MONTGOMERY COUNTY FAITH ALLIANCE FOR CLIMATE SOLUTIONS – NANCI WILKINSON

From: nanci wilkinson <nanciwilkinson@gmail.com>
Sent: Tuesday, October 27, 2020 10:02 AM
To: MLS-NEPA-P3
Subject: Public Comment on I-495 and I-270 Managed Lanes Study Draft Environmental Impact Statement
Attachments: MCFACS best with signature Beltway Widening.pdf

Dear Sirs:
Please find attached the testimony of the Montgomery County Faith Alliance for Climate Solutions (MC-FACS) of October 27, 2020 for the NO BUILD Alternative for the above proposed project. MC-FACS is a volunteer
organization comprising over 52 diverse congregations and groups that unites people of all faiths in Montgomery County to help solve the climate emergency that is threatening our earth.
Thank you.

Walter Weiss
Montgomery County Faith Alliance
for Climate Solutions

1

SEE RESPONSE ABOVE TO **MONTGOMERY COUNTY FAITH ALLIANCE FOR CLIMATE SOLUTIONS – WALTER WEISS**.

MONTGOMERY COUNTY FAITH ALLIANCE FOR CLIMATE SOLUTIONS SUPPORTS THE NO BUILD ALTERNATIVE

The Montgomery County Faith Alliance for Climate Solutions (MC-FACS) supports the No Build Alternative for the Beltway Expansion project. MC-FACS is a volunteer organization comprising over 52 diverse congregations and groups in Montgomery County that unites people of all faiths to help solve the climate emergency that is threatening our earth.

MC-FACS objects to the proposed Expansion of I-495 and I-270 as the project conflicts with the justice, equity and compassion principles that confirm the inherent worth and dignity of every person. The marginalized communities living near the project widening would be massively impacted by air pollution from the carbon emissions, disruption of community bonds, loss of homes and community centers. Such impacts were overlooked in the Draft Environmental Impact Statement (DEIS). According to the DEIS, 109 places of worship are located within the economic justice analysis, most of which are low income. (Appendix E Table 3-10) The harmful particulates in the greenhouse gas emissions would increase during and after construction of the Beltway, endangering public health. Low income communities cannot afford to use either the managed (toll) lanes or the time lost in the intentionally slower (general) lanes in the proposed widened Beltway. These inequities are heightened by the lack of adequate bus and transit transportation. An example of the removal of graves in the

Comments addressed above

historic Moses Morningstar Cemetery because of the Beltway expansion would be the second huge impact on this low income community which was split in the early 1960's by the original Capital Beltway with the cemetery on one side and the community church on the other.

The Beltway Expansion would completely conflict with the Maryland Greenhouse Gas Reduction Act of 40% reduction by 2030. The list of negative environmental impacts includes the degradation of waterways and wetlands. The Limits of Disturbance (LOD) were not thoughtfully examined in all their social, economic and cultural elements. The five year construction period was barely mentioned, yet it would have huge implications for human well being, health and work issues. It would be foolhardy to have the Limits of Disturbance examined only after the final design and engineering by a private contractor.

The DEIS fails to satisfy the stated purpose (to improve traffic) and needs (to protect the environment) that it was instructed to do. Key among these issues are that the DEIS:

- 1st, fails to conduct and display the required "hard look" at the potential for adverse health and environmental impacts including environmental justice effects, especially in light of recently curtailed national air pollution, fuel efficiency, and other rules. This violates rules allowing the public to understand and comment and allowing relevant agencies to completely consider impacts and mitigations,

Comments addressed above

- 2nd, uses an overly narrow set of options, which are simply variations on a theme of highway expansion and tolls, with no meaningful variety and especially any local-serving transit and related options, which thus violates EIS rules regarding the need for a reasonable range of alternatives, as clearly described in cases such as NRDC v. Morton, 1972,
- 3rd, fails to address the pandemic's effects, per 40 CFR 1502.9(c)(1), which states that agencies shall prepare supplements if there are significant new circumstances or information. This is a monumental omission that demands a full stop to the process until adequate supplements are developed and given proper public review,
- 4th, will not pay for itself as claimed, but rather will cost the state billions, especially given the pandemic's long-term effects, and yet no itemized budget has ever been shared, which is yet another violation of the rules, and
- 5th, perhaps the most significant issue of all, lacks any consideration of county, state, or international climate crisis plans, without even one mention of climate effects in the DEIS, and with flawed and laughable assumptions such as little or no increase in vehicle miles traveled (VMT). To be clear, this failure ignores the very real and existential impact on our sheer existence and that of every other species, which would be—and this is no exaggeration—a crime against humanity and nature.

Comments addressed above

The total impact on about 80 acres, which this proposed project is attempting to buy, use or usurp by eminent domain includes:

47 different parks (6 national & 41 local and regional)
130 acres of parkland
1500 acres of tree canopy
130 miles of stream beds
410 acres of sensitive & unique Areas
16 acres on the C&O Canal (construction for 5 yrs)
One third of Plumbers Island
Road widening loss of tree canopy
69.3 acres on BW Pkway
1.8 acres on Clara Barton Pkway
12.2 acres on GW Pkway
10 mile segment of Rock Creek Park
52-63 acres of impervious surface runoff in Rock Creek Watershed
Historic properties
Many schools

Many Montgomery County congregations including Christ Congregational Church in Indian Springs would be significantly impacted by the taking of land and community assets with the Beltway Widening. Cedar Lane Unitarian Universalist Church, would be greatly impacted by this project, although the DEIS chart lists it as "no impact". The natural habitats and walking trails of Rock Creek Park are part of Cedar Lane's appreciation of spirituality in nature. The creek, the estuaries and wildlife adjoining Beach Drive and our church grounds are a community gathering place. The noise level is already extremely high and would be higher with this project.

Comments addressed above

Construction on the Beltway widening would remove the natural habitat surrounding Rock Creek and would result in stream degradation and increased sedimentation. The Draft Environmental Impact Statement states this removal of natural habitat would be mitigated but, because it would take place in an area far removed from this affected part of Rock Creek, is not a true mitigation as it can never replace the existing forest, wildlife and plant life. The DEIS would give "water quality credits" for mitigation purposes which would amount to buying rights and easements in other wetlands far from the affected area. Healthy rivers and streams require a natural buffer from human development due to erosion and pollution runoff. The 52-63 acres of impervious surface water runoff in Rock Creek watershed would put forests at risk throughout the affected 10 mile segment. Storm water management would be increasingly strained on already insufficient piping, and the relocation of 27 miles of required WSSC water and sewer lines would cost approximately 1 billion dollars, an item not addressed in the DEIS economic impact. Finally, beyond the local and county concerns for parkland is the climate havoc this widening proposal would have on our personal health and lack of clean air in Montgomery and Prince George's Counties. More lanes of traffic would bring more cars and more carbon emissions and less reliance on alternative modes of travel that have much lower carbon output. Why are	Comments addressed above

alternatives such as increased mass transit, rapid rail, rapid bus lanes and many other options not being seriously considered? Why can we not learn from other areas that have tried more lanes and found the disappointing effects of sometimes bankrupt private partnerships, high tolls and even more congestion in single driver cars? This Beltway Expansion proposal is a threat to our health and would adversely impact our climate. We must take action to prevent this. MC-FACS supports the No Build Alternative. Walter Weiss October 27,2020 Montgomery County Faith Alliance for Climate Solutions	Comments addressed above

MONTGOMERY PRESERVATION, INC. – EILEEN MCGUCKIAN

From: Eileen McGuckian <phileen3@verizon.net>
Sent: Monday, November 9, 2020 1:53 PM
To: MLS-NEPA-P3
Cc: Steve Archer; elizabeth.hughes@maryland.gov; beth.cole@maryland.gov; tim.tamburrino@maryland.gov; sara.love@house.state.md.us; rebeccah.ballo@montgomeryplanning.org; councilmember.friedson@montgomerycountymd.gov; ebankjs@verizon.net
Subject: DEIS Comments -- MDOT SHA I-495 & I-270 Managed Lanes P3 Program
Attachments: MPI DEIS COMMENTS 11.2020.docx

Hon. Nicole R. Nason, Administrator
Federal Highway Administration
Washington, DC 20590

Hon. Aimee Jorjani, Chair
Advisory Council on Historic Preservation
Washington, DC 20001

Lisa B. Choplin, DBIA Director, I-495 & I-270 P3 Office
Maryland Department of Transportation, SHA
Baltimore, MD 21201

Jeanette Mar, Environmental Manager
Maryland Division, **Federal Highway Administration**
Baltimore, MD 21201

Steve Archer, Cultural Resources Team Leader
Maryland DOT, State Highway Administration
Baltimore, MD

Attached find a letter from Montgomery Preservation, Inc., a Consulting Party for the referenced project, with comments on the DEIS.

Our comments reflect concern about historic resources in Montgomery County: Moses Morningstar Hall/Cemetery and Gibson Grove AME Zion Church in Cabin John, and Montgomery County Poor Farm Cemetery in Rockville

Thank you very much,

Eileen McGuckian, President
Montgomery Preservation, Inc.

1

See responses to your comments on the following pages.

LETTERHEAD and November 9, 2020

Hon. Nicole R. Nason, Administrator
Federal Highway Administration
Washington, DC 20590

Hon. Aimee Jorjani, Chair
Advisory Council on Historic Preservation
Washington, DC 20001

Lisa B. Choplin, DBIA Director, I-495 & I-270 P3 Office
Maryland Department of Transportation, SHA
Baltimore, MD 21201

Jeanette Mar, Environmental Manager
Maryland Division, **Federal Highway Administration**
Baltimore, MD 21201

Re: MDOT SHA I-495 & I-270 Managed Lanes P3 Program – DEIS Comments
Historic resources in Montgomery County: Moses Morningstar Hall/Cemetery and Gibson Grove AME Zion Church in Cabin John, Montgomery County Poor Farm Cemetery in Rockville

#1

Montgomery Preservation, Inc. (MPI), as a recognized Consulting Party for the referenced project, calls your attention to insufficient analysis and safeguards provided to three historic resources identified in the Draft Environmental Impact Statement now under review.

The three sites are Moses Morningstar Cemetery (M: 35-212) and Montgomery County Poor Farm Cemetery (18MO266), two burial grounds listed in the Montgomery County Burial Sites Inventory (adopted by Montgomery County Planning Board in May 2019) and Gibson Grove A.M.E. Zion Church (M: 29-39), designated on the Montgomery County Master Plan for Historic Preservation in 1993.

All three of these sites require and are worthy of further documentation and analysis in the EIS. All three are placed at serious risk under the known plans for this road program, and they are located within the LOD for the proposed project.

Moses Morningstar Tabernacle No. 88 Hall and Cemetery and Gibson Grove A.M.E. Zion Church are prominent historic resources, extant representatives and the heart of the thriving post-Emancipation African American community in Cabin John. Thoughout this year, MPI has been participating in documentation, clean-up, and title clarification activities on behalf of the cemetery. Both sites were so damaged by construction of the Capital Beltway in the 1960s and would be so adversely affected by this current road project that avoidance is the only appropriate strategy to employ.

The Montgomery County Poor Farm cemetery is an archaeological resource identified by the National Park Service and in the County Burial Sites Inventory. Construction of the interstate in the 1950s unearthed human remains that were near the known cemetery area of this 130-acre property, and subsequent construction projects in the 1980s and 1990s resulted in removals of more human

Response to DEIS Comment #1

MDOT SHA has been continuing investigation of the Morningstar Tabernacle No.88 Moses Hall and Cemetery, and consultation with community representatives since publication of the DEIS and the SDEIS. The Preferred Alternative avoids ground disturbance of the Morningstar Tabernacle No.88 Moses Hall and Cemetery and MDOT SHA will commit to context-sensitive treatment of the cemetery through a Programmatic Agreement developed in compliance with Section 106 of the National Historic Preservation Act. The Gibson Grove First Agape AME Zion Church structure will not be affected, although there will be temporary construction use of a portion of the property. MDOT SHA will stipulate measures to avoid, minimize, or mitigate effects to the church as part of the Section 106 Programmatic Agreement. MDOT SHA acknowledges there is some potential for human remains associated with historic properties to be present adjacent to the Morningstar Tabernacle No.88 Moses Hall and Cemetery and in the general location of the Montgomery County Poor Farm, which are not currently accessible for the types of thorough archaeological investigation necessary to definitively identify interments. MDOT SHA will work with the developer to minimize LOD to the maximum extent practicable in these areas. The Treatment Plan included in the Programmatic Agreement will include proposed investigations to identify and evaluate potential graves or human remains in specified sensitive areas to the maximum extent practicable to ensure avoidance or treatment prior to final design and construction.

#1 Cont

remains, some of which were reinterred elsewhere. While at any given time small numbers of dependent, needy persons were living at this institution, burials over some 200 years did add up to a substantial amount. Without question, more human remains can be expected to be discovered in place when new construction begins.

Federal, State, and local protections need to be aggressively invoked within the Managed Lanes project. All three were adversely impacted by either the 1950s or the 1960s construction of these interstate highways. These previous physical and environmental impacts must be must be taken into account while evaluating current plans, that propose to add further cumulative impacts. Without fully analyzing these sites and possible effects, SHA cannot adequately evaluate alternatives that could avoid or mitigate negative impacts on recognized historic sites.

Both avoidance and mitigation

#2

I am writing in support of the ongoing efforts of the Friends of Moses, a recognized consulting party of descendants and community stakeholders under NEPA and Section 106 for MDOT SHA's I-495 & I-270 Managed Lanes P3 project, to protect, restore, and preserve the Morningstar Moses Hall and Cemetery, as well as the Gibson Grove First Agape A.M.E. Zion Church, in Cabin John, Maryland. As you are aware, both of these historic cultural resources are threatened by MDOT SHA's I-495 & I-270 P3 Program Phase I.

#3

I insist that consulting parties be assured to have meaningful input and review of all phases of site design and its associated decision-making, and it is imperative that the MDOT SHA's P3 partner commit to this as a requirement of the State.

Sincerely,

_____

cc:
Steve Archer, MDOT SHA - sarcher@mdot.maryland.gov
Elizabeth Hughes, Director, Maryland Historical Trust and SHPO
Hon. Sidney Katz, President, Montgomery County Council
Friends of Moses Hall morningstarmosescj@gmail.com
Rebeccah Ballo, Montgomery Planning rebeccah.ballo@montgomeryplanning.org
Bankheads
Tim Tamborrino

Response to DEIS Comment #2
Through the Section 106 review, MDOT SHA has completed extensive historical and archaeological research that thoroughly documents the Morningstar Tabernacle No. 88 Moses Hall Cemetery and its significant features, allowing the Preferred Alternative to avoid all known impacts. MDOT SHA will continue to work with the community through the project's Programmatic Agreement.

Response to DEIS Comment #3
The first draft of the PA was provided in March 2021 and the revised PA was shared in January 2022. The revised PA incorporated changes and more detail based on input received from the Section 106 consulting parties including the Friends of Moses Hall. The Final PA will be included with the FEIS.

MULTIPLE ORGANIZATIONS – JEANNE BRAHA

From: Jeanne Braha <jbraha@rockcreekconservancy.org>
Sent: Tuesday, August 25, 2020 7:48 AM
To: jeanette.mar@dot.gov; 495-270-P3
Cc: Josh Tulkin; Jeanne Braha
Subject: Request for extension of comment period on Draft Environmental Impact Statement for 495/270 P3

August 25th, 2020

Jeanette Mar
Environmental Program Manager
Federal Highway Administration, Maryland Division
George H. Fallon Federal Building
31 Hopkins Plaza, Suite 1520
Baltimore MD 21201
jeanette.mar@dot.gov

Lisa B. Choplin
Project Director
I-495 and I-270 P-3 Project Office
Maryland Department of Transportation State Highway Administration
707 North Calvert Street, Mail Stop P-601
Baltimore MD 21202
495-270-P3@sha.state.md.us

Dear Ms. Mar and Ms. Choplin,

#1 We, the undersigned organizations, strongly urge the Maryland Department of Transportation State Highway Administration and the Federal Highway Administration (Agencies) to announce that the Draft Environmental Impact Statement (DEIS) of the proposed I-495 & I-270 Public-Private Partnership (P3) Program posted on the website on July 10, 2020 was incomplete, and provide an itemized list of what changes were made to the posted DEIS after it was originally posted and when these changes were made. The Agencies must then extend the comment period to **90 days from the day of that announcement**.

This announcement should be sent to all interested parties and at least everyone who signed up to receive email updates. We request that the Agencies explain whether any of the in-person viewers of the DEIS and appendices viewed the incomplete DEIS. We request a list of all the locations in which the full DEIS document and all appendices can be viewed in hard copy.

#2 The Agencies released a DEIS of the proposed I-495 & I-270 Public-Private Partnership (P3) Program on July 10, 2020 for public review. After this official release there were then changes made to the posted documents. These changes were reported in *Bethesda Magazine*, and the changes bring the already voluminous DEIS to over 19,000 pages. The changes to the initial posting are verifiable by anyone who downloaded documents on the first day and by the Wayback Machine capture from the morning of Saturday, July 11 which has a different file name for Appendix C Traffic Analysis Technical Report than the one online today.
By law, the public is entitled to review entire documents in relation to the over 70 mile, $11 billion proposed project, which is expected to have significant negative impacts on parklands, taxpayers, communities, climate, and public health. The project will impact dozens of community resources such as schools, parks, hospitals, local businesses, and more. Downstream impacts of the project would range from Rock Creek Park in our region all the way to the Chesapeake Bay in relation to stormwater runoff.

1

Response to DEIS Comment #1
The DEIS and supporting technical studies were made available from July 10, 2020 to November 9, 2020, a total of 123-days. Refer to Chapter 9, Section 3.7 for a response to comments related to public involvement and engagement.

Response to DEIS Comment #2
On July 10, 2020, the DEIS was released on the I-495 & I-270 P3 Program website and on the U.S. Environmental Protection Agency (USEPA) EIS Database webpage, along with all supporting technical reports. The agency included technical reports consistent with existing (and proposed revised) NEPA regulations, which state that if an agency prepares an appendix to an EIS, that appendix "shall be circulated with the EIS or be readily available on request." See 1502.18 (19)

The full set of DEIS and 19 technical documents was available at the in-person DEIS viewing locations in hard copy (DEIS and JPA) on iPads (Technical Reports) starting on July 10th and all documents in hard copy at two of the MDOT SHA in-person DEIS viewing locations also starting on July 10th. The full set of documents were also available on the USEPA EIS Database website as referenced in the Federal Register.

However, on July 11, 2020 staff noted that supporting documents (technical appendices) to 2 of the 19 technical reports, the Alternatives Technical Report and Traffic Technical Report, were not immediately uploaded to the I-495 & I-270 P3 Program website. Again, the underlying Reports summarized in the DEIS were available, only a few supporting appendices to these reports did not appear on the website. It was immediately corrected and within 24-hours of the original uploading of the DEIS, the missing supporting documents were uploaded to the P3 Program website.

#2 Cont

Under both the old and new NEPA regulations, the Agencies are required to circulate the appendices with the environmental impact statement or for them to be readily available upon request. 40 C.F.R. § 1502.18; 85 Fed. Reg. 43,304, 43,366 (July 16, 2020) (to be codified at 40 C.F.R. § 1502.19). By changing the version of Appendix C and belatedly posting Appendix A & B (together adding over 1,600 pages), the Agencies did not meet this requirement and provided an incomplete DEIS. Everyone who downloaded the files before the Agencies updated the appendices, including many of the undersigned organizations, has unknowingly been reviewing incomplete information. As the Agencies have access to the download numbers, we request to know how many people downloaded documents in error.

It is unclear why the Agencies didn't inform and still haven't informed those people that they did not receive the entire environmental impact statement. Until the Agencies do so, the 90 day comment period cannot begin; it would arbitrarily shorten the comment period for those people or worse, leave some of the public commenting on incomplete information, and would be unlawful. Further, the Agencies must add public hearings at least 15 days after the Agencies provide notice to the public that the posted DEIS was incomplete. 40 C.F.R. § 1506(c).

Respectfully submitted,

Alliance for Regional Cooperation
Audubon Naturalist Society
Baltimore Transit Equity Coalition
Cedar Lane Unitarian Universalist Church Environmental Justice Ministry
Central Maryland Transportation Alliance
Chesapeake Bay Foundation
Citizens Against Beltway Expansion
Coalition for Smarter Growth
Conservation Montgomery
Corazón Latino
Dontwiden270.org
DoTheMostGood Montgomery County
Forest Estates Community Association
Friends Of Sligo Creek
Glen Echo Heights Mobilization
HoCo Climate Action
Interfaith Power & Light (DC.MD.NoVA)
League of Women Voters of Maryland
Maryland Conservation Council
Maryland Legislative Coalition
Maryland Sierra Club
Maryland Native Plant Society
National Parks Conservation Association
Neighbors of the Northwest Branch
North Hills of Sligo Creek Civic Association
Rock Creek Conservancy
Sunrise Howard County
Takoma Park Mobilization Environment Committee
The Advocacy Committee at Greater Greater Washington
The Canto Law Firm, LLC
Unitarian Universalist Legislative Ministry of Maryland
Washington Area Bicyclist Association
WISE
Wyngate Citizens Association

--

2

Comments addressed above.

Jeanne Braha
Executive Director
Rock Creek Conservancy
7200 Wisconsin Avenue, Suite 500, Bethesda, MD 20814
jbraha@rockcreekconservancy.org
301-579-3105

Friend us on Facebook
Follow us on Twitter
Follow us on Instagram

3

This page is intentionally left blank.

NATIONAL PARKS CONSERVATION ASSOCIATION – PAMELA GODDARD

From: Pamela Goddard <PGoddard@npca.org>
Sent: Tuesday, November 3, 2020 3:38 PM
To: MLS-NEPA-P3; john.j.dinne@usace.army.mil; MDE.SHAprojects@maryland.gov
Subject: : I-495 & I-270 Managed Lanes Study Draft Environmental Impact Statement/Draft Section 4(f) Evaluation and Joint Federal/State Application (JPA)

November 3, 2020

Lisa B. Choplin, DBIA
Director, I-495 & I-270 P3 Office
Maryland Department of Transportation State Highway Administration
I-495 & I-270 P3 Office
707 North Calvert Street
Mail Stop P-601
Baltimore, MD 21201

Jack Dinne
USACE Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201-2930

Steve Hurt
MDE Wetlands and Waterways Program
1800 Washington Blvd., Suite 4300
Baltimore, MD 21230-1708

Submitted via email to MLS-NEPA-P3@mdot.maryland.gov, john.j.dinne@usace.army.mil, MDE.SHAprojects@maryland.gov

Re: I-495 & I-270 Managed Lanes Study Draft Environmental Impact Statement/Draft Section 4(f) Evaluation and Joint Federal/State Application (JPA)

To Whom It May Concern:

#1 I am writing on behalf of the 1.4 million members and supporters of the National Parks Conservation Association, a nonpartisan nonprofit organization dedicated to preserving and protecting our national park sites for present and future generations. We are writing to share our support for *Alternative 1: No Build* listed in the Draft Environmental Impact Statement (DEIS) of the I-495 & I-270 Managed Lanes Study.

#2 We oppose the build alternatives in the proposed highway expansion because:

- this project would cost billions of dollars with $1 billion or more borne predominantly by Maryland taxpayers with little public benefit;
- decades of studies demonstrate that building more highways will not alleviate traffic congestion and transit-friendly alternatives were not considered;
- changes in traffic patterns due to the coronavirus have not been assessed;

1

Response to DEIS Comment #1
Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.

Response to DEIS Comment #2
Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.

Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.

#2 Cont

- impacts to economically challenged populations have not been studied;
- the DEIS purpose and need is written so narrowly that it precludes viable alternatives to building more roads;
- the proposed expansion would negatively impact seven national parks sites; and
- the DEIS and the 4(f) evaluation are incomplete, preventing agencies and the public from knowing the true impacts of the highway expansion and how these impacts could be avoided or mitigated.

A Supplemental EIS and a Revised Section 4(F) Evaluation are Necessary Before a Final EIS is Released

#3

Because the DEIS's analysis is incomplete, it is impossible for the Agencies to assess, and the public to comment on, the Project's impacts. In numerous instances throughout the DEIS, it is stated that the information required will be shared in the final EIS, which is contrary to the law. The Agencies cannot wait until a final EIS is complete to analyze the Project's impacts, as it will then be too late for the public to meaningfully comment on them and for the Agencies to consider the public's comments and choose the alternative that best alleviates the impacts based on this information. In addition, the Section 4(f)
Evaluation is incomplete because the Agencies did not complete the full identification of historic resources and the full extent of their use. The Agencies also failed to address the direct and indirect impacts to these historic resources.

We respectfully request that the Agencies conduct a supplemental EIS and a revised Section 4(f) Evaluation to provide the public the ability to meaningfully review and comment on potential impacts **before** a final EIS is produced.

The National Parks Conservation Association has worked with a coalition of groups and individuals including the Maryland Sierra Club, the Audubon Naturalist Society, the Rock Creek Conservancy, and the Coalition for Smart Growth, represented by the law firm Jill Grant & Associates, to submit group comments on the DEIS. NPCA wholly supports the coalition comments as submitted. We are submitting this letter in addition to the coalition comments to share our specific concerns regarding impacts to our national park sites by the *I-485 & I-270 MANAGED LANES STUDY DEIS.*

Impacts to Seven National Park Sites

#4

As proposed, this project would harm more than 130 acres of park lands, comprising almost 100 acres at six national parks sites including Greenbelt Park, the Chesapeake & Ohio Canal National Historical Park, the George Washington Memorial Parkway, the Clara Barton Memorial Parkway, the Baltimore-Washington Parkway, and Suitland Parkway. These parks would lose woodlands, nature trails and recreational sites, as well as habitat for wildlife and endangered plants. In total, 1,500 acres of forest canopy would be lost, nearly 30 miles of streams would be affected, and four acres of wetlands would be filled.

The project would also create an additional 550 acres of new pavement in the region, increasing polluted stormwater runoff in Rock Creek Park and the Chesapeake Bay. The DEIS seeks to place stormwater abatement infrastructure in the parks, taking additional park acreage and requiring the National Park Service to manage the stormwater impacts, rather than leaving that responsibility with the Maryland Department of Transportation. Finally, this project would increase air pollution and greenhouse gas emissions throughout the region.

Greenbelt Park, the Chesapeake & Ohio Canal National Historical Park, George Washington Memorial Parkway, Clara Barton Memorial Parkway, Baltimore Washington Parkway, Suitland Parkway, and Rock Creek Park are each listed or eligible for listing in the National Register of Historic Places.

C & O Canal, Greenbelt, and Rock Creek Parks

The C & O Canal, Greenbelt and Rock Creek Parks provide critical green space to outdoor enthusiasts in an urban area. Visitation has increased dramatically during the coronavirus pandemic. Constructed in the early 19^{ih} century, the **Chesapeake & Ohio Canal** connected growing industrial areas west of the Appalachian Mountains with Atlantic ports and trade. For almost 100 years it served as a critical link in bringing coal to power the Mid-Atlantic region before becoming a

2

Response to DEIS Comment #3
Refer to Chapter 9, Section 3.3.D for a response to Analysis of Alternatives Retained for Detailed Study.

Refer to Chapter 9, Section 3.4.C for a response to analyses of parklands and historic resources.

Response to DEIS Comment #4
The Preferred Alternative would have an estimated permanent impact of 1.0 acres to the Chesapeake and Ohio Canal National Historical Park, and an estimated temporary impact of 9.1 acres during construction.

The Preferred Alternative would have an estimated permanent impact of 0.6 acres to George Washington Memorial Parkway, and an estimated temporary impact of 3.8 acres during construction.

The Preferred Alternative would have an estimated permanent impact of 1.1 acres to Clara Barton Parkway, and an estimated temporary impact of 0.7 acres during construction.

Thank you for your comment concerning impacts to The Baltimore-Washington Parkway, Suitland Parkway, and Greenbelt Park. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because Baltimore-Washington Parkway, Suitland Parkway and Greenbelt Park are located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

#4 Cont

national monument in 1961. The highway expansion threatens up to 16 acres of the canal. Expanding the nearby highway overpasses will increase air, noise, and light pollution, hindering enjoyment of many of the historic locks used to allow boat crossing in the past and the towpath along its bank that is visited by millions each year. Within the Canal lies the ecologically and historically unique Plummers Island that is known for its incredible biodiversity and wide ranging geologically features. Up to 50% of this island could be impacted by the expansion. And the DEIS states that sections of this national park site would be closed to visitors for up to five years during highway construction, preventing the enjoyment of this park by the over 5 million hikers, campers, bicyclists, and outdoor enthusiasts who visit the park each year.

Greenbelt Park, a green oasis in the midst of the greater DC region, is beloved by the over 150,000 annual visitors who come to hike, bike, picnic or camp to escape the bustle of the city. Proposed elevated traffic ramps and sound walls will encroach into the park's Perimeter Trail, one of the park's most utilized features by cyclists, runners, and hikers. Increased traffic noise and highway lighting will negatively impact the park experience for those sleeping in the park's 174 camp sites or hiking its trails.

Rock Creek Park provides over 2000 acres of green space to the DC area's 2.2 million visitors yearly, all brought to life by the creek itself. Multiple stream valley units north of the park protect its water quality, wildlife habitat, and connectivity. More than 4 of these acres could be impacted, creating a ripple effect into Rock Creek Park itself. The addition of up to 63 miles of impervious surfaces, removal of trees and vegetation, and soil degradation from construction activity upstream will damage the park's water quality and overall environmental health.

Scenic Parkways

Parkways are a special class of national park intentionally designed as a scenic road to connect sites of historic significance. Four Scenic Parkways, three of which are listed on the National Register of Historic Places, would be damaged by the highway expansion. The **Baltimore-Washington Parkway** faces almost 70 acres of the park paved or otherwise disrupted. This parkway was designed to welcome visitors to our nation's capital. **Clara Barton Memorial Parkway** leads visitors to the home of Barton, founder of the American Red Cross, in Glen Echo, Maryland.

Over 12 acres of one of our oldest parkways, the **George Washington Memorial Parkway,** is at risk. This parkway connects over 7.5 million motorists to sites honoring George Washington, Clara Barton, Teddy Roosevelt, and Lady Bird Johnson each year.

Built during World War II, **Suitland Parkway** was created to provide a direct route from military facilities and the United States Capitol. Like the Baltimore-Washington Parkway, Suitland Parkway is listed on the National Register of Historic Places. Maryland DOT states in the DEIS that it does not know the full extent of the impact to Suitland; that it may seek complete ownership of the Parkway or complete use under a Special Use Permit. The fact that the DEIS cannot identify potential acreage and impacts to this park site dramatically underscores the need for a supplemental EIS before a final EIS is released.

The proposed expansion will require numerous changes to each parkway experience including the additions of large signs both metal and electric, access and exit ramps that disrupt the flow of traffic along the parkway, the addition of large elevated exit and entrances, and new overpasses. Parkways were never intended to serve as commuter routes and the highway expansion would increase speed limits, leading to even more noise pollution. Large trucks are currently not allowed on the parkways to prevent noise and air pollution and it is unclear in the DEIS if this restriction will remain. Noise abatement is not discussed in the DEIS for the parkways. The proposed highway expansion will escalate polluted stormwater runoff, remove important habitat, fragment wildlife corridors, spread invasive plants, and increase noise and visual intrusion on these scenic parkways.

Finally, complete impacts to the national parks by the proposed highway expansion is difficult to determine because the DEIS is so sorely lacking in specific details. Because the project would be designed and construction by a so far unknown

3

Comments addressed above.

#4 Cont

private company, the limits of disturbance (LOD) can only be estimated by MDOT. The Maryland National Capital Park and Planning Commission's Special Project Manager Carol S. Rubin stated in an October 19 briefing memo to the Commission that "there is significant risk that the LOD will be much larger than what is reflected in the DEIS". She also noted that "M-NCPPC has identified numerous locations where the LOD does not appear adequate for construction of these outfalls, necessary perennial stream stabilization, and roadway infrastructure." Not knowing the actual LOD makes it impossible for the public to know what will be impacted and therefore unable to comment on these impacts. The Commission unanimously voted to oppose the project.

USACE and MDE Must Reject Clean Water Permits

#5

Although all build alternatives in the DEIS would have substantial direct impacts to streams, wetlands, and floodplains, Maryland Department of Transportation State Highways Administration (MDOT SHA) has not demonstrated that practicable alternatives have been analyzed and that the regulated activity has no practicable alternative. The U.S. Army Corps of Engineers and the Maryland Department of the Environment must reject MDOT's application for a Clean Water Act Section 404 permit or any alteration of a floodplain waterway tidal or nontidal wetland in Maryland unless and until MDOT SHA demonstrates that impacts have been avoided, minimized and/or mitigated.

On behalf of the National Parks Conservation Association, we reiterate our support for *Alternative 1: No Build* listed in the Draft Environmental Impact Statement (DEIS) of the I-495 & I-270 Managed Lanes Study. We urge both the U.S. Army Corps of Engineers and Maryland Department of the Environment to deny any Clean Water Act Section 404 permit and any permit to alter a floodplain wetland under Maryland law for this proposal. Finally, we strongly urge MDOT SHA to conduct a Supplemental EIS to complete the multitude of gaps in the present DEIS before a final EIS is released.

Sincerely,

Pamela E Goddard

Pamela E Goddard
Senior Program Director,
Mid-Atlantic Region
National Parks Conservation Association
pgoddard@npca.org
202.604.3781

Headquarters
777 6th Street, NW, Suite 700
Washington, DC 20001
P 202.NAT.PARK | 202.628.7275 NPCA.org

Pamela E. Goddard
Senior Program Director, Mid-Atlantic Region I National Parks Conservation Association
Your parks. Your turn.

4

Response to DEIS Comment #5

MDOT SHA has demonstrated that impacts have been avoided and minimized to the greatest extent practicable at this stage of design and has provided a comprehensive mitigation plan in the JPA package, which includes an Avoidance, Minimization, and Impacts Report and the Final Compensatory Mitigation Plan.

A Supplemental Draft Environmental Impact Statement (SDEIS) was prepared to consider new information relative to the Preferred Alternative, Alternative 9 - Phase 1 South. Building off the analysis in the existing DEIS, the SDEIS disclosed new information relevant to the Preferred Alternative focusing on new information while referencing the DEIS for information that remains valid. The SDEIS also described the background and context in which the Preferred Alternative, Alternative 9 - Phase 1 South was identified. The SDEIS was available for the public to review and comment on the Preferred Alternative during a 60-day comment period.

NATIONAL PARKS CONSERVATION ASSOCIATION – KYLE HART

I-495 and I-270 Managed Lanes Study
Joint Public Hearing Testimony

Name: Kyle Hart

Joint Public Hearing Date: 9/3/2020

Type/Session: Live Testimony/Afternoon

Transcription:

No worries, no worries. My name is Kyle Hart, K-Y-L-E, H-A-R-T and I live at 1714 13th Street, Northwest Washington, D.C., 20009. Today, I'm speaking on behalf of the National Parks and Conservation Association, NPCA. I am also a regular user of the dozens of local parks that this proposal would impact. NPCA works daily to protect and enhance America's National Parks system and preserve it for present and future generations. We have over 70,000 members and

#1 supporters in the Maryland, Virginia, and D.C. region. NPCA fully opposes the proposed widening of I-495 and I-270 as written in the DEIS. At this time, Alternative 1, No Build is the only considered alternative that we could support. This proposal will directly impact 47 parks, including six distinct

#2 units of the National Park System, Greenbelt Park, Chesapeake and Ohio Canal, George Washington Memorial Parkway, Clara Barton Parkway, the Suitland Parkway, and Baltimore Washington Parkway. It will also indirectly impact Rock Creek Park and all of the other numerous National Park units downstream of this proposal all the way into the Chesapeake Bay. In total 100 acres of the National Park, about 100 acres of the National Park land fall within the limit of disturbance. This is of course, not to mention the numerous more acres of local and regional parks under threat. Parks in developed areas are now more important than ever. COVID lockdowns have pushed people in this region to parks in droves. And any attempt to turn 130 acres of these park lands into pavement is simply unacceptable in our eyes. The Department of Transportation Act of 1966, Section 4(f) stipulates that all DOT agencies cannot approve the use of land from publicly owned parks and recreation areas unless there is no feasible and proven alternative to the use of the land.

#3 However, many alternatives to this massive highway expansion were not studied in depth in this DEIS. They were scratched at the very, very outset. Alternatives 2, 12a, 12b, 13a, 14a, 14b, 14c, and 15 would all likely have negligible impacts on park lands and reduce traffic to some degree. Therefore, NPCA urges MDOT SHA to go back to the drawing board and fully study the numerous alternatives that were scratched in the very beginning of this DEIS. The public deserves to know what those alternatives could look like, their potential for traffic reduction and their impacts to park and community resources. Only then should MDOT move forward on making a final decision on this project. NPCA looks forward to submitting more comments in depth on this proposal in the future and continuing to participate in this process. Thank you for your time.

Response to DEIS Comment #1
MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 – Phase 1 South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.

Response to DEIS Comment #2
The Preferred Alternative would have an estimated permanent impact of 1.0 acres to the Chesapeake and Ohio Canal National Historical Park, and an estimated temporary impact of 9.1 acres during construction.

The Preferred Alternative would have an estimated permanent impact of 0.6 acres to George Washington Memorial Parkway, and an estimated temporary impact of 3.8 acres during construction.

The Preferred Alternative would have an estimated permanent impact of 1.1 acres to Clara Barton Parkway, and an estimated temporary impact of 0.7 acres during construction.

Thank you for your comment concerning impacts to The Baltimore-Washington Parkway, Suitland Parkway, and Greenbelt Park. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because Baltimore-Washington Parkway, Suitland Parkway and Greenbelt Park are located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

Response to DEIS Comment #3
Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.

NATIONAL PARK SEMINARY MASTER ASSOCIATION – CHRIS OSWALD (EMAIL)

From: Chris Oswald <cj.oswald@gmail.com>
Sent: Friday, November 6, 2020 7:52 PM
To: MLS-NEPA-P3
Cc: Lois Todhunter; Marty Reed; Xiomara Metcalfe; Bob Biersner; Vos, Dave
Subject: Comments--DEIS, I-495 and I-270 Managed Lanes Study
Attachments: NPSMA DEIS Comments (Final 201106)_signed.pdf

Ms. Choplin:

I have attached comments that the National Park Seminary Master Association (NPSMA) has prepared regarding the Draft Environmental Impact Study for the I-495 and I-270 Managed Lanes Study. I am submitting these comments on behalf of Lois Todhunter, President of the NPSMA's Board of Directors.

We appreciate consideration of our comments by the Maryland State Highway Administration. If you have any questions regarding these comments, please contact me at cj.oswald@gmail.com or Lois Todhunter at lois.todhunter@gmail.com.

Sincerely,
Chris Oswald
Treasurer
National Park Seminary Master Association

1

This page is intentionally left blank.

This page is intentionally left blank.

NATIONAL PARK SEMINARY
Modern Living | Historic Setting
www.nationalparkseminary.org

Lois Todhunter
President
Board of Directors
National Park Seminary Master Association
9610 Dewitt Dr., #SH102
Silver Spring, MD 20910

November 6, 2020

Lisa B. Choplin, DBIA
Director, I-495 & I-270 P3 Office
Maryland Department of Transportation State Highway Administration
I-495 & I-270 P3 Office
707 North Calvert Street
Mail Stop P-601
Baltimore, MD 21201

Dear Ms. Choplin:

I am pleased to submit the following comments regarding the Draft Environmental Impact Study (DEIS) for the I-495 & I-270 Managed Lanes Study (the Project) on behalf of the National Park Seminary Master Association (NPSMA). The NPSMA Board of Directors has authorized me to submit these comments on behalf of the entire NPSMA membership.

The National Park Seminary (NPS) is a unique historic (recently renovated) residential community of single-family homes, condominiums, townhouses, and apartments located in the Forest Glen section of Silver Spring, MD, with almost 900 linear feet abutting I-495 just south of the noise reduction barriers installed during the previous highway expansion. Our Master Association, a registered homeowners association in the State of Maryland, encompasses 25 acres of land that includes 7 single-family homes; 90 townhomes; 76 condominiums; a county-managed, 20-bed facility currently used as office space for homeless housing assistance organizations; and 66 apartments. Six of the single-family homes, and all the condominiums and apartments, are situated in historic structures. Forty-four of the 66 apartments are Section 42 affordable housing units, reserved for those with incomes at or below 60% of our area's median income, creating a diverse neighborhood serving people of all incomes. NPSMA estimates that over 500 residents live here, including between 100 and 130 residents (adults and children).

Much of NPS is located within the 21-acre National Park Seminary Historic District in the Forest Glen neighborhood section of Silver Spring—which is listed on the National Register of Historic Places and on the State of Maryland's Inventory of Historic Sites. As such, our property is subject to Section 106 of the National Historic Preservation Act. Our Historic District encompasses all our historic structures, which date back to 1887 as well as the heavily wooded and variable terrain that provides the setting and environmental context that is significant to the historic character of the buildings. Even the DEIS itself acknowledges this by noting, "Elements that contribute to the significance of the historic site include the 22 standing structures, *surrounding wooded landscape*, stone retaining walls, statuary, numerous walkways, and numerous footbridges."[1] [Emphasis added.]

The community's grounds are open to the public from dawn to dusk and are a unique and irreplaceable historic, cultural, and natural resource to Montgomery County and the State of Maryland. As noted on the nomination form that led to the property's inclusion in the National Register:

> [The] acres of wooded land create a rural vista in the midst of congested, suburban Washington. The Seminary grounds offer welcome open space and lend an air of bucolic dignity to homeowners in the vicinity.[2]

NPSMA Position Regarding the Project

#1

The NPS opposes all of the build alternatives[3] proposed in the DEIS. All would dramatically, directly, and adversely impact the NPS. We do support Alternative 1, the No Build Alternative.

We are extremely concerned by the insufficient and incomplete work in the DEIS, particularly with respect to the presumptive and problematic structuring of the project purpose and need, incomplete and insufficient alternatives analysis, woefully deficient assessments of alternative impacts and mitigation, and an insufficient public involvement process particularly given the extenuating circumstances of the COVID-19 pandemic.

Key NPSMA Concerns Regarding the Project Impacts

The NPSMA is concerned about the Project's impacts on the quality of life of the residents of the NPS and our neighbors in the surrounding communities of Forest Glen Park, Forest Glen, and Montgomery Hills. We also are concerned about the direct adverse impacts the Project will have on

---

[1] P. 61, Appendix F—Draft Section 4(f) Evaluation, *Draft Environmental Impact Statement and Draft Section 4(f) Evaluation*, May 2020.
[2] P. 7, *National Register of Historic Places Nomination Form—National Park Seminary Historic District,* September 14, 1972. (Available at https://catalog.archives.gov/id/106777846)
[3] Alternatives 8, 9, 9 Modified, 10, 13B, and 13C.

Response to DEIS Comment #1

Thank you for your comment concerning impacts to the National Park Seminary. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the National Park Seminary is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

Potential cost of utility relocation has consistently been factored into the overall estimates developed for the project. The reduced footprint of proposed improvements associated with the Preferred Alternative as compared to the Build Alternatives discussed in the DEIS, together with ongoing coordination to identify, avoid and minimize conflicts with existing infrastructure to the maximum extent practicable have lowered the cost estimates significantly. It is too early in the predevelopment process to determine the exact scope and cost of any utility relocations that may still be required, but it now appears that these costs will be significantly lower than WSSC's original estimates.

Refer to Chapter 9, Section 4.M for a response to impacts to utilities and associated cost of repairs as well as Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.

#1 Cont

our unique historic property. These concerns involve impacts that will occur during the construction of the Project and those that will occur for decades to come after the project is completed.

The NPSMA owns a large parcel of property that abuts I-495 as depicted in Figure 1. This parcel contains our historic glen and the tributaries of Rock Creek that run through it (referred to henceforth as "the Glen"). Numerous historic structures and architectural features are located within the Glen, a serene parklike setting that residents and the general public enjoy.

Figure 1

The Project will require relocation of the Linden Lane and CSX railroad bridges over I-495 onto the northwestern and northeastern corners of our property, causing adverse impacts to our historic site.[4]

From the Project diagrams shown in Map 68 of Appendix D of the DEIS[5] and Impact Plate 14A of the Joint Federal/State Permit Application (JPA) for the I-495 & I-270 Managed Lanes Study,[6] prepared concurrently with the DEIS, it appears that the Project will directly disturb more than an acre of NPSMA property in, and adjacent, to the Glen, with most of this area being proximate to historic

---

[4]P. 24, Appendix G—Cultural Resources Technical Report, Volume 1, *Draft Environmental Impact Statement and Draft Section 4(f) Evaluation*, December 2019.
[5]P. 69, Appendix D—Environmental Resource Mapping, *Draft Environmental Impact Statement and Draft Section 4(f) Evaluation*, June 2020.
[6]P. 26, Part 2A, Impact Plates, *Joint Federal/State Permit Application (JPA) for the I-495 & I-270 Managed Lanes Study*, April 2020.

Comments addressed above.

#1 Cont	 structures on our property, as well as an adjacent historic property. Appendix F of the DEIS indicates that between 1.2 and 1.3 acres of the NPS site would be directly impacted as part of the Project.[7] The natural setting of the Glen and historic structures therein would be replaced by bridge abutments and piers, and the tributaries to Rock Creek would be rechanneled. Moreover, it appears that at least some of the property acquired from us for the Project would be used to accommodate the relocated bridges. From our review of the documentation provided in the DEIS, the Project will have the following impacts on the NPSMA: • Irreversible alteration of historic and culturally significant National Park Seminary property, especially in the Glen on the northern portion of our property. • Increased noise impacts on NPS residents, particularly those residents who occupy historic, multistory NPS structures. These structures have top stories higher than proposed sound walls, exposing them to both direct and reflected noise from the increased traffic volumes served by the widened I-495 highway. The historic structures accommodate all forty-four Section 42 affordable housing units, raising associated environmental justice concerns. • Alteration of the natural course used by the tributaries of Rock Creek, identified in the DEIS as Delineated Features 16G and 16I, that flow through the Glen on the northern portion of the property, potentially adversely impacting water quality and changing the natural character of the Glen. • Disruption of the natural environment in the Glen, adversely affecting enjoyment of the Glen, which is open to both NPSMA residents and the general public, because of likely closures of substantial portions of the Glen during construction. • Substantial, but yet unassessed, construction impacts to the NPSMA's residents and their property, including noise, air quality, water quality, and parkland impacts. • As shown in Figure 2, I-495 is 20 to 30 feet above the floor of the Glen. Therefore, significant grading, embankment construction, and/or retaining wall construction will be needed to accommodate the southward widening of the highway. Extremely rough conceptual designs shown in the DEIS (e.g., DEIS Section 5.2.3), provide very little insight into where embankments or retaining walls would be constructed, and how they would impact the natural viewscape in the Glen. Although the DEIS states that "a retaining wall would be [7]P. 62, Appendix F—Draft Section 4(f) Evaluation, *Draft Environmental Impact Statement and Draft Section 4(f) Evaluation*, May 2020.	Comments addressed above.

#1 Cont

constructed from the shoulder of I-495, eliminating the need for construction access within the historic site,"[8] no preliminary designs or other evidence are presented regarding the feasibility of such an approach.

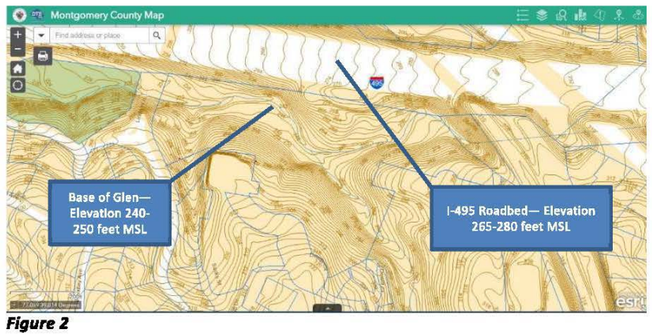


Figure 2

- **The planned relocation of the Linden Lane and CSX Railroad bridges would require intensive construction activity and construction vehicle access in the Glen itself. Stockpiling construction materials, and building staging areas, for the Project on or near the NPSMA would cause additional adverse impacts. The need for vehicle access into the Glen for construction of the relocated Linden Lane and CSX Railroad Bridges does not appear to be addressed in the DEIS at all.**
- **Adverse impacts to the local transportation networks on which NPSMA residents rely. These impacts would result from increased traffic volumes feeding onto and from I-495 from secondary routes such as Connecticut Avenue and Georgia Avenue, as well as increased traffic volumes on local roadways such as Linden Lane, Beach Drive, Forsythe Avenue, and Newcastle Avenue (which NPSMA residents use to access their property).**
- **Reductions in the value of the property owned by NPSMA members due to the aforementioned impacts and anticipated property takings required to accommodate the relocated CSX Railroad and Linden Lane bridges.**

[8] P. 55, *Draft Environmental Impact Statement and Draft Section 4(f) Evaluation*, June 2020.

Comments addressed above.

#1 Cont

Deficiencies in DEIS Mitigation Analyses

With respect to the impact assessment, the DEIS notes that the NPS "would be adversely affected" by the Project.[9] Although the specific impact acknowledged in the DEIS involves cultural resources, adverse impacts also include increased noise, reduced water quality, and the construction acquisition and activities noted above.

The significance of these adverse impacts is partially acknowledged in the DEIS. As the document states:

> The landscape of the National Park Seminary Historic District is an element that contributes to its significance; because the LOD would expand into the existing landscape and convert a portion of the property to highway use, the project would diminish the integrity of design and setting of the historic district. The park also contains an additional archaeological resource within the LOD (18MO514) requiring additional investigation to determine eligibility for the NRHP (see Section 4).[10]

Despite recognition of adverse impacts on the NPS, neither the DEIS nor the JPA provide substantive information regarding how these impacts would be mitigated, deferring this discussion to some undetermined point in the future. Additionally, neither document provides assessments of how construction activities and impacts would be accommodated during the many years of construction involved in completing the Project.

Regarding mitigation, the DEIS notes, "[The Maryland Department of Transportation State Highway Administration] will conduct consultation to identify mitigation to include in the [Programmatic Assessment] for properties that would experience an adverse effect under any of the Build Alternatives."[11] However, at the time of this writing, the NPSMA has not been consulted regarding the nature or extent of such mitigation. As the owner of the property, we believe that such consultation is essential.[12] Similarly, the NPSMA has not been consulted or notified by the MDOT SHA regarding the unavoidable impacts of the Project on the Glen during and after construction.

Undisclosed Costs and Project Impacts Associated with Utilities Relocations

NPSMA residents are alarmed by information disclosed by the Washington Suburban Sanitary

---

[9] P. 24, Appendix G-Cultural Resources Technical Report, Volume 1, *Draft Environmental Impact Statement and Draft Section 4(f) Evaluation*, December 2019.
[10] Ibid.
[11] P. 4-56, Ibid.
[12] Save Our Seminary, a volunteer, nonprofit membership organization formed in 1989 to preserve the unique historic resources at the National Park Seminary has been involved in the JPA consultation process, but the NPSMA—which represents the owners of the NPS property—has not.

