



**Comments on the Maryland DOT Managed Lanes Study
Draft Environmental Impact Statement by
Neighbors of the Northwest Branch
October 14, 2020**

My name is Anne Ambler. I live at 12505 Kuhl Road, Silver Spring, MD 20902. As president of the Neighbors of the Northwest Branch of the Anacostia River, I am authorized to speak on its behalf concerning the Draft Environmental Impact Statement (DEIS) on beltway and I-270 expansion. Neighbors of the NW Branch, with members and supporters in Montgomery and Prince George's counties, is chartered in Maryland and dedicated to the ecological protection and restoration of the Northwest Branch.

We oppose all of the “Build” alternatives. We support the “No-Build” option. At the very least, a preferred alternative should not be chosen until the true monetary and environmental costs of the entire project are known. In the case of the Northwest Branch and its tributary Sligo Creek, these costs relate not only to deconstruction and construction damage to the Northwest Branch Stream Valley Park, and expansion and staging area damage to Sligo Creek, but continuing damage from the increased polluted runoff from two to four additional lanes of concrete. In addition, our members would be deprived of the enjoyment of the parks, subjected to worse air quality, and stuck with possibly immense monetary costs from relocation of major WSSC assets for a project that would, according to the traffic analysis in DEIS Chapter 3, likely worsen rather than improve mobility in the region for most residents.

At 19,000 pages, the DEIS represents quite a *tour de force*, and yet it fails to provide the information needed to guide such a huge undertaking, while offering abundant evidence that the project **should not proceed**. Given our concern with the restoration of the Northwest Branch, we focus on how the DEIS treats it and Sligo Creek, with the understanding that their treatment is just one small part of this mistaken proposal, but applicable to all.

Legal Requirements for this DEIS

National Environmental Policy Act (NEPA) Environmental Impact Statements must describe the affected environment and discuss any resulting direct effects, indirect effects, and cumulative impacts (40 C.F.R. Section 1508(a) and (b), and 40 C.F.R. Section 1508.7). They must then address **“all relevant, reasonable mitigation measures that could improve the project”** and **“use all practicable means...to restore and enhance the quality of the human environment and avoid or minimize any possible adverse**

[environmental] effects” (40 C.F.R. Sections 1500.2, 1502.14(f) and 1502.16(h)). In other words, the expected damage must be described and mitigation discussed in enough detail that environmental consequences can be realistically evaluated.

The highway expansion project also must answer to **Section 4(f)** of the **Department of Transportation Act**, which **requires avoidance where possible, minimization of impacts, and then mitigation**, actually limiting use of parks, recreation area, or wildlife refuges; and **Section 106 of the National Historic Preservation Act (NHPA)** which requires agencies to account for and consider a project’s impacts to historic sites and cultural properties.

We believe this Draft Environmental Impact Statement fails to meet NEPA DEIS, 4(f), and NHPA requirements.

Chapter 5 (Table 5-2) recognizes that both the Northwest Branch Stream Valley Park Unit 3 and Sligo Creek Park and Parkway qualify as 4(f) and require individual evaluation. Sligo Creek Parkway also qualifies as a historic property.

Starting with the Northwest Branch: We are frankly horrified at the deconstruction/construction proposals as discussed in Appendix M, Section 3.3.4 and in Appendix F, Section 2.1.23 B. Although the two discussions differ by 40 feet in how high the existing bridge is and do not agree on some other details, one can piece together the following plan:

Bulldozers would gouge switchbacks 50 feet wide nearly 140 feet down almost vertical slopes on both sides of the stream. Trucks and cranes would descend to stream level, break up and lower the bridge span pieces onto trucks and carry them back up the switchbacks. Service roads would be cut through the park on both sides of the valley to connect with the existing roadway. A temporary bridge 140 feet up, 45 feet wide and 105 feet long with deep footings would be constructed over the valley. No bridge at stream level is mentioned. The permanent bridge would have “multi-column piers 120-130 feet tall...founded beneath the Northwest Branch stream invert” (Appendix M, Section 3.3.4). **Although the report recognizes this as a very difficult construction environment, no mention is made of the sewer trunk line that risks being cut or crushed by these activities.**

Avoidance measures discussed are deconstruction from the surface rather than from the valley, a longer bridge, and off-site staging; or rehabilitation of the existing spans. These are ruled out as very much more expensive (Appendix F, Section 5.1.8B). The required “**minimization**” **consists of limiting the dual switchbacks to the south side of the Beltway**, even though, according to the report, deconstruction and reconstruction

would be greatly facilitated by switchbacks on the north side as well. What do you suppose would happen in the final design?

It is not hard to imagine the muddy surges of runoff resulting from these actions, especially as the area experiences increasingly heavy rains from our changing climate, *which incidentally is nowhere mentioned in the report*. Heavy sedimentation will clog the gills of the fish, and post construction, the NWB will be dealing with runoff from an additional four lanes of roadway. Further, because the ROW for the current spans is part owned by MDOT and the rest under an easement, the report says **that damage there does not count as an impact to a 4(f) property. No mitigation is necessary** (Appendix F, Section 2.1.23 A).

The DEIS **does not analyze just *what* impacts are expected specifically here and thus exactly what needs to be mitigated**. It merely says that up to 7 acres, up to 794 linear feet of the main stem, and up to 794 linear feet of tributaries will be **impacted** (Table 3-4, Appendix M, p. 23). Then the reduced requirement for **mitigation** of harm to the Northwest Branch is left to the permitting process and off-site mitigation (Appendix L, Section 2.4.3 C). The water quality trading credits discussed would not help the NWB, and **no Northwest Branch mitigation sites appear on the mitigation site table** (Appendix N, Section 6.2), despite our understanding that **the law requires on-site mitigation for 4(f) properties**.

