock Creek watershed if on-site conditions do not allow for direct installation of Best Management Practices. The final mitigation plan for Phase I must include at least 2.6 acres of afforestation in the Rock Creek watershed (not the middle Potomac watershed, as is used as a standard throughout the SDEIS), as close to the area of impact as is possible. In addition, green infrastructure BMPs (such as bioretention areas using native plants) must be installed along the spurs and culverts to offset the increase in impervious surface area. If immediately onsite opportunities are not deemed practicable, mitigation funds should be provided to a trusted technical expert to identify and manage stormwater management downshed (between the project and creek) of the new impervious areas. If onsite mitigation for 100% of the impact is not possible, Rock Creek Conservancy would be happy to meet with MDOT and other parties to identify and develop projects to manage stormwater with funding from this project.

As previously stated, the Conservancy welcomes the improved stormwater management proposals incorporated in the SDEIS. The SDEIS lists a number of strategies for implementing these practices, including but not limited to, mitigation for overland hydrology-borne pollutants provided by wet ponds and bioswales, reforestation on public lands on a one-to-one basis, sediment and erosion control measures, and aquatic biota monitoring. The addition of these metrics is helpful in the understanding that the project will implement these strategies wherever possible. However, the specifics of how and where these management strategies are executed will determine how the known environmental harms from this project will impact the surrounding ecosystems. In that sense, the SDEIS is lacking in specific information on which BMPs will be employed to address stormwater issues from increased impervious surface runoff. There is also a lack of mitigation strategies for preventing flooding related to stormwater. Section 4.15.4 mentions a more detailed hydrologic study that would be prepared during the final design phase, and we must ask that this study examines existing stormwater conveyance and discharge infrastructure, how the increases in impervious surface area would affect that infrastructure, and includes additional flooding mitigation strategies related to stormwater.

While the SDEIS is a

productive step

towards transparency, there are still areas where improvement can be sought. Any future phases should be assessed with a complete environmental impact statement that draws on updated data for stormwater and traffic studies.

In the Environmental Impact Statements for future phases, we will expect to see more thorough and specific discussion of mitigation strategies for stormwater management, including more detailed stormwater evaluation and traffic studies. The aforementioned lack of specificity on how stormwater management strategies will be employed will hopefully be addressed in future statements. These evaluations should also be conducted not just for the construction proposal that is eventually selected in each future phase, but also during the evaluation process for each potential Alternative as a means to understand holistic environmental impacts and execute comparative analysis with a greater level of detail.

Preserving the health of Rock Creek, its parks, and its watershed is of utmost concern for the Conservancy and residents in Montgomery County whose quality of life depends upon the natural, historic, and recreational resources afforded by the parklands and the natural infrastructure of these special places. This SDEIS is a necessary, but insufficient, step towards protecting our region's quality of life and environmental health.