Comments addressed above.

#1 Cont	 Commission (WSSC) in March 2020 regarding the scope and scale of sewer and watermain relocations that the Project would require, the cost of which are not currently included in Project as described and evaluated in the DEIS. Preliminary cost estimates made by WSSC for these relocations—which are only part of the underground utilities that would be impacted by the Project—are between $1.3 billion and $2 billion. Members of the WSSC's governing board noted that these costs would ultimately need to be passed on to rate payers—including NPSMA residents—in the form of increased water and sewer fees. The WSSC's CFO in a March 2020 hearing testified that the average cost to ratepayers would be more than $2,000 per household. Relocation of telecommunications, gas, electrical, and other utilities necessary for the Project would increase costs to ratepayers even more. **Conclusion** To reiterate, the NPSMA opposes all build alternatives due to the significant impacts all of them would have on NPSMA property, an irreplaceable historic, cultural, and environmental resource to Montgomery County and the State of Maryland. The NPSMA is proud to be one among a broad array of community stakeholders that oppose this ill-conceived project. The NPSMA appreciates this opportunity to submit comments regarding the DEIS for the Managed Lane Study. We hope that you and the Project Team give these comments due consideration. Please contact me if you have any questions regarding our comments. Sincerely, Lois Todhunter Lois Todhunter President cc: National Park Seminary Board of Directors	Comments addressed above.

NATIONAL PARK SEMINARY MASTER ASSOCIATION – CHRIS OSWALD (ORAL TESTIMONY)

I-495 and I-270 Managed Lanes Study
Joint Public Hearing Testimony

Name: Christopher Oswald

Date/Hearing: 8/25/20

Type/Session: Live/Evening

Transcription:

Christopher Oswald: Good evening. Hello? [FACILITATOR SPEAKS]. Sure. Sure. Thanks. Christopher Oswald (C-h-r-i-s-t-o-p-h-e-r-O-s-w-a-l-d) 9562 Ament Street in Silver Spring, Maryland 20910.

Good evening. My name is Christopher Oswald and I live at 9562 Ament Street in Silver Spring Maryland. I'm here tonight representing the National Park Seminary Master Association of which I'm a volunteer Board Member and Treasurer. The Master Association has authorized me to speak on their behalf. In addition to serving with the Master Association, I'm a civil engineer and planner with specialization in transportation. I've been involved with numerous National Environmental Policy Act efforts in my 25-year professional career. National Park Seminary is a unique, historic, and recently renovated residential community of single-family homes, condominiums, townhomes...townhouses, and apartments located in the Forest Glen section of Silver Spring, Maryland with approximately eleven hundred feet abutting the Capital Beltway just beyond the noise reduction barriers that were installed during the previous Capital Beltway expansion. Our Master Association, a registered homeowners association in the state of Maryland, encompasses 25 acres of land and include seven single-family homes, 90 townhomes, 76 condominiums, and a 20-bed transitional housing facility, and 66 apartments. Six of the single-family homes and all the condominiums and apartments are situated in historic structures, 44 of the 66 apartments are Section 42 affordable housing units reserved for those with incomes at or below 60 percent of the area's median income, creating a diverse neighborhood, serving people of all incomes. Much of the NPS is located within the 21-acre National Park Seminary historic district of the Forest...in the Forest Glen neighborhood section of Silver Spring, which is listed in the National Register... register of historic places and on the State of Maryland's inventory of historic sites. The historic district encompasses all of our historic structures, which date back to 1887. It also includes the heavily wooded and variable terrain that provides the setting and environmental character that was so significant to the historic functions of the building, a direct citation from the Natural...National Register. The community's grounds are open to the public from dawn till dusk and are unique in their irreplaceable historic and cultural and natural resource to Montgomery County, the State of Maryland, and the United States. The NPS opposes all the Build Alternatives proposed in the DEIS. All would dramatically, directly, and adversely affect our historic property as Marycon...Maryland tax payers or community members are also extremely concerned by the insufficient and incomplete work in the DEIS; particularly with respect to the presumptive and problematic structuring of project, purpose, and need. Incomplete and insufficient Alternatives analysis, woefully deficient assessments of Alternative impacts and mitigation, and an early insufficient public involvement process, particularly given the extenuating circumstances of the COVID-19 pandemic. We'll describe these concerns in our written comments later this fall. Tonight I wanted to focus on two specific issues: the Project's adverse and unmitigated impacts on our...on Seminary and it's woefully insufficient public involvement process. With respect to the impact assessment, there...the DEIS clearly states there would be significant impacts from all Build Alternatives on the NPS, but provides no information whatsoever on the scope...the scope of those impacts or mitigation. With respect to community involvement, we find it shameful that the MDOT and FHWA would deny request from numerous political leaders, community groups, and other stakeholders to extend the comment period in the DEIS, particularly since not all of the documents associated with the DEIS were published and made available to the public on the date that uh...uh, the comment period began...or our involvement period began. [FACILITATOR SPEAKS]. I understand the rush and I do thank you for your time and consideration of my comments.

#1

Response to DEIS Comment #1

Thank you for your comment concerning impacts to the National Park Seminary. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the National Park Seminary is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

NATIONAL PARK SEMINARY MASTER ASSOCIATION – LOIS TODHUNTER **From:** Chris Oswald **To:** Dinne, John J CIV USARMY CENAB (USA) **Cc:** Lois Todhunter; Marty Reed; Xiomara Metcalfe; Bob Biersner; Vos, Dave **Subject:** [Non-DoD Source] Comments--USACE Application Number (NAB-2018-02152) **Date:** Friday, November 06, 2020 7:44:37 PM **Attachments:** NPSMA JPA Comments_COE (Final 201106)_signed.pdf Mr. Dinne: I have attached comments that the National Park Seminary Master Association (NPSMA) has prepared regarding USACE Application Number (NAB-2018-02152), the Joint Federal/State Permit Application for the I-495 and I-270 Managed Lanes Study. I am submitting these comments on behalf of Lois Todhunter, President of the NPSMA's Board of Directors. We appreciate consideration of our comments by the U.S. Army Corps of Engineers. If you have any questions regarding these comments, please contact me at cj.oswald@gmail.com <mailto:cj.oswald@gmail.com> or Lois Todhunter at lois.todhunter@gmail.com <mailto:lois.todhunter@gmail.com> . Sincerely, Chris Oswald Treasurer National Park Seminary Master Association	Thank you for your comment concerning impacts to the National Park Seminary. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the National Park Seminary is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

NATIONAL PARK SEMINARY
Modern Living | Historic Setting
www.nationalparkseminary.org

Lois Todhunter
President
Board of Directors
National Park Seminary Master Association
9610 Dewitt Dr., #SH102
Silver Spring, MD 20910

November 6, 2020

USACE Baltimore District
Attn: Mr. Jack Dinne
2 Hopkins Plaza
Baltimore, MD 21201-2930

RE: USACE Application Number (NAB-2018-02152): Joint Federal/State Permit Application, I-495 & I-270 Managed Lanes Study,

Dear Mr. Dinne:

I am pleased to submit the following comments regarding the Joint Federal/State Permit Application Maryland (JPA) associated with the I-495 & I-270 Managed Lanes Study (the Project) on behalf of the National Park Seminary Master Association (NPSMA). The NPSMA Board of Directors has authorized me to submit these comments on behalf of the entire NPSMA membership.

The National Park Seminary (NPS) is a unique historic (recently renovated) residential community of single-family homes, condominiums, townhouses, and apartments located in the Forest Glen section of Silver Spring, MD, with almost 900 linear feet abutting I-495 just south of the noise reduction barriers installed during the previous highway expansion. Our Master Association, a registered homeowners association in the State of Maryland, encompasses 25 acres of land that includes 7 single-family homes; 90 townhomes; 76 condominiums; a county-managed, 20-bed facility currently used as office space for homeless housing assistance organizations; and 66 apartments. Six of the single-family homes, and all the condominiums and apartments, are situated in historic structures. Forty-four of the 66 apartments are Section 42 affordable housing units, reserved for those with incomes at or below 60% of our area's median income, creating a diverse neighborhood that serves people of all incomes. NPSMA estimates that over 500 residents live here, including between 100 and 130 residents (adults and children) in the Section 42 units.

Comments addressed above.

Much of NPS is located within the 21-acre National Park Seminary Historic District in the Forest Glen neighborhood section of Silver Spring—which is listed on the National Register of Historic Places and on the State of Maryland's Inventory of Historic Sites. As such, our property is subject to Section 106 of the National Historic Preservation Act. Our Historic District encompasses all our historic structures, which date back to 1887 as well as the heavily wooded and variable terrain that provides the setting and environmental character that was significant to the historic function of the buildings. Even the DEIS itself acknowledges this by noting, "Elements that contribute to the significance of the historic site include the 22 standing structures, *surrounding wooded landscape*, stone retaining walls, statuary, numerous walkways, and numerous footbridges."[1] (emphasis added)

The community's grounds are open to the public from dawn to dusk and are a unique and irreplaceable historic, cultural, and natural resource to Montgomery County and the State of Maryland. As noted on the nomination form that led to the property's inclusion in the National Register:

> [The] acres of wooded land create a rural vista in the midst of congested, suburban Washington. The Seminary grounds offer welcome open space and lend an air of bucolic dignity to homeowners in the vicinity.[2]

NPSMA Position Regarding the Project

The NPS opposes all the build alternatives[3] proposed in the Draft Environmental Impact Statement (DEIS) for the I-495 & I-270 Managed Lane Study, the Project for which the JPA has been submitted. All proposed build alternatives—including the State of Maryland's preferred Alternative 9—would dramatically, directly, and adversely impact the NPS. We do support Alternative 1, the No Build alternative.

We are extremely concerned by the insufficient and incomplete work in the DEIS, particularly with respect to the presumptive and problematic structuring of the project purpose and need, incomplete and insufficient alternatives analysis, woefully deficient assessments of alternative impacts and mitigation, and an insufficient public involvement process particularly given the extenuating circumstances of the COVID-19 pandemic. Furthermore, we believe that current assessments of the Project's impacts to the NPS and proposed mitigations of these impacts are deficient and incomplete. Consequently, we urge the United States Army Corps of Engineers (USACE) to reject the JPA it at this time.

---

[1] p. 61, Appendix F-Draft Section 4(f) Evaluation, *Draft Environmental Impact Statement and Draft Section 4(f) Evaluation*, May 2020.
[2] p. 7, *National Register of Historic Places Nomination Form—National Park Seminary Historic District*, September 14, 1972. (Available at https://catalog.archives.gov/id/106777846)
[3] Alternatives 8, 9, 9 Modified, 10, 13B, and 13C.

Comments addressed above.

Key NPSMA Concerns Regarding the Project Impacts

The NPSMA is concerned about the Project's impacts on the quality of life of the residents of the NPS and our neighbors in the surrounding communities of Forest Glen Park, Forest Glen, and Montgomery Hills. We also are concerned about the direct adverse impacts the Project will have on our unique historic property. These concerns involve impacts that will occur during the construction of the Project and those that will occur for decades to come after the project is completed.

The NPSMA owns a large parcel of property that abuts I-495 as depicted in Figure 1. This parcel contains our historic glen and the tributaries of Rock Creek that run through it (referred to henceforth as "the Glen"). Numerous historic structures and architectural features are located within the Glen, a serene parklike setting that residents and the general public enjoy.

Figure 1

The Project will require relocation of the Linden Lane and CSX railroad bridges over I-495 onto the northwestern and northeastern corners of our property, causing adverse impacts to our historic site.[4]

From the Project diagrams shown in Map 68 of Appendix D of the DEIS[5] and Impact Plate 14A of the Joint Federal/State Permit Application (JPA) for the I-495 & I-270 Managed Lanes Study,[6] prepared concurrently with the DEIS, it appears that the Project will directly disturb more than an acre of

[4]P. 24, Appendix G—Cultural Resources Technical Report, Volume 1, *Draft Environmental Impact Statement and Draft Section 4(f) Evaluation*, December 2019.
[5]P. 69, Appendix D—Environmental Resource Mapping, *Draft Environmental Impact Statement and Draft Section 4(f) Evaluation*, June 2020.
[6]P. 26, Part 2A, Impact Plates, *Joint Federal/State Permit Application (JPA) for the I-495 & I-270 Managed Lanes Study*, April 2020.

Comments addressed above.

NPSMA property in, and adjacent, to the Glen, with most of this area being proximate to historic structures on our property, as well as an adjacent historic property. Appendix F of the DEIS indicates that between 1.2 and 1.3 acres of the NPS site would be directly impacted as part of the Project.[7]

The natural setting of the Glen and historic structures therein would be replaced by bridge abutments and piers, and the tributaries to Rock Creek would be rechanneled. Moreover, it appears that at least some of the property acquired from us for the Project would be used to accommodate the relocated bridges.

From our review of the documentation provided in the DEIS, the Project will have the following impacts on the NPSMA:

- Irreversible alteration of historic and culturally significant National Park Seminary property, especially in the Glen on the northern portion of our property.
- Increased noise impacts on NPS residents, particularly those residents who occupy historic, multistory NPS structures. These structures have top stories higher than proposed sound walls, exposing them to both direct and reflected noise from the increased traffic volumes served by the widened I-495 highway. The historic structures accommodate all forty-four Section 42 affordable housing units, raising associated environmental justice concerns.
- Alteration of the natural course used by the tributaries of Rock Creek, identified in the DEIS as Delineated Features 16G and 16I, that flow through the Glen on the northern portion of the property, potentially adversely impacting water quality and changing the natural character of the Glen.
- Disruption of the natural environment in the Glen, adversely affecting enjoyment of the Glen, which is open to both NPSMA residents and the general public, because of likely closures of substantial portions of the Glen during construction.
- Substantial, but yet unassessed, construction impacts to the NPSMA's residents and their property, including noise, air quality, water quality, and parkland impacts.
- As shown in Figure 2, I-495 is 20 to 25 feet above the floor of the Glen. Therefore significant grading, embankment construction, and/or retaining wall construction will be needed to accommodate the southward widening of the highway. Extremely rough conceptual designs shown in the DEIS (e.g., DEIS Section 5.2.3), provide very little insight into where embankments or retaining walls would be constructed, and how they would impact the

[7] P. 62, Appendix F—Draft Section 4(f) Evaluation, *Draft Environmental Impact Statement and Draft Section 4(f) Evaluation*, May 2020.

Comments addressed above.

Mr. Jack Dinne
November 6, 2020
Page 5

natural viewscape in the Glen. Although the DEIS states that "a retaining wall would be constructed from the shoulder of I-495, eliminating the need for construction access within the historic site,"[8] no preliminary designs or other evidence are presented regarding the feasibility of such an approach.

Figure 2

- The planned relocation of the Linden Lane and CSX Railroad bridges would require intensive construction activity and construction vehicle access in the Glen itself. Stockpiling construction materials, and building staging areas, for the Project on or near the NPSMA would cause additional adverse impacts. The need for vehicle access into the Glen for construction of the relocated Linden Lane and CSX Railroad Bridges does not appear to be addressed in the DEIS at all.

- Adverse impacts to the local transportation networks on which NPSMA residents rely. These impacts would result from increased traffic volumes feeding onto and from I-495 from secondary routes such as Connecticut Avenue and Georgia Avenue, as well as increased traffic volumes on local roadways such as Linden Lane, Beach Drive, Forsythe Avenue, and Newcastle Avenue (which NPSMA residents use to access their property).

- Reductions in the value of the property owned by NPSMA members due to the aforementioned impacts and anticipated property takings required to accommodate the relocated CSX Railroad and Linden Lane bridges.

[8]P. 55, *Draft Environmental Impact Statement and Draft Section 4(f) Evaluation*, June 2020.

Comments addressed above.

Deficiencies in Mitigation Analyses

With respect to the impact assessment, the DEIS notes that the NPS "would be adversely affected" by the Project.[9] Although the specific impact acknowledged in the DEIS involves cultural resources, adverse impacts also include increased noise, reduced water quality, and the construction acquisition and activities noted above.

The significance of these adverse impacts is partially acknowledged in the DEIS. As the document states:

> The landscape of the National Park Seminary Historic District is an element that contributes to its significance; because the LOD would expand into the existing landscape and convert a portion of the property to highway use, the project would diminish the integrity of design and setting of the historic district. The park also contains an additional archaeological resource within the LOD (18MO514) requiring additional investigation to determine eligibility for the NRHP (see Section 4).[10]

Despite recognition of adverse impacts on the NPS, neither the DEIS nor the JPA provide substantive information regarding how these impacts would be mitigated, deferring this discussion to some undetermined point in the future. Additionally, neither document provides assessments of how construction activities and impacts would be accommodated during the many years of construction involved in completing the Project.

Regarding mitigation, the DEIS notes, "[The Maryland Department of Transportation State Highway Administration] will conduct consultation to identify mitigation to include in the [Programmatic Assessment] for properties that would experience an adverse effect under any of the Build Alternatives."[11] However, at the time of this writing, the NPSMA has not been consulted regarding the nature or extent of such mitigation. As the owner of the property, we believe that such consultation is essential.[12] Similarly, the NPSMA has not been consulted or notified by the MDOT SHA regarding the unavoidable impacts of the Project on the Glen during and after construction.

Conclusion

To reiterate, the NPSMA believes the DEIA and JPA provide insufficient and deficient assessments of the impacts of the proposed Project and mitigation alternatives. In addition, we—the owner of a

[9] P. 24, Appendix G-Cultural Resources Technical Report, Volume 1, *Draft Environmental Impact Statement and Draft Section 4(f) Evaluation*, December 2019.
[10] Ibid.
[11] P. 4-56, Ibid.
[12] Save Our Seminary, a volunteer, nonprofit membership organization formed in 1989 to preserve the unique historic resources at the National Park Seminary has been involved in the JPA consultation process, but the NPSMA—which represents the owners of the NPS property—has not.

Comments addressed above.

Mr. Jack Dinne November 6, 2020 Page 7 historic resource that will be directly impacted by the Project—have not been consulted regarding the Project nor any of the proposed mitigations during development of the DEIS and JPA. Given these substantive issues, we urge the USACE to reject the JPA at this time. The NPSMA appreciates this opportunity to submit comments regarding the JPA for the Managed Lane Study. We hope that you and the Project Team give these comments due consideration. Please contact me if you have any questions regarding our comments. Sincerely, Lois Todhunter Lois Todhunter President cc: National Park Seminary Board of Directors	Comments addressed above.

NEIGHBORS OF THE NORTHWEST BRANCH OF THE ANACOSTIA RIVER – ANNE AMBLER

Anne Ambler

Please see attached file.

This page is intentionally left blank.

Neighbors of the Northwest Branch

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.

#1

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**

Response to DEIS Comment #1

Thank you for your comment concerning impacts to Northwest Branch. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because Northwest Branch is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

#1 Cont

[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

Comments addressed above.

#1 Cont

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.**

Comments addressed above.

#1 Cont

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

Comments addressed above.

#1 Cont

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,

Anne Ambler
anne@neighborsnwb.org

Comments addressed above.

NEW MARK COMMONS HOMES ASSOCIATION

NEW MARK COMMONS Homes Association

#1

The Board of Directors of the New mark Commons (NMC) Homes Association wishes to express our support for the No Build option and its opposition to the other proposed alternative highway options in the draft Environmental Impact Statement (DEIS) to expand I-270 and I-495 currently under consideration by the State of Maryland Department of Transportation (MDOT).

NMC is a 53-year-old community of 384 homes (detached and townhouses) located in Rockville, just off of Exit 5 (Falls Road exit on I-270). In 2017, the community earned the distinction of being placed on the National Register of Historic Places.

While we welcome the State's interest in relieving automotive congestion on the thoroughfares, we are deeply concerned about the specific impact on our community. The interactive map posted by the State Highway Administration (SHA) clearly shoes that the already high noise levels in our area will increase significantly. Furthermore, the construction plans show substantial encroachment on adjacent property, including Julius West Middle School and lark land adjacent to our community.

#2

Like almost every other state, Maryland has seen a dramatic reduction in traffic due to COVID-19 and it is widely assumed that significant and perhaps dramatic increase in the number of people working from home will continue into the future. Maryland is struggling to revise and reduce its current budget to reflect a major loss of income due to ongoing pandemic. Given that reality, it is foolhardy to move forward with a multi-billion dollar highway expansion project at the time that may not be necessary to accommodate future traffic flows on I-270. If the State wishes to reduce traffic congestion, we believe attention must first be paid to widening I-270 to the north -- above Gaithersburg-- where the highway drops from 12 lanes near Exit 5 to a mere four lanes. Congestion is severe in both directions to the north of Gaithersburg during rush hours, and increasing on weekends.

Even MDOT recognizes this problem, yet it appears determined to proceed to make the project financially attractive for a private bidder who can generate significant revenues through the proposed toll lanes if I-270 is widened below Gaithersburg.

#3

The failure of the Purple Line project to be completed in a timely and cost-effective manner reveals the vulnerability of the public-private partnership. Moreover, the DEIS does not acknowledge the required expenditure of $1-2 billion dollars for the Washington Suburban Sanitary Commission (WSSC) to move and reconstruct water and sewage lines because of the construction of the toll road alternatives.

Significantly, the combination of the Purple line financial failure as a public private partnership and the lack of fully accounting for and acknowledging the toll alternatives financial impact on WSSC in the DEIS, raises serious questions about the criteria MDOT used to remove all public transit alternatives to this proposed project.

At the December 2018 Board of Public Works meeting, Comptroller Franchot outlined three criteria he would use in evaluating whether or not to support the project: 1) it should be environmentally responsible; 2) fiscally prudent; and 3) effective in resolving traffic congestion

Response to DEIS Comment #1
Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.

Response to DEIS Comment #2
Refer to Chapter 9, Section 3.1 for a response on Purpose and Need, effects of the Pandemic, and impacts of teleworking/remote working.

Response to DEIS Comment #3
Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.

#3 Cont	problems. In our judgement, the current plan fails to meet any of these critical objectives. As such, we respectfully urge the Board of Public Works to disapprove the current P3 proposal.	Comment addressed above.

NORTH COLLEGE PARK COMMUNITY ASSOCIATION – MARY COOK

From: Mary Cook <marycookcp@gmail.com>
Sent: Wednesday, October 28, 2020 3:22 PM
To: MLS-NEPA-P3
Cc: Council District 1; Garcia, Michelle J.; Jim Rosapepe; Lehman, Mary Delegate; Ben Barnes; Pena-Melnyk, Joseline Delegate
Subject: I-495 & I-270 DEIS comments

North College Park Community Association
4912 Nantucket
College Park, MD 20740

October 28, 2020

Ms. Lisa B. Choplin, DBIA
I-495 & I-270 P3 Program Director
I-495 & I-270 P3 Office
707 North Calvert St.
Mail Stop P-601
Baltimore, MD 21202

Re: Draft DEIS and Draft Section 4(f) Document
I-495 and I-270 Managed Lanes Study

Dear Ms. Choplin:

#1

At the October 8 meeting of the North College Park Community Association, the members voted to submit a letter regarding the I-495 & I-270 Managed Lanes Study DEIS/Draft Section 4(f) Evaluation as the residents of the area just north and south of the beltway in College Park will be directly impacted by the construction of managed lanes.

We must emphasize passionately that two dozen of our homes will have part of their backyards taken in support of this project. Some of us homeowners will be so close as to be able to offer beltway drivers a hamburger from our family barbecue.

Hundreds of other residents will suffer the ill effects of environmental damage that will come along with this project. We will suffer from air and noise pollution that will further deteriorate our quality of life and health. Such contaminants will lead to or exacerbate our asthma, COPD and cancer. The youth at the school situated right next to the beltway will also suffer the negative impacts.

Currently, the noise from the beltway, although buffered in some spots by noise walls, can be heard at least a half mile away forcing many of us to keep our windows closed.

Finally, since the College Park Polish Club bought the property at Edgewood Rd and 53rd Avenue in the 1970's, the six-acre plot has been a green buffer for the neighborhood. If the managed lanes are

1

Response to DEIS Comment #1
Thank you for your comment concerning impacts to the College Park Community Association and the Polish Club Property on Edgewood Road. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the College Park Community Association and Polish Club Property are located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

#1 Cont

constructed, the land will be razed, eliminating trees, decimating endangered species, and spoiling the local wetlands and wildlife habitat for the purpose of a staging area for construction vehicles. We would like to suggest the staging area be moved to an alternative site such as the Greenbelt Metro northern parking lot which will allow for the vehicles to be safeguarded while permitting them quick access to the project.

Finally, your department has never approached the Polish Club regarding the use of their property for the managed lanes project. However, they have stated in a letter to the College Park City Council that should the property be used as a staging area that it be returned to its natural state upon completion of the project.

We thank you for your time and consideration, and urge you to protect our properties and the local environment.

Sincerely,

Mary C. Cook
NCPCA President

Cc: County Councilmember Thomas Dernoga
Maryland District 21 Delegation

2

Comments addressed above.

NORTHERN VIRGINIA TRANSPORTATION ALLIANCE – JASON STANFORD

I-495 and I-270 Managed Lanes Study
Joint Public Hearing Testimony

Name: Jason Stanford

Joint Public Hearing Date: 9/3/2020

Type/Session: Live Testimony/Afternoon

Transcription:

My name is Jason, J-A-S-O-N, Stanford, S-T-A-N-F-O-R-D. My address is 8260 Greensborough Drive, McClain, Virginia. Thank you for the opportunity to comment on the 495 270 Managed Lanes Study today, I am the Executive Director of the Northern Virginia Transportation Alliance. For more than 30 years, the Alliance has been the visionary leader, advancing regional transportation solutions that improve our community's quality of life and economic prosperity. On behalf of the Alliance's members and partners in the Northern Virginia Transportation Business Coalition, which includes many of the largest Chambers and business organizations across Northern Virginia. I'm here today to reaffirm our strong support for this project, which is vital to the future of our region. In fact, the region's Transportation Planning Board adopted a Regional Express Lanes network as one of its top aspirational goals in 2018. Furthermore, we strongly urge you to move forward with Alternative 9, which will create a seamless connection with Virginia's HOT Lanes network dramatically increased travel reliability, reduce regional congestion and delays, and incentivize carpooling and transit ridership. According to the DEIS, Alternative 9 would reduce delays on 495 and 270 by 34 percent in both the AM and PM peak and local road network delays by seven percent in 2014. That translates into an average annual time savings of 72 hours for Maryland commuters. Even commuters in the non-toll lanes will see a significant time savings when compared to the No Build scenario and delays will be considerably less than under current conditions all the way out to 2040.

Moreover, congestion managed lanes create a new option for a faster, more reliable trip. Reliability is extremely important to economic development decisions, as well as the decision to carpool or take public transportation. In fact, reliability is a key driver of transit ridership, which is why Maryland is already working with Virginia to study and improve regional transit options using the new express lanes over the American Legion Bridge. This project will also inject $9 to $11 billion dollars of private funding into our economy at a time when we need it the most. This will result in tens of thousands of new jobs in our entire region over the next several years. Alternative 9 is also likely to lead to a windfall of $1 to $2.7 billion dollars from Maryland that could be used to further improve transit service and other transportation needs in this vital corridor. Doing nothing is not an option the No Build alternative leads to unacceptable levels of congestion that are not sustainable from an economic, environmental or quality of life standpoint. It's time for Maryland to move forward with improvements to the American Legion Bridge 495 and 270 that will benefit our community now. Thank you.

#1

Response to DEIS Comment #1
MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 – Phase 1 South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.

PAMUNKEY INDIAN TRIBE – TERRY CLOUTHIER

From: Terry Clouthier <terry.clouthier@pamunkey.org>
Sent: Thursday, July 23, 2020 3:22:49 PM
To: Caryn Brookman (Consultant) <CBrookman.consultant@mdot.maryland.gov>
Subject: RE: I-495 & I-270 Managed Lanes Study- Draft Environmental Impact Statement and Draft Section 4(f) Evaluation Notice of Availability

Good Afternoon,

My name is Terry Clouthier and I have recently been hired as the Cultural Resource Director for the Pamunkey Indian Tribe. I handle all consultation requests for NHPA. NAGPRA and NEPA.

Attached are our comments for the proposed undertaking.

Feel free to email if you have any questions

Sincerely,

Terry Clouthier

Pamunkey Indian Tribe
Cultural Resource Director
1054 Pocahontas Trail
King William, VA 23086

From: Caryn Brookman (Consultant) <CBrookman.consultant@mdot.maryland.gov>
Sent: Thursday, July 09, 2020 4:47 PM
To: Caryn Brookman (Consultant) <CBrookman.consultant@mdot.maryland.gov>
Subject: I-495 & I-270 Managed Lanes Study- Draft Environmental Impact Statement and Draft Section 4(f) Evaluation Notice of Availability

Good afternoon,

The Federal Highway Administration (FHWA) and the Maryland Department of Transportation State Highway Administration (MDOT SHA) have completed the Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation for the I-495 & I-270 Managed Lanes Study in Montgomery and Prince George's Counties, Maryland and Fairfax County, Virginia, with the ***Notice of Availability to be published in the Federal Register, tomorrow, July 10, 2020***. The DEIS includes traffic, environmental, engineering and financial analyses of the Build Alternatives and the No Build Alternative. The DEIS provides an opportunity for the public, stakeholders and agencies to review and provide comment on the proposed federal action and the adverse and beneficial environmental impacts and proposed mitigation for unavoidable impacts.

This page is intentionally left blank.

PAMUNKEY INDIAN TRIBE

Terry Clouthier
Cultural Resource
Director

TRIBAL GOVERNMENT
Tribal Office

1054 Pocahontas Trail
King William, VA 23086

(804) 843-2109
FAX (866) 422-3387

THPO File Number: 2020-497

Date: 07/23/2020

Caryn J. G. Brookman
Environmental Program Manager
Maryland Department of Transportation
State Highway Administration
707 North Calvert Street
P-601
Baltimore, MD 21202

RE: I-495 & I-270 Managed Lanes Study- Draft Environmental Impact Statement and Draft Section 4(f) Evaluation Notice of Availability

Dear Ms. Brookman,

#1

Thank you for contacting the Pamunkey Indian Tribe regarding the I-495 & I-270 Managed Lanes Study- Draft Environmental Impact Statement and Draft Section 4(f) Evaluation Notice of Availability. My office offers the following comments regarding the proposed signage.

We would like to remain consulting parties for the remainder of this undertaking.

Please forward any updates to these documents electronically to my office. We look forward to participating in the upcoming joint public meetings.

My office concurs with the findings within Appendix F and G and does not wish to comment further at this time.

Thank you for considering our cultural heritage in your decision-making process.

If you have any questions feel free to email me at terry.clouthier@pamunkey.org.

Sincerely,

Response to DEIS Comment #2
The Pamunkey Indian Tribe will remain a consulting party per the stated request.

POLISH CLUB OF COLLEGE PARK – MARY ANN JARVIS

From: mi17527035@aol.com
Sent: Monday, October 12, 2020 2:51 PM
To: cpmc@collegeparkmd.gov; MLS-NEPA-P3
Subject: Fwd: City letter about Beltway expansion - draft language about Polish Club Property

Sorry there was a delay in sending this to you. I was given an incorrect email. Thank you. Mary Ann Jarvis

-----Original Message-----
From: mi17527035@aol.com
To: L.M.Miovski@gmail.com <L.M.Miovski@gmail.com>; cmpc@collegeparkmd.gov <cmpc@collegeparkmd.gov>; fkabirA@collegeparkmd.gov <fkabirA@collegeparkmd.gov>; cityclerkoffice@collegeparkmd.gov <cityclerkoffice@collegeparkmd.gov>; planning@collegeparkmd.gov <planning@collegeparkmd.gov>
Sent: Mon, Oct 12, 2020 11:51 am
Subject: Fwd: City letter about Beltway expansion - draft language about Polish Club Property
,MLS-

-----Original Message-----
From: mi17527035@aol.com
To: cpmc@collegepark.gov <cpmc@collegepark.gov>; l.miovski@gmail.com <l.miovski@gmail.com>; cityclerkoffice@collegepark.gov <cityclerkoffice@collegepark.gov>; planning@collegepark.gov <planning@collegepark.gov>
Sent: Mon, Oct 12, 2020 11:28 am
Subject: City letter about Beltway expansion - draft language about Polish Club Property

#1

Good morning, I'm Mary Ann Navalaney Jarvis, President of the Polish Club of College Park, PNA Lodge #3191, It was Founded and chartered in 1970 by 25 College Park residents to promote the Polish American heritage in the Metropolitan Washington Area. Our organization has been the owner of this property since 1979 .The property was purchased in hopes of building a community center which would be used for our events such as dance lessons, a place for, our then. Polka Belles and Beaus dance group. We wanted a place to have our meetings, Christmas party, etc. We hoped that it also would be a place that the College Park residents could hold community meetings such as scouts, sports and club meetings. Plans were drawn and we presented them to the city. There were public forums with the residents about the plans. To our dismay, the residents were strongly opposed to our plans. We didn't move forward after that. We have always felt that this parcel of land should be part of the community.

Now, we don't have any immediate plans for the property. We've been approached numerous times by developers. We've repeatedly declined these proposals because we don't want to destroy the property with more houses. We feel it is important to have a green buffer in the community.

We would like the wording in the draft letter changed to reflect restoring the property to its natural sate **IF** it is must be used short term. We would very much like the state to look at alternative sites for the storage o equipment and storm water management pond.. We very such support the residents in their opposition to the States plans.

Please include me in all future communication regarding the Beltway Expansion. My email address is above. My phone # is 301-221-3909. Please note that I have included our Polish Club officers in this email so they are aware of the situation.

Thank you for your including us in our proposed communication to the state.

Sincerely,

Mary Ann Navalaney Jarvis, President
Polish Club of Collage Park, PNA Lodge #3191

1

Response to DEIS Comment #1

Thank you for your comment concerning impacts to the Polish Club Property on Edgewood Road. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Polish Club property is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

ROCK CREEK CONSERVANCY OFFICIAL SUBMITTAL

From: Jeanne Braha <jbraha@rockcreekconservancy.org>
Sent: Monday, November 9, 2020 2:32 PM
To: MLS-NEPA-P3; Lisa Choplin
Subject: Rock Creek Conservancy Comments on 495/270 DEIS
Attachments: 2020 11 09 RCC DEIS Comments to SHA 495 270.pdf

Please find attached comments from Rock Creek Conservancy. I appreciate your confirming receipt.

Thank you,
Jeanne

--
Jeanne Braha
Executive Director
Rock Creek Conservancy
7200 Wisconsin Avenue, Suite 500, Bethesda, MD 20814
jbraha@rockcreekconservancy.org
301-579-3105

Friend us on Facebook
Follow us on Twitter
Follow us on Instagram

1

Refer to page CO-410 for the full Rock Creek Conservancy comment letter and page CO-419 for the Rock Creek Conservancy comment response.

ROCK CREEK CONSERVANCY – JEANNE BRAHA

I-495 and I-270 Managed Lanes Study
Joint Public Hearing Testimony

Name: Jeanne Braha

Date/Hearing: 8/25/20

Type/Session: Live/Morning

Transcription:

Hi, I'm Jeanne Braha (J-E-A-N-N-E) Braha (B-R-A-H-A). I am the Executive Director of Rock Creek Conservancy. Our address is 7200 Wisconsin Avenue, Suite 500 in Bethesda, Maryland. 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. More than 4,500 Conservancy volunteers each year engage in people-powered restoration for our watershed. Rather than focus on the flawed approach the State has taken to the NEPA process, I'd like to use my time today to highlight the potential for major, and avoidable, impacts of the proposed project on Rock Creek. Given the lack of specificity and accountability suggested by the DEIS, the Conservancy is unable to support any but the No Build Alternative at this time. Of particular note, the DEIS fails to demonstrate there is no practicable alternative with less extensive impacts to wetlands, streams, and parks in the proposed expansions. One obvious alternative is the Maryland 200 or ICC Diversion Alternative, which would have avoided direct impacts on Rock Creek and avoided residential property takings.

#1

#2

Rock Creek is a primary driver of quality of life in our region for people and our ecosystem. Replacing land and/or mitigating damages to the Rock Creek Stream Valley Park with land miles away strips local residents of the quality of life benefits in favor of a short-lived travel time benefits for drivers and at a great cost to the taxpayers of Maryland. Approximately three miles of Rock Creek Stream Valley channels runs alongside the current Beltway and within Rock Creek Stream Valley Parks Units 2 and 3, managed by the Maryland-National Capital Park and Planning Commission. Section 4(f) of the US Department of Transportation Act mandates that projects like this may only use parks' recreation areas or wildlife refuges if no feasible and prudent alternatives exist. In its 4(f) review that the DEIS failed to consider alternatives, taking a significant wetlands and floodplains on parkland by only considering single-mode road alternatives. Data on Parks and Rec facilities were gathered using desktop sources. A project with this scale of impact merits careful analysis, including ground truthing of those assumptions. Had DEIS preparers walked the three miles of Rock Creek along the Beltway, they would have seen one of the largest remaining down county wetlands as well as migratory birds that use the Rock Creek Stream Valley parks as part of their migration along the Atlantic flyway. A more thorough investigation would allow for more qualitative, rather than just quantitative assessment of impact, ensuring the myriad ecosystem services of the area are protected. This might include building noise barriers along the highway to protect wildlife and recreational users from the significant noise more traffic will create.

#3

In addition, the DEIS fails to analyze the impacts of, the extent of, impacts the parklands, including their connection of the cohesive system, as required by Section 106 of the National Historic Preservation Act. The DEIS includes only rudimentary information about this National Register eligible site and does not consider the project proximity to impacts to parkland. The DEIS notes that in addition to permanent conversion of Rock Creek Stream Valley Units 2 and 3 to highway or transportation use, construction

#4

Response to DEIS Comment #1
Thank you for your comment concerning impacts to the Rock Creek Park. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Rock Creek Park is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

Response to DEIS Comment #2
In your comments on alternatives, you raised the concern about consideration of MD 200 as an alternative to avoid environmental resources. Following the Spring 2019 Public Workshops and agency meetings, several Cooperating and Participating Agencies requested that MDOT SHA evaluate an alternative that would provide an alternate route for travelers to use MD 200 (Intercounty Connector) instead of the top side of I-495 between I-270 and I-95 to avoid or reduce impacts to significant, regulated resources and residential relocations to that section of I-495. Refer to DEIS, Appendix B. Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.

Response to DEIS Comment #3
The Preferred Alternative impacts the MDE 12-Digit Rock Creek Watershed. The waterway impacts include two culverts that won't be touched, but were required by the regulatory agencies to be included as impacts. There are also 0.8 acres of new impervious surface being added within the MDE 12-Digit Rock Creek Watershed. Refer to Chapter 5, Section 5.13 for information on watersheds and Section 5.18 for information on aquatic biota and FEIS, Appendix M for additional details.

Response to DEIS Comment #4
The Preferred Alternative does not impact Rock Creek Stream Valley Park. Refer to Chapter 9, Section 3.4.C for a response to analyses of parklands and historic resources.

Also refer to page CO-410 for the full Rock Creek Conservancy comment letter and page CO-419 for the Rock Creek Conservancy comment response.

#4 Cont	I-495 and I-270 Managed Lanes Study Joint Public Hearing Testimony impacts may also temporarily diminish the integrity of the setting and feeling of the property. There's no doubt that there would be a diminishment in the setting and feeling of, to visitors each year. Rock Creek Park, a unit of the National Park Service, is just a few miles downstream of the Project area and would be adversely impacted by polluted stormwater runoff. The Capper-Cramton Act [INAUDIBLE] continuous Stream Valley protection extending from the National Park into Montgomery County. This Project would eliminate that. The Project will dramatically increase stormwater runoff to Rock Creek at a time when Maryland is struggling to manage suburban stormwater pollution. The alternatives retained for design would add between 52 and nearly 63 additional acres of impervious surface. Alternative 5, which was dropped in consideration, would add only 43 additional acres and the I-200 Diversion would add 0. [FACILITATOR SPEAKS]. I'm almost done. The Limits of Disturbance for the Project may need to be increased to accommodate on-site treatment of new and existing runoff to protect Rock Creek from the impacts of this roadway. Thank you.	Comment addressed above.

SAFE SILVER SPRING – TONY HAUSNER

I-495 and I-270 Managed Lanes Study
Joint Public Hearing Testimony

Name: Tony Hausner

Joint Public Hearing Date: 8/20/2020

Type/Session: Live / Morning

Transcription:

#1 This is Tony Hausner (H-A-U-S-N-E-R), I live at 203 Brewster Avenue, Silver Spring, Maryland, 20901. [FACILITATOR SPEAKS] I live in the Indian Spring neighborhood, which is immediately adjacent to the Beltway, just south of it, between Colso Road and University Boulevard. We have eight hundred homes. I have lived here for 43 years and involved in a number of transportation projects over the years. I oppose the managed lane plans for I-495 and I-270. I support transit solutions to the traffic issues raised by the DEIS. Widening the Beltway will result in the following impacts to our neighborhood, impacting a number of homes that are currently right next to the Beltway. They will at least lose a significant portion of their backyards and could lose more. The park and playground in the middle of our neighborhood would be significantly reduced, as well as the county recreation center, which is in the middle of the park, which I know makes great use of. I have the following comments on transportation issues as discussed in Chapter 3.

The DEIS study does not include all the way to Frederick, which is an essential part of the plan. The DEIS mentions the Corridor Cities Transitway, the Randolph Road BRT and North Bethesda Transitway. However, the DEIS does not take into account whether or not these projects will or will not be completed. If these projects were completed, it would significantly reduce the need for widening 270 and 495. Further, neither MDOT nor other agencies have made any commitments to these projects. In addition, MDOT considers other transit options beyond these projects, including the use of transit on the American Legion Bridge, as recommended by the Planning Commissions. The Planning Commissions recommended that the State examine the use, using the ICC as an alternative to widening the Beltway. The DEIS dismisses this alternative without providing any analysis. We are very skeptical that this Study has been adequately performed. Finally, the DEIS does not take into account the impact that COVID-19 has had on traffic. There has been a significant reductions in traffic due to teleworking. Much of these changes are likely to persist after COVID-19 ends. Studies by KPMG and the Maryland Transportation Institute project a 5 to 10 percent long-term decrease in traffic due to teleworking. And this is beyond the COVID-19 period. Further, MDOT has indicated there has been a 17 percent decrease in traffic already compared to last year. Thank you.

Response to DEIS Comment #1

Thank you for your comment concerning impacts to the Indian Spring neighborhood. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Indian Spring neighborhood is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.

The benefits of the proposed transit projects mentioned (Corridor Cities Transitway, Randolph Road BRT, and North Bethesda Transitway) are accounted for in the modeling, as noted on page 3-4 of the DEIS. The forecasts assume that all of those transit projects will be in place by the design year, and the forecasts account for potential reductions in automobile traffic due to travelers using transit instead. The results show that there is still a need for widening I-270 and I-495 despite these transit improvements.

SAVE OUR SEMINARY AT FOREST GLEN – BONNIE ROSENTHAL

From: Save Our Seminary <info@saveourseminary.org>
Sent: Sunday, November 8, 2020 1:05 PM
To: MLS-NEPA-P3; Lisa Choplin
Subject: Comments on DEIS for I-495 Managed Lanes Study
Attachments: DEIS comments_SOS_signed.pdf

We respectfully submit the attached comments from Save Our Seminary at Forest Glen Inc. (SOS) on the DEIS for the I-495 and I-270 Managed Lanes Study for your review and consideration. We appreciate this opportunity to comment on such important potential affects on the historic property of National Park Seminary in Silver Spring.

Bonnie Rosenthal
Executive Director
Save Our Seminary
9615 Dewitt Drive #68
Silver Spring, MD 20910
301-589-1715
info@saveourseminary.org
www.saveourseminary.org
www.facebook.com/SaveOurSeminary

This page is intentionally left blank.

SAVE OUR SEMINARY

AT FOREST GLEN

9615 Dewitt Drive #68
Silver Spring, MD 20910
301-589-1715
info@saveourseminary.org
www.saveourseminary.org

November 9, 2020

Ms. Lisa B. Choplin, DBIA
Director, I-495 & I-270 P3 Office
Maryland Dept. of Transportation State Highway Administration
707 North Calvert Street
Mail Stop P-601
Baltimore, MD 21201

RE: DEIS comments – National Park Seminary Historic District

Dear Ms. Choplin:

Our organization, Save Our Seminary at Forest Glen Inc. (SOS), has reviewed the Draft Environmental Impact Statement (DEIS) and submits the following comments specific to the National Register-listed National Park Seminary Historic District. While SOS has no ownership of the National Park Seminary buildings or grounds, our longtime involvement, deep knowledge of the history and development of the site, and our extensive archival collection confirm our capability both to comment on the proposed undertaking with authority and to express our concerns.

Save Our Seminary is a nonprofit membership organization formed in 1989 to marshal public and private support to preserve the National Park Seminary Historic District. We have largely succeeded in our original goals and continue under our mission to communicate the history of the National Park Seminary property and promote preservation and public enjoyment of its buildings, artifacts, and landscape. Please refer to the description of National Park Seminary in DEIS Appendix F, Draft Section 4(f) Evaluation, Section 2.1.12A, p. 54. We particularly would like to note this statement: "Elements that contribute to the significance of the historic site include the 22 standing structures, surrounding wooded landscape, stone retaining walls, statuary, numerous walkways, and rustic footbridges."

#1

Expanding on the importance of the landscape, the DEIS declares that "The landscape of National Park Seminary Historic District/Forest Glen is a defining characteristic of the historic site" (Appendix F p. 55). This assertion of the landscape's significance is affirmed again in DEIS Chapter 4: "The landscape of the National Park Seminary Historic District is an element that contributes to its significance; because the LODs would expand into the existing landscape and convert a portion of the property to highway use, the project would diminish the integrity of design and setting of the historic district" (p. 52). We agree, and are therefore

1

Response to DEIS Comment #1
Thank you for your comment concerning impacts to the National Park Seminary. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the National Park Seminary is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

#1 Cont

concerned that these unique features are gravely threatened by the Proposed Action. Indeed, MDOT SHA found that the site would experience adverse effects from the Proposed Action and the Maryland Historical Trust (MHT) concurred (Appendix F p. 55).

Despite its acknowledgement of the significance of National Park Seminary and its features, the DEIS appears to adopt a dismissive stance regarding National Park Seminary. In speaking to the effects, it states: "The vast majority of Section 4(f) properties are composed of sliver property impacts to areas that currently abut the existing transportation facility without affecting the features and attributes that qualify the properties for Section 4(f) protection" (Appendix F p. 19). National Park Seminary is among the Section 4(f) properties. It abuts I-495 for over 800 linear feet, all of which would be affected by grading and tree removal, not including the areas adjacent to the Linden Lane bridge and CSX railroad, where more land would be affected (Appendix F pp. 54-55). If the landscape of National Park Seminary is a defining characteristic containing contributing features, as affirmed in the DEIS, then the sacrifice of that landscape, with all its features, to the Proposed Action, is a very serious impact.

Likewise, the minimization plans MDOT SHA has crafted are insufficient to offset the damage to the site, continuing the lack of appreciation for the impact. With some adjustments, the agency has reduced the affected area from 1.3 acres to 1.2 acres, a reduction of only one-tenth of an acre (Appendix F p. 55). While it is true that the entire National Park Seminary Historic District is approximately 23 acres, the part of the National Park Seminary Historic District directly affected is the 13-acre area known as the Glen. 1.2 acres represents nearly 10% of the Glen, and those 1.2 acres would experience a profound and devastating alteration that the DEIS has not considered sufficiently. Indeed, the Maryland-National Capital Park and Planning Commission (M-NCPPC) in its DEIS review has noted that the current LOD is inadequate to fully encompass the area necessary to accomplish all construction-related activities, and M-NCPPC predicts that the LOD will be expanded (10-21-20 Staff Report to Commission). This prospect is alarming and unacceptable to us.

Notably, in the discussion of Least Overall Harm, Section 5.3 Proposed Action (Appendix F p. 259-269), National Park Seminary is overlooked in the analysis of Factor 3, which concerns "the relative significance of each 4(f) property" (Appendix F p. 165). This oversight is evidenced by the lack of inclusion of National Park Seminary in the collection of most significant Section 4(f) properties affected by the Proposed Action. The DEIS itself states that significance is determined by eligibility for, or listing in, the National Register of Historic Places (Appendix F p. 13). National Park Seminary has been listed since 1972. As a listed property, National Park Seminary should be included in this group, as it is in Section 6.2.1 of Appendix 6, Volume 2 of the Cultural Resources Technical Report (p.50). Additionally, National Park Seminary is listed on the State of Maryland Inventory of Historic Sites. It is not clear whether the DEIS's failure to include National Park Seminary in all references to significant 4(f) properties is an inadvertent omission, or if National Park Seminary has not been sufficiently considered. This inconsistency is a deficiency in the DEIS.

We find additional inconsistencies in discussions of impacted features on the property. Figure 2-13 (Appendix F p.62) maps National Park Seminary but does not indicate any impacted contributing resources in the historic district, namely a 1907 contributing building known as the

2

Comments addressed above.

#1 Cont

Italianate Villa; a large statue of Minerva; and the Villa Gardens, a historic designed landscape, all of which would be affected by the railroad realignment. Appendix G, Volume 2 of the Cultural Resources Technical Report, Sections 5.1.2 (p. 47) and 7.4.2 (p. 93), which lists archeological site 18MO514 on the National Park Seminary property, includes the following resources:

- A former water pumping station;
- 3 cisterns, one constructed of stone;
- A retaining wall;
- Traces of a possible dam; and
- The abutments of two footbridges over the stream.

All of the above artifacts, as well as portions of two recently uncovered stone walking paths, are in the path of the realignment of the Linden Lane bridge and the expanded footprint of I-495.

Per the DEIS, site 18MO514 has been expanded to include all of the National Park Seminary Historic District, and the DEIS states that further investigation and evaluation are required (Appendix G p. 97). We concur with the recommendation for further evaluation. The DEIS has failed to consider the impacts of the Proposed Action on the resources above or the expanded site 18MO514.

Keeping in mind the DEIS's own admission that the landscape of National Park Seminary is significant, the DEIS does not fully consider how the Proposed Action impacts the streams on the property. Plates 14A and 14B (JPA Part 2A Impact Plates) indicate that the only impacted waterways are the portions to the east, where an existing outfall will be "improved" (Appendix F p. 55), and to the west, near the Linden Lane bridge, while indicating that the length of the stream between those two locations has no impact. The modifications to the outfall are not specified, so it is unknown what the path, volume, and speed of the stream will be as a result of the "improvement." Additionally, the DEIS states that MDOT SHA's applied minimization includes stormwater vaults beneath the shoulders of the roadway. However, it does not specify the capacity of those vaults, how the captured stormwater will be discharged, and where the overflow from those vaults will be directed (Appendix F p. 55). According to the DEIS (Chapter 4, Table 4-29), National Park Seminary's watershed, Rock Creek, will receive an additional 56.5 additional acres of impervious surfaces, which will yield runoff. SOS has seen over time that the streams greatly influence almost everything that occurs on the site: stream flow has altered paths and destroyed historic stone bridges, changing the nature of circulation throughout the site and challenging preservation of built features. We expect that there will certainly be indirect impacts from the modifications but the DEIS does not address that.