Sligo Creek Parkway and Sligo Creek

According to the Avoidance and Minimization Report (Appendix M), the Sligo Creek culvert would need neither replacement nor widening to accommodate 4 more lanes (!), so “no targeted avoidance or minimization is possible in this location” (Appendix M, Section 3.3.4). Table 3-10 shows up to 549 linear feet affected. However, contrary to Appendix M, according to the draft Section 4(f) evaluation, **the culvert would indeed need to be augmented**, and construction and staging use of the park would require up to 4.1 acres. These activities include “tree removal, grading, movement of construction vehicles and materials, and construction and operation of a stormwater management facility” Appendix F, Section 2.2.17, B). Two tee boxes would also need to be moved.

As with the Northwest Branch SVP, some of these activities would occur within the easement MDOT already has, so the damaged area needing mitigation is reduced from 4.1 to just 3.2 acres. Again, there is **no discussion of exactly what impacts would be expected or how they would be mitigated, leaving that to permitting and off site mitigation credits, although the park would apparently be used for some stormwater runoff from the highway by way of the new stormwater pond**.

In addition to requiring more explicit discussion of impacts and mitigation than is offered, NEPA requires this discussion **now, during the NEPA review process, when an alternative lacking such impacts might be chosen instead**. But missing from consideration **is such an alternative**. All the screened alternatives have basically the same impact. Transit considerations were dismissed for cost, and demand management was dismissed because it didn't "add capacity" (Appendix F, Section 3.3.3). **Contrary to NEPA requirements, the Purpose and Need statement was drawn so narrowly that only additional lanes of concrete with tolls would qualify.**

The extensive maps of the project (e.g., Appendix F, Figure 2-16, Map 13 of 35) show narrow limits of disturbance, minimizing the acknowledged impact to the Northwest Branch and Sligo Creek. It defies reason to expect the affected area to be limited to where the switchbacks are cut or where the access roads and staging areas are placed. What about the runoff from two or four additional lanes of polluting vehicles? The muddy runoff will affect fish viability and pollutant load far downstream. **By making the limits of disturbance so narrow, the DEIS fails to recognize and analyze the real impacts, which reach much farther.**

Considering the entire DEIS, we are very concerned about the plans and calculation method for stormwater management overall. The existing lanes of the beltway were built without adequate stormwater control. The DEIS says that stormwater controls will be provided at 50% for lanes dug out to the underlying dirt. But these will be very few. Yet all will be reconstructed, and all existing lanes need stormwater control. Further reducing the linear stream feet deemed to require mitigation is a deduction overall by the width of existing bridges (Appendix N, Section 4.1).

Admittedly, adequate mitigation anywhere along the beltway is problematic. The report describes *in general* the severe environmental impacts of road construction (e.g., Chapter 4, Section 4.13.3; Appendix L, Section 2.4.3, C) --tree loss, erosion, increases in sediment loads, nutrient pollution, thermal effects, fish mortality, heavy metal and sodium chloride contamination, etc. These pages demonstrate the folly of trying to add more lanes of concrete to the beltway. The DEIS acknowledges in several places that the beltway corridor is a highly developed area with no more room for development or impact remediation (e.g., Chap. 2, Section 2.7.2; Appendix M p. 42; Appendix Q p. 6.) Fifteen years ago, this very fact was a major argument for constructing the Intercounty Connector instead of expanding the beltway, despite the significant environmental and community destruction caused by cutting a new six-lane divided highway through forested land, across 5 stream valleys, and bisecting several communities.

The DEIS in Appendix L describes in detail, based on an outdated 2010 report, the existing condition of the Northwest Branch and Sligo Creek (Appendix L, Section 2.4.2, E & F), and the "current" water quality based on testing from several years ago (Appendix L, Section 2.4.3, E & F). It lists the Northwest Branch as a Use IV stream, that is, intended

to be clean enough to support fish. Sligo Creek is a Use I stream, intended for water contact recreation. Note that Summer-fall 2020 testing by the Anacostia Riverkeeper (obviously not included in the DEIS), partly carried out by NNWB members, indicates that the current bacterial load is too high for safe contact in either stream.

Under the Clean Water Act, the Northwest Branch has been given a Total Maximum Daily Load (TMDL) limit for bacteria as part of the effort to address pollution in the Anacostia River. It is not under that limit.

Given the already poor quality of the streams, the expansion project will all but ensure that the Northwest Branch and Sligo Creek will fail to comply with the Clean Water Act. This degradation will harm the humans, wildlife, and the flora that call these streams home, as they will encounter higher numbers of pollutants. How then will Montgomery and Prince George's counties meet their requirements under the Chesapeake Bay TMDL? Maryland should not be in the business of making it harder for counties to comply with clean water standards.

Conclusion

The DEIS, despite its 19,000 plus pages and extensive maps, does not meet its legal obligations under NEPA, the Transportation Act Section 4(f), and Section 106 of the National Historic Preservation Act with respect to the Northwest Branch and Sligo Creek. It very probably does not meet these obligations throughout the report.

On the other hand, the DEIS demonstrates very clearly that adding tolled lanes of concrete is a "solution" that no longer makes sense. We urge that state planners instead work with the local jurisdictions to analyze current and future mobility needs in light of climate change and COVID-19 adaptations. The full range of options produced by this process will be more worthy of the state of Maryland and will position our state for a prosperous future.

Respectfully submitted,



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