Along with the stream, another significant aspect affecting the landscape is the presence of WSSC infrastructure. The utility holds a network of easements, stormwater facilities, and underground water and sewer pipes that crisscross the wooded Glen landscape. The Glen, as stated above, is directly impacted by the Proposed Action, being the area of National Park Seminary that includes the LOD. WSSC anticipates the Proposed Action will make it necessary to relocate any pipes affected by the project. Because of WSSC's complicated presence in the Glen, we expect a major, lengthy disturbance to occur within this historic cultural landscape if

3

Comments addressed above.

#1 Cont

the utility is forced to reconfigure its activity in the Glen. Yet the DEIS does not address this eventuality, merely commenting in Appendix F that it has made a preliminary assessment of potential impacts of utility relocation (p. 159) but providing no additional information. With this omission, the DEIS has failed to explain fully the direct and indirect impacts of the Proposed Action.

Another area of concern to SOS is air quality. We will leave it to others to determine whether the DEIS has sufficiently addressed the potential air quality impacts on human health. Our focus is the effects pollutants have on the historic artifacts at National Park Seminary, particularly in the Glen, the area closest to the existing roadway and railroad. We have witnessed degradation to statuary in those areas, possibly due to emissions gases and particulate matter from both vehicular and rail traffic. We note that Build Alternative 9 (apparently emerging as MDOT SHA's preferred alternative) is likely to push heavy trucks to the outer lanes, directing their emissions even closer to the historic site. Yet nowhere in the statement does the DEIS address this aspect of air quality (DEIS Chapter 4, Section 4.8). Even if MDOT SHA is not required to examine this type of impact, mitigation should be considered.

While we found that DEIS Chapter 4 methodically discusses a series of potential environmental impacts, there are areas of analysis that should receive additional study, particularly the effects the Proposed Action may have on invasive plant species. 9.17 acres of National Park Seminary Historic District are protected by Category I Forest Conservation Easements. Per the DEIS, National Park Seminary would lose canopy trees and potentially gain invasive species. We agree with the assessment of direct and indirect impacts to forests, especially the potential for increased introduction of invasive species (Chapter 4 p. 4-100). The DEIS goes on to state that "Increased edge-to-edge interior ratio in forests also results in increased introduction of invasive plant species, resulting in lower plant biodiversity and fewer native plant species that support wildlife" (Chapter 4 p. 4-101). We concur on this point, but find the analysis incomplete, because it does not address the impact of invasive species on historic cultural landscapes and their artifacts. The Glen in National Park Seminary has been invaded by a profusion of many invasive plant species which threaten the stability of historic features, requiring considerable expenditure of time and funds to manage them. Would the Proposed Action exacerbate the problem, and if so, what are the costs likely to be? An additional unanswered question is how air quality, particularly increased CO2 emissions, might influence the growth of invasive species, as numerous studies indicate. The DEIS has not addressed these critical questions for historic sites.

Indeed, National Park Seminary checks the boxes for a number of environmental impacts suggested by the DEIS: slopes with highly erodible soils, loss of tree canopy, applications of de-icing compounds on roadways, sedimentation in the stream, and soil contamination from organic compounds (DEIS Chapter 4). All of these problems currently exist, inside and outside the LOD, seriously affecting the historic cultural landscape, and have the potential to be amplified if the Proposed Action proceeds. The analysis provided by the DEIS makes these outcomes quite clear.

With so many unknown effects such as those described above, it is clear that additional study is necessary. However, the agencies intend to rely on an unexecuted Programmatic Agreement related to Section 106 requirements to satisfy Section 4(f) requirements. Doing so seems

Comments addressed above.

#1 Cont

premature and does not do justice to the process spelled out in the relevant legislation, nor does the incomplete information fully advise all stakeholders of the impacts of the project. A more detailed review is critical, especially since this significant cultural resource stands to suffer irretrievable and irreversible losses (DEIS Chapter 4 p. 4-159). Sadly, this would result in more historic fabric being sacrificed to inadequate transportation planning.

One of the influencing factors that received no attention in the DEIS is the current, ongoing pandemic that has transformed travel in the region. We believe the Purpose and Need of the study is too narrowly written and should be reevaluated in light of current and future roadway use and demand. In fact, rather than adding more roads, existing roads have been closed to meet the demand for recreation, revealing the reduced need to accommodate vehicular traffic. As the pandemic illustrates, outdoor spaces have become more important than ever, as safe and restorative areas for recreation and relief. The Glen at National Park Seminary is among those spaces. Though privately owned, it is open to the public and regularly visited by many in the community. The DEIS has not sufficiently studied use of this type, assuming that the land within the LOD is merely a sliver (see above) with no significant assets, but that is not the case, as we have explained. The DEIS appears to discount the value of this type of space as opposed to the value of the Proposed Action. In fact, the DEIS plainly states "The Build Alternatives would result in the conversion of existing land uses to right-of-way for transportation use across each of the seven land use types…" (Chapter 4 p. 4-7). Additional study of use of these spaces is required, addressing the questions of impact on the community and whether the Proposed Action serves the common good.

Despite the various shortcomings we have identified, we found much valuable and sobering information in the DEIS. In DEIS Chapter 4, numerous environmental consequences were determined to result in impacts with **all** the Build Alternatives. As we have explained, many of these environmental consequences directly and indirectly impact the National Park Seminary Historic District. The Maryland-National Capital Park and Planning Commission has pointed out that parkland and sites such as National Park Seminary have suffered years of degradation as a result of previous transportation projects. Indeed, the DEIS appears to agree: "Many of the resources described above have already been impacted by the development and subsequent expansions of I-495 and I-270" (Appendix F p. 269). It falls to the property owners and other stakeholders therefore to manage the negative consequences. The construction of I-495 in 1964 has already taken its toll: a portion of the historic cultural landscape of the National Park Seminary was removed, and the impact is still felt today. We have seen the future, if the Proposed Action goes forward. Given that, SOS is unable to support any of the Build Alternatives and endorses the No Build option.

Sincerely,

Bonnie Rosenthal

Bonnie Rosenthal, Executive Director
Save Our Seminary at Forest Glen Inc.

5

Comments addressed above.

SEVEN LOCKS CIVIC ASSOCIATION – JERRY GARSON

I-495 and I-270 Managed Lanes Study
Joint Public Hearing Testimony

Name: Jerry Garson

Date/Hearing: 8/20/2020

Type/Session: Live / Morning

Transcription:

#1 I am Jerry Garson (J-E-R-R-Y, Garson G-A-R-S-O-N), residing at 8308 Raymond Lane in Potomac, Maryland. I am speaking on behalf of the Seven Locks Civic Association, Inc., a nonprofit organization representing the people in the Seven Locks region. We are in favor of rebuilding and widening of the American Legion Bridge and I-495 from the western spur of I-270 to the American Legion Bridge as the first part of this project. This would normally be considered Alternative 9 with two HOT-managed lanes. We then favor widening I-270 northbound from north of I-370 where the most of the afternoon traffic congestion occurs. All other sections could be completed after these first two sections are completed.

#2 I have been analyzing the daily traffic counts from the four, quarter-mile traffic counts that are the State Highway Administration have located in Montgomery County for the last 20 years. In the beginning of the COVID-19 shutdowns in March 2020, we saw a rapid decline in traffic on the interstate highways in Montgomery County. We have now seen a return to almost pre-COVID-19 levels. We saw the Metro rail ridership drop by 90 percent. It has not returned from these levels in July or August 2020. The average weekday daily round trips for this period on all of WMATA rail is now only 38,458 passengers. While the average number of round trips, just at the traffic counter west of New Hampshire Avenue is 101,220. Until the COVID-19 pandemic is solved we will need much more road capacity. It looks like that Metro Rail will not return to its pre-COVID levels for the next few years. One additional reason is that WMATA rail use will continue to decrease is due to the increase in number of people working from home, and the second is the fear of people being in crowded subway cars without the possibility of people being at least six feet from other people in the subway car. Therefore, traffic in the next few years will probably increase on our local roads. We also know that only 20 percent of the vehicles on the interstate highways are commuters going to and from work. The non-commuting trips will probably not decrease.

We are now seeing in August the peak afternoon traffic eastbound at the Persimmon Tree automatic traffic counters returning to Maryland is between 2 and 4 PM, which is similar to the traffic before the COVID-19 shutdowns in March 2020. We are seeing the peak AM westbound traffic on I-495 at the traffic counter west of New Hampshire now recording the AM peak between 6 and 7 AM. most weekdays, instead of 5 to 6 AM, which occurred before COVID-19. This indicates a reduction in traffic in July and August due to inadequate road capacity between 7 and 9 AM. Thank you.

Response to DEIS Comment #1
MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 – Phase 1 South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.

Response to DEIS Comment #2
Refer to Chapter 9, Section 3.1 for a response on Purpose and Need, effects of the Pandemic, and impacts of teleworking/remote working.

SIERRA CLUB MARYLAND – BRIAN DITZLER

Refer to page CO-535 for the Sierra Club comment response.

Brittany Rolf (Consultant)

From: Brian Ditzler <brian.ditzler@mdsierra.org>
Sent: Friday, August 28, 2020 9:24 PM
To: MLS-NEPA-P3
Cc: Lindsey Mendelson
Subject: Comments on 495-270 Managed Lanes Study
Attachments: Capital Beltway Accord Letter 8-27-20.pdf

The attached letter was sent to Governors Hogan and Northam, and MDOT Secretary Slater was copied on it.

Please include it in comments submitted on the Managed Lanes Study DEIS. An even more detailed set of comments on the DEIS will be submitted by some of the signatories on this letter in October or early November.

Brian Ditzler
Maryland Sierra Club

1

August 27, 2020

Hon. Ralph Northam
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

Hon. Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, MD 21401

Re: Capital Beltway Accord project

Dear Governor Northam and Governor Hogan:

As Maryland and Virginia work together to develop plans to expand capacity on the Capital Beltway from the George Washington Memorial Parkway to River Road ("Capital Beltway Accord project"), the undersigned groups believe any project that is advanced must be designed to substantially expand transportation choices and align with both states' goals for reducing greenhouse gas emissions and other air pollutants. We recognize the need to rehabilitate the American Legion Bridge and expand its capability to carry more people, but it is imperative that the project plans be developed with full transparency and public input to ensure that these goals are met and that public benefits are maximized.

In contrast, we believe a conclusions-first approach was used in the development of Maryland's Beltway/I-495 and I-270 Managed Lanes proposal[1] ("495-270 proposal") and Virginia's I-495 Express Lanes Northern Expansion ("495 NEXT") project. As a result, the proposals that have emerged from those processes are overwhelmingly focused on facilitating only one travel mode—single occupancy vehicles (SOVs)—and miss a major opportunity to reduce air and climate pollution. We strongly urge you to take a very different and far more holistic approach with the Capital Beltway Accord project, as discussed further below.

Specific shortcomings of Maryland's 495-270 proposal and Virginia's 495 NEXT project include:

- Inadequate support for transit: Neither project provides adequate funding for transit enhancements despite a demonstrated need for better transit along the Beltway corridor. This is inconsistent with local land use plans. For example, Fairfax County's comprehensive plan recognizes that high-quality transit service on dedicated or express

[1] Some of the signatories to this letter will be submitting a more detailed response to the Draft Environmental Impact Statement on this project in Maryland.

1

Refer to page CO-535 for the Sierra Club comment response.

lanes is essential to the growth of Tysons.[2] Similarly, Montgomery's land use and transportation consistently calls for the integration of bus rapid transit and other transit modes into the county and region's transportation system.

- Insufficient alternatives analysis: Any effort to determine the most beneficial and environmentally responsible options for improving I-495 through Maryland and Virginia should evaluate a scenario focused on transit improvements with supportive land uses, as recommended as one of the most cost-effective scenarios in the Metropolitan Washington Council of Governments' Visualize2045 Long-Range Transportation Plan.[3] The addition of improved and supported telework could enhance such alternatives. Yet the reviews for both of these proposals under the National Environmental Policy Act ("NEPA") have failed to assess a robust range of alternatives and instead have focused too heavily on expanding SOV travel capacity. Highway expansion has repeatedly been proven to fail in reducing congestion, and it results in increases in greenhouse gas emissions and other pollution over time.[4]
- Insufficient transparency: Virginia has, in recent years, strengthened its Public-Private Transportation Act to improve transparency. However, in both states there are ongoing communications with potential concessionaires that are shrouded from public view, and these can result in projects like the 495-270 proposal and 495 NEXT being predicated on maximizing toll revenue to meet financing assumptions rather than prioritizing public and environmental benefits.
- Undermining of air quality and greenhouse gas emissions goals: Transportation is the leading contributor to greenhouse gas emissions in Virginia and Maryland, driven largely by private auto travel. Further, the D.C metropolitan area is currently in non-attainment of Federal ozone standards, and the health costs of highway-related particulate matter (PM 2.5) pollution are increasingly apparent. To reduce greenhouse gas emissions and other air pollution, state governments must promote more transit, bicycling, walking, and transit-oriented development (TOD) rather than facilitating and encouraging more driving. Yet the 495-270 proposal and 495 NEXT project both promote and facilitate SOV travel, undermining both states' efforts to reduce greenhouse gas emissions and improve air quality.
- Economic and social inequity: It costs an average of $9,282 a year to own and maintain a car, according to 2019 AAA figures (https://newsroom.aaa.com/auto/your-driving-costs/), and many in the workforce earn less than $50,000 a year. These two projects based on

[2] See Comprehensive Plan-Tysons Corner Urban Center, "Public Transportation Goals," ppg. 42-43, at https://www.fairfaxcounty.gov/tysons/sites/tysons/files/assets/documents/pdf/comprehensive_plan/fc_comp_plan2017ed_tysons_amended04_04_2017.pdf

[3] See Metropolitan Washington Transportation Planning Board Visualize 2045 Long-Range Plan (approved 2018), Chapter 4 (Aspirational Element), https://www.mwcog.org/assets/1/6/Final_Visualize_2045_-_Chapter_4.pdf. The balanced jobs-housing scenario was found to be one of the cost-effective ways to mitigate congestion.

[4] For a recent study of the ineffectiveness of road capacity expansion to provide long-term congestion relief, see Todd Litman, *Generated Traffic and Induced Travel: Implications for Transport Planning*, Victoria Transport Policy Institute, 2020. https://www.vtpi.org/gentraf.pdf

2

Refer to page CO-535 for the Sierra Club comment response.

variably-priced express lanes that will be too expensive for many workers to use will do too little to expand access to jobs and services for residents who cannot afford the high costs of owning a car. Construction of the proposed Maryland 495-270 managed lanes will directly impact areas where 60% of the population is minority (African-Americans, Latinx, and Asian), according to the Draft Environmental Impact Statement.[5]

- Negative impacts to national, state and local parks in both states, and notable environmental impacts: As currently proposed, these two projects will directly or indirectly damage six national parks and acres of regional park sites. The reviews of these projects under NEPA, Section 4(f) of the Department of Transportation Act, and Section 106 of the National Historic Preservation Act have failed to result in sufficient avoidance and minimization of impacts to parkland and historic resources. The environmental impacts of both projects are significant, as documented in their environmental analyses. The 495-270 project will result in the loss of some 1,500 acres of tree canopy, 16 acres of wetlands, approximately 50 acres of wetland buffers, and will have direct and indirect impacts on 30 miles of streams.[6] The 495 NEXT project will result in loss of 118 acres of tree canopy, and have direct impacts on 19.8 acres of wetlands and more than two miles of streams.[7]

Strengthening the Capital Beltway Accord

Many of the undersigned groups are working to address these and other flaws with the Maryland 495-270 and Virginia 495 NEXT proposals within our respective jurisdictions. However, because Maryland and Virginia are proceeding with planning the Capital Beltway Accord project, and because that project implicates the interests of all of our groups, we are jointly sending this letter to request that your efforts to develop plans for the Capital Beltway Accord project avoid the mistakes listed above by including the following elements:

- **Commitment to a transparent project review process that includes a full analysis of alternatives.** Virginia's experience with using public-private partnerships to advance transportation proposals has shown the review processes must be structured very carefully and transparently to deliver maximum public benefits, and that rigorous NEPA reviews can help officials avoid wasting public money and resources on flawed and environmentally destructive projects. Any public-private partnership pursued for the Capital Beltway Accord project must not short-circuit important aspects of transportation project planning and approval under the NEPA process. The alternatives studied must

[5] Draft Environmental Impact Statement, I-270 and I-495 managed lanes study, Section 4.2.2 on p. 4-10. https://495-270-p3.com/wp-content/uploads/2020/07/DEIS_Ch4_Environmental.pdf

[6] Ibid., Table 4-1 on p. 4-3.

[7] Draft Environmental Assessment, Natural Resources Technical Report, 495-NEXT, p. 11 (stream impacts); p. 20 (wetlands impacts); p. 39 (tree loss). /www.495northernextension.org/documents/pim032020/i-495_next_7_natural_resources_tech_report_final.pdf

3

Refer to page CO-535 for the Sierra Club comment response.

include integrated land use (transit-oriented development and jobs/housing balance), expanded transit options, and travel demand management (including telecommuting and park & ride expansion). Estimates of likely greenhouse gas emissions should be provided for each of the different alternatives.

One viable alternative to study would be to combine expanded telecommuting with new transit. Over the last six months, hundreds of thousands of the region's erstwhile commuters successfully and efficiently worked from home. While the region's workers may not all be able to make this a permanent condition, if a significant proportion of telecommuting continued into the future, even if combined with regular in-office meetings and off-peak in-office work commuting, it could well eliminate the need for a significant amount of new investment in SOV access. Instead of investment in hundreds of new lane-miles, vastly improved high-speed internet capacity and access -- especially for those who do not currently have it -- might provide an effective substitute, with substantially lower environmental impacts and costs.

- **A significant contribution to expanded transit**. As noted above, both the 495-270 project and 495 NEXT provide inadequate funding for transit. The Capital Beltway Accord project provides an opportunity to remedy this by funding enhanced transit service along the Beltway corridor between Virginia and Maryland as well as on neighboring roads. The I-66 Outside the Beltway concession includes annual dedicated funding for enhanced transit. A similar funding commitment should be part of the Capital Beltway Accord project to activate high-quality transit on 495.
- **Full evaluation of accommodations for heavy rail on the American Legion Bridge.** In order to achieve climate goals and meet the travel needs of future populations in the Tysons-Bethesda corridor, evaluation of alternatives for bridge rehabilitation or expansion must fully analyze accommodation of heavy rail, such as expansion of the Purple Line into Virginia. The design for the Woodrow Wilson Bridge provides a good example, as it allows for future rail or other high-capacity transit on two of that bridge's twelve lanes.
- **Grade-separated bicycle and pedestrian facilities that connect with trail systems in Maryland and Virginia**. Including bicycle and pedestrian facilities across the American Legion Bridge is essential to overcoming its current barriers to active transportation and providing a much-needed connection to a regional multi-use trail network. Ensuring these facilities are provided and take the form of grade-separated interchanges would provide maximum safety to all trail users. These should be designed in full coordination with the National Park Service and local park authorities to ensure they avoid park resources and maximize protection of environmental resources.

4

Refer to page CO-535 for the Sierra Club comment response.

Thank you for your consideration of our comments and concerns. We look forward to being involved in the planning process for the Capital Beltway Accord project. Please note that some of the signatories to this letter will be submitting in October a detailed analysis of the DEIS for Maryland's 495-270 proposal.

Sincerely,

Karen Campblin and Douglas Stewart
Transportation Co-Chairs, Virginia Sierra Club

Josh Tulkin
Director, Maryland Sierra Club

Shruti Bhatnagar
Chair, Montgomery County Sierra Club Group

Stewart Schwartz
Executive Director, Coalition for Smarter Growth

Morgan Butler, Senior Attorney
Southern Environmental Law Center

Denisse Guitarra
Maryland Conservation Advocate
Audubon Naturalist Society

Renee Grebe
Northern Virginia Conservation Advocate
Audubon Naturalist Society

Pamela Goddard
Senior Program Director, Mid-Atlantic Region, National Parks Conservation Association

Alison Prost, Esq.
Vice President for Environmental Protection and Restoration
Chesapeake Bay Foundation

Brad German
Citizens Against Beltway Expansion, Maryland

5

Refer to page CO-535 for the Sierra Club comment response.

cc: Shannon Valentine, Virginia Secretary of Transportation
Nick Donohue, Virginia Deputy Secretary of Transportation
Gregory Slater, Maryland Secretary of Transportation
Peter Franchot, Maryland Comptroller
Nancy K. Kopp, Maryland Treasurer

6

This page is intentionally left blank.

SIERRA CLUB MARYLAND – JOSH TULKIN

From: Josh Tulkin <josh.tulkin@mdsierra.org>
Sent: Friday, October 23, 2020 4:13 PM
To: Lisa Choplin; Parikh, Jitesh (FHWA); jeanette.mar@dot.gov; 495-270-P3; MLS-NEPA-P3
Subject: Request for I-495/I-270 DEIS underlying data

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon, Ms. Choplin and Mr. Parikh:

In previous emails we have provided the legal basis for requesting underlying data used in the I-495/I-270 Managed Lanes Study Draft Environmental Impact Statement (DEIS). Specifically,

> 40 C.F.R. § 1500.1(b) (2019) ("NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA"); id. § 1502.21 (2019) (underlying data may be incorporated by reference only if "it is reasonably available for inspection by potentially interested persons within the time allowed for comment"); WildEarth Guardians v. Mont. Snowmobile Ass'n, 790 F.3d 920, 925 (9th Cir. 2015) ("To fulfill NEPA's public disclosure requirements, the agency must provide to the public 'the underlying environmental data' from which the [agency] develops its opinions and arrives at its decisions.").

We are therefore requesting:

1) The underlying data and complete itemized budget that went into Table 8-1 (Appendix B, page 148), including the assumed "efficiencies" coefficient and detailed explanation of any and all assumptions used to lower the estimates.

2) The breakdown of the numbers in Table 3-10 (Appendix E, page 63) in terms of lists of place names. The place name information is not clearly presented in the DEIS and appendices, and is in many cases not determinable from the information provided in the DEIS.

3) The breakdown of the numbers in Table 3-11 (Appendix E, page 66) in terms of lists of place names and addresses.

4) The DEIS provided estimated opening year (2025) average weekday toll rates per mile, varying from $0.68 per mile to $0.77 per mile. In order to calculate an average, the data necessarily contains maximum and minimum tolls. Please provide the underlying data for 13 time periods and underlying data for the average tolls given on DEIS page 2-43, including the maximum and minimum tolls.

5) The AM peak per mile rates were given on page 883 of Appendix C. Please provide the equivalent table for the PM peak.

6) Any cost-benefit or value-for-money analysis done for this project to establish the cost-savings of using the public-private partnership financing method in place of increasing bonding capacity and using a more traditional design-build approach.

We need this information for our comments on the DEIS. We request this data by November 4, 2020.

Many thanks,
Josh Tulkin

1

Refer to page CO-535 for the Sierra Club comment response.

--

Josh Tulkin
State Director
Maryland Sierra Club
josh.tulkin@mdsierra.org

Sierra Club Maryland Chapter
7338 Baltimore Avenue #102
College Park, MD 20740
Direct: 240-764-5307
Mobile: 650-722-3171
http://sierraclub.org/maryland

In today's political climate, state-based action is the best way to move towards zero waste, clean transportation and 100% renewable energy. Support Sierra Club's bold, grassroots approach: Donate to the Maryland Chapter today.

This page is intentionally left blank.

SIERRA CLUB MARYLAND CHAPTER ET AL.

Refer to page CO-424 for the full Sierra Club comment letter and page CO-535 for the Sierra Club comment response.

Sierra Club Maryland Chapter

Please find the attached comments on the I-495 and I-270 Managed Lanes Study Draft Environmental Impact Statement/Draft Section 4(f) Evaluation and Joint Federal/State Application (JPA) for your review and consideration (USACE Application Number (NAB-2018-02152) and the MDE Tracking Numbers 20-NT-0114 / 202060649). Also attached is a list of attachments to the comments (the actual files will be sent separately) for your review and consideration. Please confirm receipt. The comments are submitted on behalf of the following Organizations:

Sierra Club Maryland Chapter
350 Montgomery County, MD
Audubon Naturalist Society
Baltimore 350
Baltimore Transit Equity Coalition
Bikemore
Breathe Free Montgomery
Cedar Lane Unitarian Universalist Church Environmental Justice Ministry
Central Maryland Transportation Alliance
Chesapeake Bay Foundation
Citizens Against Beltway Expansion
Coalition for Smarter Growth
DontWiden270.org
DoTheMostGood Montgomery County
Forest Estates Civic Association
Forest Glen Citizens Association
Friends of Moses Hall Consulting Party (Cabin John, MD)
Friends of Quincy Watershed
Friends of Sligo Creek
Greenbelt Climate Action Network
HoCo Climate Action (Howard County)
Indian Spring Residents Opposed to Beltway Widening Group (ISROBWG)
Indivisible Howard County
Interfaith Power & Light (DC.MD.NoVA)
League of Women Voters of Maryland
Long Branch Civic Association
Maryland Conservation Council
Maryland Legislative Coalition
Maryland PIRG
College Park Mayor Patrick Wojahn
Montgomery County Faith Alliance for Climate Solutions
NAACP Maryland State Conference
National Parks Conservation Association
Neighbors of the Northwest Branch
North Hills of Sligo Creek Civic Association
Our Revolution Maryland
Nova Citizens Association

SIERRA CLUB MARYLAND CHAPTER ET AL. – IAN FISHER

From: Ian Fisher <ifisher@jillgrantlaw.com>
Sent: Monday, November 9, 2020 9:29 AM
To: MLS-NEPA-P3; Lisa Choplin; jeanette.mar@dot.gov
Cc: Mary Clemmensen
Subject: Question re submitting comment attachments

Good Morning,
We have around 190 attachments to comments from Sierra Club Maryland Chapter et al. on the I-495 I-270 Managed Lane Study DEIS. We see that the online form only allows 5 at a time and it is likely that the email to submit comments to will reject a submission with a large amount of attachments. We were wondering if the attachments can be submitted by uploading them to a third party file sharing website (such as Dropbox) and then sending the link for the files to be downloaded to the record and to be considered? Or is there another option that would be more efficient? Thank you for your help.
Ian

Ian Fisher
Associate Attorney
Jill Grant & Associates, LLC
1319 F Street NW, Suite 300
Washington, DC 20004
Tel: 202-821-1948
Fax: 202-459-9558
ifisher@jillgrantlaw.com
www.jillgrantlaw.com

1

Refer to page CO-535 for the Sierra Club comment response.

SUBURBAN MARYLAND TRANSPORTATION ALLIANCE (SMTA) – JENNIFER RUSSEL

From: jenrusselbhi@gmail.com
Sent: Wednesday, August 26, 2020 2:55 PM
To: MLS-NEPA-P3
Cc: jenrusselbhi@gmail.com
Subject: Testimony of the I-495/I-270 P3 DEIS
Attachments: DEIS testimony.docx

Attached please find testimony I delivered last week on August 20, 2020 representing Suburban Maryland Transportation Alliance/Citizens4 Traffic Relief.

1

This page is intentionally left blank.

SUBURBAN MARYLAND TRANSPORTATION ALLIANCE

Good afternoon. I am Jennifer Russel Vice Chair of Suburban Maryland Transportation Alliance, also known as SMTA. I am speaking on behalf of SMTA and its grass-roots organization Citizens 4 Traffic Relief. We wish to heartily support moving forward with the P3 Project which seeks to improve I-495/I-270. The DEIS is of course an overwhelming document and much has been said about time to respond, insertion of new information and the like. However, the bottom line remains the same, in the real world, as opposed to the current Covid nightmare, we will still be strangulating in traffic as data incorporated in the DEIS cites 2040 highway speeds of 15 mph or less extending beyond traditional rush hour periods because another 1.2 million people will be populating the region by that year. Efforts to delay the process for the P3 seem to be the opposition's answer to reduce current (non-pandemic) congestion and congestion in the future-how does that make sense as an answer?

More delay must not be the answer for a project that has been under study for 30 years as part of the Region's long-range plan. We must also not make the grievous error of thinking that recent increases in tele-work which have reduced commuting trips in the short term will rid us of congestion. Be aware that commuting trips only make up about 20% of all trips and there are sectors of the economy that will never enjoy that opportunity.

Several of the proposed alternatives will make significant impacts on congestion by reducing system wide delays of up to 35%. This is a no-brainer that we must embrace. It is vital that we recognize the unique value of the P3 as an instrument to provide the funding that the State does not have the money or bonding capacity to produce. There is no other viable means to acquire the funds to underwrite such an ambitious road project whose key improvement to the American Legion Bridge has been needed in the region for years.

We suggest that Alternatives 9 and 10 perform well with respect to metrics, with Alternative 9 offering the added benefits of boosting carpool and vanpool usage due to the use of HOV lanes. It is also important to realistically evaluate the environmental impacts of the project which are less than other projects of this scale, because importantly the project only involves widening existing facilities.

SMTA and Citizens4 Traffic Relief say let's be smart and take the bull by the horns and use this opportunity to move forward for the region. Thank you for the opportunity to testify.

Jennifer Russel, Vice Chair

SMTA

Citizens4 Traffic Relief

#1

Response to DEIS Comment #1

MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 – Phase 1 South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.

SUBURBAN MARYLAND TRANSPORTATION ALLIANCE (SMTA) – EMMET TYDINGS

#1

Emmet Tydings

I am in total support of the P3 tolled lanes project for I495/I270/ALB with four new lanes and am attaching a statement of support from my position as Executive Director Pro Tem of Suburban Maryland Transportation Alliance.

Response to DEIS Comment #1

MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 – Phase 1 South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.

The following pages reflect the attachments included in the letter. There are no comments or responses provided on these pages; they are included for the record.

SUBURBAN MARYLAND TRANSPORTATION ALLIANCE

I-495 & I-270 Managed Lanes Study
Draft Environmental Impact Statement (DEIS): Highlights and Key Findings

November 9th, 2020

About the Suburban Maryland Transportation Alliance (SMTA):

The Suburban Maryland Transportation Alliance (SMTA) was formed to get Maryland moving again by providing expert analysis, public education, and ongoing advocacy for a more efficient, safe, and balanced transportation network in Suburban Maryland.

For more information visit:
MdTransportation.org

SUBURBAN MARYLAND TRANSPORTATION ALLIANCE

Executive Summary – The Three Most Important Conclusions from the I-495 & I-270 Managed Lanes Study Draft Environmental Impact Statement (DEIS):

This DEIS is the definitive study to date of the various options available to address current and future traffic congestion on this portion of the Beltway and I-270, as part of the larger I-495 & I-270 P3 Program. The Managed Lanes Study DEIS includes most of the Capital Beltway, from the American Legion Bridge to Route 5, and the lower section of I-270, as far north as the I-370 interchange. Future studies will address the remainder of I-270 and the Beltway in Maryland. Figure ES-1 (p. ES-1) illustrates the study corridors.

Figure ES- 1: I-495 & I-270 Managed Lanes Study Corridors

Elected officials and residents of these two heavily congested corridors should take the time to read the DEIS, or at least the executive summary (21 pages) and some of the key sections of the main report (353 pages). This summary is intended to cover the most important points in the report and provide additional context on some of its key findings. Much of the data in the DEIS is presented visually in graphs and data tables that are easily digested by transportation experts and non-professionals alike. It is posted at: 495-270-p3.com/DEIS/

The DEIS clearly answers many of the questions people have raised in the public discussion of this project, including these three key questions that ought to inform the public debate on the P3 Program:

1. **Do we need to move forward with these improvements to the Beltway and I-270?** Yes, we do, clearly. The DEIS underscores the importance of moving ahead with congestion relief for the American Legion Bridge, I-495 and I-270 in Maryland. Traffic is forecast to grow much worse between now and 2040, as another 1.2 million people are projected to be living here by then and using our already outdated and overburdened transportation networks. The DEIS analysis shows clearly that a "no-build" scenario will lead to dramatically worse levels of congestion, well above current levels, that are not sustainable from a quality-of-life, economic, or environmental standpoint. There is no indication that the current COVID-19 pandemic, or any changes in telework patterns (even if they prove lasting), will have any significant impact on these 2040 conditions, other than recent expert projections that traffic may get slightly worse as a result of the COVID pandemic, as more people shift from public transit to private automobiles, due to growing health concerns regarding shared public spaces.
2. **Which alternatives were studied, and which perform best?** The DEIS documents a long list of alternatives that were considered, including many forms of mass transit and other non-toll alternatives, and the reasons why some were dropped. In the case of all the stand-alone transit options, a range of light-rail, heavy-rail and bus alternatives were studied and rejected. All were dropped because they were found not to be effective in addressing congestion and because they were not found to be financially viable (all previous studies in these corridors have reached similar conclusions). The remaining build alternatives now under consideration all include adding new managed lanes in both corridors, along with an extensive network of express-bus service using the new managed lanes, as called for in our region's approved long-range plans. These build alternatives offer a range of benefits and impacts:
   - Alternatives 9 and 10 clearly perform best in terms of addressing current and future traffic and financial viability. Alternative 9 provides more incentive for carpools and vanpools and has a slightly smaller footprint, and therefore is the best option in our judgement.
   - Alternatives 8, 9M, 13B and 13C offer more modest travel benefits, with only slightly fewer environmental impacts, and are less financially viable (and therefore more likely to require some public subsidy).
   - The No-build Alternative (Alternative 1), and two other build options that were studied but rejected (Alternative 5 and the MD-200 Diversion Plan offered by Montgomery County) are clearly not viable, based on the DEIS results, and are not being considered further.

   The environmental and right-of-way impacts among the various build alternatives does not differ dramatically, and these impacts are significantly less than several other recently approved projects in our region (like the ICC and the Purple Line). For this reason, SMTA recommends selection of a preferred alignment based mainly on transportation performance metrics. It is also worth noting that significant new transit services and Transportation Demand Management (TDM) solutions have been incorporated into all the remaining build alternatives.
3. **Is the P3 Program financially viable and can this Program be delivered at no taxpayer expense?** Yes, it can. The DEIS explains why we need a P3 Program to deliver these improvements, as the State of Maryland lacks funding and bond capacity to fund it any other way. The DEIS reveals that all of the build alternatives can provide a very substantial positive cash flow under both the low-cost and medium-cost assumptions. Only the worst-case assumptions regarding future interest rates and higher construction costs would produce negatives cashflows. So the P3 Program does appear to be financially viable and can be delivered at no cost to taxpayers. Financial risk can best be minimized by moving the project forward quickly, to take full advantage of historic low interest rates we are now seeing. Further delay adds significant cost to the project. So Maryland officials would be wise to do their best to avoid further delay on a project that has already been studied for 30 years.

The DEIS findings on these three questions should reassure the public and local officials regarding the critical importance and effectiveness of the proposed improvements to the American Legion Bridge, the Beltway and I-270. These improvements remain top priorities for Montgomery, Frederick and Prince George's Counties, and should move forward as called for in our region's adopted long-range transportation plans.

The next step is to get public feedback, not just from the usual opposition groups who are always heard from, but from the other 90% of us who use our road network every day and are fed up with sitting in stalled traffic and crushing congestion delays on the American Legion Bridge and I-270.

We all know the current conditions during this pandemic are just a temporary reprieve, and traffic will soon be back to our usual nightmarish normal. Now is our chance to move forward on some of the long-term, multi-modal solutions outlined in the DEIS that we now know will bring lasting and dramatic relief.

Anyone can review the documents at 495-270-p3.com/DEIS/ and submit public comments in various ways as indicated on the Program website. We encourage everyone who uses our region's crowded highways to read the report and make sure they comment. A more detailed analysis follows below.

now under consideration all include adding new managed lanes in both corridors, along with an extensive network of express-bus service using the new managed lanes, as called for in our region's approved long-range plans. These build alternatives offer a range of benefits and impacts:

- Alternatives 9 and 10 clearly perform best in terms of addressing current and future traffic and financial viability. Alternative 9 provides more incentive for carpools and vanpools and has a slightly smaller footprint, and therefore is the best option in our judgement.
- Alternatives 8, 9M, 13B and 13C offer more modest travel benefits, with only slightly fewer environmental impacts, and are less financially viable (and therefore more likely to require some public subsidy).
- The No-build Alternative (Alternative 1), and two other build options that were studied but rejected (Alternative 5 and the MD-200 Diversion Plan offered by Montgomery County) are clearly not viable, based on the DEIS results, and are not being considered further.

The environmental and right-of-way impacts among the various build alternatives does not differ dramatically, and these impacts are significantly less than several other recently approved projects in our region (like the ICC and the Purple Line). For this reason, SMTA recommends selection of a preferred alignment based mainly on transportation performance metrics. It is also worth noting that significant new transit services and Transportation Demand Management (TDM) solutions have been incorporated into all the remaining build alternatives.

3. **Is the P3 Program financially viable and can this Program be delivered at no taxpayer expense?** Yes, it can. The DEIS explains why we need a P3 Program to deliver these improvements, as the State of Maryland lacks funding and bond capacity to fund it any other way. The DEIS reveals that all of the build alternatives can provide a very substantial positive cash flow under both the low-cost and medium-cost assumptions. Only the worst-case assumptions regarding future interest rates and higher construction costs would produce negatives cashflows. So the P3 Program does appear to be financially viable and can be delivered at no cost to taxpayers. Financial risk can best be minimized by moving the project forward quickly, to take full advantage of historic low interest rates we are now seeing. Further delay adds significant cost to the project. So Maryland officials would be wise to do their best to avoid further delay on a project that has already been studied for 30 years.

The DEIS findings on these three questions should reassure the public and local officials regarding the critical importance and effectiveness of the proposed improvements to the American Legion Bridge, the Beltway and I-270. These improvements remain top priorities for Montgomery, Frederick and Prince George's Counties, and should move forward as called for in our region's adopted long-range transportation plans.

The next step is to get public feedback, not just from the usual opposition groups who are always heard from, but from the other 90% of us who use our road network every day and are fed up with sitting in stalled traffic and crushing congestion delays on the American Legion Bridge and I-270.

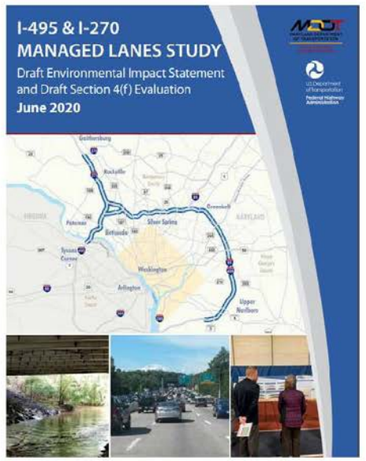
We all know the current conditions during this pandemic are just a temporary reprieve, and traffic will soon be back to our usual nightmarish normal. Now is our chance to move forward on some of the long-term, multi-modal solutions outlined in the DEIS that we now know will bring lasting and dramatic relief.

Anyone can review the documents at 495-270-p3.com/DEIS/ and submit public comments in various ways as indicated on the Program website. We encourage everyone who uses our region's crowded highways to read the report and make sure they comment. A more detailed analysis follows below.

SUBURBAN MARYLAND TRANSPORTATION ALLIANCE

I-495 & I-270 Managed Lanes Study DEIS: Highlights and Key Findings

Introduction:



The Suburban Maryland Transportation Alliance (SMTA) has reviewed the I-495 & I-270 Managed Lanes Study Draft Environmental Impact Statement (DEIS) and encourages everyone to read at least the 21-page executive summary. Key sections of the 353-page study are summarized below, including the chapters detailing how the various alternatives perform in terms of traffic relief and other key metrics.

We wish to point out, at the outset, that this is just the latest study of transportation options in these two heavily congested corridors, in what has already been a 30-year study process. Three previous major corridor studies have already been conducted on both the Capital Beltway and I-270 corridors. All of these studies have produced similar findings: Namely, that a combination of new lane capacity and enhanced transit is needed in both corridors to address current and future travel needs. Not only do we need to address the needs of commuters (who comprise 19% of daily trips), but other needs for interstate travel, errands and other non-commuting trips, shipping and freight deliveries as well.

This is important because **non-commuting trips make up 81% of daily traffic in our region** and these trips will never be served to any significant degree by transit or telework. That is why all previous studies, and this one, indicate that the only effective solution to congestion in these corridors must include new lane capacity on our major interstates as part of the solution, along with any new transit services.

For this reason, after several years of study, the Metropolitan Washington Council of Governments Transportation Planning Board (TPB) adopted a long-range plan, called "Visualize 2045," to meet the needs of the estimated 1.2 million more residents the region is projected to add by 2040. That plan includes adding two new managed lanes to the Beltway and I-270, with express buses using the new lanes. Several of the build alternatives in the DEIS are consistent with the region's adopted long-range plan. The "No-build Alternative" is not consistent with the region's adopted long-range plan.

We encourage everyone to review the DEIS and submit comments during the official comment period. You can review the full report, and learn more about how and when to comment, at: 495-270-p3.com/deis/

This overview of the key findings of the DEIS is intended to help brief public officials, transportation reporters, residents and other stakeholders in our community who wish to know the facts but do not have time to read the entire 353-page DEIS. The following pages summarize the key findings of the DEIS, including excerpts from key sections (with citations to the pages in the DEIS) and additional observations based on our expertise on regional transportation issues.

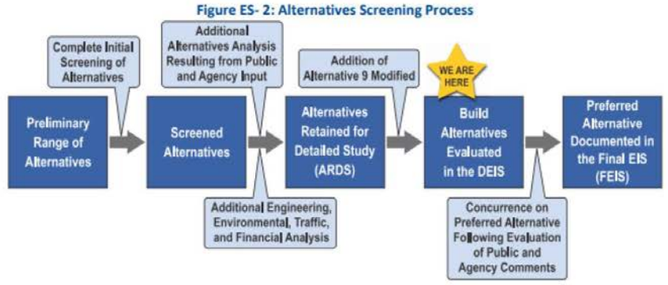
The MLS Draft Environmental Impact Statement and the NEPA Study Process:

The Managed Lanes Study Draft Environmental Impact Statement is a 353-page document that provides a wealth of information about the various alternatives now under study to relieve severe traffic congestion on two of Maryland's most crowded interstates. The issuance of a DEIS for public comment is a required step in the National Environmental Policy Act (NEPA) study process. The entire DEIS report is now available for public comment at: 495-270-p3.com/DEIS.

The DEIS includes a 21-page Executive Summary of the report on the same website, as well as roughly 18,000 pages of highly detailed technical analyses and other details in the appendices. It is not necessary to read through all the technical analysis, as the findings of that analysis are presented in the DEIS itself.

The Executive Summary describes where we are in the study process, the initial range of 15 major alternatives that were considered, and how those alternatives were narrowed down to the 6 remaining build alternatives retained in the DEIS. A brief overview of the key findings for each of the build alternatives is also presented in the Executive Summary, along with answers to many of the key questions about the Managed Lanes Study and the broader I-495 & I-270 P3 Program. The figure below illustrates where we are in the MLS study process.

Figure ES- 2: Alternatives Screening Process



The public now has an opportunity to comment on the DEIS. The Maryland Department of Transportation (MDOT), State Highway Administration (SHA), and Federal Highway Administration (FHWA) will then respond to those comments, prior to the issuance of a Final Environmental Impact Statement (FEIS) expected sometime next year. Once the FEIS is completed, and a Record of Decision Signed, the State can proceed to obtaining permits and start construction on whichever alternative is selected, using an innovative public-private-partnership (P3) model for financing and construction of the project.

Key Questions Answered by this DEIS:

As noted, this is not the first major study of these corridors, so much is already known about the impact various types of investments would have on congestion. With the publication of this DEIS, several key questions about the MLS have now been answered even more definitively, and significant new information has come to light that underscores the importance of this project, which addresses a need identified by regional transportation experts as a top priority roughly three decades ago. As one of the main transportation advocacy organizations in the Greater Washington Region, since 2009, the Suburban Maryland Transportation Alliance has participated in many previous studies on both the I-270 and I-495 corridors. Drawing upon this experience, and the expertise of our members and Advisory Board, we have organized this report around the three key questions transportation experts ask about this project, all of which the DEIS answers definitively.

1. **Do we need to move forward with these improvements to the Beltway and I-270?**

The answer is a clear and unequivocal "**yes**." The DEIS underscores many of the key reasons for moving ahead with congestion relief for the American legion Bridge, I-495 & I-270 in Maryland that emerged from previous studies.

First, traffic is forecast to get much worse as the region continues to grow between now and 2045. The DEIS analysis of no-build conditions indicates levels of congestion that are not sustainable, from a quality of life, economic development, or environmental standpoint. The need for the project is quite clear and compelling (see DEIS pp. 1-4 to 1-13). There is also no indication in any data we have seen that the current COVID-related shutdown will have any long-term effects on population growth or traffic levels in 2040, 2045 or beyond. Consider these key facts:

- The region's population is projected grow by nearly 22% by 2045, an increase of over 1.2 million people compared to our population today (DEIS p. 1-5). All those additional people will be traveling on interstates that are already heavily congested today.
- Table 1-1 in the DEIS shows the growth in travel demand that is projected.

Table 1-1: Regional Population Growth

Geography	2000	2020	% Increase Since 2000	2045 Forecast	Forecasted % Increase 2020 to 2045
Montgomery County	875,672	1,052,000	20.1%	1,223,300	16.3%
Prince George's County	805,723	923,100	14.6%	995,900	7.9%
Inner Washington, DC Suburbs[1]	390,386	529,400	35.6%	681,500	28.7%
Outer Washington, DC Suburbs[2]	891,273	1,093,000	22.6%	1,204,700	10.2%
MWCOG Planning Area Counties Total	4,385,759	5,690,000	29.7%	6,925,700	21.7%

Sources: MWCOG (2006; 2018)
[1] As defined by MWCOG and includes Calvert, Charles, and Frederick Counties.
[2] As defined by MWCOG and includes Anne Arundel, Carroll, and Howard Counties.

- The region's employment base is projected to grow by 27% by 2045, an increase of about 913 million jobs (DEIS, p. 1-6). However, employers will not come here to Maryland, or stay in the I-270 corridor if we do not address the severe congestion on I-270 and the American Legion Bridge.
- Severe congestion in these corridors poses a serious long-term threat to our quality of life, employment growth and air quality, and it is among the top complaints local employers hear in trying to recruit top talent to live or work in the Maryland portion of our region.
- The need for this project, and the boost it will provide to future job growth, adding at least 13,000 new highly-paid jobs a year for each $1 billion spent (on an $8-10 billion project) has never been more important than it is now, given rising unemployment and a severe economic downturn. This $8-10 billion stimulus effect is nearly five times larger than the entire State of Maryland received from Congress in COVID relief funds. Literally nothing on the horizon would do more to get our regional economy going again.

- COVID has not changed any of the forecasts on which this project is based. In fact, vehicle traffic has already rebounded to almost pre-COVID levels. Meanwhile, mass transit ridership remains severely reduced from pre-COVID levels, and may take much longer to rebound, driving more people to shift from transit to autos and increasing total auto trips over the long run. As recently reported (WTOP on 7/16/20), INRIX data reveal that auto traffic is now back up to pre-COVID conditions, while transit ridership is down by as much as 90% from pre-COVID levels, and is not yet rebounding significantly.
- Recent changes in telework will not have much impact on future traffic volumes either, for the obvious reason that **only 19% of our daily trips involve commuting**, and entire sectors of our workforce can never telecommute anyway (for example, manufacturing, bio-tech, retail services, hospitality, healthcare, etc.). So even a large increase in telework rates only impacts a small fraction of the less-than-one-fifth of all daily trips that involves commuting in the first place. This will never be enough to ease congestion in our region's congested highways, because it does not even address the vast majority of the trips we make, which have nothing to do with going to and from work. This remaining 81% of daily trips, where telework will have exactly zero impact, includes non-work trips like shopping, errands, interstate through-trips, package and freight deliveries, movement of goods and services, tourism, client meetings, etc,-- none of these trips are impacted by telecommuting by one iota – and these are most of the trips we make. It critically important that policymakers understand that transportation is about a lot more than just commuting to and from work, and this is precisely why telework alone can never address the future congestion levels we are facing by 2040, 2045 and beyond.

The DEIS analysis shows us exactly how bad traffic is forecast to become if we do nothing. For more, see Chapter 3 on "Transportation and Traffic" (DEIS pp. 3-5 to 3-7). Consider these findings from the DEIS regarding how bad traffic is today and the level of increase projected in daily traffic volumes:

- Many segments of I-270 and I-495 are currently among "the most heavily traveled, most congested, and most unreliable roadway segments in Maryland" (DEIS p. 3-5).
- Many segments are currently operating at less than 20mph, with some sections of the Beltway operating at less than 10mph during peak periods (DEIS p. 3-6).
- Average daily traffic is projected to increase by up to 17% in some of these sections by 2040 (DEIS p. 3-7), meaning these major highways, and the local streets surrounding them, will become much more congested in 2040 than they are now if we do nothing to add new capacity.

Table 3-2: 2040 No Build Average Daily Traffic (ADT)

Corridor	Segment	Existing (2017)	No Build (2040)	Percent Increase
I-270	I-370 to MD 28	226,000	265,000	17%
	MD 28 to I-270 Spur	259,000	299,000	15%
I-495	at American Legion Bridge	243,000	277,000	14%
	MD 190 to I-270 Spur	253,000	282,000	11%
	Between I-270 Spurs	119,000	127,000	7%
	MD 355 to I-95	235,000	252,000	7%
	I-95 to US 50	230,000	245,000	7%
	US 50 to MD 214	235,000	252,000	7%
	MD 214 to MD 4	221,000	244,000	10%
	MD 4 to MD 5	198,000	218,000	10%

The Purpose and Need Statement for the MLS Study (DEIS, p. ES-6) lays out a clear rationale for the project, which includes the need to:

- Accommodate Existing Traffic and Long-Term Traffic Growth
- Enhance Trip Reliability
- Provide Additional Roadway Travel Choices
- Accommodate Homeland Security
- Improve Movement of Goods and Services

Two additional goals for the Study are: Financial viability and environmental responsibility. Several of the build alternatives in the DEIS meet these needs and goals to varying degrees.

The DEIS makes clear that adding new managed lanes to portions of I-495 and I-270 is both much needed and long overdue. We also wish to point out that "Fix 270 Now," from the American Legion Bridge to Frederick, was SMTA's rallying cry back in 2015 and 2016, and we had overwhelming support for doing so among Montgomery County and Frederick County elected officials, including most of the State legislators, county council members, and other local officials. This included both the current County Executives in Montgomery County and Frederick County. Both Counties have also submitted language explicitly calling for new managed lanes on I-270 and portions of I-495 in their official "Priority" letters to MDOT since at least 2015, and the region adopted a new long-range plan in 2017, after many years of study, that explicitly adds two new lanes in each direction on all of I-270 and all of I-495 in Maryland. All of these agencies and leaders have recognized and agreed with the need for these improvements. So we will now turn to which alternatives delivers the best results.

2. Which Alternatives were Studied, and Which Perform Best?

A wide range of alternatives were considered in the DEIS, including various forms of transit and other non-road options that were later dropped after being found to be ineffective, fiscally unrealistic or both. Opponents' repeated claims that these options were not considered are patently false.

In addition, two new alternatives were studied extensively at the same level of detail as the other alternatives retained for further study in the DEIS:

- MD-200 (ICC) Diversion Alternative. This option was evaluated at the request of Montgomery County. This added new managed lanes on I-270 and portions of I-495 but did not add any new lanes on the topside of the Beltway between I-270 and I-95. The theory was that enough people would divert up I-95, across on the ICC, and down I-270 again, to avoid that heavily congested section of I-495. Traffic modeling results did not support this alternative, which performed poorly on most traffic metrics, led to increased congestion and was not financially viable. It was dropped from further consideration but retained in the DEIS analysis. The DEIS concluded this alternative "would perform the worst of all Screened Alternatives" and "would have the lowest average speed compared to the Screened Alternatives" (DEIS, p. 2-21).
- Alternative 9M. This is a combination of Alternative 9 (a 2-lane HOT system) and Alternative 5 (a 1-lane HOT system). Alternative 5 was found not to address congestion and underperformed all the build alternatives. However, a new Alternative 9M was created combining Alternative 9 with a one-lane HOT system, similar to Alternative 5, on the topside of the Beltway between I-270 and I-95, with a 2-lane HOT system everywhere else, to meet Montgomery County's concerns.

Here is the complete list of preliminary alternatives that were studied (see DEIS p. 2-8):

- Alternative 1: No Build
- Alternative 2: Transportation Systems Management)/Transportation Demand Management (TSM/TDM)
- Alternative 3: Add one GP Lane in each direction on I-495 and I-270
- Alternative 4: Add one HOV lane in each direction on I-495 and retain existing HOV lane in each direction on I-270
- Alternative 5: Add one priced managed lane in each direction on I-495 and convert one existing HOV lane in each direction to a priced managed lane on I-270
- Alternative 6: Add two GP lanes in each direction on I-495 and I-270
- Alternative 7: Add two HOV lanes in each direction on I-495 and retain one existing HOV lane and add one HOV lane in each direction on I-270
- Alternative 8: Add two priced managed lanes in each direction on I-495 and add one priced managed lane in each direction and retain one existing HOV lane in each direction on I-270
- Alternative 9: Add two priced managed lanes in each direction on I-495 and convert one existing HOV lane to a priced managed lane and add one priced managed lane in each direction on I-270
- Alternative 10: Add two priced managed lanes in each direction on I-495 and on I-270 and retain one existing HOV lane in each direction on I-270 only
- Alternative 11: Physically separate traffic using C-D lanes, adding two GP lanes in each direction on I-495
- Alternative 12A: Convert existing GP lane on I-495 to contraflow lane during peak periods
- Alternative 12B: Convert existing HOV lane on I-270 to contraflow lane during peak periods
- Alternative 13A: Add two priced managed reversible lanes on I-495
- Alternative 13B: Convert existing HOV lanes to two priced managed reversible lanes on I-270
- Alternative 13C: Add two priced managed reversible lanes and retain one existing HOV lane in each direction on I-270
- Alternative 14A: Heavy Rail[8] transit
- Alternative 14B: Light Rail[9] transit
- Alternative 14C: Fixed guideway Bus Rapid Transit (BRT)[10] off alignment of existing roadway
- Alternative 15: Add one dedicated bus lane on I-495 and I-270

What are Managed Lanes?

Managed lanes are highway facilities that use strategies, such as lane-use restrictions or congestion pricing, to optimize the number of vehicles that can travel the highway to maintain free-flowing speeds. Managed lanes are designed to improve highway operations and provide the driving public, as well as transit riders, with reduced congestion and improved trip reliability. Managed lanes operate at an acceptable level of service even when the adjacent general purpose lanes are congested because they are managed to control the number of vehicles using the lane to keep them flowing. Managed lanes provide users with a more reliable option to reach their destination(s). Managed Lanes may include but are not limited to: High Occupancy Vehicles (HOV) lanes, High Occupancy Toll (HOT) lanes, Express Toll Lanes (ETL), and bus-only lanes.

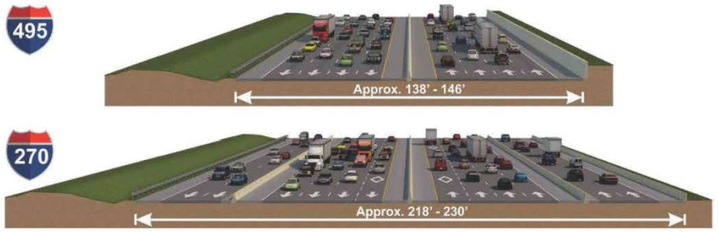
Refer to the *Alternatives Technical Report* (**Appendix B, Section 4.4**) for additional details on the Preliminary Range of Alternatives.

After detailed analysis was completed, the Alternatives were narrowed down to the following build alternatives in the DEIS, all of which were found to meet the purpose and need for the project (with the exception of Alternative 1, the No-Build Alternative, which does not meet the purpose and need).

It is important to note that all the build alternatives, including the No-Build Alternative, include many of the transit options opponents have repeatedly called for as stand-alone alternatives. So the performance of these alternatives has been studied and is assumed in all the remaining Alternatives. These include the Purple Line, MARC system expansion, Corridor Cities Transitway and other proposed bus-rapid transit lines. So when we hear opponents say, "we should upgrade MARC and other transit instead," all of these are part of the No-Build Alternative, which we already know leads to unacceptable levels of congestion.

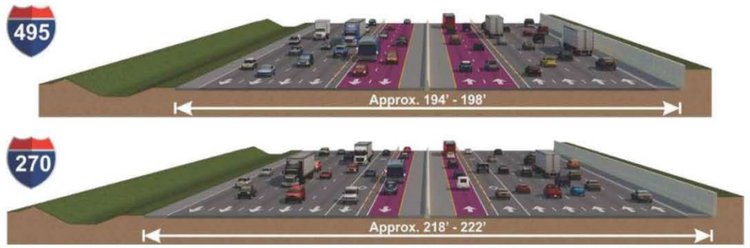
ALT 1: No Build (Existing)

All projects in the Financially Constrained Long Range Transportation Plan (CLRP) including I-270 Innovative Congestion Management (ICM) Improvements, Purple Line, Corridor City Transitway Bus Rapid Transit, and increased trip capacity and frequency along all MARC lines.



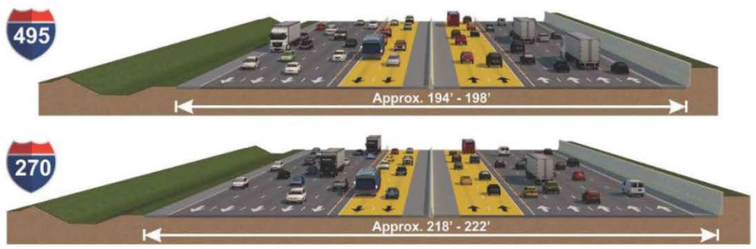
ALT 8: 2 ETL Managed Lanes in I-495; 1 ETL and 1 HOV Managed Lane on I-270

Add two ETL managed lanes in each direction on I-495 and add one ETL managed lane and retain one HOV lane in each direction on I-270.



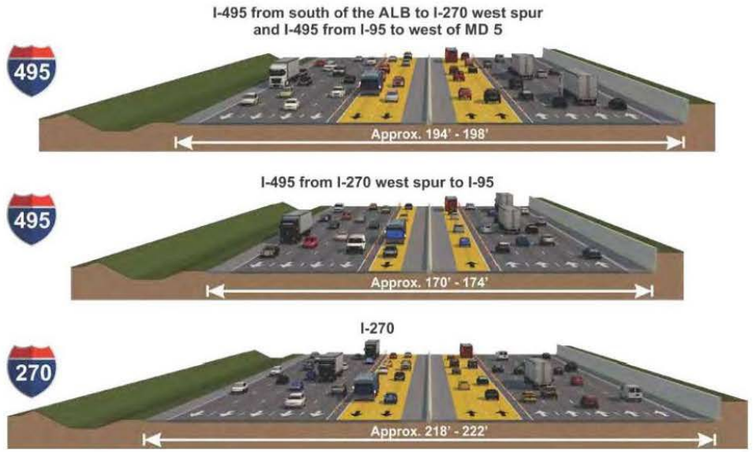
ALT 9: HOT Managed Lanes

Add two HOT managed lanes in each direction on I-495 and convert one existing HOV lane to a HOT managed lane and add one HOT managed lane in each direction on I-270.



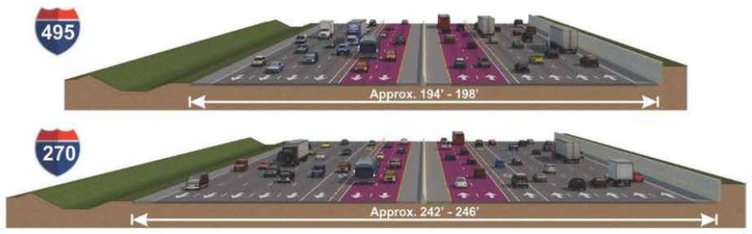
ALT 9M: 2 HOT Managed Lanes on West side and East side of I-495 and I-270; 1 HOT Managed Lane on Top side of I-495

Add two HOT managed lanes in each direction on I-495 between the study limits south of the George Washington Memorial Parkway and the I-270 West Spur, including the American Legion Bridge (ALB) and on I-495 between I-95 and the study limits west of MD 5. Add one HOT managed lane in each direction on I-495 between the I-270 West Spur and I-95. On I-270, convert one existing HOV lane to a HOT managed lane and add one HOT managed lane in each direction.



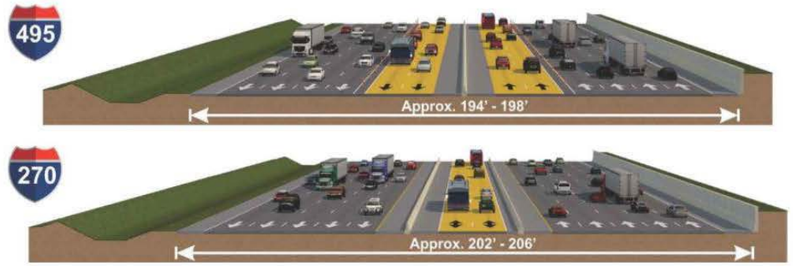
ALT 10: 2 ETL Managed Lanes and 1 HOV Managed Lane on I-270

Add two ETL managed lanes in each direction on I-495 and on I-270 and retain one existing HOV lane in each direction on I-270 only.



ALT 13B: 2 HOT Managed Lanes on I-495; 2 Reversible HOT Managed Lanes on I-270

Add two HOT managed lanes in each direction on I-495 and convert existing HOV lanes to two HOT managed reversible lanes on I-270 while maintaining General Purpose lanes.



ALT 13C: 2 ETL Managed Lanes on I-495; Reversible ETL Managed Lane plus 1 HOV Managed Lane on I-270

Add two ETL managed lanes in each direction on I-495 and add two managed, reversible ETLs on I-270 while retaining HOV lanes adjacent to General Purpose lanes.

DEIS Ch. 2 & Appendix B

How Did the Various Build Alternatives Perform?

The DEIS documents reveal that **several of the build alternatives would provide dramatic and lasting traffic congestion relief, reduced travel times, and better transit access** (more on this below). It also quantifies the environmental and other impacts each alternative would have, which are not as severe as several other recent projects that have won approval. Among the highlights:

- Alternatives 9 and 10, for example, will reduce overall delay by 33% to 35%, a massive time savings for millions of area residents (along with associated fuel savings and emission reductions). All other build alternatives would reduce delay by at least 22% (DEIS p. 3-10).
- The DEIS flatly debunks several other transit and TDM/TSM options that opponent repeatedly cite and that this study proves are simply not viable. These were evaluated in previous studies as well and also found not to address our transportation needs in these corridors. However, robust transit and TDM/TSM elements now have been incorporated into all the remaining build alternatives.

The tables below from the 495-270-p3.com website and the DEIS document summarize how each alternative performs on the most important transportation metrics: reductions in average delay, person throughput, and travel time savings.

Here are some of the highlights:

- **Dramatic Traffic Relief**: Several of the Build-Alternatives provide dramatic and lasting relief, with 2040 conditions significantly better and less congested than either the 2040 No-build Alternative or even compared to current conditions.

- **Average speeds**: Peak-hour speeds improve from 25mph in the 2040 No-build Alternative, to between 38mph and 41mph overall, depending on which alternative we choose (DEIS p. 3-8). In most cases, the study shows both the new managed lanes AND the existing general-purpose lanes will be moving not just faster, but much faster, in most sections compared to the no-build alternative (See Table 3-5 on p. 3-9):
  - **Average speeds for AM Peak trips on the outer loop of I-495 at the American Legion Bridge go from 23mph (no-build) to 37mph in the non-toll "General Purpose" (or GP) lanes (a 60% increase), or to 62mph in the managed** lanes (nearly a 200% increase).
  - **PM Peak trips on that section go from just 19mph in 2040 (no-build) all the way up to 52mph in the non-toll lanes, and to 62mph in the managed lanes, major improvements for toll and non-toll users alike.** Imagine going at least 52 mph during the PM rush hour on the American Legion Bridge, without paying a toll, or moving in free-flow conditions in the managed lanes. That is a dramatic improvement over current conditions.
  - Alternatives 9 and 10 generally provide the most traffic relief among the build alternatives in terms of improved peak-period travel speeds.
  - Some peak-period trips show less improvement, and in one case no improvement, but most sections of both corridors improve dramatically on this key metric.

- **Travel Delay:** The time we waste sitting in traffic delays is also significantly reduced under all the build alternatives, as the following tables from the DEIS Hearing Materials demonstrate:
  - **Several build alternatives reduce delays by well over 30%, with as much as a 35% reduction in delay** during the AM Peak period. The first table below details these reductions across the entire study area.
  - The second table below summarizes the **reductions in delay on surrounding local roads** from the various alternatives, which are also significant and range from a 5.9% to a 7.0% reduction in local traffic under each alternative. This indicates less congestion and cut-through traffic on local and neighborhoods streets, as more passengers shift to less congested and safer highway trips and carpools.

How Much Would the Alternatives Reduce Congestion and Delay?

- Average delay per vehicle quantifies the amount of time motorists are delayed in traffic congestion on the highways within the study area.
- All Build Alternatives are projected to reduce delay by 20% or more compared to the No Build condition, as shown below.

Legend
- > 30% decrease in average delay
- 25% - 30% decrease in average delay
- 20% - 25% decrease in average delay
- < 20% decrease in average delay

Alternatives	I-495 & I-270 Delay Reduction vs. No Build	
	AM Peak	PM Peak
Alternative 1 (No Build)	0%	0%
Alternative 8	23%	33%
Alternative 9	34%	33%
Alternative 9M	30%	30%
Alternative 10	35%	34%
Alternative 13B	27%	22%
Alternative 13C	26%	34%

*SOURCE: VISSIM SIMULATION MODEL. VALUES REFLECT DELAY IN ALL LANES (GP & HOT/ETL) IN THE YEAR 2040, AND ALSO INCLUDE INTERCHANGE RAMPS AND JUNCTIONS.

Legend
- No benefit vs. No Build
- <5% reduction on daily delay on local roadway network
- >5% reduction in daily delay on local roadway network

Alternatives	% Decrease Daily Delay Local Roads
Alternative 1 (No Build)	0%
Alternative 8	6.6%
Alternative 9	7.0%
Alternative 9M	5.9%
Alternative 10	6.5%
Alternative 13B	6.8%
Alternative 13C	6.4%

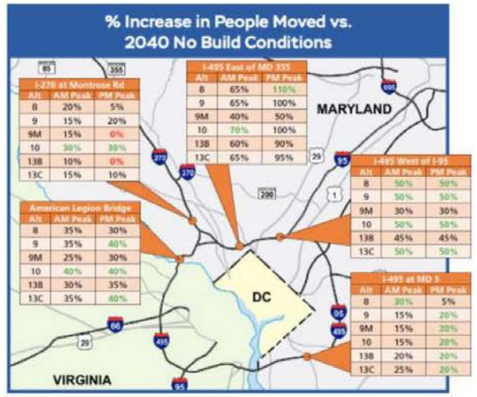
*SOURCE: MWCOG REGIONAL FORECASTING MODEL

Source: DEIS Hearing Materials, Online Presentation, at 495-270-p3.com

- **Person-Throughput:** This measures the efficiency of the roadway network in moving people to their destinations. Person-throughput measures how many people pass a given point on the roadway within a set amount of time. Increases in person-throughput reflect not only numbers of vehicles, but also increased vehicle occupancy as people shift to increased use of carpools, vanpools and transit in these multi-modal corridors.
  - Several build alternatives significantly **boost person-throughput by as much as 110%**, and almost all segments show some significant improvement (*DEIS Hearing Materials)*.
  - In a part of our region, the Maryland portion, which has not significantly added highway capacity to its network over the past 40 years to keep up with past population and job growth (only one major new highway was added during that entire time), this is a key metric for how well the build alternatives can help meet the increased demand we know is coming, as **1.2 million more people are expected to be living here by 2040**.

XX% Highest increase in "person-throughput" per location

XX% No Benefit compared to 2040 No Build



Source: DEIS Hearing Materials, Online Presentation, at 495-270-p3.com

- **Travel Time Savings:** Both the time it takes to get from one place to another, and the reliability and predictability of that trip, are perhaps the most important considerations for area residents when it comes to evaluating any major transportation infrastructure investment from the users' standpoint. A trip that should take 20 minutes or less to go 15 miles ends up taking an hour or more under current conditions across the Greater Washington Region. This contributes to higher emissions, wasted time, and growing frustration by the public. The DEIS documents impressive time savings on most sections of the Beltway and I-270 from several of the build alternatives.

  Here are the highlights (See DEIS, Chapter 3):

  - The new managed lanes would offer more reliable, free-flow travel at or above 45mph on all segments of the system, during both peak periods, leading to dramatic travel time savings compared to the No-build alternative.
  - Significant reductions in travel time are also seen in the general-purpose (GP) lanes as some users opt for the managed lanes instead, reducing peak period volumes on the free lanes and improving average travel times significantly in most segments even for those who do not wish to pay a toll.
  - A great deal of additional information on travel time saving is presented in the DEIS Traffic Analysis Technical Report in Appendix C.
  - The DEIS Hearing Materials provide several specific examples of travel time reductions on various segments, including some of the most heavily traveled sections of I-495 and I-270, as indicated in the map and tables below.

Some Specific Examples of General-Purpose Lane Travel Time Savings in the DEIS:

(Source: DEIS Hearing Materials, Online Presentation, at 495-270-p3.com

- A morning rush-hour trip from College Park to Bethesda that would take you 43 minutes in the 2040 no-build Alternative, will take you just 15 minutes in the free lanes (Alternative 9), saving you 7,020 minutes a year (that's 117 hours a year you won't be spending stuck in traffic!), and that is without paying a toll. Travel time in the toll lanes is just 10 minutes for the same trip.

- An afternoon trip from the American Legion Bridge to the ICC, that would take you 33 minutes in the 2040 no-build, will take you just 23 minutes in the free lanes, or just 15 minutes if you want to pay the toll. Either way, you are saving over 30 hours a year in travel time.

- A morning trip from Suitland to Greenbelt is cut from 27 minutes to just 17 minutes in the free lanes, or 15 in the toll lanes.

- An afternoon trip from Silver Spring to Rockville goes from 28 minutes in the no-build to just 15 minutes in the free lanes, or 14 minutes in the toll lanes.

Commute from College Park to Bethesda (AM Peak Period)

Alternatives	Average Speed (mph)	Travel Time (min)	Time Savings (min)	Annual Savings Per Commuter* Minutes	Hours
No Build	14	43	-	-	-
Alt 8 (GP)	40	15	28	7,280	120
Alt 9 (GP)	37	16	27	7,020	115
Alt 9M (GP)	36	17	26	6,760	115
Alt 10 (GP)	45	13	30	7,800	130
Alt 13B (GP)	29	21	22	5,720	95
Alt 13C (GP)	34	18	25	6,500	110
HOT/ETL (All Alts)	60	10	33	8,580	145

Commute from American Legion Bridge to ICC (PM Peak Period)

Alternatives	Average Speed (mph)	Travel Time (min)	Time Savings (min)	Annual Savings Per Commuter* Minutes	Hours
No Build	24	32	-	-	-
Alt 8 (GP)	23	33	-	-	-
Alt 9 (GP)	33	23	9	2,340	40
Alt 9M (GP)	30	25	7	1,820	30
Alt 10 (GP)	37	21	11	2,860	50
Alt 13B (GP)	42	18	14	3,640	60
Alt 13C (GP)	40	19	13	3,380	55
HOT/ETL (All Alts)	52	15	17	4,420	75

Commute from Suitland to Greenbelt Metro Station (AM Peak Period)

Alternatives	Average Speed (mph)	Travel Time (min)	Time Savings (min)	Annual Savings Per Commuter* Minutes	Hours
No Build	37	27	-	-	-
Alt 8 (GP)	56	18	9	2,340	40
Alt 9 (GP)	56	17	10	2,600	45
Alt 9M (GP)	56	17	10	2,600	45
Alt 10 (GP)	56	17	10	2,600	45
Alt 13B (GP)	56	17	10	2,600	45
Alt 13C (GP)	56	17	10	2,600	45
HOT/ETL (All Alts)	60	15	12	3,120	50

Commute from Silver Spring to Rockville (PM Peak Period)

Alternatives	Average Speed (mph)	Travel Time (min)	Time Savings (min)	Annual Savings Per Commuter* Minutes	Hours
No Build	27	28	-	-	-
Alt 8 (GP)	48	15	13	3,380	55
Alt 9 (GP)	49	15	13	3,380	55
Alt 9M (GP)	49	15	13	3,380	55
Alt 10 (GP)	37	20	8	2,080	35
Alt 13B (GP)	48	15	13	3,380	55
Alt 13C (GP)	40	19	9	2,340	40
HOT/ETL (All Alts)	53	14	14	3,640	60

Which Alternatives Performed Best?

Key Finding #1: Lots of transit and TDM/TSM Alternatives WERE studied, but none offers a viable solution.

No viable non-managed-lane alternatives were found that reduce congestion, improve travel speeds, or reduce travel times in these corridors to any significant degree. It is not that these options were not studied. It is that they DO NOT WORK, and we could not afford them even if they did.

One key takeaway from this DEIS, is that there are no viable stand-alone transit or TDM/TSM alternatives, either alone or in combination, that have ever been shown to be cost-effective, or provide anything close to the improvements that the Managed Lane Study Build Alternatives have been shown to provide in the DEIS, as summarized above.

In this DEIS, and multiple previous studies of these corridors, all the non-road "alternatives" have been studied and rejected because they were found not to relieve congestion, not to be financially viable, or both (see DEIS, pp. ES-7 to ES 11, and 2-11 to 2-22). Multiple previous studies are also listed on the P3 Program website (see: 495-270-p3.com/environmental/resources/).

These non-road options included heavy-rail transit, light-rail transit, fixed guideway bus-rapid-transit (BRT) and many other transit-only alternatives, all of which were studied in this DEIS (see DEIS, p. ES-8). These were rejected early on in the process because they did not reduce current congestion levels, did not accommodate future growth in demand, and/or did not have a viable source of funding (DEIS pp. 2-13 to p. 2-15). It is simply not accurate to say that these options have not been studied. They have. They just don't offer a viable solution.

- The DEIS concludes: **"Transit alone would not meet this Study's Purpose and Need to address the existing and long-term traffic growth in the study corridors"** (DEIS, p. 2-13). It doesn't get much clearer than that.
- The TSM/TDM alternatives were found to provide some improvement, and were incorporated into all the build alternatives, but did not by themselves "support long-term traffic growth" (p. 2-11).
- Previous studies, including the Purple Line's DEIS, have also rejected transit-only solutions for the same reason as they were not found to reduce future traffic congestion on the Beltway or I-270 to any significant degree. No study has ever shown any amount of transit, by itself, can ease future congestion at the American Legion Bridge (ALB) or I-270. None. Ever.

This is why adding two new managed lanes on both interstates is in our region's adopted long-range plan (Visualize 2045) after the regional Transportation Planning Board (TPB) and others spent many years studying this very question and reached the same conclusion. There is no amount of transit or transit-oriented development that can meet the demonstrated demand, and projected future demand, for travel on I-495 and I-270, and even if there were, we could never afford to build or operate it in the current fiscal climate. That is why, in addition to the billions we continue to spend on transit in this region, there also needs to be some new lane capacity on these key bottlenecks, as part of a balanced multimodal approach.

HOV and general-purpose lanes were also studied and rejected, not only because they do not provide a source of funding. They also do not perform as well as managed lanes in maximizing efficiency, reducing congestion, increasing person-throughput, ensuring efficient operations and improving peak-hour speeds (DEIS p. 2-11 to 2-12).

Key Finding #2: There are transit services that could work well IN COMBINATION WITH the managed lanes.

It is important to note that significant transit components have been added to all the build alternatives.

A robust set of new and expanded transit services is now included in the P3 Program (DEIS, pp. ES-11 to ES-12, and 2-45 to 2-47). The DEIS states: "While stand-alone transit alternatives were found to not meet the Study's Purpose and Need, each Build Alternatives includes the following transit elements consistent with the project purpose of enhancing existing and planned multimodal mobility and connectivity (see DEIS, p. ES-11):

- Allowing free bus usage in the managed lanes…
- Accommodating direct and indirect connections to existing transit stations and planned Transit-Oriented Development at the Silver Spring/MARC (US 29), Shady Grove Metro (I-370), Twinbrook Metro (Wooton Parkway), Montgomery Mall Transit Center (Westlake Terrace), Medical Center Metro (MD 187 and MD 185), Kensington MARC (MD 185), Greenbelt Metro/MARC (Cherrywood Lane), New Carrollton metro/MARC/Amtrak (US 50), Largo Town Center Metro (MD 202 and MD 214), and Branch Avenue Metro (MD 5)."
- This would give Montgomery and Frederick Counties the ability to link key transit centers, from Frederick to Bethesda, or College Park, or Tysons Corner, and all points between – including many key metro stations – with much faster, more reliable transit.
- The DEIS also provides Prince George's County with a cost-effective way to extend the reach of the Purple Line to key employment and retail centers, as a Virtual BRT. (pages 2-45 to 2-47)

Providing express-bus service between all these locations through a P3 program would provide a robust transit system, and a significant portion of the capital costs could be funded as part of the construction of the managed lanes. These lanes would then function as a fixed guideway for transit vehicles, offering them a congestion-free option for vastly improved transit travel times.

Key Finding #3: Alternatives 9 and 10 performed best on most key transportation metrics.

Alternative 9 and Alternative 10 performed best in the key operational metrics, including average speed, congestion (levels of service, or LOS), reducing traffic on surrounding local roads, travel time savings, reduced delays, and throughput. Alternative 9 would also add more incentives for carpooling.

Alternatives 9 and 10 each ranked first in three of the six key transportation performance metrics. However, Alternative 9 also offers advantages in sustainability with a slightly smaller footprint (see environmental impacts table) and greater incentives to shift away from single-occupancy-vehicle trips and more to carpools and vanpools.

In terms of cost and financial viability, both seem the most viable and cost-effective as well, meaning lower toll rates presumably, although toll rates are not set as part of the DEIS process.

More detailed transportation performance results for each of the alternatives can be found in Section 3:

1. Existing and future Conditions: pp. 3-5 to 3-8
2. Travel Speeds: pp. 3-8 to 3-9
3. Travel Delay: pp. 3-9 to 3-10
4. Travel Time: pp. 3-10 to 3-11
5. Congestion – Levels of Service (LOS): p. 3-12
6. Local network pp. 3-13 to 3-15
7. Summary: p. 3-16

Key Finding #4: The environmental impacts of the various build alternatives are relatively similar, with some tradeoffs between transportation performance and community and environmental impacts.

The Alternative with the lowest number of impacts, the no-build, also performs the worst on all the key transportation metrics and would lead to catastrophic levels of congestion.

Environmental and community impacts are presented in Chapters 4 and 5 of the DEIS, and the appendices, are summarized in the Executive Summary and in Table ES-2 below (pages ES-14 to ES-16).

The no-build alternative clearly has the lowest impacts, but creates a level of severe, persistent traffic congestion that is unsustainable, inconsistent with adopted regional long-term transportation and economic development plans, and incompatible with the needs of a sound economy, future job growth, and a good quality of life for area residents. It clearly is unacceptable on many levels.

Of the build alternatives, there is some reduction in impacts in the areas near the topside of the Beltway in Alternative 9M, but those reductions in environmental and community impacts are not as significant as one might expect. Instead of 34 residential displacements under most of the other alternatives, for example, Alternative 9M has 25, which is less but not significantly. Either number is roughly half the number of residential displacements the Purple Line involved, and all the alternatives show relatively small impacts for a project of this scope.

Table ES- 2: Summary of Effects Comparison of the Alternatives[1]

	Resource	Alt 1 No Build	Alt 5[2]	Alt 8	Alt 9	Alt 9M	Alt 10	Alt 13B	Alt 13C
Environmental	Total Potential Impacts to Section 4(f) Properties including park and historic properties (acres)	0	141.7	146.8	146.8	144.7	149.0	145.5	146.7
	Number of Historic Properties with Adverse Effect[3] [Adverse effect cannot be determined][4]	0	13 [7]	13[7]	13[7]	13[7]	13[7]	13[7]	13[7]
	100-Year Floodplain (acres)	0	114.3	119.5	119.5	116.5	120.0	119.5	119.9
	Unique and Sensitive Areas (acres)	0	395.3	408.2	408.2	401.8	410.8	406.7	408.6
	Sensitive Species Project Review Area (acres)	0	151.7	155.0	155.0	153.7	155.0	155.0	155.0
	Forest canopy (acres)	0	1,434	1,497	1,497	1,477	1,515	1,489	1,503
	Wetlands of Special State Concern	0	0	0	0	0	0	0	0
	Wetlands, Field-Reviewed (acres)	0	15.4	16.3	16.3	16.1	16.5	16.3	16.1
	Wetlands 25-foot buffer (acres)	0	51.2	53.1	53.1	52.7	53.6	53.1	53.5
	Waters of the US (linear feet)	0	153,702	155,922	155,922	155,229	156,948	155,822	156,632
	Tier II Catchments (acres)	0	55.2	55.3	55.3	55.3	55.3	55.3	55.3
	Noise Receptors Impacted[5]	0	3,661	4,470	4,470	4,249	4,581	4,411	4,461
Traffic	System-wide Delay Savings vs. No Build (AM/PM)[6]	0	20%/22%	23%/33%	34%/33%	30%/30%	35%/34%	27%/22%	26%/34%
Engineering	Total Right-of-way Required[7] (acres)	0	284.9	323.5	323.5	313.4	337.3	318.9	329.3
	Number of Properties Directly Affected	0	1,240	1,475	1,475	1,392	1,518	1,447	1,479
	Number of Residential Relocations	0	25	34	34	25	34	34	34
	Number of Business Relocations	0	4	4	4	4	4	4	4
	Width of Pavement on I-495 (feet)	138–146	170–174	194–198	194–198	170-198	194–198	194–198	194–198
	Width of Pavement on I-270 (feet)	228–256	194–198	218–222	218–222	218-222	242–248	202–206	226–230
	Capital Cost Range [Construction & ROW] (billions)	N/A	$7.8– $8.5	$8.7 – $9.6	$8.7 – $9.6	$8.5-$9.4	$9.0 – $10.0	$8.7 - $9.6	$8.8 - $9.7

Notes: [1] Preliminary impacts represented in this table assume total impacts; permanent and temporary impacts will be distinguished in the FEIS.
[2] MDOT SHA and FHWA determined Alternative 5 is not a reasonable alternative, but it is included in the DEIS for comparison purposes only.
[3] Refer to Chapter 4, Section 4.7 and Appendix G, Volume 1 for additional details on the effects to historic properties.
[4] Based on current design information, effects cannot be fully determined on these 7 historic properties. MDOT SHA will evaluate these properties further as design advances.
[5] Noise receptors are noise-sensitive land uses which include residences, schools, places of worship, and parks, among other uses. Note that these numbers include receptors that do not have an existing noise wall as well as receptors that have an existing noise wall which is expected to be replaced
[6] Previous versions of this table used a similar metric of Annual Average Hours of Savings per Commuter. System-Wide Delay Savings better reflects benefits to all road users.]
[7] The right-of-way is based on State records research and filled in with county right-of-way, as necessary. With the Section 4(f) properties, some boundaries vary based on the presence of easements and differences in the size and location of historic and park boundaries.

As the differences between the build alternatives are relatively modest in terms of environmental or community impacts, but the differences in transportation performance are more wide-ranging, we

encourage more significant focus on the performance of each option on transportation metrics, while seeking to further minimize or avoid environmental and community impacts on all the alternatives.

The DEIS does not indicate that there are severe environmental or community impacts that would rise to the level of negating the well documented and extremely significant transportation and economic benefits the P3 program would bring to our region.

3. Is the P3 Program Financially Viable and Can this Program be Delivered at no Taxpayer Expense?

The DEIS shows that all the build alternatives can be financially viable, depending on various risk factors (such as construction costs and interest rates) and that it can be delivered at no taxpayer expense, depending on three possible sets of estimates based on these potential risks (DEIS p. 2-50). We believe the current economic climate makes this project more crucial than ever for state taxpayers, as it can be delivered at no taxpayer expense, and can help simulate our stalled economy more than any other investment we could make in this region right now.

- The P3 Program has strong financial interest among investors, appears to be financially viable, and can be delivered at no cost to taxpayers, and even generating a large windfall to taxpayers under most circumstances. However, this will depend on factors like interest rates and construction costs that might be impacted by any additional delay that may occur.
- Several build alternatives can provide very substantial positive cash flows to the State – as much as a $2.8 billion surplus – or may fall short by as much as $1.1 billion – but all the mid-range estimates are positive. So it does appear it is more likely to be financially viable than not, and therefore can be delivered at no cost to taxpayers.
- Only the worst-case projections show a potential shortfall, but this is an argument to minimize delays and accelerate the project to take advantage of the current historic-low interest rates.
- These are the cashflow projections under various assumptions (DEIS, p. 2-50):

Table 2-6: Estimated Cashflows for Build Alternatives

Build Alternative	Cash Flow (in millions)		
	Low Capital Cost & Low Interest Rate	Mid Capital Cost & Mid Interest Rate	High Capital Cost & High Interest Rate
Alternative 8	$2,627	$833	- $584
Alternative 9	$2,762	$960	- $482
Alternative 9M	$2,190	$459	- $827
Alternative 10	$2,711	$866	- $604
Alternative 13B	$1,907	$196	- $1,088
Alternative 13C	$2,065	$328	- $998

Notes:
1. The results summarized in this table must be considered in the context presented in DEIS Section 2.8 Financial Viability.
2. The analysis is preliminary because the value of numerous input assumptions used to compute the financial viability of the Build Alternatives could change. A consistent methodology was used to estimate the revenue and consistent financial assumptions were used for all Build Alternatives summarized herein.
3. This analysis considered multiple factors including estimates of: preliminary capital costs (a high and low range of ±5 percent of the base cost), initial revenue projections, preliminary operations and maintenance costs, and the likely methods for how construction phases would be financed.
4. The key input of interest rates considered a high and low range of ±0.50 percent from the base assumptions.
5. Refer to *Chapter 6, Section 2.3* of the *Alternatives Technical Report* (**Appendix B**) for additional information.

As you can see, the DEIS estimates range from a shortfall of $1.1 billion, to a net positive cashflow of $2.8 billion, depending on various assumptions on interest rates and construction costs. All the mid-level estimates, for all 6 alternatives, show a POSITIVE net cash flow, with some Alternatives performing much better than others, meaning it is very likely that the P3 can deliver a significant positive revenue stream for Maryland residents.

Several recent public comments have focused only on the worst-case column in this chart. This is highly misleading and inaccurate, and presents a distorted portrayal of the DEIS findings, as it ignores the much larger potential that exists for a net positive return for Maryland taxpayers. We believe, based on this study and the performance of most other recent managed lane projects around the country, a large positive return is far more likely than a shortfall. Further, it has been made clear that if there is a shortfall in revenue, that risk will not fall on Maryland taxpayers, but on the P3 concessionaire and their investors.

The bottom line is, the DEIS finds the project can be delivered in a way that is financially viable and can provide a significant new revenue stream to the state, under most scenarios.

Actual tolling rates are not provided in the DEIS, as those will be set much later through a public process by the Maryland Transportation Authority, but it is clear that toll financing is the only option for a program of this scale and in this fiscal climate. A P3 structure, using toll financing to deliver these improvements, is the only viable way to bring a project of this scope, now estimated at $8 to $10 billion (p. ES-11), in light of the extremely limited funds or bonding capacity by the State of Maryland today.

The fiscal stimulus effects of the P3 Program are extremely significant, and the COVID-related shutdown makes it even more urgent to tackle this project now, with no further delay. Every $1 billion investment in public infrastructure creates 13,000 high-paying jobs for a year, and this is an $8-10 billion project. We need those new jobs now more than ever in light of national forecasts indicating 11% unemployment by year-end. With State tax revenues in steep decline, and more constrained than before, the P3 option is literally the only game in town with the potential to positively impact State finances.

Main Conclusion:

In summary, the I-495 & I-270 Managed Lanes Study DEIS, which is the definitive study to date of these heavily congested corridors, only confirms:

- The critical importance of the P3 Program to Montgomery, Prince George's and Frederick County residents and businesses, as well as to all other users of our interstate highway system;
- That the build alternatives in the DEIS deliver dramatic and lasting traffic relief on the American Legion Bridge, I-495 and I-270, including significant travel time savings during both peak periods;
- That several of the Build Alternatives, and Alternative 9 in particular, perform very well across a range of performance metrics and meet the purpose and need for the Managed Lanes Study, with fewer environmental or community impacts than several other recently approved major projects, (including the Purple Line); and
- That a P3 Program that includes one of these Build Alternatives can be financially viable.

We recommend everyone take the time to read the 353-page DEIS online and continue participating in the Managed Lanes Study environmental review process.

Anyone can review the DEIS documents at: https://495-270-p3.com/DEIS/.

20

This page is intentionally left blank.

THE EVERGREEN COMMUNITY – CHARLOTTE TROUP LEIGHTON

From: Charlotte Troup Leighton <troupleighton@gmail.com>
Sent: Friday, October 16, 2020 4:32 PM
To: Lisa Choplin <LChoplin@mdot.maryland.gov>
Cc: Treasurer@treasurer.state.md.us; pfranchot@comp.state.md.us; governor.mail@maryland.gov; senator@cardin.senate.gov; jamie@jamieraskin.com; marc.elrich@montgomerycountymd.gov; Lee, Susan Senator <susan.lee@senate.state.md.us>; Kelly, Ariana Delegate <ariana.kelly@house.state.md.us>; Korman, Marc Delegate <marc.korman@house.state.md.us>; Love, Sara Delegate <sara.love@house.state.md.us>; SUSAN SHIPP <jsjshipp3@verizon.net>; Orrick, Jack <jack.orrick@offitkurman.com>; managedlanes@montgomerycountymd.gov; Rubin, Carol <carol.rubin@montgomeryplanning.org>; Councilmember.Albornoz@montgomerycountymd.gov; Councilmember Friedson <councilmember.friedson@mccouncilmd.lmhostediq.com>; Councilmember.Glass@montgomerycountymd.gov; councilmember.hucker@montgomerycountymd.gov; Councilmember.Jawando@montgomerycountymd.gov; councilmember.katz@montgomerycountymd.gov; councilmember.Navarro@montgomerycountymd.gov; councilmember.Rice@montgomerycountymd.gov; councilmember.Riemer@montgomerycountymd.gov; MCP-Chair@mncppc-mc.org
Subject: DEIS Comment Letter from the Evergreen Community in Cabin John

Good afternoon,

Attached please find the DEIS comment letter of the Evergreen community in Cabin John.

Thank you for your consideration.

Sincerely,
EVERGREEN COMMUNITY RESIDENTS

Charlotte Troup Leighton and Russell Leighton (8005 Cypress Grove Lane)

Frank L Wright III and Marcy Harrison (8014 Cypress Grove Lane)

Andrew Strasfogel and Elizabeth Jackson (7913 Cypress Grove Lane)

WeiWei and Fenhua He-Han (7910 Cypress Grove Lane)

Manny and Elizabeth Andrade (7909 Cypress Grove Lane)

Matt and Min Shih (7900 Cypress Grove Lane)

Cindy and Leslie Miller (7905 Cypress Grove Lane)

Gladys Vaughn (7920 Cypress Grove Lane)

Ellen and Steve Futterman (8000 Cypress Grove Lane)

Kara Cunzeman and Marc Bosch (8009 Cypress Grove Lane)

1

Thank you for your comment, responses are provided on the following pages.

Michael and Gail Marcus (8026 Cypress Grove Lane)

Gregory and Sheila Duncan-Peters (8037 Cypress Grove Lane)

Sheryl and Peter Bloch (7920 Cypress Grove Lane)

Edwin and Olga Paxson (8041 Cypress Grove Lane)

Maryann Veloso and Lyle Ishida (8033 Cypress Grove Lane)

Khalid and Ruham Usmani (8013 Cypress Grove Lane)

Donald and Sedene Dunac (8021 Cypress Grove Lane)

Assiatu and Richard Crossman (8025 Cypress Grove Lane)

2

This page is intentionally left blank.

The Evergreen Community
7900-8041 Cypress Grove Lane
Cabin John, MD 20818

October 16, 2020

Lisa B. Choplin, DBIA
Director, I-495 & I-270 P3 Office
Maryland Department of Transportation State Highway Administration
I-495 & I-270 P3 Office
707 North Calvert Street
Mail Stop P-601
Baltimore, MD 21201

RE: I-495/I-270 Managed Lane Study Draft Environmental Impact Statement, Draft Section 4(f) Evaluation, and Draft Section 106 Assessment of Effects Report

Dear Ms. Choplin:

We are members of the Evergreen community, a collection of 27 homes along Cypress Grove Lane in Cabin John, Maryland. As adjacent neighbors to I-495, we have been closely engaged in the I-495/I-270 Managed Lanes Study environmental process. We wish to provide comments on the Draft EIS through this letter.

The material in the Draft EIS raises ten issues that must be further considered and analyzed before the Project can advance. In some cases, these issues raise new and significant information, requiring SHA and FHWA to issue a Supplemental Draft EIS before proceeding forward (*See* 40 CFR 1502.9 and *Marsh v. Oregon Natural Resources Council*). We briefly summarize our major issues in the list below, followed by a more detailed discussion of the topics.

1) **The alternatives still under consideration in the Draft EIS would have devastating property impacts to houses in our community, based on the limits of disturbance presented in Appendix D. These impacts must be substantially minimized and avoided to avoid partial and full takings.**
2) **The alternatives still under consideration in the Draft EIS would have adverse cumulative impacts to the neighboring Morningstar Tabernacle No. 88 Moses Hall and Cemetery site (MIHP No. M: 35-212), as well as to the Gibson Grove First Agape A.M.E. Zion Church property (MIHP No. M: 29-39). These historic resources must be avoided.**

1

Thank you for your comments. The 10 major issues listed on pages 1 and 2 of your comment letter are addressed on the subsequent pages associated with each detailed discussion in your letter.

3) **The noise analysis for the Draft EIS indicates that it is feasible and reasonable to construct a noise wall along I-495 between Persimmon Tree Lane and Seven Locks Road. The construction of an appropriate noise abatement wall in this location must be committed to as a mitigation in the Final EIS and Record of Decision. The P3 Concessionaire's designs must include these noise walls at no cost to our community.**
4) **The proposed location of the noise barriers would exacerbate property impacts to local residents, as well as to the historic Morningstar Tabernacle No. 88 Moses Hall and Cemetery site, and the Gibson Grove First Agape A.M.E. Zion Church property (MIHP No. M: 29-39). The location of noise barriers should be adjusted and refined in the Final EIS and the final design of the selected Alternative.**
5) **Our community has existing runoff and erosion issues from I-495. The Draft EIS does not provide sufficiently detailed information regarding the strategy to manage the existing and future stormwater generated by the impervious service of the highway. The Final EIS must provide additional detail and strong commitments to manage stormwater impacts.**
6) **The visual impacts of the proposed new MD 190 off-ramp are inadequately analyzed in the Draft EIS. A Visual Impact Assessment should be prepared before moving forward and incorporated into a Supplemental Draft EIS for review and comment. Because of the unacceptable visual and property impacts in the Alternatives, the exit at this location should be replaced with an at-grade approach.**
7) **The documentation associated with construction is inadequate and potential impacts are not addressed.**
8) **Local traffic impacts caused by the Project are neither identified nor mitigated.**
9) **The impacts of the "Elevated Option" are not evaluated in the DEIS. Its potential for additional visual and noise impacts means that the option should be eliminated and that a Supplemental Draft EIS must be prepared if it is further advanced.**
10) **SHA should more substantively address the impacts that COVID-19 may have on travel demand, and the purpose and need for this Project.**

Please find a more detailed discussion of these issues below.

#1

Property Impacts

As shown in the *Environmental Resources Mapping* (Appendix D), our community along Cypress Grove Lane would experience substantial property incursions under the current planning assumptions of the evaluated Alternatives. The limits of disturbance (LOD) indicate construction and/or permanent impacts to multiple properties in our community, often quite close to these existing homes. Some of these impacts result from stormwater management and noise considerations, which we address substantively below. In the Final EIS, SHA must take steps to avoid and/or minimize any impacts to private property in our community consistent with NEPA regulations.

2

Response to DEIS Comment #1

Response to DEIS Comment #1
The Preferred Alternative, does not result in any full acquisitions or residential or business displacements; therefore, no homes would be taken due to the proposed roadway widening.

Sliver impacts to properties along I-495 within the Evergreen community are proposed for elements such as roadside grading, on-site drainage and stormwater management, and noise barrier replacement/construction. These partial property acquisitions are considered ones that do not cause a residential relocation and have been assumed where a principle building of a residence or community facility is located more than 20 feet from the Preferred Alternative limits of disturbance.

As the design is advanced on the Preferred Alternative there may be further reductions in impacts. An important benefit to conducting a P3 process with pre-development work concurrent with the NEPA process is to increase efficiency by receiving input by the Developer on design and ancillary elements of the project such as stormwater management. This collaborative effort ensures that the design and associated limits of disturbance (LOD) are appropriate and feasible ahead of final design. While additional LOD changes may occur during final design, including additional avoidance and minimization, the risk of substantial changes in the LOD or substantial increase in environmental impacts is significantly lowered by the early involvement of the Developer.

#1 Cont

We request additional information regarding the nature of potential property impacts. Appendices D and E (*Community Effects Assessment*) provide insufficient information for residents potentially affected by property acquisition. The *Community Effects Assessment* identifies 10.2 acres of residential property acquisition in the Cabin John area (Appendix D of the *CEA*, Pg. 6). Appendix D indicates that seven to eight properties in our community would see at least partial impacts based on where the LOD is currently indicated. As measured from the Map 59, At least four of these homes would be within 20' of the LOD. Our community is prepared to pursue legal remedies to protect our property rights, consistent with the Uniform Act, as these property impacts are unacceptable to us and unnecessary to implement the Project.

#2

Cumulative Impacts to Neighboring African American Historic Properties

Our community believes that the DEIS has failed to adequately disclose impacts to the neighboring Morningstar Tabernacle No. 88 Moses Hall and Cemetery site (MIHP No. M: 35-212), as well as to the Gibson Grove First Agape A.M.E. Zion Church property (MIHP No. M: 29-39). Both of these sites are a key and central feature of the remaining African American community in Cabin John.

The limits of disturbance (LOD) indicate that the Moses Hall foundation and Cemetery will be adversely affected by any encroachment of construction that extends beyond the existing I-495 right-of-way. Furthermore, any new I-495 construction could adversely affect the planned reconstruction of the Gibson Grove Church property. The Draft EIS fails to provide sufficient information on efforts to date to avoid and minimize impacts to these valuable resources. The Moses Hall and Gibson Grove properties are an important part of Cabin John that were disproportionately affected by the original I-495 construction in the 1960s. We believe that SHA should take an active role in righting past racial injustice by avoiding further cumulative impacts to this community. We are deeply supportive of these historic resources. We note specific impacts to the Moses Hall and Gibson Grove properties from the Project and construction period below.

#3

Noise Analysis and Noise Barriers

In reviewing the *Noise Analysis Technical Report* (Appendix J), we are pleased to see that a noise barrier is considered feasible and reasonable for the section of I-495 adjacent to Evergreen. This noise barrier must be included as mitigation in the Final EIS, committed to in the Record of Decision, and included in the designs advanced by the Concessionaire. Additionally, we note below a few concerns with the analysis conducted in the Draft EIS regarding noise.

Neither the noise impact assessment results (Appendix J, Table D-1) nor the noise barrier analysis table (Appendix J, Tables 4-5) indicate the number of residences that are assigned to each receptor location. This information should be disclosed to allow the community to properly understand the impact of the proposed project and the feasibility and reasonableness of potential noise abatement. The noise study report does not disclose the number of impacted residences for each receptor, within each NSA, or within the overall project. The study also does not identify the activity category of the receptors.

There are generally minor differences (i.e., 1 to 2 dB) between the noise impact assessment results (Appendix J, Table D-1) and the noise barrier analyses table (Appendix J, Table 4-5)

3

Response to DEIS Comment #2

Since the publication of the DEIS, additional and successful avoidance and minimization efforts also involved the Morningstar Tabernacle No. 88 Moses Hall and Cemetery. Through additional investigation and survey including ground penetrating radar (GPR), MDOT SHA identified potential unmarked graves within state-owned right-of-way adjacent to I-495. The Preferred Alternative incorporates design refinements that minimized the overall width of the improvements to completely avoid the cemetery property and the known area of state-owned right-of-way that has the potential for unmarked graves.

Understanding that the Beltway was constructed adjacent to these sensitive resources, MDOT SHA has commited to construct the following pedestrian connections between the Gibson Grove A.M.E. Zion Church and the Morningtar Tabernalce No. 88 Moses Hall Cemetery to restore the historic connection along Sevel Locks Road:

- Widen the existing variable-width sidepath along the east side of Seven Locks Road under I-495 (Cabin John Trail)
- Constructing a new sidewalk along the west side of Seven Locks Road under I-495 to directly connect First Agape AME Zion Church (Gibson Grove Church) and Morningstar Tabernacle No. 88 Moses Hall and Cemetery

The Preferred Alternative includes the following elements and commitments related to the First Agape AME Zion Church (Gibson Grove Church) and Morningstar Tabernacle No. 88 Moses Hall Cemetery:

- Direct and indirect impacts to historically African American Gibson Grove Community significantly minimized
- Gibson Grove Church is avoided with impacts minimized to 0.1 acre of temporary easement needed for drainage
- All direct and indirect impacts to Moses Hall Cemetery completely avoided
- Noise barrier with context sensitive treatment at the Moses Hall Cemetery
- Gifting land owned by MDOT SHA with potential graves back to Trustees of Moses Hall Cemetery
- Completing drainage improvements on Gibson Grove property and clearing space for their proposed parking lot
- Upgrading parking lot on the east side Seven Locks Road and making the sidewalk and path improvements to connect to the existing parking lot.
- Constructing a new sidewalk along the west side of Seven Lock Road under I-495 to reestablish the historic connection between Gibson Grove Church and the Moses Hall Cemetery.

Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.

Response to DEIS Comment #3

As part of this project, a new barrier system is proposed along the inner loop of I-495 from Persimmon Tree Road to just south of Cabin John Parkway. The new barrier system will be constructed as close to the roadway as possible to minimize or avoid property impacts. As described in the Supplemental DEIS (SDEIS) and the supporting Noise Analysis Technical Report Addendum the noise analysis is based on the current preferred alternative design and MDOT SHA's Highway Noise Abatement Planning and Engineering Guidelines ("Noise Guidelines"), which detail implementation guidance, critical background information, rationale, and other comprehensive criteria associated with a highway noise study. The noise policy and guidelines are based upon the provisions contained in Title 23 of the Code of Federal Regulations Part 772 (23 CFR 772), Procedures for Abatement of Highway Traffic Noise and Construction Noise and the Federal Highway Administration (FHWA) report FHWA-HEP-10-025, Highway Traffic Noise: Analysis and Abatement Guidance and subsequent revisions.

The DEIS, SDEIS and FEIS all include the "Statement of Likelihood" that is required by FHWA regulation 23 CFR 772.13(g)(3):

"A statement of likelihood shall be included in the environmental document since feasibility and reasonableness determinations may change due to changes in project design after approval of the environmental document. The statement of likelihood shall include the preliminary location and physical description of noise abatement measures determined feasible and reasonable in the preliminary analysis.

#3 Cont

without the proposed noise barrier. We assume this difference to relate to zero-foot noise barriers rather than no noise barriers being used in the model. True no-barrier sound levels should be used instead to evaluate the insertion loss to more accurately predict insertion loss and the potential benefit of proposed noise barriers.

For noise abatement, the Evergreen neighborhood is combined within the larger NSA 1-04 and is evaluated as a barrier system with other NSAs, including 1-02 and 1-05. Table 4-8 of Appendix J indicates that the barrier height would average 26 feet within NSA 1-04. However, the results in the Executive Summary indicate the barrier height is 27 feet. As shown in Map 1 of Appendix J and Map 4 of Appendix D, the horizontal alignment of the barrier is shown to substantially intrude upon the residential properties on Cypress Grove Lane, which would require property acquisition. While there is a need to avoid a delineated waterway west of Cypress Grove Lane, the proposed barrier alignment does not appear to be justified given the topography in the area. The base of the noise barrier should generally be at a higher elevation. It appears that such an alignment may be feasible closer to, and within, the I-495 right-of-way. Such an approach would also preserve more trees in our backyards. These trees are not only an important aesthetic feature of our neighborhoods that reduces the negative visual effects of the highway, they also serve to blunt the annoyance associated with roadway noise. A revised alignment would also avoid the Moses Hall foundation and Cemetery

As many of our homes are adjacent to the highway, traffic noise is already a daily condition with which we live. When this section of I-495 was widened in the early 1990s, our community was promised that noise barriers could be provided to address the increased noise that would result from a large expansion in highway capacity. The fact that this promise was not kept previously makes us particularly concerned that SHA would abandon its commitment to address these issues should the project move forward.

The *Noise Analysis Technical Report* includes a statement of likelihood for the proposed noise barrier which indicates that "engineering changes reflected in final design could alter the conclusions reached in this analysis leading to recommendations to add or omit noise barrier locations" (Appendix J, Pg. 1). Appendix J also indicates that a final design noise analysis will be performed during the design phase of the project and that the opinions of all benefited property owners and residences will be solicited through public involvement and outreach during final design. While we look forward to the opportunity to coordinate further with SHA on the design of the noise barriers, we wish to reiterate that properly sited and designed noise barriers are essential mitigations for the noise impacts associated with this Project. We also note that the MDOT SHA *Highway Noise Abatement Planning and Engineering Guidelines* require that any proposed barrier optimization during final design of an innovative contracting project, like this P3 project, must maintain or improve upon the results in the noise analysis report (Appendix I of the *Guidelines*).

Even if the Project does not move forward, we need noise mitigation to manage the daily impacts that we face. We implore SHA and our local Montgomery County officials to develop a program and associated funding to provide the resources for so-called "Type II" noise barrier projects. Many other neighborhoods along I-495, including our neighbors in Carderock Springs, share a need for noise abatement regardless of the direction that the State takes on this particular Project. We appreciate your attention to this issue outside of the DEIS context, as well.

4

The statement of likelihood shall also indicate that final recommendations on the construction of an abatement measure(s) is determined during the completion of the project's final design and the public involvement processes."

Because we are in the NEPA phase of this project, we do not yet have detailed engineering plans, including soil borings and field surveyed topography. This level of detail is obtained during the final design phase of a project. The design, appearance and final alignment of the sound barriers will also be finalized during final design. The project must receive NEPA approval before final design is initiated, per 23 CFR 771.113(a).

Discrepancies between Tables D-1 and 4-5 have been corrected in the SDEIS. Table 4-6 in the SDEIS (formerly DEIS Table 4-5) now includes a column listing equivalent residences for each modeled receptor. Noise levels have been updated and the data in Table 4-6 matches the data in Appendix B (formerly DEIS Appendix D).

Previous studies have shown that your community warrants noise abatement. The MDOT SHA Noise Policy in place in 1990 used a cost criterion as part of the determination of reasonableness. Increased costs during the evaluation process caused the barrier previously proposed for your community to fail reasonableness criteria. This policy has since been updated (first in 2011 and again in 2020) to assess cost reasonableness using a square footage per benefited residence (sfpr) metric rather than cost. This is because materials costs fluctuate based upon market and supply chain conditions, and MDOT SHA believes that all communities should be evaluated equally regardless of the materials costs at the time of the noise analysis. The Evergreen Community qualifies for the highest square footage threshold allowable under the MDOT SHA Noise Policy (2,700 sfpr).

At this time, there is no mechanism for the state to provide noise abatement to your community outside of a roadway improvement project such as the Managed Lanes Study. While MDOT SHA does participate in FHWA's voluntary Type 2 noise abatement program, there is currently no funding programmed for Type 2 noise abatement projects.

#4

Stormwater and Runoff

Through the EIS, SHA must take more substantive steps to address existing and future stormwater and runoff than are presented in the draft document.

The properties within the Evergreen subdivision along Cypress Grove Lane, as well as the Moses Hall and Cemetery property, are downslope of the I-495 roadway. For most of the length of highway abutting the Evergreen subdivision, the land adjacent to the highway shoulder includes a drainage ditch and then a berm, before the land slopes down into the community, including the Moses Hall and Cemetery. This is true except for three low points, one located west of the subdivision (*see* Location A in **Attachment A** to this letter), another in the vicinity of 8021 Cypress Grove Lane (Location B) and lastly, east of 8005 Cypress Grove Lane (Location C). Based on Montgomery County GIS mapping, runoff from I-495 currently drains at Location A into an existing stream valley. However, at Location B and C, runoff drains into the back of several properties. Drainage along the north side of Cypress Grove Lane currently flows in a southeasterly direction, through properties and into an existing drainage ditch that runs along the shoulder of Cypress Grove Lane and flows to the east.

These existing flows create substantial damage to our properties and the Moses Hall and Cemetery property on a regular basis. The water creates erosion across our backyards that results in long gullies where dirt, rocks, and sticks accumulate. As shown in **Attachment B** to this letter, these conditions are not only unsightly, but also result in real degradation to property condition and value. Stormwater erosion has seriously degraded the Moses Hall and cemetery property.

The *Natural Resources Technical Report* (Appendix L) notes that stormwater management will be provided as required by the state. Current Maryland stormwater management (SWM) regulations require that environmental site design (ESD) practices be implemented to the maximum extent practical. The report notes that design for on-site SWM was developed to a concept level of detail and included within the Limits of Disturbance (LOD). What is unclear is what SWM is proposed for the length of I-495 abutting the Evergreen Subdivision. A concept SWM feature is shown at the headwater of the existing stream valley west of the subdivision at the previously identified Location A. Otherwise, the report provides five roadside typical sections, two of which include SWM features. However, none of the five section illustrations or descriptions depict how noise barriers would be integrated into the section, and if those sections include SWM.

Greater amounts of runoff will result from widening I-495 as a result of the increase in impervious area. The approach to managing this increased runoff must be more clearly documented. If SWM is being provided, then where runoff will drain to once it exits the SWM feature must be documented in the Final EIS. If runoff is projected to drain into the subdivision, the quantity and frequency of flows must be determined and documented in the Final EIS to ensure that the receiving and downslope areas are suitable. This analysis must encompass recent heavy precipitation events that are becoming more frequent and almost routine as a result of climate change. If concentrated runoff does drain into the subdivision and into the Moses Hall and cemetery property, then evaluation of the receiving areas should be included to determine if those areas are appropriate and sufficient to convey flows without erosion or other property

5

Response to DEIS Comment #4

Since there is a documented drainage complaint at the Moses Cemetery the current draft SWM concept presented in the FEIS diverts all the impervious area from I-495 away from the cemetery property to the north side of the highway where it is treated in a SWM facility. As a result, the houses between I-495 and Cypress Grove Lane will see a significant reduction in surface runoff.

The majority of the SWM runoff along Cypress Grove Lane will be diverted, however, some runoff will still be directed to the existing 21"RCP located behind 8021 Cypress Grove Lane and the existing swale located between Osage Lane and Cypress Grove Lane. This project will be required to control stormwater runoff for the 10-year storm to match existing conditions prior to leaving MDOT SHA ROW; therefore the runoff at both locations will not be increased and given that the surface runoff is being directed elsewhere, the total runoff will be significantly reduced.

#4 Cont

damage, since in all cases, runoff will be entering the Moses Cemetery and backyards of residential properties where defined waterways do not exist and where conditions may not be suitable for concentrated flow. The absence of such analysis, and appropriate mitigations based on its findings, could result in a failure to recognize the deleterious impacts to property conditions and home values of the proposed Project.

The Final EIS should provide additional detail to confirm the SWM management approach for the section of I-495 adjacent to Evergreen and to ensure that the SWM approach **improves upon the existing, inadequate SWM mitigation framework**, rather than cause further detrimental impact to our community.

Visual and Property Impacts of MD 190 Off-Ramp

The proposed direct access off-ramp from the eastbound managed lanes onto MD 190 is a major source of concern for our community. The Final EIS should advance an alternative that does not include an eastbound flyover off-ramp onto MD 190.

#5

As indicated in the *Environmental Resources Mapping* (Appendix D), the ramp would create new property impacts for residents in our community and the adjacent Moses Hall and Cemetery site that would not be present should at-grade slip ramps be used instead. Additionally, a new elevated off-ramp would have an adverse impact on the views from our community and potentially privacy issues as well. The viewshed analysis conducted for the Draft EIS is insufficient, fails to take the "hard look" required under *Marsh, Methow Valley*, and other relevant case law, and therefore fails to comply with the NEPA regulations. The analysis broadly concludes that "Where new direct access at-grade auxiliary lanes or ramps would be constructed, visual impacts would be readily apparent, but would not contribute to a change in the character of the existing viewsheds" (DEIS Pg. 4-34). However, the analysis also notes that a Visual Impact Assessment (VIA) has yet to be conducted. In the absence of such a VIA, we believe that visual impacts have not been adequately documented. 40 CFR 1502.9 requires that the Draft EIS adequately disclose the impacts associated with the Project. Additionally, 40 CFR 1502.14(b), as further articulated by the *Forty Questions*, requires that all Alternatives be treated substantially similarly. SHA suggests, instead, that a VIA "in accordance with FHWA's guidance" will only be performed once "design advances on a Preferred Alternative" (DEIS Pg. 4-34).

The failure to complete a VIA with the Draft EIS and the recommendation that the VIA only be prepared for the Preferred Alternative together mean that SHA and FHWA have failed to comply with the NEPA regulations. These serious omissions deprive the public of the ability to truly understand the visual impacts associated with the Project and require a Supplemental Draft EIS to be prepared.

What we do see in the Draft EIS regarding the flyover also concerns us. The MD 190 off-ramp would negatively affect sensitive wetlands and parkland, as shown in Appendix D. Section 4(f) considerations require the evaluation of approaches to avoid the use of such parkland. The *Section 4(f) Evaluation* (Appendix F) is inadequate in this regard. The approach to minimization focuses solely on the stormwater strategy as a means of reducing the property impacts to Cabin John Stream Valley Park, Unit 2 (Pg. 39). A serious consideration of avoidance and minimization would pursue a different approach to serving this off-ramp. The Section 4(f) evaluation must be revised to consider an alternative exit layout.

6

Response to DEIS Comment #5

The Visual Impact Assessment (VIA) was completed on the Preferred Alternative and documented in the FEIS in Chapter 5, Section 5.6 and FEIS, Appendix H and includes renderings in the area of concern around Seven Locks Road and Cabin John Stream Valley Park, Unit 2. The VIA concluded that construction of the Preferred Alternative would not introduce new elements incompatible with the existing visual character or qualities along the study corridors or that experienced by neighbors. Vegetation removal will be mitigated based on state and local agency requirements and standards to maintain the visual quality of the key locations. It is expected that aesthetic and landscaping guidelines will detail materials, lighting, signage, and vegetation standards contextually compatible with the study corridor. Aesthetic and landscaping guidelines will vary along the study corridor to incorporate the aesthetic and context of the neighbor stakeholders and surrounding resources. By inviting neighbor stakeholders in the development of the aesthetic and landscaping guidelines, MDOT SHA would ensure that the Preferred Alternative would be consistent with applicable laws, ordinances, regulations, policies, and standards. As a result, the contextual compatibility impact of the proposed action would be low.

The Preferred Alternative does not include an elevated structure to implement the HOT managed lanes at Seven Locks Road. Between Persimmon Tree Road and Seven Locks Road, the Preferred Alternative includes four general purpose lanes and two high-occupancy toll managed lanes in each direction. An acceleration lane will also be built along the outer loop for approximately 1000-feet east of Seven Locks Road. No ramps are proposed in this area. The proposed typical section serves to minimize the roadway footprint between the Carderock Springs Historic District and Gibson Grove Church along the outer loop and the Morningstar Tabernacle No. 88 Moses Hall & Cemetery along the inner loop. The centerline of I-495 will be relocated such that it gradually shifts away from the Cemetery as it moves north from Persimmon Tree Road; at the Cemetery the proposed median barrier between inner loop and outer loop traffic will be approximately 25 feet further from the Cemetery than the existing median barrier. Flyover ramps are no longer proposed in this area and thus will not create a visual impact. A noise barrier in this area is anticipated to be located close to the existing right of way line. Vegetation will need to be removed within the Limit of Disturbance to facilitate this construction.

Since the DEIS, the Preferred Alternative eliminates of flyover ramps at MD 190/River Road by adjusting the location of the HOT lane direct access ramps between I-495 and MD 190. All HOT lanes direct access ramps within this interchange are now proposed to connect at a new intersection on the MD 190 bridge over I-495 without the use of flyover ramps.

Between Seven Locks Road and MD 190/River Road, the general purpose lanes and managed lanes separate to allow space for highway ramps. The existing Cabin John Parkway bridges will be replaced with new north-facing ramps to I-495 general purpose lanes, and I-495 managed lanes, and MD 190. New ramps connecting to Cabin John Parkway will be provided below existing I-495 grades, avoiding additional visual impacts to adjacent communities. The existing loop ramps at the MD 190 interchange will be replaced by diamond ramps. This configuration typically allows ramps to be located further from adjacent houses than the SDEIS ramp configuration.

#5 Cont

With our concerns with the flyover laid out, we note that an alternative approach consistent with the Project's Purpose and Need does exist. The *Alternatives Technical Report* (Appendix B) provides scant documentation as to why a direct access option is needed at this location. Instead, we note that at-grade slip ramps are proposed for the Clara Barton Parkway off-ramps. Similar conditions exist for the MD 190 off-ramp and an at-grade exit should be pursued in this location.

Further, should the Project move forward as currently proposed, we concur with the recommendation in the Draft EIS (4-35) that design mitigations be advanced, in consultation with the community, to lessen the visual consequences of this Project. This approach should be committed to as a formal mitigation in the Final EIS. The Evergreen community would be available to coordinate with the Project team.

#6

Construction Impacts

The *Environmental Resource Mapping* (Appendix D) indicates that the existing I-495 bridge over Seven Locks Road would need to be replaced to construct the Alternatives. We request additional information regarding the impacts that this construction would have on access to our community, which can only be reached from Seven Locks Road. While we recognize that additional design may help to resolve the nature of these impacts, the Final EIS should include information about the nature of disruption, the duration of that disruption, and how construction impacts will be mitigated. This information should also carefully consider impacts to Moses Hall and Gibson Grove Church from construction. Additionally, there is limited information in the Draft EIS regarding construction staging for the construction of the main line of I-495 and the means and methods of constructing the new MD 190 off-ramp. In total, the information is inadequate for our community to fully understand the nature of impact that we will experience as highway-adjacent residents. As SHA committed to in Chapter 4, the Final EIS must have detailed and quantitative assessment of construction impacts and serious mitigation to address them. We would further appreciate the opportunity to review and comment on mitigation approaches relevant for our community.

#7

Long-Term Traffic Impacts

The long-term consequences of the Project on the roadway network are inadequately evaluated in the Draft EIS. The *Traffic Analysis Technical Report* (Appendix C) shows impacts to local arterials that serve as major access routes for Evergreen (Figure 5-73). The figure indicates that MD 190 and Clara Barton Parkway would see a greater than 10% increase in delay due to the Project. These two routes represent the major regional routes serving our community. These impacts are not documented in the Draft EIS. The impacts to these local roads must be further discussed in the Final EIS and must be mitigated. We also believe the underlying rationale for this Project is called into question as a result of the unprecedented COVID-19 pandemic and its effects on driving patterns (see below).

We have significant concerns that non-state roads that serve as major commuting routes, such as Seven Locks Road and MacArthur Boulevard (sensitive, weight-restricted infrastructure), do not receive any analysis for induced traffic impacts. Traffic impacts to major commuting routes and arterial roads must be addressed by SHA in coordination with USACE, the NPS, and MCDOT.

7

See response to Comment #5 above.

Response to DEIS Comment #6

Impacts during construction are a key consideration for the overall project. As the design is finalized, constructability reviews will be completed and a Transportation Management Plan will be developed to assess operations during construction and lay out a set of strategies that will be implemented to manage work zone impacts.

It is anticipated that construction will last approximately five to six years. Details related to precisely when and where construction related activities will occur will be determined in final design, however, the project will likely require night work to occur when activities could not be completed safely during the day. Advanced notice of construction related activities would be provided and all reasonable efforts to minimize impacts to residential communities would be undertaken. Impacts associated with construction that will be further evaluated for the Selected Alternative in final design include traffic congestion associated with construction maintenance of traffic, utility disruptions, construction vibration, erosion and sediment and control, and construction related noise.

The management of construction impacts is addressed in an agreement between MDOT SHA and the Developer. Pursuant to that agreement, coordination with the neighboring communities will continue through final design and construction. The agreement includes requirements to minimize impacts to surrounding communities and the traveling public, while completing construction as soon as possible. Work hours and duration of construction will be identified to minimize impacts to traffic in an effort to reduce construction related congestion and in consideration of noise and vibration impacts to adjacent communities. Construction methods and materials will comply with contract, state and federal regulation, and environmental permits and mitigation requirements. Careful attention will be taken to assure that material placement will occur when weather conforms to industry standards and regulation. In addition to required governmental inspections, the Developer is required by contract to provide independent environmental, quality, and safety oversight of its contractor's performance. Refer to Final Phase 1 P3 Agreement, https://oplanesmd.com/p3-information/phase-1-agreement/. Once the Developer has selected a Design-Build Contractor(s), the schedule and duration for Phase 1 South construction will be made available to the public.

For additional information refer to Chapter 9, Section 3.4.I for a response to construction impacts.

Response to DEIS Comment #7

The results of the updated traffic analysis in the FEIS indicate that the net impact of the Preferred Alternative will be an overall reduction in delay on the surrounding arterials, including a 4.8 percent reduction in daily delay on the arterials in Montgomery County, despite some localized increases in arterial traffic near the managed lane access interchanges. The portions of the local road network with an anticipated increase in volumes were evaluated in more detail as part of this FEIS, and mitigation was proposed where needed to maintain acceptable operations and safety per FHWA Interstate Access Point Approval guidelines. In addition, based on follow-up meetings between MDOT SHA and Rockville, additional improvements were considered and incorporated where feasible, including modifications to the right-turning movement from the I-270 off-ramp onto eastbound MD 189, and additional turn lanes at Wootton Pkwy at Seven Locks Rd, Gude Drive at Research Blvd, and MD 189 at Great Falls Road. All these enhancements will help manage and/or improve the function of the local roadway network.

Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.

#8

Elevated Option

The *Alternatives Technical Report* (Appendix B) identifies that an elevated option for managed lanes is being considered as a "means and method" for implementing the managed lanes (Pg. 60). As we have expressed above, our community is greatly concerned by the inadequate visual analysis conducted in the Draft EIS. The elevated option is not evaluated in any meaningful way in Appendix B or in Chapter 4 of the DEIS. The elevated option would have additional adverse impacts to views from our community and would generate a substantially different noise profile and possible intrusions on the privacy of community residences. While we oppose the elevated option and recommend it be eliminated from future consideration, this option is substantially and materially different from the Alternatives evaluated in the Draft EIS. Should an elevated option be considered in this section of I-495, these different impacts would need to be evaluated through a Supplemental Draft EIS. A Supplemental Draft EIS would be required because 40 CFR 1502.9 requires that agencies prepare supplements to draft statements if the agency makes substantial changes to the proposed action.

Response to DEIS Comment #8

An elevated alternative was not carried forward as preliminary alternative. The Preferred Alternative does not include an elevated structure to implement the HOT managed lanes. As described in the Supplemental DEIS, the Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to east of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs.

#9

COVID-19 Impacts

Beyond a short paragraph in the Executive Summary (ES-3), the Draft EIS has limited mention of the impacts that the COVID-19 pandemic – such as widespread teleworking - may have on short- and long-term travel demand and therefore need for this highway expansion project. Given the substantial impacts that this has regionally and specifically on communities like ours, SHA should evaluate how COVID may shift highway use as part of a Supplemental Draft EIS. In particular, SHA should evaluate how resulting changes (and likely reductions) in congestion would adjust projections regarding usage of the managed lanes and the financial approach of the Project. Doing so would meet the requirement to take a "hard look" at key issues with bearing on impacts and to affirmatively address issues where there is incomplete or unavailable information (40 CFR 1502.21).

We believe that COVID impacts are not temporary; we believe that we are experiencing epoch change in how we live, work, and play. This is on top of clearly apparent trends in autonomous vehicle transportation that we expect to become commonplace not long after the I-495 P3 project construction is complete. We urge SHA to reevaluate the purpose and need of this Project that will so greatly affect our communities and taxpayers.

Response to DEIS Comment #9

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.

Thank you for your consideration of our community's comments and concerns. We look forward to SHA addressing these issues in the Final EIS and working with our community on appropriate mitigations for this Project. We will continue to remain engaged through the NEPA and Section 106 processes, as well as other comment and approval steps throughout Project development.

Sincerely,

EVERGREEN COMMUNITY RESIDENTS

Charlotte Troup Leighton and Russell Leighton (8005 Cypress Grove Lane)

Frank L Wright III and Marcy Harrison (8014 Cypress Grove Lane)

8

Andrew Strasfogel and Elizabeth Jackson (7913 Cypress Grove Lane)

WeiWei and Fenhua He-Han (7910 Cypress Grove Lane)

Manny and Elizabeth Andrade (7909 Cypress Grove Lane)

Matt and Min Shih (7900 Cypress Grove Lane)

Cindy and Leslie Miller (7905 Cypress Grove Lane)

Gladys Vaughn (7920 Cypress Grove Lane)

Ellen and Steve Futterman (8000 Cypress Grove Lane)

Kara Cunzeman and Marc Bosch (8009 Cypress Grove Lane)

Michael and Gail Marcus (8026 Cypress Grove Lane)

Gregory and Sheila Duncan-Peters (8037 Cypress Grove Lane)

Sheryl and Peter Bloch (7920 Cypress Grove Lane)

Edwin and Olga Paxson (8041 Cypress Grove Lane)

Maryann Veloso and Lyle Ishida (8033 Cypress Grove Lane)

Khalid and Ruham Usmani (8013 Cypress Grove Lane)

Donald and Sedene Dunac (8021 Cypress Grove Lane)

Assiatu and Richard Crossman (8025 Cypress Grove Lane)

Also Provided:

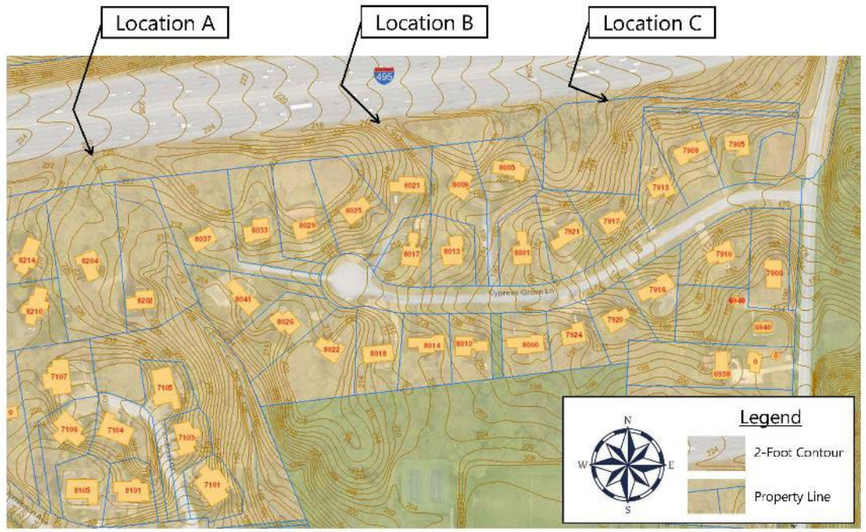
Attachment A: Drainage from I-495 at Evergreen Community

Attachment B: Photographs of Damage from I-495 Stormwater Run-off

CC: Governor Lawrence J. Hogan
Comptroller Peter V.R. Franchot
Treasurer Nancy Kopp
County Executive Marc Elrich
Councilmembers Andrew Friedson, Gabe Albornoz, Evan Glass, Will Jawando, and Hans Riemer
Senator Susan Lee and Delegates Ariana Kelly, Marc Korman, and Sara Love

This page is intentionally left blank.

ATTACHMENT A



Evergreen Drainage (Source: Montgomery County GIS Mapping)
Montgomery County, MD

ATTACHMENT B

UNION OF CONCERNED SCIENTISTS – EYAL LI (EMAIL)

From: Eyal Li <ELi@ucsusa.org>
Sent: Friday, October 30, 2020 11:51 AM
To: MLS-NEPA-P3
Subject: Union of Concerned Scientists Comment on I-495 and I-270 Managed Lanes Study DEIS
Attachments: MDOT 495 & I-270 Managed Lanes DEIS Comment UCS.pdf

Dear MDOT SHA Staff,

On behalf of the Union of Concerned Scientists, I am submitting the attached comment on the I-495 and I-270 Managed Lanes Study Draft Environmental Impact Statement.
Please let me know if you have any questions.

Regards,
Eyal Li
Campaign Associate
pronouns: he / him / his
Union of Concerned Scientists
1825 K St NW #800 | Washington, DC 20006 | P: 240-374-8960

Help boost the science vote in 2020! Find the tools you need to register, learn about state-specific voting information, and learn how to organize your own voter registration events at ScienceRising.org.

www.ucsusa.org | Join our action network or expert network | Support our work.
Join the conversation on the UCS blog and All Things Nuclear or follow us on Facebook, Twitter, and Instagram

1

This page is intentionally left blank.

Union of Concerned Scientists
Science for a Healthy Planet and Safer World

Maryland Department of Transportation State Highway Administration

October 23rd, 2020

RE: I-495 & I-270 Managed Lanes Study

Dear Administrator Smith,

Thank you for the opportunity to comment on the I-495 and I-270 Managed Lanes Study Draft Environmental Impact Statement. The Union of Concerned Scientists (UCS) is the nation's leading science-based nonprofit putting rigorous, independent science to work to solve our planet's most pressing problems.

#1 On behalf of our 24,000 supporters in Maryland, and network of more than 26,000 scientists, engineers, and public health professionals nationwide, UCS strongly opposes the Maryland Department of Transportation State Highway Administration's (MDOT SHA) proposed addition of managed lanes to I-495 and I-270, and supports a no-build option. As detailed in the draft environmental impact statement (DEIS), the proposed added lanes would increase vehicle miles travelled, leading to higher global warming emissions and traffic related air pollution. We urge MDOT to evaluate additional alternatives for detailed study that provide equitable and sustainable mobility options for Maryland residents including public transit, transportation demand management on existing roadways, and transit-oriented land use that weren't considered in depth in the DEIS.

#2

#3 MDOT's proposed managed lanes will have detrimental impacts on public health, racial equity and the climate if finalized as proposed in any of the managed lane alternatives. Notably, the impacts of the COVID-19 pandemic on travel behavior call into question the suitability of the managed lanes project to meet the needs of our future transportation system and they should be considered in the final environmental impact statement.

#4 **Public Health & Racial Equity**

UCS is particularly concerned about the project's disproportionate health impacts on marginalized communities near the highways. The race and ethnicity characteristics of the Analysis area reveal that Latino, Asian-American, and African Americans are overrepresented by 50%, 49%, and 9%, respectively while white residents are underrepresented by 37% compared to their population statewide (Figure 3-7 in DEIS Appendix E). In 2019, UCS released a study showing African American and Latinx Marylanders are exposed to levels of traffic related air pollution that are 12 and 11 percent higher than the average while white Marylanders breathe air that is 8 percent cleaner than the average Maryland resident (Pinto de Moura 2019). Increasing the throughput capacity of I-495 and I-270 would increase traffic related air pollution in the surrounding communities, exacerbating the burden of breathing higher levels of air pollution in these disproportionately African American, Latinx, and Asian American communities.

Response to DEIS Comment #1
Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.

Response to DEIS Comment #2
Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.

Response to DEIS Comment #3
Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.

Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.

#4 Cont

Chronic exposure to particulate matter pollution from vehicles causes increased death rates attributed to cardiovascular disease and respiratory ailments including COVID-19, among other conditions (American Lung Association 2020). The DEIS does not assess whether environmental justice (EJ) populations will bear a disproportionate burden of the adverse effects of the managed lanes project. The final DEIS should compare the adverse impacts of the project borne by EJ communities to those borne by non-EJ communities. Given the systematic oppression of marginalized groups throughout history, we call on MDOT to shoulder a greater burden of proof that its actions are not harmful to the health and wellbeing of minority populations, low-income populations, and/or indigenous peoples.

#5

Traffic Demand

The DEIS fails to consider the impacts of increased road capacity on long term traffic demand and on land use. It is misleading to claim the proposed managed lanes would reduce congestion when the DEIS estimates show the managed lanes would cause increased travel times on I-270's general lanes during the PM peak travel time (Table 5-6 in DEIS Appendix C). While the DEIS seems to ignore the projected increases in traffic caused by the managed lanes, the Traffic Technical Analysis Report omits a discussion of the impacts of induced travel demand. The overwhelming research on roadway expansions has concluded that they fail to alleviate congestion and actually increase vehicle miles travelled (VMT) in the long term (Handy 2015). In the EPA's 2002 "Guidebook on Induced Travel Demand," a case study examines how after the 1989 6-lane expansion of I-270 in Montgomery County, MD, traffic counts in 1999 exceeded those predicted for 2010, "and traffic congestion had already returned to unacceptable levels" (United States Environmental Protection Agency 2002).

The proposed addition of *managed* lanes does not address the congestion impacts of induced demand since the increased road capacity will only provide congestion relief to drivers who can afford tolls in the priced lanes. This raises equity concerns for drivers who are unable to afford tolls and who will be stuck in congested traffic in the non-priced lanes.

As stated in the EPA's 2002 report, "the omission of induced travel demand results in underestimation of highway project costs and impacts, and hampers thorough understanding and assessment of regional transportation, land use and environmental conditions." Moreover, the induced travel demand from the proposed managed lanes will spill over onto roads adjacent to I-495 and I-270 that are unable to support increased traffic capacity. MDOT's 2017 Attainment Report details the phenomena of induced travel demand and underscores the importance of incorporating induced travel when evaluating the costs and benefits of adding roadway capacity (MDOT SHA 2017). The lack of an appropriate analysis of induced travel demand and its impacts calls into question the accuracy of the environmental impact study for each managed lane alternative.

#6

Climate Change

The omission of an analysis of the impacts of induced travel demand and the resulting underestimate of projected VMT lead to inaccurate estimates of greenhouse gas (GHG)

Response to DEIS Comment #4
Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.

Refer to Chapter 9, Section 3.4.L for a response to public health impacts.

Response to DEIS Comment #5
Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.

Response to DEIS Comment #6
Refer to Chapter 9, Section 3.4.G for a response to climate change and greenhouse gas considerations.

#6 Cont

emissions resulting from the proposed managed lanes (Table 3-37 in DEIS Appendix I). The GHG emissions analysis also notes the impact that the finalized Safer Affordable Fuel-Efficient (SAFE) rule will have on GHG emissions from passenger vehicles but fails to provide an estimate of exactly how much emissions will increase under this rule.

UCS urges MDOT SHA to incorporate induced travel effects into their travel forecasting models in the environmental impact study to better understand the relationship between transportation capacity, behavioral responses, and land use patterns. Moreover, it is critical that MDOT SHA evaluate the impact of the SAFE rule on GHG emissions from vehicles using the roadway to estimate GHG emissions for each alternative. Once these two factors are incorporated into a GHG emissions analysis, MDOT must evaluate how each proposed alternative will help or hinder Maryland's progress in achieving its goal of a 40 percent reduction of GHG emissions from 2006 levels by 2030 under the 2015 update to the Greenhouse Gas Emissions Reduction Act (Maryland Department of the Environment 2019).

The GHG emissions estimates for each alternative must also be evaluated with consideration to Maryland's stated goals of joining the Transportation Climate Initiative: to develop "a policy that accelerates the transition to a low-carbon transportation future and delivers a better, cleaner, more resilient transportation system that benefits all our communities particularly those underserved by current transportation options and overburdened by pollution, while making significant reductions in GHGs and other harmful air pollution across the region" (Section 3.5 in DEIS Appendix I). Using state funds to expand roadways prioritizes wealthier residents who own cars. Investing in the underfunded Maryland Transit Administration and prioritizing congestion-fighting strategies such as bus rapid transit and bus-only lanes would improve the transportation system for communities underserved by current transportation options.

#7

COVID-19

The DEIS does not take into account changes in travel behavior resulting from the COVID-19 pandemic and resulting shifts in commuting patterns. It is irresponsible to not evaluate how these shifting travel patterns will impact the need for the proposed managed lanes and their alternatives.

The lack of a clear discussion of induced travel demand, coupled with MDOT's inappropriately constrained consideration of public health and climate impacts, especially those impacting environmental justice populations, guarantees that the negative impacts of the proposed managed lanes in the DEIS are artificially low. MDOT should evaluate additional alternatives for study that include public transit, transportation demand management on existing roadways, and land uses that would meet the transportation needs of the region. It is critical that the purpose and needs of the project focus on the movement of people and goods rather than accommodating vehicular traffic growth. The adoption of the recommended areas of study will enable MDOT staff to plan for regional transportation systems that enhance access, improve transportation efficiency, and create more livable communities for all.

Response to DEIS Comment #7

Response to DEIS Comment #7

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.

On behalf of the Union of Concerned Scientists:

Maria Cecilia Pinto de Moura
Senior Engineer | Clean Transportation Program

Eyal Li
Campaign Associate | Clean Transportation Program
pronouns: he / him / his
Union of Concerned Scientists
1825 K St NW #800 | Washington, DC 20006 | P: 240-374-8960

References

This page is intentionally left blank.

"2017 Annual Attainment Report On Transportation System Performance." 2017. Maryland Department of Transportation. http://www.mdot.maryland.gov/newMDOT/Planning/AR/Archived%20ARs/2017%20Attainment%20Report.pdf.

"2019 GGRA Draft Plan Executive Summary." 2019. Maryland Department of the Environment. https://mde.maryland.gov/programs/Air/ClimateChange/Documents/2019GGRAPlan/2019%20GGRA%20Draft%20Plan%20Executive%20Summary%20(10-15-2019)%20POSTED.pdf.

American Lung Association. 2020. "Particle Pollution." American Lung Association Particle Pollution. April 20, 2020. https://www.lung.org/clean-air/outdoors/what-makes-air-unhealthy/particle-pollution.

Handy, Susan. n.d. "Increasing Highway Capacity Unlikely to Relieve Traffic Congestion." *National Center for Sustainable Transportation*, 2.

"Managed Lanes Study Draft Environmental Impact Statement Appendix C Traffic Analysis Technical Report." 2020. Maryland Department of Transportation State Highway Administration. https://495-270-p3.com/wp-content/uploads/2020/07/APP-C_MLS_Traffic-Tech-Report-Appendices.pdf.

"Managed Lanes Study Draft Environmental Impact Statement Appendix E Community Effects Assessment and Environmental Justice Analysis." 2020. Maryland Department of Transportation State Highway Administration. https://495-270-p3.com/wp-content/uploads/2020/07/DEIS_AppE_CEA-EJ-Tech-Report_web.pdf.

"Managed Lanes Study Draft Environmental Impact Statement Appendix I Air Quality Technical Report." 2020. Maryland Department of Transportation State Highway Administration. https://495-270-p3.com/wp-content/uploads/2020/07/DEIS_AppI_Air-Quality_web.pdf.

Pinto de Moura, Maria Cecilia. 2019. "Inequitable Exposure to Air Pollution from Vehicles in Maryland." Union of Concerned Scientists. *Inequitable Exposure to Air Pollution from Vehicles in Maryland* (blog). November 15, 2019. https://blog.ucsusa.org/cecilia-moura/air-pollution-from-vehicles-maryland.

United States Environmental Protection Agency. 2002. "Guidebook on Induced Travel Demand." Jack Faucett Associates. https://nepis.epa.gov/Exe/ZyPDF.cgi/94004L98.PDF?Dockey=94004L98.PDF.

This page is intentionally left blank.

UNION OF CONCERNED SCIENTISTS – EYAL LI (ORAL TESTIMONY)

I-495 and I-270 Managed Lanes Study
Joint Public Hearing Testimony

Name: Eyal Li

Joint Public Hearing Date: 8/18/2020

Type/Session: Live/Afternoon

Transcription:

Good afternoon. My name is Eyal Li. Eric Goldstein, my father must have been the phone number you reached. My name is spelled E-Y-A-L and my last name is spelled Li, L-I. My address is 7001 Poplar Avenue in Takoma Park, Maryland. I'm an environmental engineer and an advocate for clean transportation policy with the Union of Concerned Scientists, abbreviated UCS. On behalf of our 24,000 supporters in Maryland and our network of more than 26,000 scientists, engineers and public health professionals nationwide, you see us strongly opposes the proposed addition of lanes to I-495 and I-270 and supports a No Build option. We urge the MDOT SHA to evaluate additional alternatives for detailed study that provide equitable and sustainable mobility options for Maryland residents, including public transit, transportation, demand management on existing roadways, and transit-oriented land use that weren't considered in-depth in the DEIS.

#1

As detailed in the DEIS, the proposed added lanes would increase vehicle miles traveled, leading to higher global warming emissions and traffic related air pollution. UCS is particularly concerned about the project's disproportionate health impacts on marginalized communities near the highways. The race and ethnicity characteristics of the analysis area reveal that Latino, Asian Americans, and African-Americans are overrepresented by 50, 49, and 9 percent, respectively, while white residents are underrepresented by 37 percent compared to their population statewide. In 2019, UCS released a study showing African-American and Latino Marylanders are exposed to levels of traffic-related air pollution that are 12 and 11 percent higher than the average, while white Marylander's breathe air that is eight percent cleaner than the average Maryland resident. Chronic exposure to particulate matter pollution from vehicles causes increased death rates attributed to cardiovascular disease and respiratory ailments, including COVID-19, among other conditions. Given the systematic oppression of marginalized groups throughout history, we call on the Maryland DOT to shoulder a greater burden of proof that its actions are not harmful to the health and well-being of minority populations, low-income populations and/or indigenous peoples.

#2

#3

Furthermore, the DEIS fails to consider the impacts of increased road capacity on land use and on long-term traffic demand. It is misleading to claim the posed new managed lanes would reduce congestion when the overwhelming research on roadway expansions, that they fail to alleviate congestion and actually increase VMT in the long term. The lack of quantification of the effects of induced travel demand calls into question the accuracy of the environmental impact statement as a whole. We can improve mobility and access to opportunity for Maryland residents and the way to do so at I-495 and I-270. Thank you very much for your consideration.

#4

Response to DEIS Comment #1
Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.

Response to DEIS Comment #2
Refer to Chapter 9, Section 3.4.F for a response to adverse impacts to air quality.

Refer to Chapter 9, Section 3.4.G for a response to climate change considerations.

Response to DEIS Comment #3
Refer to Chapter 9, Section 3.4.L for a response to public health impacts.

Response to DEIS Comment #4
Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.

VILLAGE OF NORTH CHEVY CHASE – DANA PETERSON	See the following pages for a response to your comments.

From: nccinfo@northchevychase.org
Sent: Tuesday, September 22, 2020 10:50 AM
To: MLS-NEPA-P3
Subject: Village of North Chevy Chase DEIS Comments
Attachments: VNCC Statement on I495 DEIS Sept 2020.pdf

Ms. Choplin - On behalf of the Village of North Chevy Chase, please find attached comments on the DEIS, which highlight the Village's significant concerns about environmental protections within a P3 structure and oversight of a private contractor, the opaque decision making with respect to the 6 alternatives beyond "No Build", the detrimental impacts in using MD-185/Connecticut Ave as an on-ramp for toll lanes, and the critical importance of revisiting alternatives in light of the COVID-19 pandemic and its effects on traffic patterns throughout the area. Thank you very much.

Dana Peterson
Manager
Village of North Chevy Chase
Mobile: 301-654-7084

1

#1

VILLAGE OF NORTH CHEVY CHASE

September 21, 2020

Testimony to Federal Highway Administration (FHWA), the Maryland Department of Transportation (MDOT), the State Highway Administration (SHA) and the Maryland Department of the Environment (MDE)

As part of public testimony in response to the I-495/I-270 Managed Lanes Study Draft Environmental Impact Statement (DEIS) and as residents and elected officials of the Village of North Chevy Chase, we would like to reiterate the Village's significant concerns about any expansion of I-495, including use of MD-185 (Connecticut Ave) for toll lane access. While our community abuts the portion of I-495 that has been slated for Phase II of any potential project, given that the DEIS addresses both phases of the project, we would like to speak to our ongoing concern about the potential environmental impacts arising from the proposed public-private partnership structure and potential environmental impacts for our community and the region as a whole of any I-495 expansion.

As you can imagine, our community and numerous others are highly skeptical of the proposed public-private partnership in which any proposed construction of I-495 and I-270 would take place. The recent contract negotiations with the Purple Line Transit Partners have highlighted the significant risks to taxpayers in such arrangements, including the possibility of significant environmental disruption for a project that may ultimately fail to be constructed. While State officials and planners have highlighted that there will be no cost to taxpayers for the beltway project, utility companies such as WSSC have calculated that it could cost up to $2 billion to move pipes and infrastructure to accommodate the planned widening of I-270 and I-495, which could add thousands of dollars to residents' utility bills and which infrastructure relocations themselves could have serious environmental impacts unaddressed at all in the DEIS. Of particular concern is how any contract would be structured to ensure that the winning bid adheres to the State's environmental requirements and critically, property acquisitions and relocations. Once control of the project shifts from government authorities to private contractors, the ability to ensure that environmental concerns rather than the economic self-interest of those private contractors are fully taken into account is a paramount concern, yet this is in no way addressed in the DEIS document.

Our community is also gravely concerned about the total lack of transparency in the project to date. The study notes that the 6 alternatives beyond No Build all involve widening the pavement of I-495. The Village has residents whose property abuts the beltway as well as MD-185/Connecticut Avenue leading to the I-495 on ramp. Residents of the Village of North Chevy Chase received letters from State Highway Administration in November 2019 notifying them that SHA would be accessing their private property to "complete field research and survey activities" as part of the I-495 & I-270 P3 Program. Despite our efforts, including State Delegates' efforts, to receive information from SHA on which properties received the letters to better understand the breadth of the survey, SHA would not disclose the information, citing an act meant to protect citizens' personal data. Adding to the perception of opaque decision making is giving individuals and communities a relatively limited time period (originally 90 days and only recently extended to 120 days) to absorb and assess an 18,000-page technical document in the middle of a pandemic.

Response to DEIS Comment #1

Thank you for your comment concerning impacts to the Village of North Chevy Chase. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS . The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Village of North Chevy Chase is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.

Refer to Chapter 9, Section 3.7 for a response to comments related to public involvement and engagement.

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.

#1 Cont

We are very concerned about proposals to utilize Connecticut Ave (MD-185) as an on ramp to proposed toll lanes. While SHA is currently undertaking improvements to the intersection of Connecticut Ave and Jones Bridge Rd as part of the overall BRAC project, there is significant congestion throughout the area during the day, with virtually no opportunities to expand the streets further given the dense population of the area. The community has already suffered from significant canopy loss due to Purple Line construction as well as large multi-family complexes such as Chevy Chase Lake, impacting the area's air quality and storm water management capacities.

We strongly encourage you to revisit the alternatives beyond the No Build in the Managed Lane Study to draw lessons from the COVID-19 pandemic and its effects on traffic patterns. The notable reduction in traffic along I-495 and I-270 during the pandemic highlights opportunities to more fully take account of the manner in which virtual work and staggered work hours at businesses and government offices throughout the area will affect future travel volumes and density. Rather than looking forward to an honest assessment of future transportation needs and how best to meet them, it appears as though the impetus for this project is focused on a rear-view mirror assessment of problems that are in no way related to the traffic situation and transportation needs likely to be present over the next 20 years. Avoidance of unnecessary and harmful environmental impacts for a project that is ill-suited to meet the actual transportation requirements of the next quarter century should be a paramount priority for all those involved. Governor Hogan and Governor Northam have cooperated on proposals for expansion of the American Legion Bridge – it would seem beneficial for them to combine efforts in looking more thoroughly at no build alternatives as well for the region as a whole.

Sincerely,

Council of the Village of North Chevy Chase

Adrian Andreassi, Chair

Brian Hoffner, Vice Chair

Maury Mechanick, Secretary

Chas Stuart, Treasurer

Ronald Jones, Member

cc: Maryland House of Delegates Representatives Carr, Shetty and Solomon

Maryland State Senator Waldstreicher

Montgomery County Executive Elrich

Montgomery County Council Representatives Friedson, Albornoz, Glass, Jawando and Riemer

U.S. Congress Representative Raskin

U.S. Senators Cardin and Van Hollen

Maryland Governor Hogan

Maryland Comptroller, Peter Franchot

Maryland Treasurer Kopp

Comments addressed above.

WASHINGTON BIOLOGISTS' FIELD CLUB – ALBERT MANVILLE

From: Albert Manville <amanville634@gmail.com>
Sent: Monday, November 9, 2020 5:01 PM
To: MLS-NEPA-P3
Cc: Albert Manville; Albert Manville
Subject: Testimony from a WBFC Member on I-485 & I-270 DEIS
Attachments: DEIS Plummers Island Comments-Final.docx

Dear Officials at the Maryland Department of Transportation:

Kindly accept my following comments as a member in good standing of the Washington Biologists' Field Club, and our cabin and Plummers Island property donated to the National Park Service. Thank you. -AMM-

Albert M. Manville, II, Ph.D., C.W.B., and WBFC Member
2124 Greenwich Street
Falls Church, VA 22043

November 9, 2020
[DEIS Plummers Island Comments-Final.docx]
Attn: Ms. Lisa B. Choplin
DBIA, Director, I-495 & I-270 P3 Office
MDOT State Highway Administration
707 N. Calvert Street
Baltimore, MD 21201 **VIA Email**

Dear Ms. Choplin and MDOT Officials:

As a member in good standing of the Washington Biologists' Field Club (WBFC; official website https://WBFC.science) since 1991, I submit for the record the following comments opposing the I-495/I-270 DEIS, and kindly request that you accept my brief comments for the administrative record.

My positions on the DEIS: As a Ph.D. certified wildlife biologist, former Federal environmental/wildlife official, long-standing member of the WBFC and former chairman of the Centennial Committee, and current graduate university program instructor, I

#1 1. **oppose** this highway expansion project including the portion of the project calling for expansion of the American Legion Bridge;
#2 2. **strongly support** the no build option;
#3 3. find none of the other DEIS **alternatives acceptable**; and
#4 4. find the DEIS **legally deficient**, **faulty**, and **incomplete** — including but by no means limited to:

- destruction of Maryland State Park and National Park Service parklands and wetlands;
- destruction of the Rock Run Culvert which will totally disrupt the biological and physical integrity of Plummers Island;
- a complete failure to understand the biological and historical research significance of Plummers Island and the adjoining parklands which WBFC members and others have been studying and publishing on for more than 120 years;
- a grossly incomplete and inadequate analysis of the Island's wetland and rare plant communities (some surveyed at inappropriate seasonal times, lacking robust survey protocols);
- the failure to include any alternatives to condemning part of Plummers Island for the Cabin John Bridge expansion;
- a failure to include additional transportation options such as electric buses, light rail expansion, new high occupancy vehicle requirements, or other environmentally-friendly alternatives;
- massive costs, almost certain massive cost-overruns (think the Purple Line experience), and high toll prices (think VA I495 and I66 peak toll costs), and cost overruns which will be passed on as additional taxes and fees to the taxpayers;
- the complete failure to seriously consider let alone address massive traffic congestion, gridlock and wasted fuel (think pollution, greenhouse gases, and climate change) during the projected 5-10 years of construction, or longer, with no discussion on *reducing* highway use rather than *increasing it* — ultimately resulting in no-net change in gridlock and congestion; and
- the failure to include these and other issues as part of the cumulative impacts analysis in the DEIS National Environmental Policy Act (NEPA) review. This incomplete and inadequate NEPA review and analysis in the DEIS, including reduced traffic consequences from the current Covid-19 pandemic, makes it impossible for all the affected agencies to assess overall impacts, let alone for the public to review and comment on those impacts. Once the EIS is final, it will be too late to assess these issues.

Brief Discussion: I am a Ph.D. professional wildlife biologist by training, certified by The Wildlife Society, and retired in 2014 as a Senior Wildlife Biologist for the Division of Migratory Bird Management (DMBM), U.S. Fish & Wildlife Service (USFWS), Washington DC headquarters office, after 17 years with DMBM. I was my agency's national lead on all things human-related impacting migratory birds, including tree cutting,

1

Response to DEIS Comment #1
MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 – Phase 1 South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.

Response to DEIS Comment #2
NEPA's CEQ regulations require every environmental impact statement to include a No Build Alternative for detailed assessment. The No Build Alternative serves as a baseline alternative for comparison to all proposed action alternatives. For the Study, the No Build Alternative does not include any improvements to I-495 and I-270 but does reflect all other multimodal transportation initiatives and projects included in the "Visualize2045" plan adopted by the Metropolitan Washington Council of Governments (2018). See DEIS, Chapter 2, Section 2.3. Based on a comprehensive review of regional demographics and traffic data, the No-Build Alternative would not address any of the significant operational issues under existing conditions and fails to accommodate any of the congestion relief metrics established for evaluating all Build Alternatives. See DEIS, Chapter 3 and DEIS Appendix C. For a discussion of the basis for the Purpose and Need and for the Selection of the Preferred Alternative, please see related Common Theme Responses and the SDEIS and FEIS.

Response to DEIS Comment #3
Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.

Response to DEIS Comment #4
Wetlands were delineated according to NPS requirements and RTE plant species on NPS land within the project LOD were surveyed as part of a four-season survey coordinated closely with NPS, DNR, and VDWR. NPS reviewed the survey report and responded that the survey and report were well done, and they had no comments.

The project has worked closely with USFWS and there is no indication that the project would result in un-permitted take of migratory birds.

As described in Chapter 2 of the Supplemental DEIS, the Preferred Alternative includes the full replacement of the American Legion Bridge (ALB) on I-495 spanning the Potomac River with a new, wider bridge on the existing centerline. Comments on the Build Alternatives presented in the DEIS reflected a common support for advancing replacement of the ALB. With its location over the Potomac River and adjacent to several federally-owned parks, MDOT SHA created a separate group (the ALB Strike Team) whose mission was to investigate alternative bridge designs and construction techniques that could be employed to reduce, minimize, and avoid impacts to water and parkland resources in and around the ALB. The results of the effort are reflected in the Preferred Alternative and are the result of the coordination with key agency and public stakeholders, including NPS, M-NCPPC, USACE, MDE, and Maryland DNR. The National Park Service properties that border the Potomac River at the ALB include the George Washington Memorial Parkway, the Chesapeake and Ohio Canal National Historic Park (including the Chesapeake and Ohio Canal Towpath and Plummer's Island), and Clara Barton Parkway. In addition to these sensitive properties, there are also many construction challenges associated with replacement of the ALB, such as access constraints. A number of bridge types and construction methods (both standard and innovative) were evaluated during the Strike Team's analysis. A westward/upstream shift of the bridge alignment and additional phases of construction were also evaluated for the different bridge options. These options were presented to the stakeholders and a conventional structure was recommended that remained on the existing bridge centerline. Impacts to Plummer's Island were significantly reduced compared to those presented for the Build Alternatives in the DEIS by strategically locating the proposed piers for the replacement bridge and eliminating construction access from the island. In addition to a reduction of total impacts at the bridge construction site, the Strike Team effort resulted in a reduction of the number of construction access locations from all four quadrants, as noted in the DEIS, to the northwest quadrant only, due to its grade and proximity to a nearby roadway. This change substantially minimized impacts to the surrounding land.

#4 Cont

road building, water diversion, bridge building and expansion, habitat destruction/degradation, and the "take" (un-permitted killing, injury, or crippling loss) of Federally protected migratory birds — among many other issues. Un-permitted "take" (including so-called incidental or unintentional take — which are still illegal) will most certainly occur if this road building and expansion project is approved and initiated. From what I can tell, these issues of migratory bird "take" (*e.g.*, loss of active nests, chick abandonment, hatchling starvation, and Bald Eagle disruption and disturbance) have not been addressed in any significant detail if at all in the DEIS, including the cumulative impacts of bird "take" under the authority of a NEPA review.

Cumulative impacts must be evaluated in detail under an EIS through full NEPA review, and the previous bird "take" enforcement authority under the Obama Administration's Migratory Bird Treaty Act Solicitor's enforcement provisions are now back in force. Under the Trump Administration's 2017 M-37050 legal opinion, most previous migratory bird enforcement provisions had been rescinded, but U.S. District Judge Valerie Caproni in her August 11, 2020, ruling reversed the Trump decision. I was invited to provide an affidavit in this case. Now once again, un-permitted "take" of migratory birds is a potential criminal offense, with potential legal consequences which have not been evaluated in the DEIS.

I also am a Senior Lecturer and Adjunct Professor for the Advanced Academic [Graduate] Programs, Johns Hopkins University, Washington, DC Campus. Early on when I was a youngster, my father, the late Dr. Richard H. Manville (formerly WBFC Secretary) mentored me in the importance of protecting this wonderful Island, and its native flora and fauna. On several occasions we overnighted at the WBFC Plummers Island cabin, and he shared with me some of his research publications about Plummers Island and its wildlife (*e.g.*, Manville, R.H., USFWS. 1968. Natural History of Plummers Island, Maryland, Special Publication of the Washington Biologists' Field Club, XX Annotated List of the Vertebrates. 44 pp.; among others).

This Island, its adjoining parklands, the history of biological discovery and investigation, and the flora and fauna present are incredibly important to me. Their loss, degradation, and/or destruction will irrevocably affect my standing as a Club member and wildlife biologist who has for years enjoyed, visited, overnighted, fished, and even swum the Potomac River from Maryland to Virginia and back. That will all change if this massive project is allowed to proceed.

Thank you for the opportunity for me to provide these comments on issues of great importance to me, the environment, and collectively to the planet. Respectfully submitted,

/s/

Albert M. Manville, II, Ph.D.

Certified Wildlife Biologist (CWB), The Wildlife
Society; Senior Lecturer and Adjunct Professor, Krieger School of Arts and
Sciences, Advanced Academic Programs, Johns Hopkins University, Wash DC
Campus (21 years); Sole Proprietor, Wildlife and Habitat Conservation Solutions LLC (registered w/
VA State Corporation Commission); and retired Senior Wildlife Biologist, Division of Migratory Bird Management, U.S. Fish & Wildlife Service, Wash. DC
HQ Office (17 years)
amanville634@gmail.com; amanvill1@jhu.edu

2

It is anticipated that construction will last approximately five to six years. Details related to precisely when and where construction related activities will occur will be determined in final design, however, the project will likely require night work to occur when activities could not be completed safely during the day. Advanced notice of construction related activities would be provided and all reasonable efforts to minimize impacts to residential communities would be undertaken. Impacts associated with construction that will be further evaluated for the Selected Alternative in final design include traffic congestion associated with construction maintenance of traffic, utility disruptions, construction vibration, erosion and sediment and control, and construction related noise.

The management of construction impacts is addressed in an agreement between MDOT SHA and the Developer. Pursuant to that agreement, coordination with the neighboring communities will continue through final design and construction. The agreement includes requirements to minimize impacts to surrounding communities and the traveling public, while completing construction as soon as possible. Work hours and duration of construction will be identified to minimize impacts to traffic in an effort to reduce construction related congestion and in consideration of noise and vibration impacts to adjacent communities. Construction methods and materials will comply with contract, state and federal regulation, and environmental permits and mitigation requirements. Careful attention will be taken to assure that material placement will occur when weather conforms to industry standards and regulation. In addition to required governmental inspections, the Developer is required by contract to provide independent environmental, quality, and safety oversight of its contractor's performance. Refer to Final Phase 1 P3 Agreement, https://oplanesmd.com/p3-information/phase-1-agreement/. Once the Developer has selected a Design-Build Contractor(s), the schedule and duration for Phase 1 South construction will be made available to the public. Refer to Chapter 9, Section 3.4.I for a response to construction impacts.

Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.

Refer to Chapter 9, Section 3.4.B for a response to traffic modeling and analysis.

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need and effects of the Pandemic.

WASHINGTON BIOLOGISTS' FIELD CLUB – ROBERT SORENG (ORAL TESTIMONY)

I-495 and I-270 Managed Lanes Study
Joint Public Hearing Testimony

Name: Robert Soreng

Joint Public Hearing Date: 9/3/2020

Type/Session: Live Testimony/Morning

Transcription:

My name is Robert Soaring, R-O-B-E-R-T S-O-R-E-N-G. My address is 5506, Uppingham Street, Chevy Chase, Maryland, 20815.
Can you hear me?

#1 I am opposed to the highway expansion project. I support the No Build option. None of the presented DEIS alternatives are acceptable. I am a professional botanist and field biologist with a Bachelors, Masters and Ph.D in Science. I'm also a member of the Washington Biologists' Field Club, WBFC.science. I'm also testifying on behalf of the Washington Biologist Field Club. WBFC purchased the property known as Plummers Island and the adjacent mainland up to the C&O Canal Towpath in 1901 for a meeting place and research station. The Club has been meeting on Plumbers Island continuously for nearly 120 years. The Club gave the property to the National Park Service on July 24, 1959, with a written understanding that the Club retained the right to maintain the island as a natural wild area for its use, for scientific research, for meetings of the Club and to purchase, pursue the studies in field biology and natural history. The American Legion Bridge was constructed immediately to the west of the island starting in 1962. That construction led to many invasive plants infesting the island and disturbing the water flow to its flanking wetlands. Plumbers Island is known as the most thoroughly studied island in North America and perhaps the world. Since 1901, nearly 400 scientific publications have focused on the island's biota. Birds, fish, mammals, reptiles, amphibians, plants, insects and others who'd been stated that the Potomac Gorge is a gem among our national parks. And I would say Plumbers Island is a crown jewel in that. The plant and animal diversity are tremendous, with many rare species and long-term ongoing research projects. I and many other biologists have walked and observed every nook and cranny of this topologically diverse island with its rocky hills and cliffs, including the globally and state rare Potomac River bedrock terrace [INAUDIBLE] forest and sensitive

#2 wetland bottoms. We love this place. Rebuilding and expanding the American Legion Bridge on the island would destroy much of it. I and all other WBFC members beg you to preserve this national treasure. Please visit our website WBFC.science. We will present more detail on our written testimony. Thank you.

Response to DEIS Comment #1
Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.

Response to DEIS Comment #2
As described in Chapter 2 of the Supplemental DEIS, the Preferred Alternative includes the full replacement of the American Legion Bridge (ALB) on I-495 spanning the Potomac River with a new, wider bridge on the existing centerline. Comments on the Build Alternatives presented in the DEIS reflected a common support for advancing replacement of the ALB. With its location over the Potomac River and adjacent to several federally-owned parks, MDOT SHA created a separate group (the ALB Strike Team) whose mission was to investigate alternative bridge designs and construction techniques that could be employed to reduce, minimize, and avoid impacts to water and parkland resources in and around the ALB. The results of the effort are reflected in the Preferred Alternative and are the result of the coordination with key agency and public stakeholders, including NPS, M-NCPPC, USACE, MDE, and Maryland DNR. The National Park Service properties that border the Potomac River at the ALB include the George Washington Memorial Parkway, the Chesapeake and Ohio Canal National Historic Park (including the Chesapeake and Ohio Canal Towpath and Plummer's Island), and Clara Barton Parkway. In addition to these sensitive properties, there are also many construction challenges associated with replacement of the ALB, such as access constraints. A number of bridge types and construction methods (both standard and innovative) were evaluated during the Strike Team's analysis. A westward/upstream shift of the bridge alignment and additional phases of construction were also evaluated for the different bridge options. These options were presented to the stakeholders and a conventional structure was recommended that remained on the existing bridge centerline. Impacts to Plummer's Island were significantly reduced compared to those presented for the Build Alternatives in the DEIS by strategically locating the proposed piers for the replacement bridge and eliminating construction access from the island. In addition to a reduction of total impacts at the bridge construction site, the Strike Team effort resulted in a reduction of the number of construction access locations from all four quadrants, as noted in the DEIS, to the northwest quadrant only, due to its grade and proximity to a nearby roadway. This change substantially minimized impacts to the surrounding land.

WASHINGTON BIOLOGISTS' FIELD CLUB – ROBERT SORENG (WEBSITE)

Washington Biologists' Field Club

For full comments on the DEIS Please see the attached pdf WBFC written Testimony
This Authorized I-495 and I-270 P3 Program DEIS Testimony is submitted on behalf of The Washington Biologists' Field Club (WBFC). November 2020.
Our website is https://WBFC.science
Dear MDOT Officials:
Thank you for the opportunity to comment on this important issue.

#1 The WBFC is OPPOSED to the highway expansion project including the American Legion Bridge (ALB) expansion part.
WBFC supports the NO BUILD OPTION
None of the other presented DEIS alternatives are acceptable.

#2 WBFC considers the DEIS legally faulty and incomplete for many reasons, including:
- Destruction and disturbance of State of Maryland and National parklands with wetlands, including but not limited to several miles of Rock Creek Regional Park (including moving substantial stretches of Rock Creek), and ca. 80 acres of the Chesapeake & Ohio National Historical Park (CONHP), including ca. 5 acres of the 12 acre Plummers Island and moving "Rock Run".
- The destruction of "Rock Run Culvert" in building the American Legion Bridge violates the integrity of Plummers Island (CONHP, Montgomery Co., Maryland).
- Lack of understanding or recognition of the value of the extensive historical and ongoing biological research on Plummers Island and the WBFC's 120 years of contributions and commitments to that. Records of many rare plants, animals and habitats from the Island were not considered.
- Lack of Due Diligence on study of impacts on Plummers Island's wetlands and rare plant communities, and rare plant and animal species (the evaluation of the organisms on the Island was apparently based on one summertime visit to the head of the Island in 2019). DEIS APPENDIX L. (Natural Resources Technical Report) subordinate Appendices A-R cover Natural Resources considered along the route. As is documented below, APPENDIX L is woefully incomplete as concerns Plummers Island. Plummers Island is in the large Potomac River / Rock Run (PR/RR) Natural Resources unit. The DEIS surveys for rare plants and animals on the Island was cursory, brief, and at the wrong season of the year to identify many of the organisms of concern.
- Lack of alternatives to condemning part of Plummers Island for the ALB proposed project.
- Lack of consideration of the impact of the Covid-19 epidemic on present and future transportation loads and patterns (many folks are teleworking and attending virtual meetings). With peak traffic flows down due to changed behavior patterns resulting from Covid-19, toll lanes will be unlikely to provide revenue streams of sufficient reward to P3 contractors, likely leaving taxpayers on the hook for billions of dollars.
- Lack of forward thinking on Climate Change (only more cars powered by petrol).
- Lack of accepted Build options with mass transportation options (trains, light rail, monorail, etc.)
- Massive costs, with near certain cost overruns passed on to taxpayers. Regarding Washington Suburban Sanitary Commission (WSSC) expenditures, estimated to be $2 billion, It remains unclear if ratepayers would be responsible for this cost.
- Toll lanes that could cost as much as $50 in peak traffic hours, which would provide little benefit to the average commuter.
- Massive traffic congestion and delays during the construction period lasting 5-10 years, after which the traffic flow will be just as congested as it was prior to the construction due to the

Response to DEIS Comment #1
Refer to Chapter 9, Section 3.3.B for a response to Analysis of Alternatives Retained for Detailed Study.

Response to DEIS Comment #2
Since the DEIS and Draft Section 4(f) Evaluation, substantial efforts to avoid and minimize impacts to park and historic resources around the American Legion Bridge (ALB) has occurred. MDOT SHA and FHWA met with the National Park Service (NPS) on December 8, 2020 to discuss the limit of disturbance (LOD) in the vicinity of the ALB that was presented in the DEIS. The ALB Strike Team considered bridge construction approaches to determine if any of the approaches could further reduce the LOD. The Strike Team conducted detailed investigation of a top-down segmental construction approach; a top-down cable stayed design approach; and a slide-in place bridge construction approach. In addition, after field analysis and review of readily available information, MDOT SHA and the ALB Strike Team determined that access to the existing bridge could be consolidated to the northwest quadrant along Clara Barton Parkway, eliminating the construction access from the other three quadrants around the bridge and significantly reducing impacts to NPS land.

MDOT SHA has minimized impacts to the Chesapeake & Ohio National Historical Park and would impact 0.28 acres of Plummers Island, of which less than 0.1 acres would be permanent impact and 0.27 acres would be temporary impact. Impacts would not relocate Rock Run or destroy the Rock Run Culvert. MDOT SHA assembled a team of bridge specialists from around the country to consider all alternatives for replacement of the American Legion Bridge. The Preferred Alternative represents the least impactful alternative to NPS land and resources. MDOT SHA understands the value of the extensive historical and ongoing biological research on Plummers Island and has considered the rare plants, animals, and habitats on Plummers Island and within the Chesapeake and Ohio Canal National Historical Park in general. MDOT SHA is working closely with NPS to devise an ecological restoration plan to mitigate for project impacts in this area. A four season survey of RTE plant species on NPS lands within the project LOD was conducted in 2020 and will inform the ecological restoration in this area. MDOT SHA conducted a thorough analysis of potential COVID-19 impacts on traffic and determined that there would be a short-term reduction in traffic load, however it would soon return to pre-COVID 19 levels.

As described in Chapter 2 of the Supplemental DEIS, the Preferred Alternative includes the full replacement of the ALB on I-495 spanning the Potomac River with a new, wider bridge on the existing centerline. Comments on the Build Alternatives presented in the DEIS reflected a common support for advancing replacement of the ALB. With its location over the Potomac River and adjacent to several federally-owned parks, MDOT SHA created a separate group (the ALB Strike Team) whose mission was to investigate alternative bridge designs and construction techniques that could be employed to reduce, minimize, and avoid impacts to water and parkland resources in and around the ALB. The results of the effort are reflected in the Preferred Alternative and are the result of the coordination with key agency and public stakeholders, including NPS, M-NCPPC, USACE, MDE, and Maryland DNR. The National Park Service properties that border the Potomac River at the ALB include the George Washington Memorial Parkway, the Chesapeake and Ohio Canal National Historic Park (including the Chesapeake and Ohio Canal Towpath and Plummer's Island), and Clara Barton Parkway. In addition to these sensitive properties, there are also many construction challenges associated with replacement of the ALB, such as access constraints. A number of bridge types and construction methods (both standard and innovative) were evaluated during the Strike Team's analysis. A westward/upstream shift of the bridge alignment and additional phases of construction were also evaluated for the different bridge options. These options were presented to the stakeholders and a conventional structure was recommended that remained on the existing bridge centerline. Impacts to Plummer's Island were significantly reduced compared to those presented for the Build Alternatives in the DEIS by strategically locating the proposed piers for the replacement bridge and eliminating construction access from the island. In addition to a reduction of total impacts at the bridge construction site, the Strike Team effort resulted in a reduction of the number of construction access locations from all four quadrants, as noted in the DEIS, to the northwest quadrant only, due to its grade and proximity to a nearby roadway. This change substantially minimized impacts to the surrounding land.

#2 Cont

encouragement of more cars to be on the road, also known as induced demand.
- Because the DEIS's analysis is incomplete, it is impossible for the concerned Agencies to assess, and the public to comment on, the proposed project's impacts. The Agencies cannot wait until a final EIS is complete to analyze the project's full impacts, as it will then be too late for the public to meaningfully comment on them and for the Agencies to consider the public's comments and choose the alternative that best alleviates the impacts based on this information. We respectfully request that the Agencies conduct a supplemental EIS to provide the public the ability to meaningfully review and comment on the impacts before a final EIS is produced.

Alternative placement of the Bridge not considered in the DEIS
- MDOT should consider building and placing construction platforms only upstream from the current bridge to reduce impacts to the Chesapeake and Ohio Canal NHP and Plummers Island.
- MDOT should consider construction of other crossings to alleviate traffic over the ALB instead of bridge enlargement.
- We respectfully ask that agencies consider these options to the ALB portion of this project to reduce and minimize impacts to Plummers Island and the surrounding area.

WBFC Background. The WBFC (the Club) was founded in 1900 by professional field biologists living and working in the Washington, DC vicinity (Perry 2007). Perry (2007) provides a detailed history of the Club, the Island, and brief biographies of the hundreds of past and present members up to that time. The members are all professional biologists. Plummers Island, Chesapeake & Ohio Canal National Historical Park, Montgomery County, Maryland, has been the WBFC research station and meeting place since 1901 (Appendix 1). Plummers Island is located immediately downstream from the ALB. The Island covers 12.2 acres of land, the widest part of which is on the ALB end. The proposed expansion of the ALB, as part of the I-495 expansion, threatens the existence, and violates the integrity, of the Island as a designated natural wild area (Appendix 2). "Rock Run Culvert" as identified in the DEIS is actually a natural Potomac River channel that has divided the Island from the mainland since time immemorial (Perry 2007). There is a small true concrete and pipe culvert running under the ALB which drains into the river channel where the channel bends eastward (water apparently rarely flows from this ALB culvert).

The current ALB proposal would cut across the Island, move or destroy the true channel "Culvert" that separates the Island from the mainland, clear the trees and level a substantial part of the Island, clear the significant healthy native beech tree forest on the mainland side (Popkin 2019, a deadly beech disease is spreading in the NE US), destroy the wetlands associated with the island and mainland, and result in major infestations of invasive plants. If implemented this DEIS project would jeopardize future research on trends in biodiversity on the Island. Noise pollution from expanding the ALB onto the Island would make WBFC meetings meetings on the Island nearly impossible.

Old map (above) showing the real Rock Run and Plummers Island (copied from Perry 2007). Map of Plummers Island Pre-ALB (below). Calling the Potomac River channel "Rock Run Culvert" allows it to be "excluded" from consideration as a protected wetland in the DEIS Natural Resources APPENDIX L. It is not a Culvert! And "Rock Run" has been misapplied to it.

Head of Plummers Island adjacent to ALB separated by "Rock Run" channel or "Culvert" from the mainland, showing Potomac Gorge Riverside Outcrop Barrens, wetland mud flats (inundated here) and sandbars.

The Draft EIS is seriously flawed in many ways. The most pertinent to the WBFC is the failure to

Comments addressed above.

#2 Cont

discuss and evaluate the impact of the destruction of part of Plummers Island, a historical and biological treasure within the Chesapeake and Ohio Canal National Historical Park. There is not even a footnote about the incalculable value of the long-term research on the biology of this Island, and nothing about WBFC's place in it.
The WBFC leased Plummers Island in June 8, 1901, for a meeting place and research station, and built the cabin that year. The WBFC finally settled the legal purchase the property known as Plummers Island (Appendix 1), and most of the adjacent mainland up to the C&O Canal Tow Path, in 1908 (Perry 2007).
The Club has been meeting on Plummers Island continuously for nearly 120 years, and conducting research there on a wide range of subjects. The Club gave the property to the National Park Service on July 24, 1959, with the written understanding (Appendix 2) that the Club retained the right to maintain the island as a natural wild area, use it for scientific research, for meetings of the Club, and to pursue its studies in the field of biology and natural history.
Plummers Island is known as "The most thoroughly studied island in North America", and perhaps in the world.

The Club holds events each year on the Island where members gather with guests. We maintain the historic Club cabin, "Winnemana Lodge," built in 1901. The name Winnemana was the name originally given to the cabin (Lodge) in 1906 and is translated from a Native American language meaning "beautiful island." The epithet winnemana has been given to Latin names for various insects and mammals described from Plummers Island collections.

Winnemana Lodge built in 1901. The Cabin is still standing and well maintained by WBFC.
There are always research projects ongoing on the Island, conducted both by members and by grantees funded by our Endowment Research funds. Many of these projects run for years, and are follow-ups to pre-ALB censuses, showing impacts of pollution, and changes in fauna and flora.
WBFC reviews dozens of research grant proposals each year and usually funds 5 to 10 of them each year, with first priority given to studies on the Island, second priority to the Potomac Gorge, eventually allowing studies in the Mid-Atlantic region. Voucher specimens for plants and animals collected for the scientific studies on the Island are housed and catalogued in the National Museum of Natural History, Smithsonian Institution. These specimens and observations from catch and release and other sightings are reported in hundreds of published scientific papers.
The ALB was constructed immediately to the west (up river) of the island starting in 1962. The placement of the original bridge was intentionally positioned to protect the Island (Appendix 2 & 3) to ensure the continuation of WBFC's valuable long-term biological research program. When the ALB was expanded in the early 1990s, the expansion was done by filling in the gap between the north and south-bound lanes, again avoiding direct damage to the Island. Despite the best efforts of engineers and construction implementation to avoid impacting the Island, the original ALB construction and 1992 expansion led to many invasive plants infesting the Island, and disturbing the water flow to its flanking wetlands. The worst of the invasive plant infestations are on the head of the Island adjacent to the ALB. Negative impacts of local environmental pollution on lichens and insects have been documented on the Island. Traffic on the ALB also led to Lead pollution from vehicle exhaust and declines in lichen species, which are particularly sensitive, from 70 to 20 (Lawrey & Hale 1979). This illustrates the importance of long-term scientific research on the Island, which influenced legislation to reduce lead in gasoline, and eventual reduction in lead contamination locally and world-wide.
Excerpt of Washington Post article 19 May 1994 by D'Vera Cohn about lichens and Pollution.

Comments addressed above.

Since 1901, over 400 scientific publications have focused on the Island's biota: birds, fish, mammals, reptiles and amphibians, plants, insects, arachnids, nematodes, and other groups (Many published titles in the Proceedings of the Biological Society of Washington, available at https://WBFC.science/biological-studies/) (see Appendix 7 for titles in this series)
An article in the Potomac Basin Reporter (1973) (Appendix 4) cited "1,226 species of plants and 4,293 species of animals on the Island...." including "1500 species of beetles" and "300 to 400 species of bees". The Island "is 'type-locality' for at least 175 species, ..." "No less than 16 genera and three families of plants and animals have been described on the basis of specimens collected on the Island." Some of these numbers were overestimates made before computer databases were compiled. Insect inventories are still substantially incomplete (see Brown & Bahr 2008). The number of vascular plants recorded on the Island, stands around 900 (Shetler et al. 2006; including newer records).
Many thousands of plants and animals have been documented from Plummers Island over 120 years of WBFC research.
Invertebrates on the Island
The Brown & Bahr (2008b) appendix lists all Invertebrate taxa known from the Island, including Insects. (Taxa are taxonomic groups of any rank, such as a species, genus, family, order, or class).
Class Insecta diversity on the Island
Brown & Bahr (2008a & b) documented the known insect species records for the Island. "Based on an examination of the insect collection of the National Museum of Natural History and a review of relevant literature, we document 3012 insect species in 253 families, encompassing 18 insect orders: Collembola, Odonata, Dermaptera, Blattodea, Phasmatodea, Orthoptera, Psocoptera, Thysanoptera, Hemiptera, Neuroptera, Megaloptera, Coleoptera (beetles), Mecoptera, Trichoptera, Lepidoptera, Diptera, Siphonaptera, and Hymenoptera." The authors acknowledge that 16 families of the 600 beetle species have been recorded for the Island, yet they conclude this probably includes only a quarter of the families likely present. Among insects recorded from Plummers Island are 836 species of butterflies and moths (Lepidoptera), with 27 different species of moths described from specimens collected on the island (Brown et al. 2008). Many of these species were described from collections made on the Island. No site in North America has been surveyed as intensively, yet much of the insect fauna remains to be studied, with hundreds of additional species likely to be documented.
Many of these Insect orders depend on wetland habitats for all or much of their life-cycles. Seven types of wetlands are characterized on the Island (Simmons et al. 2016, units 1-5).
Steiner (2000) documented a globally and state-rare click beetle on the Island. Steiner (2008) inventoried 128 species of Tenebrionidae beetles from Maryland, most of which occur on Plummers Island.

A few of the many Tenebrionidae from Plummers Island and nearby. (Steiner 2008 fig. 1-16)
In 2015 Steiner collected the first Emerald Ash Borer (EAB) on the Island. Within the following two years nearly all the mature American and Green Ash trees on the Island were dead or dying. These trees were major components of vegetation types 5 to 11 (see Plummers Island Plant Communities section, below), and they have been decimated over much of Eastern North America.

#3

Imperial moth caterpillar (Eacles imperialis) at head Plummers Island, Oct. 2013 (Soreng photo). These moths are rarely seen any more in the area.
Insects, like other organisms, are experiencing major declines globally (Borenstein 2018; Hallman et al. 2017; Jarvis 2018; Vogel 2017). Giant silk moths (Saturniidae) include Imperial, Cercropia, Luna, Polyphemus, Royal Walnut, Rosy maple etc. In New England, most of these are state

Response to DEIS Comment #3

MDOT SHA has worked with NPS to identify minimization measures at the American Legion Bridge location to reduce impacts to Plummers Island to the maximum extent practicable. The Preferred Alternative impacts approximately 0.28 acres of Plummers Island along its western edge, of which less than 0.1 acres would be permanent impact and 0.27 acres would be temporary impact. The majority of the island will not be impacted by the project and biodiversity research will be able to continue.

MDOT SHA has coordinated closely with USFWS regarding the Peregrine Falcon nest box on the American Legion Bridge. The nest box will be removed from the bridge prior to construction and replaced post-construction. Removal of the nest box is necessary, since the entire bridge will be replaced. Nesting at this location will be interrupted for the duration of construction. Since Plummers Island is located near suburban communities and is in close proximity to several existing roadways, it is likely its bird communities are currently and will continue to be affected by vehicular traffic and other nearby human activities.

MDOT SHA conducted a bat bridge survey at the American Legion Bridge as well as an acoustic survey throughout the corridor study boundary in coordination with the US Fish and Wildlife Service and Maryland Department of Natural Resources. The Northern Long-Eared bat and the Eastern Small-footed Myotis were not detected around the American Legion Bridge during this study. MDOT SHA is aware that several bat species and various other mammalian species occur in the vicinity of Plummers Island.

MDOT SHA is aware of the various plant communities and vegetation zones on Plummers Island. MDOT SHA conducted a four-season rare plant survey on NPS lands within the project LOD in 2020 and the small portion of Plummers Island that is within the LOD was included in this survey.

#3 Cont

endangered species because they have been hammered by an introduced biocontrol agent -- a non-native tachinid fly, Compsilura concinna, which was introduced to try and control gypsy moths in Massachusetts. That fly has wreaked havoc in New England because it is a generalist and the Saturniids have been heavily impacted. This pest has arrived in DC and vicinity but impacts here are not yet known (John Lil pers. comm. 2020). Thanks to the long history of research on insects of Plummers Island, the Island would be a key place to further document this "insect apocalypse," assuming the Island remains intact. The DEIS ALB project puts WBFC Plummers Island research on trends in biodiversity in jeopardy.

Birds on the Island and American Legion Bridge
An established Peregrine Falcon nest is located on the American Legion Bridge and two adults and at least one chick was observed this past June (Putnam 2020). The nest box was put there by MD State Highway Association (SHD) working with US Fish & Wildlife Service (USFWS) in 2007, and peregrines have been nesting there for 12 years. In the DEIS document, "they propose moving the nest box to another location just before nesting season when the bridge constructions begins, but as an established nest this recommendation may not be successful" (Carla Dove, WBFC member, Smithsonian Ornithologist, pers. comm.). A Mississippi Kite was also observed this year. Wetmore & Manville (in Manville 1968) account for birds known from the Island to that time. Johnston & Winings (1987) attribute the decline of forest breeding birds on the Island and vicinity to vehicular traffic.

Mammals on the Island
Five bat species are documented by Smithsonian collections from the Island. Among these are the Endangered northern long-eared bat, Myotis septentrionalis, and the eastern small-footed Myotis, Myotis leibii. The latter was separately described as Myotis winnemana. Other mammals collected include shrews, moles, mice, voles, eastern cottontail, eastern gray squirrel. Georgian bat, large brown bat, red bat, evening bat, whitetail deer, eastern skunk, mink, eastern long-tailed weasel, fox squirrel, eastern flying squirrel, eastern otter, chipmunk, eastern red fox, Virginia muskrat, and woodchucks have also been recorded (Manville 1968). Mammologists these days often monitor by catch and release and other methods, rather than preparing museum specimens from animals on the Island. For example, the last regional report of an eastern wood rat was reported on Plummers Island. Also, DNA from bones, feathers, fur, or feces can now be used to precisely identify species.

Plummers Island Plant Communities
The National Park Service prepared a map of the vegetation zones in the region with a coarse map for Plummers Island. The plant communities were remapped in finer detail in 2016 (Simmons et al. 2016). (Appendix 6, also available at WBFC.science). This map included 12 communities, 8 within wetlands, and one upland type that is unique to the Potomac Gorge. These plant communities are proxies for where other organisms also live or might be found.

#4

Plummers Island wetlands (units 1 to 7).
The Island's wetland habitats were mapped by Simmons et al. (2016). These were divided into 5 major communities, and 3 subdivisions within those. These include sandbars and mud flats (units 1 & 2), rocky outcrop barrens (3A & B), to regularly flooded bottom land forests (4-6). These areas flood frequently. Community 7 is higher and infrequently flooded. Community 8, i Piedmont Basic Mesic Forest, includes a rich herb layer that is rare in the Potomac Gorge and is rarely flooded. The sandbars, mud flats, and rock barrens occur on the Potomac River side. Mud flats also occur along the usually sluggish "Rock Run" channel. The flooded bottom bench lands (units 5, 6 & 7)

Comment #3 addressed above

Response to DEIS Comment #4

The small portion of Plummers Island that is within the project LOD was delineated for wetlands and waterways based on Section 404 methods, as regulated by the US Army Corps of Engineers, and using NPS wetland delineation methodology as required in DO #77-1. The regulated wetlands within the LOD are depicted and reported in the DEIS and FEIS. This area was also included in the 4-season rare plant survey conducted in 2020 for the project. All rare plants targeted by the survey were reported in the survey report, including *Hibiscus laevis* and *Paspalum fluitans*. If these species were not reported in a particular location, then they were not observed within the survey area on the days in which the surveys were conducted.

Construction plans for the I-495 & I-270 Managed Lanes Study will seek to avoid changes in flow to the oxbow channel around Plummers Island and the Potomac River mainstem.

MDOT SHA is aware that Plummers Island supports a broad variety of plant species, some of which are rare and only found within the Potomac Gorge. MDOT SHA is coordinating closely with NPS to minimize impacts to the flora and fauna of Plummers Island and other NPS lands to the maximum extent practicable and to develop an ecosystem restoration plan to limit impacts and restore communities that are affected.

#4 Cont

cover much of the area adjacent to "Rock Run" channel and the toe of the Island. There are some rock-bottomed swales in the interior the Island (unit 5A). The low benches are mostly flooded only when high waters reach above the 9 ft mark at Little Falls Gauging Station (3 miles downstream) (https://water.weather.gov/ahps2/hydrograph.php?gage=brkm2&wfo=lwx). This level is reached or exceeded often in winter and spring, but frequency and duration vary greatly from year to year. There are rare plants and animals in these zones. Many species records for the Island come only from these zones, and many of these species are reliant on these different wetland habitats for some or all of their life-cycles. Flooding above the 4.5 ft mark, basically makes the Island inaccessible even by wading, and covers all the sand and mud flats up to the breaks to the bench lands. See Brown & Bahr (2008) for Insect inhabitants of the riparian zones.
Populations of two rare plants of concern were observed within the zone of disturbance in the riverside mud flats (Simmons et al. 2016, unit 1) on 31 October 2020 Hibiscus laevis and Paspalum fluitans. Neither of these were reported by the survey crew contracted for the DEIS. Any DEIS related construction plans should seek to avoid changes to water flowing to Plummers Island wetlands including "Rock Run" channel.

Hibiscus laevis in mud flats between Potomac Gorge Riverside Outcrop Barrens (by DEIS SHH102 survey stake, Soreng photo 2020). This species also occurs at the closer head of the Island
Potomac Gorge Riverside Outcrop Barrens
The rocky Potomac Gorge headlands on Plummers Island harbor the rare Solidago racemosa, and Hypericum prolificum. These barrens are routinely scoured by high floods, but these plants hang on!

Solidago racemosa, Potomac Gorge Riverside Outcrop Barrens at the head of the Island (Soreng photo 2020).

Potomac Gorge Riverside Outcrop Barrens near the head of the Island Hibiscus laevis in foreground. ALB in background (Simmons photo 2020).
Piedmont Basic Mesic Forest (unit 8).
This vegetation zone floods rarely, being more than 15 ft above the low flow. This area is rich in herbaceous plant species known only here on the island. And it is gorgeous to see in the spring. It includes the largest population of Jeffersonia diphylla (Twinleaf) that we know of in the Potomac Gorge. The rare Phacelia covillei thrives here, as does the rare Erigenia bulbosa and Valeriana pauciflora, and the leatherwood shrub, Dirca palustris.

Piedmont Basic Mesic Forest includes a large stand of Jeffersonia diphylla (Soreng photo).

Potomac River Bedrock Terrace Hardpan Forest (unit 12)
This Globally and State rare plant community is endemic to the Potomac River Gorge. On the Island it covers the east and west knolls which rarely ever flood, being as much as 60 ft above the riparian zone. The vegetation is markedly different from the other zones as soils are thin over bedrock, and the trees and shrubs are stunted and slow growing. Various sedges and grass species (e.g. including Melica mutica, Dichanthelium acicularе, Piptochaetium avenaceum), and trees and shrubs, are only known from this zone on the Island.

Potomac River Bedrock Terrace Hardpan Forest (unit 12) • Piptochaetium avenaceum / blackseed needle grass glade on ALB survey line. The bridge is visible in the background (Simmons photo 2020).
The Potomac Gorge is a gem among our National Parks

Comments addressed above.

(https://academic.oup.com/bioscience/article/54/1/8/234660),
Plummers Island is a special part of the middle section of the Potomac Gorge. The plant and animal diversity are tremendous with many rare species and long-term ongoing research projects. State and Globally rare plants and Natural Vegetation Communities are documented in Simmons et al. 2016 & 2000 (Appendix 5 & 6). These reports were based on over 120 years of collecting plants and making herbarium vouchers (detailed in Shetler et al. 2006), species surveys for a DNA barcoding project led by J. W. Kress (Gambino, 2009), and vegetation plots established from 1998 to 2000 by E. Fortson-Wells to document invasive plants in the flood plains of the island, followed up by a three year survey of invasive plants and vegetation between 2012 and 2015, conducted by the WBFC Invasive Biota Committee. Voucher specimens, housed at the United States National Herbarium, Department of Botany, National Museum of Natural History, Smithsonian Institution, are recorded and mostly imaged (records available online at https://collections.nmnh.si.edu/search/botany/). Many plants and animals occur in the Potomac Gorge at the northern extensions of their geographic ranges.
Many biologists have walked and observed every nook and cranny of this topographically diverse island with its rocky hills and cliffs, including the globally and state rare Potomac River Bedrock Terrace Hardpan Forest, and sensitive wetland bottoms of "Rock Run" Channel and sand lenses and mud flats on the Potomac River side of the Island. We love this place and its historical, current, and hopefully future biological relevance. Rebuilding and expanding any part of the American Legion Bridge or access to that on the Island would destroy or seriously damage much of it and violate the integrity of the Island.
The noise pollution and visual impact of the current ALB are annoying at best to our meetings on the Island. Expanding the ABL onto the Island will make conversation at meetings at the Cabin on the Island nearly impossible. The noise and air pollution will be much worse during the construction phase. The noise impact on birds may be more extreme (Johnston & Winings 1987). Rare plants and animals and habitat will be lost. It will no longer be "Winnemana", a beautiful island.
If you argue otherwise, we are lost as a Nation. The efforts of science are meaningless. Losing even a piece of this Island is to lose the heart and soul of what our conservation ethic means.
We believe Plummers Island is as important as any of the national museums in Washington, DC, and WBFC members implore MDOT to preserve intact this Historical and Biological National Treasure.
Please visit our web site ◆ https://WBFC.science
Thank you
WBFC President, Vice President, and members

Literature Cited
Borenstein, S. 2018. 'Windshield test' highlights big drop in flying bugs. The Washington Post -HEALTH & SCIENCE (2018-09-25).
Brown, J. W., & S. M. Bahr II. 2008a. The Insect (Insecta) Fauna of Plummers Island, Maryland: Brief Collecting History and Status of the Inventory. Bulletin of the Biological Society of Washington 15: 54-64. http://dx.doi.org/10.2988/0097-0298(2008)15[54:TIIFOP]2.0.CO;2
Brown, J. W., & S. M. Bahr II. 2008b. Appendix List of the Invertebrates of Plummers Island, Maryland. Bulletin of the Biological Society of Washington 15: 192-226 http://dx.doi.org/10.2988/0097-0298(2008)15[192:ALOTIO]2.0.CO;2
Brown, J. W., Epstein, M., Vann, K., Watkins, R., Bahr, S. M., Kolski, E. 2008. An overview of the Lepidoptera (Insecta) of Plummers Island, Maryland. Bulletin of the Biological Society of Washington 15: 65◆74.

The following pages reflect the attachments included in the letter. There are no comments or responses provided on these pages; they are included for the record.

Cohn, J.P. 2004. The Wildest Urban River: Potomac River Gorge. BioScience, Volume 54(1): 8–14, https://doi.org/10.1641/0006-3568(2004)054[0008:TWURPR]2.0.CO;2
Fleming G. 2006. VEGETATION ECOLOGY OF THE POTOMAC GORGE, pdf. Virginia Department of Conservation and Recreation, Division of Natural Heritage. powerpoint document. https://www.dcr.virginia.gov/natural-heritage/document/pogovegecol3.pdf
Gambino, M. 2009 Craking the DNA Code. Smithsonian Magazine August 2009. https://www.smithsonianmag.com/science-nature/cracking-the-dna-code-33970231/
Hallmann, CA, Sorg, M, Jongejans, E, Siepel, H, Hofland, N, Schwan, H, et al. 2017. More than 75 percent decline over 27 years in total flying insect biomass in protected areas. PLoS ONE 12 (10): e0185809. https://doi.org/10.1371/journal. pone.0185809
Jarvis, B. 2018. The insect apocalypse is here: What does it mean for the rest of life on Earth? The New York Times Magazine, 27 November 2018, pp. 41–48.
Johnston, W. H. & D.L. Winings. 1987. Natural History of Plummers Island, Maryland XXVII. The decline of forest breeding birds on Plummers Island, Maryland, and vicinity, by David W. Johnston and Daniel L. Winings. Proceedings of the Biological Society of Washington 100:762-768. (December 31, 1987).
Lawrey, J. D., M. E. Hale Jr. 1979. Lichen Growth Responses to Stress Induced by Automobile Exhaust Pollution. Science Vol. 204, Issue 4391, pp. 423-424 https://dx.doi.org/10.1126/science.204.4391.423
Manville, R. H. 1968. Natural History of Plummers Island, Maryland XX. Annotated list of the vertebrates, by Richard H. Manville, except birds by Alexander Wetmore and Manville. Special Publication, Washington Biologists' Field Club, pp. 1-44. (January 1968.)
Perry, M. C. (ed.) 2007. THE WASHINGTON BIOLOGISTS' FIELD CLUB: ITS MEMBERS AND ITS HISTORY (1900-2006). The Washington Biologists' Field Club, printed by The Maple Press Company, York Pennsylvania. Pdf available under the About dropdown as WBFC Book at https://WBFC.science/wp-content/uploads/2019/09/wbfc_booksm.pdf
Popkin, G. 2019. A mysterious disease is striking American beech trees. Science Nov 14 2019 https://dx.doi.org/10.1126/science.aba2201
Putnam, J. 2020. eBird Checklist: https://ebird.org/ebird/view/checklist/S70502036 -- eBird: An online database of bird distribution and abundance [web application]. eBird, Ithaca, New York. Available: http://www.ebird.org (Accessed: 2 November 2020]).
Shetler, S. G., S. S. Orli, E. F. Wells & M. Beyersdorfer. 2006 CHECKLIST OF THE VASCULAR PLANTS OF PLUMMERS ISLAND, MARYLAND. Bulletin of the Biological Society of Washington, 14(1): 1-57 https://wbfc.science/wp-content/uploads/2020/07/Checklist_Vasc_Plants_Plummers.pdf
Simmons, R.H, Fleming A.H., Soreng R.J. 2016. Natural Communities of Plummers Island, Montgomery County, Maryland. Appendix 6, pdf. available at https://WBFC.science/wp-content/uploads/2019/09/plummer_island_nc_map_v1.3.pdf
Simmons R.H., Soreng R.J., Barrows E.M., Emmons L.H. 2020. Rare Flora and Natural Communities of Plummers Island, Montgomery County. Maryland. Report prepared for the National Parks Conservation Association, July 2020. Appendix 5, pdf. available at https://WBFC.science
Steiner, W. E. Jr. 2000. Records and habitat of the "rare click beetle," Cerophytum pulsator (Haldeman), in Virginia and Maryland (Coleoptera: Cerophytidae). Banisteria 15:43-45.
Steiner, W. E., Jr. 2008. A Checklist of the Darkling Beetles (Insecta: Coleoptera: Tenebrionidae) of Maryland, with Notes on the Species Recorded from Plummers Island Through the 20th Century. Bulletin of the Biological Society of Washington 15: 233-140.
Vogel, G. 2017. Where have all the insects gone! Science 2 May 2017, Vol. 356, Issue 6338, pp. 576-579 https://science.sciencemag.org/content/356/6338/576.full

Appendices:
1. WBFC Deed to Plummers Island (1908).
2. Transfer of the WBFC property to United States Government (1959).
3. Washington Post article, 1959
4. Potomac Basin Reporter, 1973 [Plummer Island Beetles & Bees and Type locality]
5. Rare Flora and Natural Communities of Plummers Island, Montgomery County. Maryland.
6. Natural Communities of Plummers Island, Montgomery County, Maryland.
(Vegetation plots are numbered. Plot 4 was lost due to the ALB abutments redirecting the flow of Rock Run Channel / "Culvert" between 2000 and 2013. Plots not mapped, nor are two newer plots and older NPS plots)
7. Titles in the Bulletin of the Biological Society of Washington series "Natural History of Plummers Island, Maryland," and other key publications.

Appendix 1. Title to Plummers Island and adjacent mainland

Appendix 1. cont.

Appendix 1. cont.

Appendix 2 AGREEMENT WITH NATIONAL PARK SERVICE, 1959
AGREEMENT WITH NATIONAL PARK SERVICE
AGREEMENT AND STIPULATIONS BETWEEN THE WASHINGTON BIOLOGISTS' FIELD CLUB, INC. AND THE UNITED STATES OF AMERICA
This agreement made this 5th day of March, 1959, by and between the Washington Biologists' Field Club, Inc. and the United States of America.
WITNESSETH:
WHEREAS, The United States Government has by condemnation proceedings, in the United States District Court for the District of Maryland in Civil No. 10676 and by order of Court made the 24th day of June, taken possession of the defendant's Washington Biologists' Field Club, property designated in said proceedings as parcels "A" and "B" in tract no. 7, and
WHEREAS, This property was acquired by the Washington Biologists' Field Club, Inc. and has been used by the said Club as a natural wild area for scientific research for over 50 years and a great many scientific papers have been written in reference to biological and natural history discoveries made on said land and, more particularly, on that part of said land known as parcel "B" and more familiarly known as Plummers Island containing some 12.238 acres more or less, and
WHEREAS, The said Plummers Island has become among systematic biologists one of the world's most famous collecting spots and type localities, and
WHEREAS, The discoveries have indicated the probability of new knowledge in the field of biology and natural history, and
WHEREAS, The fame of this island is world-wide and many scientific organizations are interested in its preservation as a source of discovery, and
WHEREAS, The Washington Biologists' Field Club, Inc. and the United States Government desire to preserve this natural wild area as a sanctuary and scientific research preserve.
Therefore, The United States Government's petitioner in the United States District Court for the District of Maryland in Civil No. 10676 and the Washington Biologists' Field Club, Inc., defendant, and the owner of said parcel of land known as parcel "B" containing some 12.238 acres more or

less which said land is an island in the Potomac River and is more familiarly known as Plummers Island, do hereby stipulate and agree that the said parcel "B" be withdrawn from these proceedings and that the said Washington Biologists' Field Club, Inc. does hereby agree to deed the said island to the United States Government without monetary consideration reserving in said deed to the Washington Biologists' Field Club, Inc., the right to continue to maintain the island as a natural wild area and use it for scientific research and for meetings of the Club and to pursue its studies in the field of biology and natural history on the said island so long as the Washington Biologists' Field Club, Inc. exists and desires to continue to use the island for scientific research and so long as the further provisions and stipulations contained herein are complied with which are as follows:

1. The Washington Biologists' Field Club, Inc. agrees to supply the National Park Service with copies of scientific papers resulting from research conducted on said island when available.
2. The Washington Biologists' Field Club, Inc. will supply the National Park Service with an annual report and will include the names and addresses of the officers, list of the members, and a summarization of the scientific investigations carried on.
3. The Washington Biologists' Field Club, Inc. will indemnify the United States against any loss or damage or injury due to the Club's negligence or any of its members or guests in the use and occupancy permitted under this agreement.
4. The Washington Biologists' Field Club, Inc. shall maintain its building and facilities on the island or replace the same in orderly and safe condition without expense to the United States.
5. No additional buildings, structures, or other physical facilities shall be constructed on the island by the Washington Biologists' Field Club, Inc. without first obtaining written approval of the National Park Service.
6. It is further stipulated and agreed between the United States Government and the Washington Biologists' Field Club, Inc. that the membership of the Club as constituted on I August 1958, Honorary Members:

Bartsch, Paul
Mann, William M.
Ricker, P. L.
Active Members:
Aldrich, John W.
Appel, William D.
Benedict, J. E.
Blake, S. F.
Brown, Edgar
Clarke, J. F. G.
Compton, Lawrence V.
Davis, Malcolm
Duvall, Allen J.
Erickson, Ray C.
Erlanson, C. 0.
Fredine, C. Gordon
Fuller, Henry S
Gabrielson, Ira N.
Gardner, Marshall C.
Graham, Edward H.
Griffith, Richard E.
Handley, C. 0., Jr.
Hotchkiss, Neil
Jackson, Hartley H. T. Johnson , David H.
Kelson, Keith R.
Killip. E. P.
Krombein, Karl V.
Leonard, Emery C.
Lincoln, Frederick C.
Linduska, Joseph P.
Meehean, 0. Lloyd
Morrison, J. P. E.
Nelson, A. L.
Oehser, Paul H.
Parker, Kenneth W.
Presnall, Clifford C.
Reed, Theodore H.
Russell, Paul G.
Setzer, Henry W.
Smith, Albert C.
Smith, Lyman B.
Sohns, Ernest R.
Stevenson, James 0.
Stewart, Robert E.
Stickel, William H
Swift, Ernest F.
Uhler, F. M. Vogt, George B.
Walker, Ernest P.
Wetmore, Alexander
Zahniser, HowardNonresident Members:
Allan, Philip F.
Allen, Durward L.
Archino, Samuel
Bartlett, H. H.
Bryant, Harold C.
Cahalane, Victor H.
Cottam, Clarence
Couch, Leo K.
Dargan, Lucas M.
Eklund, Carl R.
Fowler, James A.
Hamlet, John
Holt, Ernest 0.
McAtee, W. L.
Myers, G. S.
Peterson, Roger T.
Wallis, William W.
Wherry, Edgar T.

shall have the privilege of having their ashes placed on said island and a small bronze plaque in their memory placed on the stones of said island and that this privilege shall apply only to the membership as named above as it shall exist as of 1 August 1958.

7. It is further stipulated and agreed that the United States Government will allow the membership of the Washington Biologists' Field Club, Inc. to have access by foot over the land owned by the United States Government to the island at all times and whenever desired.
8. The Washington Biologists' Field Club, Inc. will be permitted to maintain and operate passenger-carrying ferry boats from and to the island which is to be for the exclusive use of the Club and its members and guests for access to the island.
9. The Washington Biologists' Field Club, Inc. will be permitted to erect and maintain a fence and gate at a suitable location to exclude the general public from the island, but the National Park Service is to be furnished keys to the lock or the National Park Service may provide its own lock if keys are delivered to the Washington Biologists' Field Club, Inc., and will also be permitted to clear the channel between the island and the Maryland shore to maintain a free flow of water therein.
10. It is further stipulated and agreed that authorized agents and personnel of the National Park Service shall have access to the island and the right to take scientists to the island, but, in that event, the Washington Biologists' Field Club, Inc. shall not be responsible for any injuries or damages resulting to said persons due to conditions upon said island provided said injuries or damages are not caused by negligence of the Club or by a failure on the part of said Washington Biologists' Field Club, Inc. to comply with the requirements of this stipulation.
11. It is further stipulated and agreed that all rights accruing to the Washington Biologists' Field Club, Inc, or to any member thereof by reason of the provisions of this stipulation or any amendment thereto may be terminated if said Washington Biologists' Field Club, Inc. no longer exists or in the event after due written notice that the provisions of this stipulation and/or deed which will be executed following signing of this stipulation have been violated and continue to be violated by said Washington Biologists' Field Club, Inc. or its members, guests, employees, or servants for a period of time in excess of six months after receipt of said notice, and further in the event the island shall be no longer used for scientific research by the Washington Biologists' Field Club, Inc. for more than two years then this stipulation and any like provisions of the deed to be executed conveying the property to the United States shall terminate.
12. It is further stipulated and agreed that the United States may construct or permit the construction of needed nonrecreational public improvements upon the island or a portion thereof, which said improvements shall not be inconsistent with the uses to which the island has been dedicated by the Washington Biologists' Field Club, Inc.
13. It is further stipulated and agreed that this stipulation shall become effective after the filing and acceptance by the United States of a deed of conveyance containing the provisions outlined herein.
The United States of America
By: WILLIAM E. FINLEY
Director of the National
Capital Planning Commission
Condemning Authority

The Washington Biologists' Field Club, Inc.
By: LLOYD W. SWIFT
President
1, Albert C. Smith, certify that I am the Secretary of the corporation named as party herein; that Lloyd W. Swift, who signed this contract on behalf of the party, was then President of said corporation; that said contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.
ALBERT C. SMITH, Secretary

Appendix 3. Washington Post Article, 1959.

Appendix 4. Potomac Basin Reporter - 1973 Beetles and Bees & Type locality

Appendix 5. Rare Plants of Plummers Island (Excerpt).
A total of 4 globally rare natural communities, two of which are state rare; 21 state-rare extant flora, including one globally rare extant species; and 36 state-rare historic flora, including 4 globally rare historic taxa are known from the island.

Rare Flora and Natural Communities
Rare Natural Communities (in order of lowest to highest in elevation)

Piedmont / Central Appalachian Sand Bar / River Shore (Low Herbs Type): Eragrostis hypnoides - Lindernia dubia - Ludwigia palustris - Cyperus squarrosus Herbaceous Vegetation (USNVC: CEGL006483). Non-tidal mudflats. Global/State Ranks: G3/SNR

Potomac Gorge Riverside Outcrop Barren (Potomac Gorge Type): (Hypericum prolificum, Eubotrys racemosa) / Schizachyrium scoparium - Solidago racemosa - Ionactis linariifolia Herbaceous Vegetation (USNVC: CEGL006491). Global/State Ranks: G2/S1.

Mid-Atlantic High Terrace Hardwood Floodplain Forest: Acer saccharum - Fraxinus americana / Carpinus caroliniana / Podophyllum peltatum Forest (USNVC: CEGL006459). Global/State Ranks: G3?/SNR.

Potomac River Bedrock Terrace Hardpan Forest: Carya glabra - Quercus (rubra, montana) - Fraxinus americana / Viburnum rafinesqueanum/ Piptochaetium avenaceum Forest (USNVC: CEGL006209). Global/State Ranks: G1G2/S1.
Rare Flora

Extant Flora
White Bear Sedge (Carex albursina) G5/S3 (last vouchered in 2004; observed by Soreng in 2020)
Pubescent Sedge (Carex hirtifolia) G5/S3 (last vouchered in 1934)
Flat-spiked Sedge (Carex planispicata) G4Q/S1S2 (R.H. Simmons 3525, 4 May 2013)
Northern Leatherflower (Clematis viorna) G5/S3 (last vouchered in 1982)
Needle-leaf Panic Grass (Dichanthelium aciculare) G5/S2? (R.J. Soreng, 8289a, 25 May 2013)
Open-flower Panic Grass (Dichanthelium laxiflorum) G5/S1? (last vouchered in 1960; photographed by
Simmons in 2015)
Leatherwood (Dirca palustris) G4/S2 T (R.H. Simmons 4067, 6 Nov 2015)
Harbinger of Spring (Erigenia bulbosa) G5/S3 (last vouchered in 1983; observed by Soreng in 2020)
Halberd-leaf Rose-mallow (Hibiscus laevis) G5/S3 (last vouchered in 1982; photographed by Soreng
in 2020)
Green Violet (Hybanthus concolor) G5/S3 (last vouchered in 1960)
Ostrich Fern (Matteuccia struthiopteris) G5/S2S3 (One of the largest known stands in the state. R.H. Simmons 3532, 5 May 2013)
Two-flower Melic (Melica mutica) G5/S3 (last vouchered in 2015, R.J. Soreng 8340)
Horse-tail Paspalum (Paspalum fluitans) G5/S2 E (E.F. Wells 4507, 20 Sep 1997)

Coville's Phacelia (Phacelia covellei) G3/S2 E (R.H. Simmons 3920, 14 May 2015)
Miami-mist (Phacelia purshii) G5/S3 (last vouchered in 1983; observed by Soreng on mossy rocks by
plot 21 between 2013 and 2015)
Hairy Hop-tree (Ptelea trifoliata var. mollis) G5/S3 (R.H. Simmons 3585, 2 Jun 2013)
Smooth Wild-petunia (Ruellia strepens) G4G5/S2S3 (R.H. Simmons 4221, 9 Oct 2016)
Pale Dock (Rumex altissimus) G5/S1 E (last vouchered in 1997)
Sticky Goldenrod (Solidago racemosa) G5T3?/S1 T (photographed by Soreng in 2020)
Pink Valerian (Valeriana pauciflora) G4/S1 E (last vouchered in 1982)
Golden-alexanders (Zizia aurea) G5/S3 (R.J. Soreng 9336, 29 Apr 2017)

Historic Flora
Earleaf False Foxglove (Agalinis auriculata) G3/S1 E (last vouchered in 1936)
Canada Milkvetch (Astragalus canadensis var. canadensis) G5/S1 E (last vouchered in 1940)
Blue Wild Indigo (Baptisia australis var. australis) G5/S2 T (last seen in 1935 by Killip & Blake)
Short's Rock Cress (Boechera dentata) G5/S3 (last vouchered in 1916)
Nottoway Valley Brome Grass (Bromus nottowayanus) G3G5/S3S4 (last vouchered in 1947)
Hitchcock's Sedge (Carex hitchcockiana) G5/S1 E (last vouchered in 1933)
Short's Sedge (Carex shortiana) G5/S3S4 E (last vouchered in 1928)
Bur-reed Sedge (Carex sparganioides) G5/S3 (last vouchered in 1933)
Slender Dayflower (Commelina erecta) G5/S3 (last vouchered in 1960)
Spring Coralroot (Corallorhiza wisteriana) G5/S1 E (last vouchered in 1915)
Smartweed Dodder (Cuscuta polygonorum) G5/S1 E (last vouchered in 1961)
Many-flowered Flatsedge (Cyperus lancastriensis) G5/S2S3 (last vouchered in 1997)
Reflexed Flatsedge (Cyperus refractus) G5/S2? (last vouchered in 1960)
Dwarf Larkspur (Delphinium tricorne) G5/S3 (last seen in 1935 by Killip & Blake)
Toothed Tick-trefoil (Desmodium cuspidatum) G5/S1 (last vouchered in 1960)
White Trout Lily (Erythronium albidum) G5/S2 T (last vouchered in 1983)
Downy Milkpea (Galactia volubilis) G5/S3 (last vouchered in 1961)
Striped Gentian (Gentiana villosa) G4/S1 E (last vouchered in 1903)
Western Sunflower (Helianthus occidentalis) G5/S1 T (last vouchered in 1940)
Eastern Bloodleaf (Iresine rhizomatosa) G5/S1 E (last vouchered in 1915)
Violet Bush-clover (Lespedeza frutescens) G5/S3 (last vouchered in 1960)
Bog Twayblade (Liparis loeselii) G5/S1S2 (last vouchered in 1917)
Climbing Milkvine (Matelea obliqua) G4?/S1S2 E (last vouchered in 1937)
Purple Mecardonia (Mecardonia acuminata var. acuminata) G5/S2 E (last vouchered in 1939)
Basal Beebalm (Monarda clinopodia) G5/S3S4 (last vouchered in 1982)
Early Forget-me-not (Myosotis verna) G5/S3 (last vouchered in 1962)
Racemed Milkwort (Polygala polygama) G5/S1 T (last vouchered in 1950)
Small Pondweed (Potamogeton pusillus ssp. pusillus) G5/S2S4 (last vouchered in 1930)
Whorled Mountain-mint (Pycnanthemum verticillatum) G5/S1 E (last vouchered in 1951)
Virginia Sida (Lipariosida hermaphrodita) G3/S1 E (last vouchered in 1938)
Brown-eyed Susan (Rudbeckia triloba) G5/S3 (last vouchered in 1940)
Sessile-fruited Arrowhead (Sagittaria rigida) G5/S1 E (last vouchered in 1930)
Carolina Willow (Salix caroliniana) G5/S3 (last vouchered in 1982)
Snowy Campion (Silene nivea) G4?/S1 E (last vouchered in 1917)
Riverbank Goldenrod (Solidago rupestris) G4?/S1 X (last vouchered in 1903)
Sand Grape (Vitis rupestris) G3/S1 (last vouchered in 1906)

[= Lespedeza violacea (L.) Pers. (misapplied); "Due to a problem with the type specimen of
Lespedeza intermedia, the name Lespedeza violacea, by which this species has long been known, applies to L. intermedia, and the name L. frutescens now applies to [Lespedeza violacea]" (VBA 2020)]

Key to Global Rank
G1: At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
G2: At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep
declines, or other factors.
G3: At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.
G4: Uncommon but not rare; some cause for long-term concern due to declines or other factors.
G5: Common, widespread, and abundant.
GH: Known only from historical occurrences but still some hope of rediscovery.
GNR: Not ranked.
GX: Not located despite intensive searches and virtually no likelihood of rediscovery.
Key to State Rank
S1: At very high risk of extirpation from the state due to extreme rarity (often 5 or fewer populations),
very steep declines, or other factors.
S2: At high risk of extirpation from the state due to very restricted range, very few populations (often 20
or fewer), steep declines, or other factors.
S3: At moderate risk of extirpation from the state due to a restricted range, relatively few populations
(often 80 or fewer), recent and widespread declines, or other factors.
S4: Uncommon but not rare; some cause for long-term concern due to declines or other factors.
S5: Common, widespread, and abundant.
SH: Known only from historical occurrences but still some hope of rediscovery.
SNR: Not ranked.
SX: Not located despite intensive searches and virtually no likelihood of rediscovery.
Federal and State Status
Legal status denotes a simple hierarchy of endangerment in three categories: Endangered (E), Threatened (T), and Endangered Extirpated (X). Federal Status is determined by the U.S. Fish and Wildlife Service.
Federal Status
LE = Listed Endangered - A taxon is threatened with extinction throughout all or a significant portion of
its range.
LT = Listed Threatened - A taxon is likely to become endangered in the foreseeable future.
State Status
E = Endangered - A taxon is threatened with extinction throughout all or a significant portion of its range.
T = T

WBFC DEIS Comments and Testimony, November 2020

My name is Ralph Eckerlin, WBFC President
My address is 4955 Roslyn Road, Annandale, VA 22003
I am a Research Biologist, B.A, M.S., Ph.D. (1974) in Zoology.
I am a Research Associate with the Smithsonian Institution, National Museum of Natural History.

My name is Robert Soreng, WBFC Vice-president
My address is 5506 Uppingham St. Chevy Chase, MD 20815
I am a Research Biologist, B.S., M.S., Ph.D. (1986) in Plant Sciences.
I am a Research Associate with the Smithsonian Institution, National Museum of Natural History.

This Authorized I-495 and I-270 P3 Program DEIS Testimony is submitted on behalf of The Washington Biologists' Field Club (WBFC). November 2020.

Our website is https://**WBFC.science**

Dear MDOT Officials:

Thank you for the opportunity to comment on this important issue.

#1 The WBFC is **OPPOSED** to the highway expansion project including the American Legion Bridge (ALB) expansion part.

WBFC supports the **NO BUILD OPTION**

None of the other presented **DEIS** alternatives are acceptable.

WBFC considers the DEIS legally faulty and incomplete for many reasons, including:

- Destruction and disturbance of State of Maryland and National parklands with wetlands, including but not limited to several miles of Rock Creek Regional Park (including moving substantial stretches of Rock Creek), and ca. 80 acres of the Chesapeake & Ohio National Historical Park (CONHP), including ca. 5 acres of the 12 acre Plummers Island and moving "Rock Run".

- The destruction of "Rock Run Culvert" in building the American Legion Bridge violates the integrity of Plummers Island (CONHP, Montgomery Co., Maryland).

- Lack of understanding or recognition of the value of the extensive historical and ongoing biological research on Plummers Island and the WBFC's 120 years of contributions and commitments to that. Records of many rare plants, animals and habitats from the Island were not considered.

1 | Page

Response to DEIS Comment #1

Refer to Chapter 9, Section 3.3.B for a response to Analysis of Alternatives Retained for Detailed Study.

Since the DEIS and Draft Section 4(f) Evaluation, substantial efforts to avoid and minimize impacts to park and historic resources around the American Legion Bridge (ALB) has occurred. MDOT SHA and FHWA met with the National Park Service (NPS) on December 8, 2020 to discuss the limit of disturbance (LOD) in the vicinity of the ALB that was presented in the DEIS. The ALB Strike Team considered bridge construction approaches to determine if any of the approaches could further reduce the LOD. The Strike Team conducted detailed investigation of a top-down segmental construction approach; a top-down cable stayed design approach; and a slide-in place bridge construction approach. In addition, after field analysis and review of readily available information, MDOT SHA and the ALB Strike Team determined that access to the existing bridge could be consolidated to the northwest quadrant along Clara Barton Parkway, eliminating the construction access from the other three quadrants around the bridge and significantly reducing impacts to NPS land.

The Preferred Alternative does not impact Rock Creek Regional Park or Rock Creek. MDOT SHA has minimized impacts to the Chesapeake & Ohio National Historical Park and would impact 0.28 acres of Plummers Island, of which less than 0.1 acres would be permanent impact and 0.27 acres would be temporary impact. Impacts would not relocate Rock Run or destroy the Rock Run Culvert. MDOT SHA assembled a team of bridge specialists from around the country to consider all alternatives for replacement of the American Legion Bridge. The Preferred Alternative represents the least impactful alternative to NPS land and resources. MDOT SHA understands the value of the extensive historical and ongoing biological research on Plummers Island and has considered the rare plants, animals, and habitats on Plummers Island and within the Chesapeake and Ohio Canal National Historical Park in general. MDOT SHA is working closely with NPS to devise an ecological restoration plan to mitigate for project impacts in this area. A four season survey of RTE plant species on NPS lands within the project LOD was conducted in 2020 and will inform the ecological restoration in this area. MDOT SHA conducted a thorough analysis of potential COVID-19 impacts on traffic and determined that there would be a short-term reduction in traffic load, however it would soon return to pre-COVID 19 levels.

As described in Chapter 2 of the Supplemental DEIS, the Preferred Alternative includes the full replacement of the ALB on I-495 spanning the Potomac River with a new, wider bridge on the existing centerline. Comments on the Build Alternatives presented in the DEIS reflected a common support for advancing replacement of the ALB. With its location over the Potomac River and adjacent to several federally-owned parks, MDOT SHA created a separate group (the ALB Strike Team) whose mission was to investigate alternative bridge designs and construction techniques that could be employed to reduce, minimize, and avoid impacts to water and parkland resources in and around the ALB. The results of the effort are reflected in the Preferred Alternative and are the result of the coordination with key agency and public stakeholders, including NPS, M-NCPPC, USACE, MDE, and Maryland DNR. The National Park Service properties that border the Potomac River at the ALB include the George Washington Memorial Parkway, the Chesapeake and Ohio Canal National Historic Park (including the Chesapeake and Ohio Canal Towpath and Plummer's Island), and Clara Barton Parkway. In addition to these sensitive properties, there are also many construction challenges associated with replacement of the ALB, such as access constraints. A number of bridge types and construction methods (both standard and innovative) were evaluated during the Strike Team's analysis. A westward/upstream shift of the bridge alignment and additional phases of construction were also evaluated for the different bridge options. These options were presented to the stakeholders and a conventional structure was recommended that remained on the existing bridge centerline. Impacts to Plummer's Island were significantly reduced compared to those presented for the Build Alternatives in the DEIS by strategically locating the proposed piers for the replacement bridge and eliminating construction access from the island. In addition to a reduction of total impacts at the bridge construction site, the Strike Team effort resulted in a reduction of the number of construction access locations from all four quadrants, as noted in the DEIS, to the northwest quadrant only, due to its grade and proximity to a nearby roadway. This change substantially minimized impacts to the surrounding land.

Refer to Chapter 9, Section 3.2.B for a response to Alternatives Not Retained for Detailed Study.

MDOT SHA did consider records of many rare plants, animal, and habitats within the Potomac Gorge. Information related specifically to Plummers Island was added to the SDEIS and FEIS.

#1 Cont

WBFC DEIS Comments and Testimony, November 2020

- Lack of Due Diligence on study of impacts on Plummers Island's wetlands and rare plant communities, and rare plant and animal species (the evaluation of the organisms on the Island was apparently based on one summertime visit to the head of the Island in 2019). DEIS APPENDIX L. (Natural Resources Technical Report) subordinate Appendices A-R cover Natural Resources considered along the route. As is documented below, APPENDIX L is woefully incomplete as concerns Plummers Island. Plummers Island is in the large Potomac River / Rock Run (PR/RR) Natural Resources unit. The DEIS surveys for rare plants and animals on the Island was cursory, brief, and at the wrong season of the year to identify many of the organisms of concern.

- Lack of alternatives to condemning part of Plummers Island for the ALB proposed project.

- Lack of consideration of the impact of the Covid-19 epidemic on present and future transportation loads and patterns (many folks are teleworking and attending virtual meetings). With peak traffic flows down due to changed behavior patterns resulting from Covid-19, toll lanes will be unlikely to provide revenue streams of sufficient reward to P3 contractors, likely leaving taxpayers on the hook for billions of dollars.

- Lack of forward thinking on Climate Change (only more cars powered by petrol).

- Lack of accepted Build options with mass transportation options (trains, light rail, monorail, etc.)

- Massive costs, with near certain cost overruns passed on to taxpayers. Regarding Washington Suburban Sanitary Commission (WSSC) expenditures, estimated to be $2 billion, It remains unclear if ratepayers would be responsible for this cost.

- Toll lanes that could cost as much as $50 in peak traffic hours, which would provide little benefit to the average commuter.

- Massive traffic congestion and delays during the construction period lasting 5-10 years, after which the traffic flow will be just as congested as it was prior to the construction due to the encouragement of more cars to be on the road, also known as induced demand.

- Because the DEIS's analysis is incomplete, it is impossible for the concerned Agencies to assess, and the public to comment on, the proposed project's impacts. The Agencies cannot wait until a final EIS is complete to analyze the project's full impacts, as it will then be too late for the public to meaningfully comment on them and for the Agencies to consider the public's comments and choose the alternative that best alleviates the impacts based on this information. We respectfully request that the Agencies conduct a supplemental EIS to provide

MDOT SHA conducted a detailed, four-season rare plant survey on National Park Service lands within the project LOD, including the 0.28-acre portion of Plummers Island that is within the project LOD and would be affected. The survey targeted 41 rare plant species and methodology and results are included in the *Rare, Threatened, and Endangered Plant Survey Report* (November 2020).

Refer to Chapter 9, Section 3.1 for a response on Purpose and Need, effects of the Pandemic, and impacts of teleworking/remote working.

Refer to Chapter 9, Section 3.4.G for a response to climate change considerations.

#1 Cont

WBFC DEIS Comments and Testimony, November 2020

the public the ability to meaningfully review and comment on the impacts before a final EIS is produced.

Alternative placement of the Bridge not considered in the DEIS

- MDOT should consider building and placing construction platforms only upstream from the current bridge to reduce impacts to the Chesapeake and Ohio Canal NHP and Plummers Island.

- MDOT should consider construction of other crossings to alleviate traffic over the ALB instead of bridge enlargment.

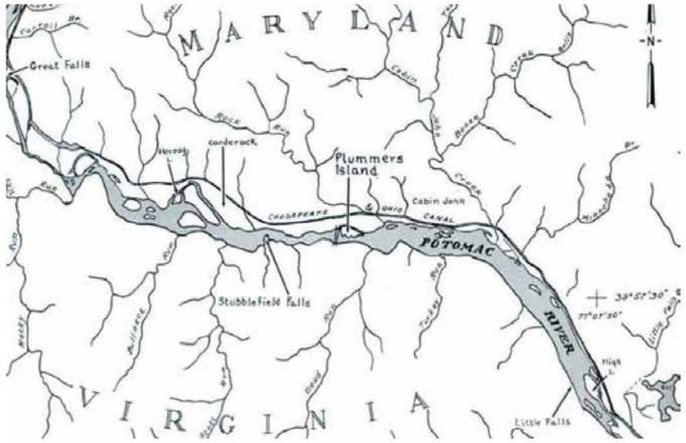
- We respectfully ask that agencies consider these options to the ALB portion of this project to reduce and minimize impacts to Plummers Island and the surrounding area.

WBFC Background. The WBFC (the Club) was founded in 1900 by professional field biologists living and working in the Washington, DC vicinity (Perry 2007). Perry (2007) provides a detailed history of the Club, the Island, and brief biographies of the hundreds of past and present members up to that time. The members are all professional biologists. Plummers Island, Chesapeake & Ohio Canal National Historical Park, Montgomery County, Maryland, has been the WBFC research station and meeting place since 1901 (Appendix 1). Plummers Island is located immediately downstream from the ALB. The Island covers 12.2 acres of land, the widest part of which is on the ALB end. The proposed expansion of the ALB, as part of the I-495 expansion, threatens the existence, and violates the integrity, of the Island as a designated **natural wild area** (Appendix 2). "Rock Run Culvert" as identified in the DEIS is actually a natural Potomac River channel that has divided the Island from the mainland since time immemorial (Perry 2007). There is a small true concrete and pipe culvert running under the ALB which drains into the river channel where the channel bends eastward (water apparently rarely flows from this ALB culvert).

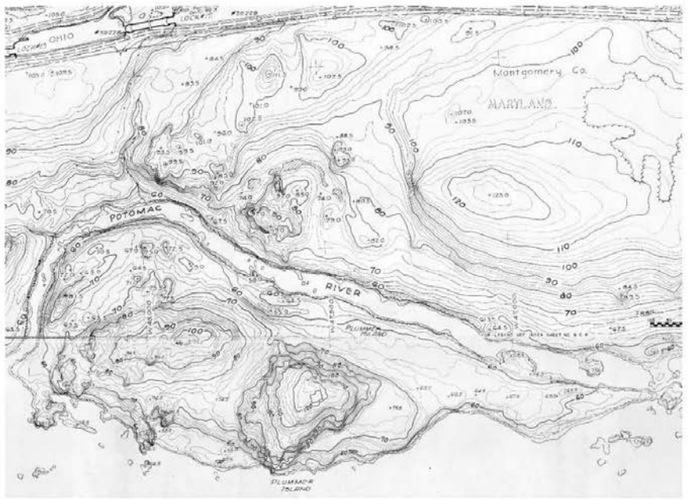
The current ALB proposal would cut across the Island, move or destroy the true channel "Culvert" that separates the Island from the mainland, clear the trees and level a substantial part of the Island, **clear the significant healthy native beech tree forest on the mainland side** (Popkin 2019, a deadly beech disease is spreading in the NE US), destroy the wetlands associated with the island and mainland, and result in major infestations of invasive plants. **If implemented this DEIS project would jeopardize future research on trends in biodiversity on the Island**. Noise pollution from expanding the ALB onto the Island would make WBFC meetings meetings on the Island nearly impossible.

Comments addressed above.

WBFC DEIS Comments and Testimony, November 2020



Old map (above) showing the real Rock Run and Plummers Island (copied from Perry 2007). Map of Plummers Island Pre-ALB (below). Calling the Potomac River channel "Rock Run Culvert" allows it to be "excluded" from consideration as a protected wetland in the DEIS Natural Resources APPENDIX L. <u>It is not a Culvert</u>! And <u>"Rock Run"</u> has been misapplied to it.



This page is intentionally left blank.

WBFC DEIS Comments and Testimony, November 2020

Head of Plummers Island adjacent to ALB separated by "Rock Run" channel or "Culvert" from the mainland, showing Potomac Gorge Riverside Outcrop Barrens, wetland mud flats (inundated here) and sandbars.

#1 Cont

The Draft EIS is seriously flawed in many ways. The most pertinent to the WBFC is the failure to discuss and evaluate the impact of the destruction of part of Plummers Island, a historical and biological treasure within the Chesapeake and Ohio Canal National Historical Park. There is not even a footnote about the incalculable value of the long-term research on the biology of this Island, and nothing about WBFC's place in it.

The WBFC leased Plummers Island in June 8, 1901, for a meeting place and research station, and built the cabin that year. The WBFC finally settled the legal purchase the property known as Plummers Island (Appendix 1), and most of the adjacent mainland up to the C&O Canal Tow Path, in **1908** (Perry 2007).

The Club has been meeting on Plummers Island continuously for nearly 120 years, and conducting research there on a wide range of subjects. The Club gave the property to the National Park Service on July 24, 1959, with the written understanding (Appendix 2) that the Club retained the right to maintain the island as a **natural wild area**, use it for scientific

Comments addressed above.

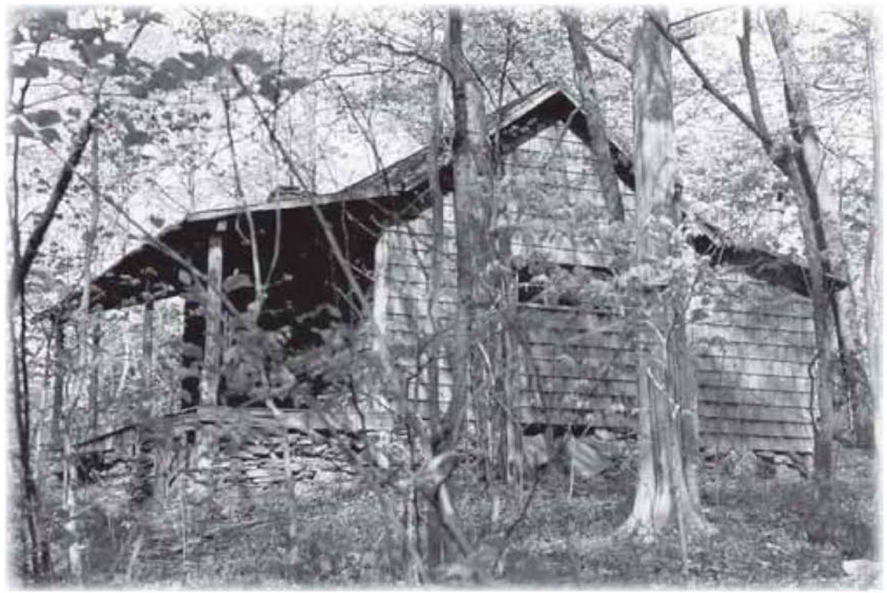
#1 Cont

research, for meetings of the Club, and to pursue its studies in the field of biology and natural history.

Plummers Island is known as "**The most thoroughly studied island in North America**", and perhaps in the world.

The Club holds events each year on the Island where members gather with guests. We maintain the historic Club cabin, "Winnemana Lodge," built in 1901. The name Winnemana was the name originally given to the cabin (Lodge) in 1906 and is translated from a Native American language meaning "beautiful island." The epithet *winnemana* has been given to Latin names for various insects and mammals described from Plummers Island collections.

Comments addressed above.



Winnemana Lodge built in 1901. The Cabin is still standing and well maintained by WBFC.

There are always research projects ongoing on the Island, conducted both by members and by grantees funded by our Endowment Research funds. Many of these projects run for years, and are follow-ups to pre-ALB censuses, showing impacts of pollution, and changes in fauna and flora. WBFC reviews dozens of research grant proposals each year and usually funds 5 to 10 of them each year, with first priority given to studies on the Island, second priority to the Potomac Gorge, eventually allowing studies in the Mid-Atlantic region. Voucher specimens for plants and animals collected for the scientific studies on the Island are housed and catalogued in the National Museum of Natural History, Smithsonian Institution. These specimens and observations from catch and release and other sightings are reported in hundreds of published scientific papers.

The ALB was constructed immediately to the west (up river) of the island starting in 1962. The placement of the original bridge was intentionally positioned to protect the Island (Appendix 2 & 3) to ensure the continuation of WBFC's valuable long-term biological research program.

This page is intentionally left blank.

When the ALB was expanded in the early 1990s, the expansion was done by filling in the gap between the north and south-bound lanes, again avoiding direct damage to the Island. Despite the best efforts of engineers and construction implementation to avoid impacting the Island, the original ALB construction and 1992 expansion led to many invasive plants infesting the Island, and disturbing the water flow to its flanking wetlands. The worst of the invasive plant infestations are on the head of the Island adjacent to the ALB. Negative impacts of local environmental pollution on lichens and insects have been documented on the Island. Traffic on the ALB also led to Lead pollution from vehicle exhaust and declines in lichen species, which are particularly sensitive, from 70 to 20 (Lawrey & Hale 1979). This illustrates the importance of long-term scientific research on the Island, which influenced legislation to reduce lead in gasoline, and eventual reduction in lead contamination locally and world-wide.

Excerpt of Washington Post article 19 May 1994 by D'Vera Cohn about lichens and Pollution.

Lichen research also shows that the bridge has become a dominant factor in shaping the island's ecology.

Lichens, which are crusty combinations of algae and fungus, are superb barometers of pollution. They soak up nutrition from the air, along with any toxins hanging about. There were 70 species of lichen on Plummers Island at the turn of the century; now there are 20.

Their decline began after the bridge was built. When Lawrey and his late colleague and mentor, Mason Hale, scraped lichen samples off rocks and had them analyzed, they found their lead content had more than tripled from 1958 to 1970. Their joint article on their findings, blaming car exhaust for the pollution, was published in the journal Science in 1979.

Recent lichen research is more encouraging. Lead concentrations have been dropping, in tandem with the phasing out of leaded gasoline. Eventually, Lawrey hopes, the number of lichen species will rise, as has happened in other locales.

"We'll have to just wait and see," he said. "Fortunately, the club will be here forever, and some club member—if it is not me—will find out the answer."

This page is intentionally left blank.

Since 1901, over 400 scientific publications have focused on the Island's biota: birds, fish, mammals, reptiles and amphibians, plants, insects, arachnids, nematodes, and other groups (Many published titles in the Proceedings of the Biological Society of Washington, available at https://WBFC.science/biological-studies/) (see Appendix 7 for titles in this series)

An article in the Potomac Basin Reporter (1973) (Appendix 4) cited "1,226 species of plants and 4,293 species of animals on the Island…." including "1500 species of beetles" and "300 to 400 species of bees". The Island "is 'type-locality' for at least 175 species, …" "No less than 16 genera and three families of plants and animals have been described on the basis of specimens collected on the Island." Some of these numbers were overestimates made before computer databases were compiled. Insect inventories are still substantially incomplete (see Brown & Bahr 2008). The number of vascular plants recorded on the Island, stands around 900 (Shetler et al. 2006; including newer records).

Many thousands of plants and animals have been documented from Plummers Island over 120 years of WBFC research.

Invertebrates on the Island

The Brown & Bahr (2008b) appendix lists all Invertebrate taxa known from the Island, including Insects. (Taxa are taxonomic groups of any rank, such as a species, genus, family, order, or class).

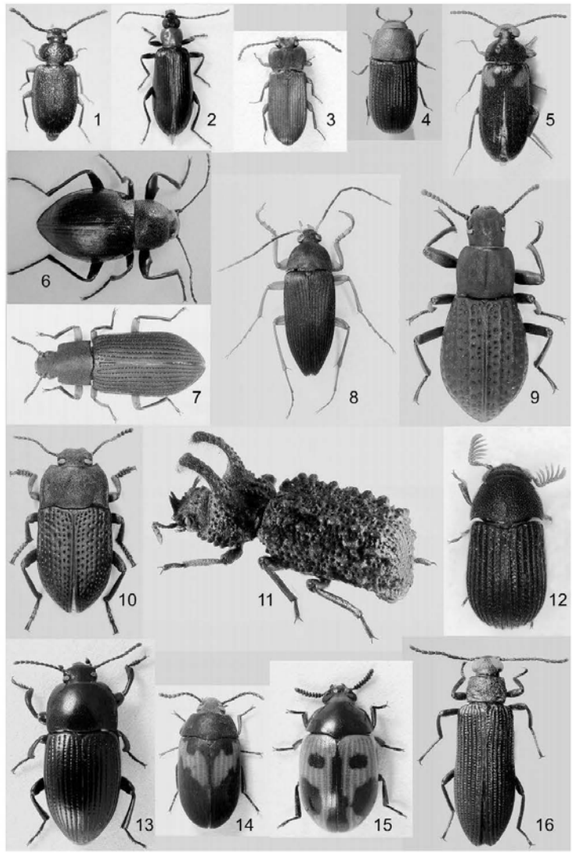
Class Insecta diversity on the Island

Brown & Bahr (2008a & b) documented the known insect species records for the Island. "Based on an examination of the insect collection of the National Museum of Natural History and a review of relevant literature, we document 3012 insect species in 253 families, encompassing 18 insect orders: Collembola, Odonata, Dermaptera, Blattodea, Phasmatodea, Orthoptera, Psocoptera, Thysanoptera, Hemiptera, Neuroptera, Megaloptera, Coleoptera (beetles), Mecoptera, Trichoptera, Lepidoptera, Diptera, Siphonaptera, and Hymenoptera." The authors acknowledge that 16 families of the 600 beetle species have been recorded for the Island, yet they conclude this probably includes only a quarter of the families likely present. Among insects recorded from Plummers Island are 836 species of butterflies and moths (Lepidoptera), with 27 different species of moths described from specimens collected on the island (Brown et al. 2008). Many of these species were described from collections made on the Island. ***No site in North America has been surveyed as intensively, yet much of the insect fauna remains to be studied, with hundreds of additional species likely to be documented.***

This page is intentionally left blank.

Many of these Insect orders depend on wetland habitats for all or much of their life-cycles. Seven types of wetlands are characterized on the Island (Simmons et al. 2016, units 1-5).

Steiner (2000) documented a globally and state-rare click beetle on the Island. Steiner (2008) inventoried 128 species of Tenebrionidae beetles from Maryland, most of which occur on Plummers Island.



A few of the many Tenebrionidae from Plummers Island and nearby. (Steiner 2008 fig. 1-16)

This page is intentionally left blank.

WBFC DEIS Comments and Testimony, November 2020

In 2015 Steiner collected the first Emerald Ash Borer (EAB) on the Island. Within the following two years nearly all the mature American and Green Ash trees on the Island were dead or dying. These trees were major components of vegetation types 5 to 11 (see Plummers Island Plant Communities section, below), and they have been decimated over much of Eastern North America.

Imperial moth caterpillar (*Eacles imperialis)* at head Plummers Island, Oct. 2013 (Soreng photo). These moths are rarely seen any more in the area.

Insects, like other organisms, are experiencing major declines globally (Borenstein 2018; Hallman et al. 2017; Jarvis 2018; Vogel 2017). Giant silk moths (Saturniidae) include Imperial, Cercropia, Luna, Polyphemus, Royal Walnut, Rosy maple etc. In New England, most of these are state endangered species because they have been hammered by an introduced biocontrol agent -- a non-native tachinid fly, *Compsilura concinna*, which was introduced to try and control gypsy moths in Massachusetts. That fly has wreaked havoc in New England because it is a generalist and the Saturniids have been heavily impacted. This pest has arrived in DC and vicinity but impacts here are not yet known (John Lil pers. comm. 2020). Thanks to the long

This page is intentionally left blank.

history of research on insects of Plummers Island, the Island would be a key place to further document this "insect apocalypse," assuming the Island remains intact. *The DEIS ALB project puts WBFC Plummers Island research on trends in biodiversity in jeopardy*.

Birds on the Island and American Legion Bridge

An established Peregrine Falcon nest is located on the American Legion Bridge and two adults and at least one chick was observed this past June (Putnam 2020). The nest box was put there by MD State Highway Association (SHD) working with US Fish & Wildlife Service (USFWS) in 2007, and peregrines have been nesting there for 12 years. In the DEIS document, "*they propose moving the nest box to another location just before nesting season when the bridge constructions begins, but as an established nest this recommendation may not be successful*" (Carla Dove, WBFC member, Smithsonian Ornithologist, pers. comm.). A Mississippi Kite was also observed this year. Wetmore & Manville (in Manville 1968) account for birds known from the Island to that time. Johnston & Winings (1987) attribute the decline of forest breeding birds on the Island and vicinity to vehicular traffic.

Mammals on the Island

Five bat species are documented by Smithsonian collections from the Island. Among these are the Endangered northern long-eared bat, *Myotis septentrionalis*, and the eastern small-footed Myotis, *Myotis leibii*. The latter was separately described as *Myotis winnemana*. Other mammals collected include shrews, moles, mice, voles, eastern cottontail, eastern gray squirrel. Georgian bat, large brown bat, red bat, evening bat, whitetail deer, eastern skunk, mink, eastern long-tailed weasel, fox squirrel, eastern flying squirrel, eastern otter, chipmunk, eastern red fox, Virginia muskrat, and woodchucks have also been recorded (Manville 1968). Mammologists these days often monitor by catch and release and other methods, rather than preparing museum specimens from animals on the Island. For example, the last regional report of an eastern wood rat was reported on Plummers Island. Also, DNA from bones, feathers, fur, or feces can now be used to precisely identify species.

Plummers Island Plant Communities

The National Park Service prepared a map of the vegetation zones in the region with a coarse map for Plummers Island. The plant communities were remapped in finer detail in 2016

This page is intentionally left blank.

WBFC DEIS Comments and Testimony, November 2020

(Simmons et al. 2016). (Appendix 6, also available at WBFC.science). This map included 12 communities, 8 within wetlands, and one upland type that is unique to the Potomac Gorge. These plant communities are proxies for where other organisms also live or might be found.

Plummers Island wetlands (units 1 to 7).

The Island's wetland habitats were mapped by Simmons et al. (2016). These were divided into 5 major communities, and 3 subdivisions within those. These include sandbars and mud flats (units 1 & 2), rocky outcrop barrens (3A & B), to regularly flooded bottom land forests (4-6). These areas flood frequently. Community 7 is higher and infrequently flooded. Community 8, i Piedmont Basic Mesic Forest, includes a rich herb layer that is rare in the Potomac Gorge and is rarely flooded.

The sandbars, mud flats, and rock barrens occur on the Potomac River side. Mud flats also occur along the usually sluggish "Rock Run" channel. The flooded bottom bench lands (units 5, 6 & 7) cover much of the area adjacent to "Rock Run" channel and the toe of the Island. There are some rock-bottomed swales in the interior the Island (unit 5A). The low benches are mostly flooded only when high waters reach above the 9 ft mark at Little Falls Gauging Station (3 miles downstream) (https://water.weather.gov/ahps2/hydrograph.php?gage=brkm2&wfo=lwx). This level is reached or exceeded often in winter and spring, but frequency and duration vary greatly from year to year. There are rare plants and animals in these zones. Many species records for the Island come only from these zones, and many of these species are reliant on these different wetland habitats for some or all of their life-cycles. Flooding above the 4.5 ft mark, basically makes the Island inaccessible even by wading, and covers all the sand and mud flats up to the breaks to the bench lands. See Brown & Bahr (2008) for Insect inhabitants of the riparian zones.

#1 **Populations of two rare plants of concern were observed within the zone of disturbance in the riverside mud flats (Simmons et al. 2016, unit 1) on 31 October 2020 *Hibiscus laevis* and *Paspalum fluitans*. Neither of these were reported by the survey crew contracted for the DEIS.** Any DEIS related construction plans should seek to avoid changes to water flowing to Plummers Island wetlands including "Rock Run" channel.

Response to DEIS Comment #1

It appears from Simmons *et al*., 2016 that Unit 1 is outside of the Study Preferred Alternative Limits of Disturbance. Our plant survey did document populations of *Hibiscus laevis* and *Paspalum fluitans* within Unit 2 of Simmons *et al*., 2016, which is within the Study Preferred Alternative Limits of Disturbance. The project has agreed to conducting additional rare plant surveys during the flowering season of each of the rare plant species documented in the 2020 rare plant survey prior to construction.

Hibiscus laevis in mud flats between Potomac Gorge Riverside Outcrop Barrens (by DEIS SHH102 survey stake, Soreng photo 2020). This species also occurs at the closer head of the Island

Potomac Gorge Riverside Outcrop Barrens

The rocky Potomac Gorge headlands on Plummers Island harbor the rare *Solidago racemosa*, and *Hypericum prolificum*. These barrens are routinely scoured by high floods, but these plants hang on!

This page is intentionally left blank.

Solidago racemosa, Potomac Gorge Riverside Outcrop Barrens at the head of the Island (Soreng photo 2020).

Potomac Gorge Riverside Outcrop Barrens near the head of the Island *Hibiscus laevis* in foreground. ALB in background (Simmons photo 2020).

This page is intentionally left blank.

Piedmont Basic Mesic Forest (unit 8).

This vegetation zone floods rarely, being more than 15 ft above the low flow. This area is rich in herbaceous plant species known only here on the island. And it is gorgeous to see in the spring. It includes the largest population of *Jeffersonia diphylla* (Twinleaf) that we know of in the Potomac Gorge. The rare *Phacelia covillei* thrives here, as does the rare *Erigenia bulbosa* and *Valeriana pauciflora*, and the leatherwood shrub, *Dirca palustris*.

Piedmont Basic Mesic Forest includes a large stand of *Jeffersonia diphylla* (Soreng photo).

Potomac River Bedrock Terrace Hardpan Forest (unit 12)

This Globally and State rare plant community is endemic to the Potomac River Gorge. On the Island it covers the east and west knolls which rarely ever flood, being as much as 60 ft above

This page is intentionally left blank.

the riparian zone. The vegetation is markedly different from the other zones as soils are thin over bedrock, and the trees and shrubs are stunted and slow growing. Various sedges and grass species (e.g. including *Melica mutica, Dichanthelium aciculare, Piptochaetium avenaceum*), and trees and shrubs, are only known from this zone on the Island.

Potomac River Bedrock Terrace Hardpan Forest (unit 12) – *Piptochaetium avenaceum* / blackseed needle grass glade on ALB survey line. The bridge is visible in the background (Simmons photo 2020).

The Potomac Gorge is a gem among our National Parks (https://academic.oup.com/bioscience/article/54/1/8/234660),

Plummers Island is a special part of the middle section of the Potomac Gorge. The plant and animal diversity are tremendous with many rare species and long-term ongoing research projects. State and Globally rare plants and Natural Vegetation Communities are documented in Simmons et al. 2016 & 2000 (Appendix 5 & 6). These reports were based on over 120 years

This page is intentionally left blank.

of collecting plants and making herbarium vouchers (detailed in Shetler et al. 2006), species surveys for a DNA barcoding project led by J. W. Kress (Gambino, 2009), and vegetation plots established from 1998 to 2000 by E. Fortson-Wells to document invasive plants in the flood plains of the island, followed up by a three year survey of invasive plants and vegetation between 2012 and 2015, conducted by the WBFC Invasive Biota Committee. Voucher specimens, housed at the United States National Herbarium, Department of Botany, National Museum of Natural History, Smithsonian Institution, are recorded and mostly imaged (records available online at https://collections.nmnh.si.edu/search/botany/). Many plants and animals occur in the Potomac Gorge at the northern extensions of their geographic ranges.

Many biologists have walked and observed every nook and cranny of this topographically diverse island with its rocky hills and cliffs, including the globally and state rare **Potomac River Bedrock Terrace Hardpan Forest**, and sensitive **wetland bottoms** of "Rock Run" Channel and sand lenses and mud flats on the Potomac River side of the Island. We love this place and its historical, current, and hopefully future biological relevance. **Rebuilding and expanding any part of the American Legion Bridge or access to that on the Island would destroy or seriously damage much of it and violate the integrity of the Island.**

#2

The noise pollution and visual impact of the current ALB are annoying at best to our meetings on the Island. Expanding the ABL onto the Island will make conversation at meetings at the Cabin on the Island nearly impossible. The noise and air pollution will be much worse during the construction phase. The noise impact on birds may be more extreme (Johnston & Winings 1987). Rare plants and animals and habitat will be lost. It will no longer be "Winnemana", a beautiful island.

If you argue otherwise, we are lost as a Nation. The efforts of science are meaningless. Losing even a piece of this Island is to lose the heart and soul of what our conservation ethic means.

We believe Plummers Island is as important as any of the national museums in Washington, DC, and WBFC members *implore* MDOT to preserve intact this **Historical and Biological National Treasure**.

Please visit our web site – https://WBFC.science

Thank you

WBFC President, Vice President, and members

Ralph P. Eckerlin

Comments addressed above

Response to DEIS Comment #2

In earlier coordination, NPS requested that no noise barriers be constructed within NPS-managed land due to Section 4(f) concerns.

Literature Cited

Borenstein, S. 2018. 'Windshield test' highlights big drop in flying bugs. *The Washington Post - HEALTH & SCIENCE* (2018-09-25).

Brown, J. W., & S. M. Bahr II. 2008a. The Insect (Insecta) Fauna of Plummers Island, Maryland: Brief Collecting History and Status of the Inventory. *Bulletin of the Biological Society of Washington* 15: 54-64. http://dx.doi.org/10.2988/0097-0298(2008)15[54:TIIFOP]2.0.CO;2

Brown, J. W., & S. M. Bahr II. 2008b. Appendix List of the Invertebrates of Plummers Island, Maryland. *Bulletin of the Biological Society of Washington* 15: 192-226 http://dx.doi.org/10.2988/0097-0298(2008)15[192:ALOTIO]2.0.CO;2

Brown, J. W., Epstein, M., Vann, K., Watkins, R., Bahr, S. M., Kolski, E. 2008. An overview of the Lepidoptera (Insecta) of Plummers Island, Maryland. *Bulletin of the Biological Society of Washington* 15: 65–74.

Cohn, J.P. 2004. The Wildest Urban River: Potomac River Gorge. *BioScience*, Volume 54(1): 8–14, https://doi.org/10.1641/0006-3568(2004)054[0008:TWURPR]2.0.CO;2

Fleming G. 2006. VEGETATION ECOLOGY OF THE POTOMAC GORGE, pdf. Virginia Department of Conservation and Recreation, Division of Natural Heritage. powerpoint document. https://www.dcr.virginia.gov/natural-heritage/document/pogovegecol3.pdf

Gambino, M. 2009 Craking the DNA Code. *Smithsonian Magazine* August 2009. https://www.smithsonianmag.com/science-nature/cracking-the-dna-code-33970231/

Hallmann, CA, Sorg, M, Jongejans, E, Siepel, H, Hofland, N, Schwan, H, et al. 2017. More than 75 percent decline over 27 years in total flying insect biomass in protected areas. PLoS ONE 12 (10): e0185809. https://doi.org/10.1371/journal. pone.0185809

Jarvis, B. 2018. The insect apocalypse is here: What does it mean for the rest of life on Earth? *The New York Times Magazine*, 27 November 2018, pp. 41–48.

Johnston, W. H. & D.L. Winings. 1987. Natural History of Plummers Island, Maryland XXVII. The decline of forest breeding birds on Plummers Island, Maryland, and vicinity, by David W. Johnston and Daniel L. Winings. *Proceedings of the Biological Society of Washington* 100:762- 768. (December 31, 1987).

This page is intentionally left blank.

Lawrey, J. D., M. E. Hale Jr. 1979. Lichen Growth Responses to Stress Induced by Automobile Exhaust Pollution. *Science* Vol. 204, Issue 4391, pp. 423-424 https://dx.doi.org/10.1126/science.204.4391.423

Manville, R. H. 1968. Natural History of Plummers Island, Maryland XX. Annotated list of the vertebrates, by Richard H. Manville, except birds by Alexander Wetmore and Manville. Special Publication, Washington Biologists' Field Club, pp. 1-44. (January 1968.)

Perry, M. C. (ed.) 2007. THE WASHINGTON BIOLOGISTS' FIELD CLUB: ITS MEMBERS AND ITS HISTORY (1900-2006). The Washington Biologists' Field Club, printed by The Maple Press Company, York Pennsylvania. Pdf available under the About dropdown as WBFC Book at https://WBFC.science/wp-content/uploads/2019/09/wbfc_booksm.pdf

Popkin, G. 2019. A mysterious disease is striking American beech trees. *Science* Nov 14 2019 https://dx.doi.org/10.1126/science.aba2201

Putnam, J. 2020. eBird Checklist: https://ebird.org/ebird/view/checklist/S70502036 -- eBird: An online database of bird distribution and abundance [web application]. *eBird*, Ithaca, New York. Available: http://www.ebird.org (Accessed: 2 November 2020]).

Shetler, S. G., S. S. Orli, E. F. Wells & M. Beyersdorfer. 2006 CHECKLIST OF THE VASCULAR PLANTS OF PLUMMERS ISLAND, MARYLAND. *Bulletin of the Biological Society of Washington*, 14(1): 1-57 https://wbfc.science/wp-content/uploads/2020/07/Checklist_Vasc_Plants_Plummers.pdf

Simmons, R.H, Fleming A.H., Soreng R.J. 2016. Natural Communities of Plummers Island, Montgomery County, Maryland. Appendix 6, pdf. available at https://WBFC.science/wp-content/uploads/2019/09/plummer_island_nc_map_v1.3.pdf

Simmons R.H., Soreng R.J., Barrows E.M., Emmons L.H. 2020. Rare Flora and Natural Communities of Plummers Island, Montgomery County, Maryland. Report prepared for the National Parks Conservation Association, July 2020. Appendix 5, pdf. available at https://WBFC.science

Steiner, W. E. Jr. 2000. Records and habitat of the "rare click beetle," *Cerophytum pulsator* (Haldeman), in Virginia and Maryland (Coleoptera: Cerophytidae). *Banisteria* 15:43-45.

Steiner, W. E., Jr. 2008. A Checklist of the Darkling Beetles (Insecta: Coleoptera: Tenebrionidae) of Maryland, with Notes on the Species Recorded from Plummers Island Through the 20th Century. *Bulletin of the Biological Society of Washington* 15: 233-140.

This page is intentionally left blank.

WBFC DEIS Comments and Testimony, November 2020

Vogel, G. 2017. Where have all the insects gone! *Science* 2 May 2017, Vol. 356, Issue 6338, pp. 576-579 https://science.sciencemag.org/content/356/6338/576.full

Appendices:

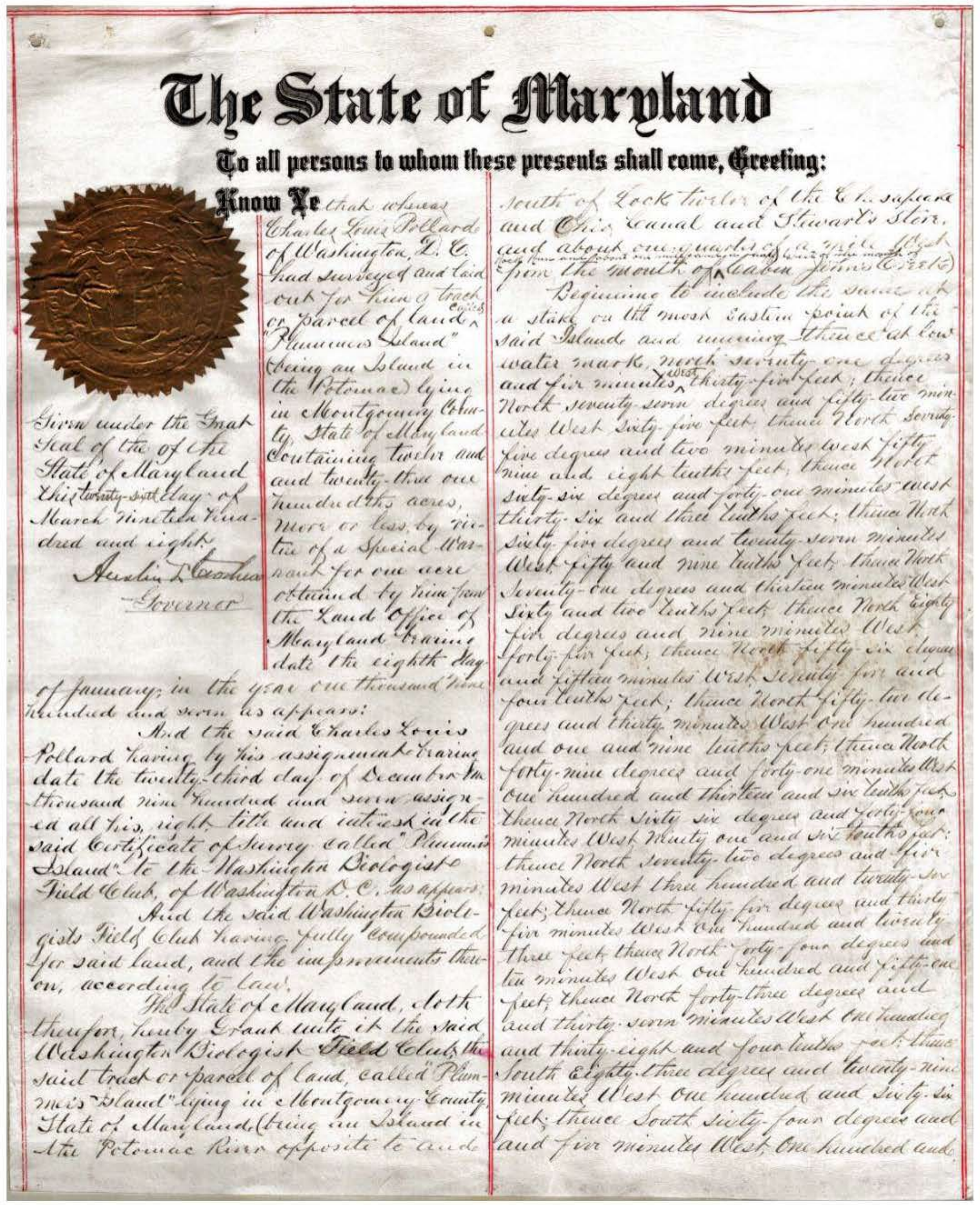
1. WBFC Deed to Plummers Island (1908).
2. Transfer of the WBFC property to United States Government (1959).
3. Washington Post article, 1959
4. Potomac Basin Reporter, 1973 [Plummer Island Beetles & Bees and Type locality]
5. Rare Flora and Natural Communities of Plummers Island, Montgomery County. Maryland.
6. Natural Communities of Plummers Island, Montgomery County, Maryland.

(Vegetation plots are numbered. Plot 4 was lost due to the ALB abutments redirecting the flow of Rock Run Channel / "Culvert" between 2000 and 2013. Plots not mapped, nor are two newer plots and older NPS plots)

7. Titles in the Bulletin of the Biological Society of Washington series "Natural History of Plummers Island, Maryland," and other key publications.

The following pages reflect the attachments included in the letter. There are no comments or responses provided on these pages; they are included for the record.

Appendix 1. Title to Plummers Island and adjacent mainland



The State of Maryland

To all persons to whom these presents shall come, Greeting:

Know Ye that whereas Charles Louis Pollard of Washington, D. C. had surveyed and laid out for him a tract or parcel of land called "Plummers Island" (being an Island in the Potomac) lying in Montgomery County, State of Maryland, containing twelve and twenty-three one hundredths acres, more or less, by virtue of a Special Warrant for one acre obtained by him from the Land Office of Maryland bearing date the eighth day of January, in the year one thousand nine hundred and seven as appears:

And the said Charles Louis Pollard having by his assignment bearing date the twenty-third day of December one thousand nine hundred and seven assigned all his right, title and interest in the said Certificate of Survey called "Plummers Island" to the Washington Biologists Field Club, of Washington D.C. as appears:

And the said Washington Biologists Field Club having fully compounded for said land, and the improvements thereon, according to law.

The State of Maryland, doth therefore, hereby Grant unto it the said Washington Biologist Field Club, the said tract or parcel of land, called "Plummers Island" lying in Montgomery County, State of Maryland (being an Island in the Potomac River opposite to and south of Lock twelve of the Chesapeake and Ohio Canal and Stewart's Store, and about one quarter of a mile West from the mouth of Cabin Johns Creek)

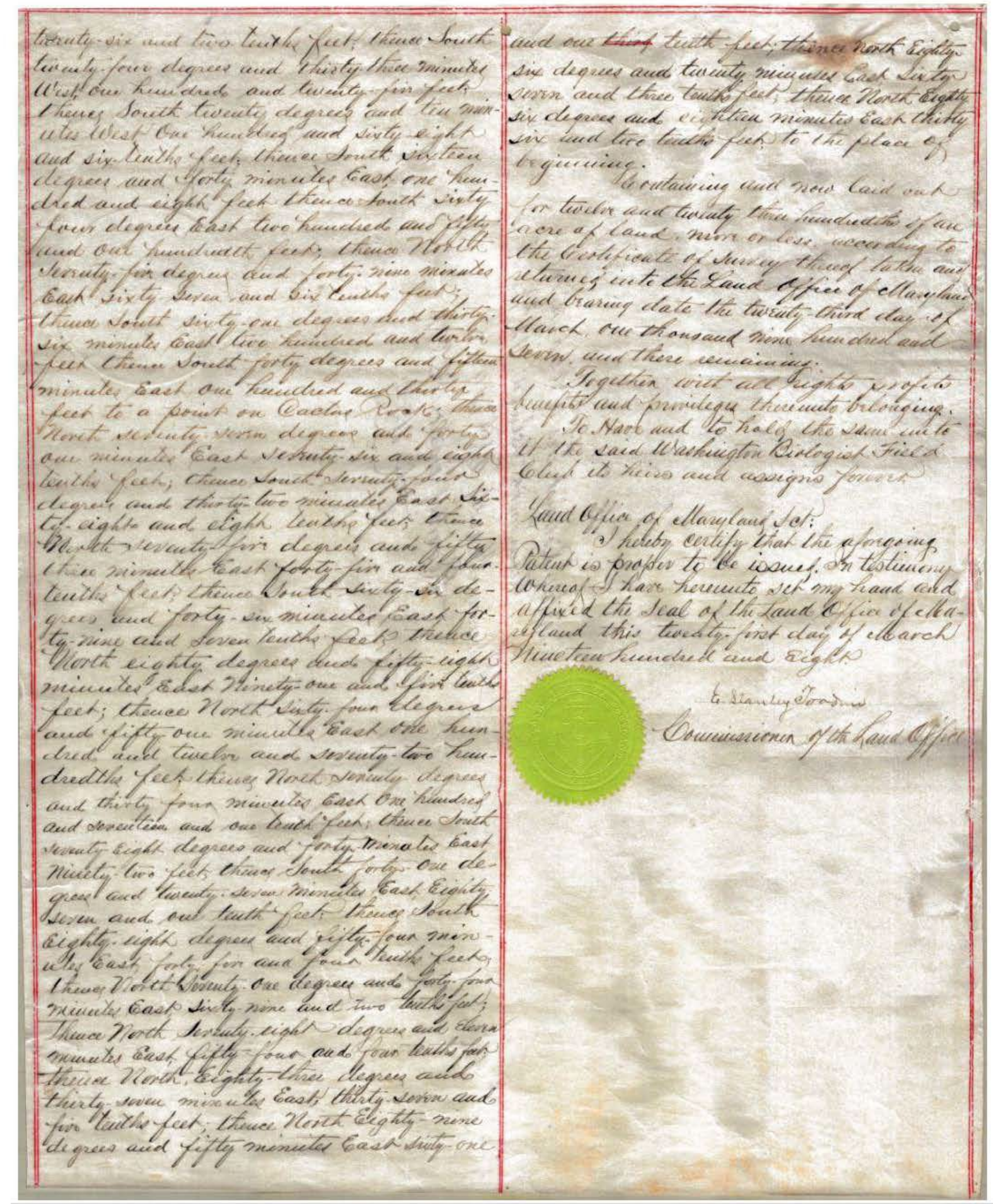
Beginning to include the same at a stake on the most Eastern point of the said Island and running thence at low water mark, north seventy-one degrees and five minutes West thirty-five feet; thence North seventy-seven degrees and fifty-two minutes West Sixty-five feet; thence North seventy-five degrees and two minutes West fifty-nine and eight tenths feet; thence North sixty-six degrees and forty-one minutes West thirty-six and three tenths feet; thence North sixty-five degrees and twenty-seven minutes West fifty and nine tenths feet; thence North Seventy-one degrees and thirteen minutes West Sixty and two tenths feet; thence North Eighty five degrees and nine minutes West, forty-five feet; thence North fifty-six degrees and fifteen minutes West, Seventy five and four tenths feet; thence North fifty-two degrees and thirty minutes West One hundred and one and nine tenths feet; thence North forty-nine degrees and forty-one minutes West One hundred and thirteen and six tenths feet; thence North Sixty six degrees and forty-four minutes West Ninety one and six tenths feet; thence North seventy-two degrees and five minutes West three hundred and twenty-six feet; thence North fifty-five degrees and thirty-five minutes West One hundred and twenty-three feet; thence North forty-four degrees and ten minutes West one hundred and fifty-one feet; thence North forty-three degrees and thirty-seven minutes West One hundred and thirty-eight and four tenths feet; thence South Eighty-three degrees and twenty-nine minutes West One hundred and Sixty-six feet; thence South sixty-four degrees and five minutes West, One hundred and

Given under the Great Seal of the State of Maryland this twenty-sixth day of March Nineteen hundred and eight.

Austin L. Crothers

Governor

Appendix 1. cont.



twenty-six and two tenths feet; thence South twenty-four degrees and thirty-three minutes West, One hundred and twenty-five feet; thence South twenty degrees and ten minutes West One hundred and sixty-eight and six-tenths feet; thence South sixteen degrees and forty minutes East, one hundred and eight feet; thence South sixty-four degrees East two hundred and fifty and one hundredth feet; thence North seventy-five degrees and forty-nine minutes East sixty seven and six tenths feet; thence South sixty-one degrees and thirty-six minutes East two hundred and twelve feet; thence South forty degrees and fifteen minutes East One hundred and thirty-five feet to a point on Cactus Rock; thence North seventy-seven degrees and forty-one minutes East Seventy-six and eight tenths feet; thence South seventy-four degrees and thirty-two minutes East, Sixty-eight and eight tenths feet; thence North seventy-five degrees and fifty-three minutes East forty-five and four tenths feet; thence South sixty-six degrees and forty-six minutes East forty-nine and seven tenths feet; thence North eighty degrees and fifty-eight minutes East Ninety-one and five tenths feet; thence North Sixty-four degrees and fifty-one minutes East One hundred and twelve and seventy-two hundredths feet; thence North seventy degrees and thirty four minutes East One hundred and seventeen and one tenth feet; thence South seventy-eight degrees and forty minutes East Ninety-two feet; thence South forty-one degrees and twenty-seven minutes East, Eighty-seven and one tenth feet; thence South Eighty-eight degrees and fifty-four minutes East, forty-five and four tenths feet; thence North Seventy-one degrees and forty-four minutes East Sixty-nine and two tenths feet; thence North Seventy-eight degrees and eleven minutes East, fifty-four and four tenths feet; thence North Eighty-three degrees and thirty-seven minutes East, thirty-seven and five tenths feet; thence North Eighty-nine degrees and fifty minutes East sixty-one and one ~~third~~ tenth feet; thence North Eighty-six degrees and twenty minutes East Sixty-seven and three tenths feet; thence North Eighty-six degrees and eighteen minutes East thirty six and two tenths feet to the place of beginning.

Containing and now laid out for twelve and twenty three hundredths of an acre of land, more or less, according to the Certificate of Survey thereof taken and returned into the Land Office of Maryland and bearing date the twenty-third day of March, one thousand nine hundred and seven, and there remaining.

Together with all rights, profits, benefits and privileges thereunto belonging.

To Have and to hold the same unto it the said Washington Biologist Field Club its heirs and assigns forever.

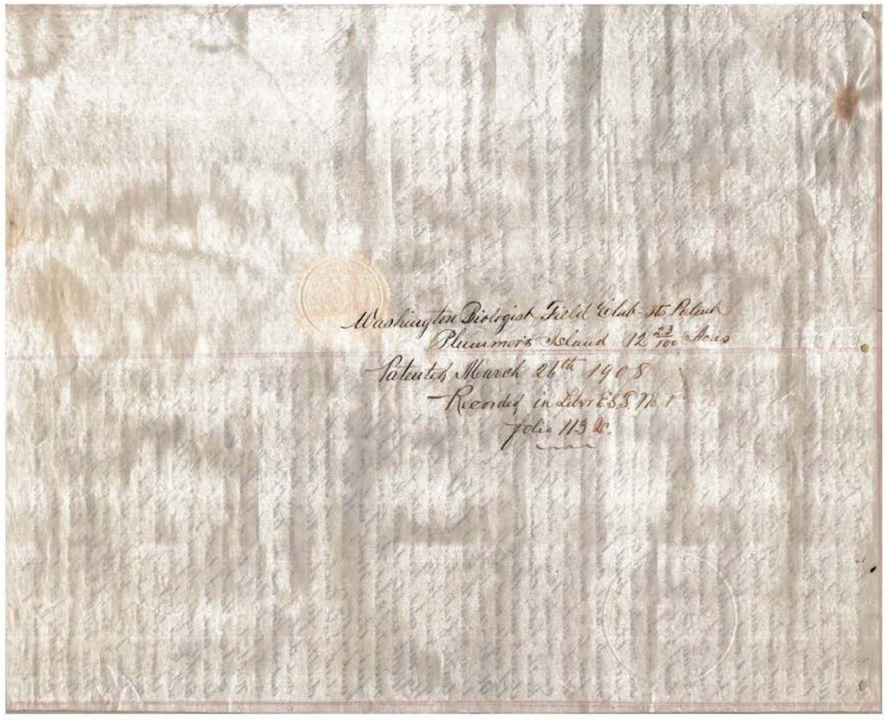
Land Office of Maryland Sct:

I hereby certify that the aforegoing Patent is proper to be issued. In testimony Whereof I have hereunto set my hand and affixed the Seal of the Land Office of Maryland this twenty-first day of March Nineteen hundred and Eight.

E. Stanley Toadvin

Commissioner of the Land Office

Appendix 1. cont.



Appendix 2 AGREEMENT WITH NATIONAL PARK SERVICE, 1959

AGREEMENT WITH NATIONAL PARK SERVICE

AGREEMENT AND STIPULATIONS BETWEEN THE WASHINGTON BIOLOGISTS' FIELD CLUB, INC. AND THE UNITED STATES OF AMERICA

This agreement made this 5th day of March, 1959, by and between the Washington Biologists' Field Club, Inc. and the United States of America.

WITNESSETH:

WHEREAS, The United States Government has by condemnation proceedings, in the United States District Court for the District of Maryland in Civil No. 10676 and by order of Court made the 24th day of June, taken possession of the defendant's Washington Biologists' Field Club, property designated in said proceedings as parcels "A" and "B" in tract no. 7, and

WHEREAS, This property was acquired by the Washington Biologists' Field Club, Inc. and has been used by the said Club as a natural wild area for scientific research for over 50 years and a great many scientific papers have been written in reference to biological and natural history discoveries made on said land and, more particularly, on that part of said land known as parcel "B" and more familiarly known as Plummers Island containing some 12.238 acres more or less, and

WHEREAS, The said Plummers Island has become among systematic biologists one of the world's most famous collecting spots and type localities, and

WHEREAS, The discoveries have indicated the probability of new knowledge in the field of biology and natural history, and

WHEREAS, The fame of this island is world-wide and many scientific organizations are interested in its preservation as a source of discovery, and

WHEREAS, The Washington Biologists' Field Club, Inc. and the United States Government desire to preserve this natural wild area as a sanctuary and scientific research preserve.

Therefore, The United States Government's petitioner in the United States District Court for the District of Maryland in Civil No. 10676 and the Washington Biologists' Field Club, Inc., defendant, and the owner of said parcel of land known as parcel "B" containing some 12.238 acres more or less which said land is an island in the Potomac River and is more familiarly known as Plummers Island, do hereby stipulate and agree that the said parcel "B" be withdrawn from these proceedings and that the said Washington Biologists' Field Club, Inc. does hereby agree to deed the said island to the United States Government without monetary consideration reserving in said deed to the Washington Biologists' Field Club, Inc., the right to continue to maintain the island as a natural wild area and use it for scientific research and for meetings of the Club and to pursue its studies in the field of biology and natural history on the said island so long as the Washington Biologists' Field Club, Inc. exists and desires to continue to use the island for scientific research and so long as the further provisions and stipulations contained herein are complied with which are as follows:

1. The Washington Biologists' Field Club, Inc. agrees to supply the National Park Service with copies of scientific papers resulting from research conducted on said island when available.
2. The Washington Biologists' Field Club, Inc. will supply the National Park Service with an annual report and will include the names and addresses of the officers, list of the members, and a summarization of the scientific investigations carried on.
3. The Washington Biologists' Field Club, Inc. will indemnify the United States against any loss or damage or injury due to the Club's negligence or any of its members or guests in the use and occupancy permitted under this agreement.
4. The Washington Biologists' Field Club, Inc. shall maintain its building and facilities on the island or replace the same in orderly and safe condition without expense to the United States.
5. No additional buildings, structures, or other physical facilities shall be constructed on the island by the Washington Biologists' Field Club, Inc. without first obtaining written approval of the National Park Service.
6. It is further stipulated and agreed between the United States Government and the Washington Biologists' Field Club, Inc. that the membership of the Club as constituted on I August 1958,

Honorary Members:	Johnson , David H.	Vogt, George B.
	Kelson, Keith R.	Walker, Ernest P.
	Killip. E. P.	Wetmore, Alexander

Bartsch, Paul
Mann, William M.
Ricker, P. L.

Active Members:

Aldrich, John W.
Appel, William D.
Benedict, J. E.
Blake, S. F.
Brown, Edgar
Clarke, J. F. G.
Compton, Lawrence V.
Davis, Malcolm
Duvall, Allen J.
Erickson, Ray C.
Erlanson, C. 0.
Fredine, C. Gordon
Fuller, Henry S
Gabrielson, Ira N.
Gardner, Marshall C.
Graham, Edward H.
Griffith, Richard E.
Handley, C. 0., Jr.
Hotchkiss, Neil
Jackson, Hartley H. T.
Krombein, Karl V.
Leonard, Emery C.
Lincoln, Frederick C.
Linduska, Joseph P.
Meehean, 0. Lloyd
Morrison, J. P. E.
Nelson, A. L.
Oehser, Paul H.
Parker, Kenneth W.
Presnall, Clifford C.
Reed, Theodore H.
Russell, Paul G.
Setzer, Henry W.
Smith, Albert C.
Smith, Lyman B.
Sohns, Ernest R.
Stevenson, James 0.
Stewart, Robert E.
Stickel, William H
Swift, Ernest F.
Uhler, F. M.
Zahniser, HowardNonresident Members:
Allan, Philip F.
Allen, Durward L.
Archino, Samuel
Bartlett, H. H.
Bryant, Harold C.
Cahalane, Victor H.
Cottam, Clarence
Couch, Leo K.
Dargan, Lucas M.
Eklund, Carl R.
Fowler, James A.
Hamlet, John
Holt, Ernest 0.
McAtee, W. L.
Myers, G. S.
Peterson, Roger T.
Wallis, William W.
Wherry, Edgar T.

shall have the privilege of having their ashes placed on said island and a small bronze plaque in their memory placed on the stones of said island and that this privilege shall apply only to the membership as named above as it shall exist as of 1 August 1958.

7. It is further stipulated and agreed that the United States Government will allow the membership of the Washington Biologists' Field Club, Inc. to have access by foot over the land owned by the United States Government to the island at all times and whenever desired.
8. The Washington Biologists' Field Club, Inc. will be permitted to maintain and operate passenger-carrying ferry boats from and to the island which is to be for the exclusive use of the Club and its members and guests for access to the island.
9. The Washington Biologists' Field Club, Inc. will be permitted to erect and maintain a fence and gate at a suitable location to exclude the general public from the island, but the National Park Service is to be furnished keys to the lock or the National Park

Service may provide its own lock if keys are delivered to the Washington Biologists' Field Club, Inc., and will also be permitted to clear the channel between the island and the Maryland shore to maintain a free flow of water therein.

10. It is further stipulated and agreed that authorized agents and personnel of the National Park Service shall have access to the island and the right to take scientists to the island, but, in that event, the Washington Biologists' Field Club, Inc. shall not be responsible for any injuries or damages resulting to said persons due to conditions upon said island provided said injuries or damages are not caused by negligence of the Club or by a failure on the part of said Washington Biologists' Field Club, Inc. to comply with the requirements of this stipulation.

11. It is further stipulated and agreed that all rights accruing to the Washington Biologists' Field Club, Inc, or to any member thereof by reason of the provisions of this stipulation or any amendment thereto may be terminated if said Washington Biologists' Field Club, Inc. no longer exists or in the event after due written notice that the provisions of this stipulation and/or deed which will be executed following signing of this stipulation have been violated and continue to be violated by said Washington Biologists' Field Club, Inc. or its members, guests, employees, or servants for a period of time in excess of six months after receipt of said notice, and further in the event the island shall be no longer used for scientific research by the Washington Biologists' Field Club, Inc. for more than two years then this stipulation and any like provisions of the deed to be executed conveying the property to the United States shall terminate.

12. It is further stipulated and agreed that the United States may construct or permit the construction of needed nonrecreational public improvements upon the island or a portion thereof, which said improvements shall not be inconsistent with the uses to which the island has been dedicated by the Washington Biologists' Field Club, Inc.

13. It is further stipulated and agreed that this stipulation shall become effective after the filing and acceptance by the United States of a deed of conveyance containing the provisions outlined herein.

The United States of America
By: WILLIAM E. FINLEY

Director of the National Capital Planning Commission

Condemning Authority

The Washington Biologists' Field Club, Inc.

By: LLOYD W. SWIFT

President

1, Albert C. Smith, certify that I am the Secretary of the corporation named as party herein; that Lloyd W. Swift, who signed this contract on behalf of the party, was then President of said corporation; that said contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

ALBERT C. SMITH, *Secretary*

Appendix 3. Washington Post Article, 1959.

—*It's for the Birds*

Plummers Island is for the birds, and it's going to stay that way.

The National Capital Planning Commission voted yesterday to accept an offer by the Washington Biologists Field Club, Inc., to donate the Potomac island near Cabin John as part of the George Washington Memorial Parkway.

The deed will stipulate that the nature group can continue to use the island for its bird studies. The Commission will drop a condemnation suit to acquire the island, but still plans to push another suit involving Club-owned land on the Maryland shore.

Appendix 4. Potomac Basin Reporter - 1973 Beetles and Bees & Type locality

Plummers Island: Unknown, But Famous in Its Way

Plummers Island, a tiny, rocky 12 acres jutting out of the Potomac River above Washington, D.C., is unknown to the general public. Among biologists, however, this spot downstream from Cabin John is one of the world's most famous spots for studying plants and animals. On any given day, a scientist probably could discover a new insect species on the Island.

Discovering new species or a preponderance of old ones has been the particular concern of members of the Washington Field Biologists Club, a professional organization of limited membership, since the turn of the Century. The Club acquired the Island in 1901 and later gave it to the National Park Service with the stipulation that members could continue research on flora and fauna. Inaccessibility and a heavy insect population at certain times of the year have made the Island undesirable to visitors – and thus preserved it, somewhat.

Members of the Club have listed more than 1,226 species of plants and 4,293 species of animals on the Island (everything from a dog to a jumping mouse or a rare bird; 1500 species of beetles alone live on Plummers, along with 300 to 400 species of bees). It is the "type-locality" for at least 175 species, meaning it is associated with the discovery of new species. No less than 16 genera and three families of plants and animals have been described on the basis of specimens collected on the Island.

Because these scientists have had unique access to specimens collected over three-quarters of a century, many comparative studies were possible. One recent study of lichens suggests that metropolitan Washington air pollution is weakening the relative immunity of certain kinds of lichen to insects, causing them to disappear.

Important news about measuring environmental changes from these and other biological indicators will be forthcoming from the Biologists Club.

Appendix 5. Rare Plants of Plummers Island (Excerpt).

A total of 4 globally rare natural communities, two of which are state rare; 21 state-rare extant flora, including one globally rare extant species; and 36 state-rare historic flora, including 4 globally rare historic taxa are known from the island.

Rare Flora and Natural Communities

Rare Natural Communities (in order of lowest to highest in elevation)

Piedmont / Central Appalachian Sand Bar / River Shore (Low Herbs Type): *Eragrostis hypnoides* - *Lindernia dubia* - *Ludwigia palustris* - *Cyperus squarrosus* Herbaceous Vegetation (USNVC: CEGL006483). Non-tidal mudflats. Global/State Ranks: G3/SNR

Potomac Gorge Riverside Outcrop Barren (Potomac Gorge Type): (*Hypericum prolificum*, *Eubotrys racemosa*) / *Schizachyrium scoparium* - *Solidago racemosa* - *Ionactis linariifolia* Herbaceous Vegetation (USNVC: CEGL006491). Global/State Ranks: G2/S1.

Mid-Atlantic High Terrace Hardwood Floodplain Forest: *Acer saccharum* - *Fraxinus americana* / *Carpinus caroliniana* / *Podophyllum peltatum* Forest (USNVC: CEGL006459). Global/State Ranks: G3?/SNR.

Potomac River Bedrock Terrace Hardpan Forest: *Carya glabra* - *Quercus* (*rubra*, *montana*) - *Fraxinus americana* / *Viburnum rafinesqueanum*/ *Piptochaetium avenaceum* Forest (USNVC: CEGL006209). Global/State Ranks: G1G2/S1.

Rare Flora

Extant Flora

White Bear Sedge (*Carex albursina*) G5/S3 (last vouchered in 2004; observed by Soreng in 2020)
Pubescent Sedge (*Carex hirtifolia*) G5/S3 (last vouchered in 1934)
Flat-spiked Sedge (*Carex planispicata*) G4Q/S1S2 (*R.H. Simmons 3525*, 4 May 2013)
Northern Leatherflower (*Clematis viorna*) G5/S3 (last vouchered in 1982)
Needle-leaf Panic Grass (*Dichanthelium aciculare*) G5/S2? (*R.J. Soreng, 8289a*, 25 May 2013)
Open-flower Panic Grass (*Dichanthelium laxiflorum*) G5/S1? (last vouchered in 1960; photographed by Simmons in 2015)
Leatherwood (*Dirca palustris*) G4/S2 T (*R.H. Simmons 4067*, 6 Nov 2015)
Harbinger of Spring (*Erigenia bulbosa*) G5/S3 (last vouchered in 1983; observed by Soreng in 2020)
Halberd-leaf Rose-mallow (*Hibiscus laevis*) G5/S3 (last vouchered in 1982; photographed by Soreng in 2020)
Green Violet (*Hybanthus concolor*) G5/S3 (last vouchered in 1960)
Ostrich Fern (*Matteuccia struthiopteris*) G5/S2S3 (One of the largest known stands in the state. *R.H. Simmons 3532*, 5 May 2013)
Two-flower Melic (*Melica mutica*) G5/S3 (last vouchered in 2015, *R.J. Soreng 8340*)
Horse-tail Paspalum (*Paspalum fluitans*) G5/S2 E (*E.F. Wells 4507*, 20 Sep 1997)
Coville's Phacelia (*Phacelia covellei*) G3/S2 E (*R.H. Simmons 3920*, 14 May 2015)
Miami-mist (*Phacelia purshii*) G5/S3 (last vouchered in 1983; observed by Soreng on mossy rocks by plot 21 between 2013 and 2015)
Hairy Hop-tree (*Ptelea trifoliata* var. *mollis*) G5/S3 (*R.H. Simmons 3585*, 2 Jun 2013)
Smooth Wild-petunia (*Ruellia strepens*) G4G5/S2S3 (*R.H. Simmons 4221*, 9 Oct 2016)
Pale Dock (*Rumex altissimus*) G5/S1 E (last vouchered in 1997)
Sticky Goldenrod (*Solidago racemosa*) G5T3?/S1 T (photographed by Soreng in 2020)
Pink Valerian (*Valeriana pauciflora*) G4/S1 E (last vouchered in 1982)
Golden-alexanders (*Zizia aurea*) G5/S3 (*R.J. Soreng 9336*, 29 Apr 2017)

Historic Flora

Earleaf False Foxglove (*Agalinis auriculata*) G3/S1 E (last vouchered in 1936)
Canada Milkvetch (*Astragalus canadensis* var. *canadensis*) G5/S1 E (last vouchered in 1940)
Blue Wild Indigo (*Baptisia australis* var. *australis*) G5/S2 T (last seen in 1935 by Killip & Blake)
Short's Rock Cress (*Boechera dentata*) G5/S3 (last vouchered in 1916)
Nottoway Valley Brome Grass (*Bromus nottowayanus*) G3G5/S3S4 (last vouchered in 1947)
Hitchcock's Sedge (*Carex hitchcockiana*) G5/S1 E (last vouchered in 1933)
Short's Sedge (*Carex shortiana*) G5/S3S4 E (last vouchered in 1928)
Bur-reed Sedge (*Carex sparganioides*) G5/S3 (last vouchered in 1933)
Slender Dayflower (*Commelina erecta*) G5/S3 (last vouchered in 1960)
Spring Coralroot (*Corallorhiza wisteriana*) G5/S1 E (last vouchered in 1915)
Smartweed Dodder (*Cuscuta polygonorum*) G5/S1 E (last vouchered in 1961)
Many-flowered Flatsedge (*Cyperus lancastriensis*) G5/S2S3 (last vouchered in 1997)
Reflexed Flatsedge (*Cyperus refractus*) G5/S2? (last vouchered in 1960)
Dwarf Larkspur (*Delphinium tricorne*) G5/S3 (last seen in 1935 by Killip & Blake)
Toothed Tick-trefoil (*Desmodium cuspidatum*) G5/S1 (last vouchered in 1960)
White Trout Lily (*Erythronium albidum*) G5/S2 T (last vouchered in 1983)
Downy Milkpea (*Galactia volubilis*) G5/S3 (last vouchered in 1961)
Striped Gentian (*Gentiana villosa*) G4/S1 E (last vouchered in 1903)
Western Sunflower (*Helianthus occidentalis*) G5/S1 T (last vouchered in 1940)
Eastern Bloodleaf (*Iresine rhizomatosa*) G5/S1 E (last vouchered in 1915)
[1]Violet Bush-clover (*Lespedeza frutescens*) G5/S3 (last vouchered in 1960)
Bog Twayblade (*Liparis loeselii*) G5/S1S2 (last vouchered in 1917)
Climbing Milkvine (*Matelea obliqua*) G4?/S1S2 E (last vouchered in 1937)
Purple Mecardonia (*Mecardonia acuminata* var. *acuminata*) G5/S2 E (last vouchered in 1939)
Basal Beebalm (*Monarda clinopodia*) G5/S3S4 (last vouchered in 1982)
Early Forget-me-not (*Myosotis verna*) G5/S3 (last vouchered in 1962)
Racemed Milkwort (*Polygala polygama*) G5/S1 T (last vouchered in 1950)
Small Pondweed (*Potamogeton pusillus* ssp. *pusillus*) G5/S2S4 (last vouchered in 1930)
Whorled Mountain-mint (*Pycnanthemum verticillatum*) G5/S1 E (last vouchered in 1951)
Virginia Sida (*Riparioside hermaphrodita*) G3/S1 E (last vouchered in 1938)
Brown-eyed Susan (*Rudbeckia triloba*) G5/S3 (last vouchered in 1940)
Sessile-fruited Arrowhead (*Sagittaria rigida*) G5/S1 E (last vouchered in 1930)
Carolina Willow (*Salix carolinana*) G5/S3 (last vouchered in 1982)
Snowy Campion (*Silene nivea*) G4?/S1 E (last vouchered in 1917)
Riverbank Goldenrod (*Solidago rupestris*) G4?/S1 X (last vouchered in 1903)
Sand Grape (*Vitis rupestris*) G3/S1 (last vouchered in 1906)

[1][= *Lespedeza violacea* (L.) Pers. (misapplied); "Due to a problem with the type specimen of *Lespedeza intermedia*, the name *Lespedeza violacea*, by which this species has long been known, applies to *L. intermedia*, and the name *L. frutescens* now applies to [*Lespedeza violacea*]" (VBA 2020)]

Key to Global Rank

G1: At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
G2: At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
G3: At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.
G4: Uncommon but not rare; some cause for long-term concern due to declines or other factors.
G5: Common, widespread, and abundant.

GH: Known only from historical occurrences but still some hope of rediscovery.
GNR: Not ranked.
GX: Not located despite intensive searches and virtually no likelihood of rediscovery.

Key to State Rank

S1: At very high risk of extirpation from the state due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
S2: At high risk of extirpation from the state due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
S3: At moderate risk of extirpation from the state due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.
S4: Uncommon but not rare; some cause for long-term concern due to declines or other factors.
S5: Common, widespread, and abundant.
SH: Known only from historical occurrences but still some hope of rediscovery.
SNR: Not ranked.
SX: Not located despite intensive searches and virtually no likelihood of rediscovery.

Federal and State Status

Legal status denotes a simple hierarchy of endangerment in three categories: Endangered (E), Threatened (T), and Endangered Extirpated (X). Federal Status is determined by the U.S. Fish and Wildlife Service.

Federal Status

LE = Listed Endangered - A taxon is threatened with extinction throughout all or a significant portion of its range.
LT = Listed Threatened - A taxon is likely to become endangered in the foreseeable future.

State Status

E = Endangered - A taxon is threatened with extinction throughout all or a significant portion of its range.
T = Threatened - A taxon is likely to become endangered in the foreseeable future.

References

Fleming, A.H. 2015. Geologic-Geomorphic Map of Plummers Island. Unpublished report. (https://wbfc.science/wp-content/uploads/2019/09/geologic_map_plummers_island.pdf

Harrison, J.W. 2016. The Natural Communities of Maryland: 2016 Natural Community Classification Framework. Maryland Department of Natural Resources, Wildlife and Heritage Service, Natural Heritage Program, Annapolis, Maryland. Unpublished report. 35 pages.

Maryland Natural Heritage Program. 2019. List of Rare, Threatened, and Endangered Plants of Maryland. Maryland Department of Natural Resources, 580 Taylor Avenue, Annapolis, MD 21401. DNR 03-031319-135

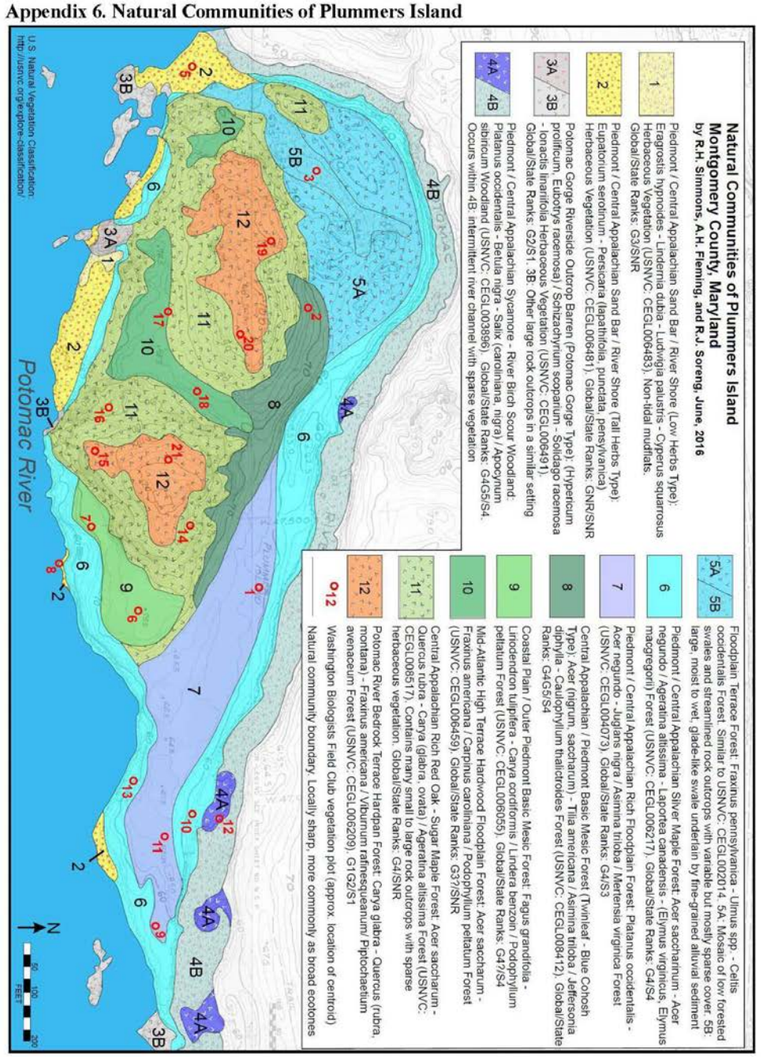
Shetler, S.G., S.S. Orli, E.F. Wells, and M. Beyersdorfer. 2006. Checklist of the Vascular Plants of Plummers Island, Montgomery County, Maryland. Bulletin of the Biological Society of Washington 14:1-57. https://wbfc.science/wp-content/uploads/2020/07/Checklist_Vasc_Plants_Plummers.pdf

Simmons, R.H. 2015. Native Vascular Flora of the City of Alexandria, Virginia. City of Alexandria Department Recreation, Parks, and Cultural Activities, Alexandria, Virginia.

Simmons, R.H., A.H. Fleming, and R.J. Soreng. 2016. Natural Communities of Plummers Island, Montgomery County, Maryland. Unpublished report. https://wbfc.science/wp-content/uploads/2019/09/plummer_island_nc_map_v1.3.pdf

Virginia Botanical Associates. 2020. Digital Atlas of the Virginia Flora (http://www.vaplantatlas.org , 23 July 2020). Virginia Botanical Associates, Blacksburg, Virginia.

Appendix 6. Natural Communities of Plummers Island



Appendix 7. Titles in the *Proceedings of the Biological Society of Washington* series

Natural History of Plummers Island, Maryland, and other key publications.

The series "Natural History of Plummers Island, Maryland," was published in the *Proceedings of the Biological Society of Washington* as listed below, except for XX, XXV, and XXVI, which were published elsewhere:

I. Introduction, by William R. Maxon. Vol. 48, p. 115-117. August 22, 1935.

II. Flowering plants and ferns, by Ellsworth P. Killip and Sidney F. Blake. Vol. 48, pp. 118-134. August 22, 1935.

III. Mosses, by Emery C. Leonard. Vol. 48, pp. 135-137. August 22, 1935.

IV. Birds, by Albert K. Fisher, Vol. 48, pp. 159-167. November 15, 1935.

V. Fungi, by John A. Stevenson and Edna M. Ermold. Vol. 49, pp. 123-131. August 22, 1936.

VI. Reptiles and amphibians, by Maurice K. Brady. Vol. 50, pp. 137-139. September 10, 1937.

VII. Hepaticae, by Emory C. Leonard and M. E. Pierce. Vol. 52, pp. 21-22. March 11, 1939.

VIII. Lichens, by Emory C. Leonard and Ellsworth P. Killip. Vol. 52, pp. 23-26. March 11, 1939.

IX. Mammals, by Edward A. Goldman and Hartley H. T. Jackson. Vol. 52, pp. 131-134. October 11, 1939.

X. Flowering plants and ferns-Supplement 1, by Ellswoth P. Killip and Sidney F. Blake. Vol. 66, pp. 31-38. March 30, 1953.

XI. Blue-green algae (Myxophyceae), by Francis Drouet. Vol. 67, pp. 239-241. November 15, 1954.

XII. A biological note on Trypoxylon richardsi Sandhouse, by Karl V. Krombein. Vol. 72, pp. 101-102. July 24, 1959.

XIII. Descriptions of new wasps from Plummers Island, Maryland (Hymenoptera: Aculeata), by Karl V. Krombein. Vol. 75, pp. 1-17. March 30, 1962.

XIV. Biological notes and description of the larva and pupa of Copelatus glyphicus (Say) (Coleoptera: Dytiscidae), by Paul J. Spangler. Vol. 75, pp. 19-23. March 30, 1962.

XV. Descriptions of the stages of Chaetodactylus krombeini, new species, a mite associated with the bee, Osmia lignaria Say (Acarina: Chaetodactylidae), by Edward W. Baker. Vol. 75, pp. 227-236. August 28, 1962.

XVI. Biological notes on Chaetodactylus krombeini Baker, a parasitic mite of the megachilid bee, Osmia (Osmia) lignaria Say (Acarina: Chaetodactylidae), by Karl V. Krombein. Vol. 75, pp. 237-249. August 28, 1962.

XVII. Annotated list of the wasps, by Karl V. Krombein. Vol. 76, pp. 255-280. December 31, 1963.

XVIII. The hibiscus wasp, an abundant rarity, and its associates (Hymenoptera: Sphecidae), by Karl V. Krombein. Vol. 77, pp. 73-112. June 26, 1964.

XIX. Annotated list of the aphids (Homoptera: Aphididae), by Mortimer D. Leonard. Vol. 79, pp. 117-126. May 23, 1966.

XX. Annotated list of the vertebrates, by Richard H. Manville, except birds by Alexander Wetmore and Manville. Special Publication, Washington Biologists' Field Club, pp. 1-44. January 1968.

XXI. Infestation of the lichen Parmelia baltimorensis Gyel. & For, by Hypogastrura packardi Folsom (Collembola), by Mason E. Hale, Jr. Vol. 85, pp. 287-296. August 30, 1972.

XXII. Biting midges (Diptera: Ceratopogonidae). 1: introduction and key to genera, by Willis W. Wirth, Nipban C. Ratanaworabhan, and Donald H. Messersmith. Vol. 90, pp. 615-647. October 17, 1977.

XXIII. Studies on lichen growth rate at Plummers Island, Maryland, by James D. Lawrey and Mason E. Hale, Jr. Vol. 90, pp. 698-725. October 17, 1977.

XXIV. Biting midges (Diptera: Ceratopogonidae). 2: the species of the tribes Heteromyiini and Sphaeromimi, by Willis W. Wirth and William L. Grogan, Jr. Vol. 91, pp. 847-903. February 23, 1979.

XXV. Biting midges (Diptera: Ceratopogonidae), 3: the species of the tribe Stilobezziini, by Willis W. Wirth and William L. Grogan, Jr. *Bulletin of the Biological Society of Washington* No. 5, pp. 1-102. December 9, 1981.

XXVI. The ground beetles of a temperate forest site (Coleoptera: Carabidae): An analysis of fauna in relation to size, habitat selection, vagility, seasonality, and extinction, by Terry L. Erwin. *Bulletin of the Biological Society of Washington* No. 5, pp. 104-224. December 9, 1981.

XXVII. The decline of forest breeding birds on Plummers Island, Maryland, and vicinity, by David W. Johnston and Daniel L. Winings. Proceedings of the Biological Society of Washington 100:762-768. December 31, 1987.

XXVII [XXVIII]. Current diversity, historical analysis, and biotic integrity of fishes in the lower Potomac basin in the vicinity of Plummers Island, Maryland, by Wayne C. Starnes. Proceedings of the Biological Society of Washington 115(2):273-320. 2002.

XXIX. Checklist of the vascular plants of Plummers Island, Maryland, by Stanwyn G. Shetler, Sylvia S. Orli, Elizabeth F. Wells, and Marcie Beyersdorfer. Bulletin of the Biological Society of Washington 14: 1-58. Jan 2006].

SELECTED OTHER PUBLICATIONS COVERING PLUMMERS ISLAND

Among other publications dealing at least in part with Plummers Island or the Washington Biologists' Field Club are the following:

Adamski, D. and Ronald W. Hodges. 1996. An annotated list of North American Blastobasinae (Lepidoptera: Gelechioidea: Coleophoridae). *Proceedings of the Entomological Society of Washington* 98: 708–740.

Allan, Philip. 1952. Craspedacusta sowerbii in Maryland. *Proceedings Biological Society of Washington* 65:109110.

Bailey, Vernon. 1923. Mammals of the District of Columbia. *Proceedings Biological Society of Washington* 36:103-138.

Baker, Edward, W. 1964. Vidia cooremani, a new species of Saproglyphidae from a crabronine wasp (Acarina). *Entomology News* 75:43-46.

Banks, N., C. T. Greene, Waldo L. McAtee and Raymond C. Shannon. 1916. District of Columbia Diptera: Syrphidae. *Proceedings of the Biological Society of Washington* 29: 173–204.

Barber, Herbert S. 1951. North American fireflies of the genus Photuris. *Smithsonian Miscellaneous Collections* 117(1). vi + 58 pp.

Barrows, Edward M., Aaron F.Howard, Brent W. Steury. 2012. Fruit Production and Phenology of Phocelia covilli S. Watson (Hyrophyll aceae) in the Potomac Gorge Area of Maryland and Virginia. *Marilandica* Spring: 1-16.

Barrows, Edward M. 2013. Habitat abundances of a cricket-parasitizing wasp Rhopalosoma nearcticum (Hymemoptera Rhopalosomatidae) in a United States mid-Atlantic park. *Open Journal of Animal Sciences.* 3(4): 311-313.

Brown, John W. 2001. Species turnover in the leafrollers (Lepidoptera: Tortricidae) of Plummers Island, Maryland: Assessing a century of inventory data. *Proceedings of the Entomological Society of Washington* 103: 673–685.

Brown, John W. 2005. Long-term data show declines in insect composition on Plummers Island, Chesapeake and Ohio Canal National Historic Park. *Natural Resource Year In Review-2004*: 69.

Brown, K. M., G. A. Baltazar, B. N. Weinstein, and M. B. Hamilton. 2003. Isolation and characterization of nuclear microsatellite loci in the anadromous marine fish Morone saxatilis (striped bass). *Molecular Ecology Notes* 3: 414-416.

Brown, K. M., G.A. Baltazar, M. B. Hamilton. 2005. Reconciling nuclear microsatellite and mitochondrial marker estimates of population structure: breeding population structure of Chesapeake Bay striped bass (Morone saxatilis). *Heredity* **94:606-615.**

Busck, August 1906. Notes on some tortricid genera with descriptions of new American species. *Proceedings of the Biological Society of Washington* **19: 173–182.**

Busck, August 1906. New American Tineina. *Canadian Entomologist* **38: 121–125.**

Busck, August 1907. A review of the tortricid subfamily Phaloniinae with descriptions of new American species. *Journal of the New York Entomological Society* **15: 19–36.**

Busck, August 1907. New genera and species of American Microlepidoptera. *Journal of the New York Entomological Society* **15: 134–140.**

Busck, August 1908. A generic revision of American moths of the family Oecophoridae with descriptions of new species. *Proceedings of the United States National Museum* **35 (1644): 187– 207.**

Busck, August 1909. Notes on Microlepidoptera, with descriptions of new North American species. *Proceedings of the Entomological Society of Washington* **11: 87–103.**

Busck, August and C. Heinrich. 1922. Life history of Ethmia macelhosiella Busck. *Proceedings of the Entomological Society of Washington* **24: 1–9.**

Butte, Janardhan G. 1968. Revision of the tribe Chalepini of America north of Mexico (Coleoptera: Chrysomelidae). I. Genus Xenochalepus Weise. *Coleopterist Bulletin* **22(2): 45-62.**

Butte, Janardhan G. 1968. II. Genus Chalepus Tbunberg. *Journal New York Entomology Society* **76: 117-133.**

Butte, Janardhan G. 1968. III. Genus Odontota Chevrolat. *Coleopterist Bulletin* **22(4):101-124.**

Christmas, Anne H. 1960. New span to unmask island jungle. *Washington evening Star*, **p. B-3. (July 5).**

Clarke, John F. G. 1941. Revision of the North American moths of the family Oecophoridae, with descriptions of new genera and species. *Proceedings of the United States National Museum* **90: 33–286.**

Cole, F. R., J. R. Malloch and Waldo L. McAtee. 1924. District of Columbia Diptera: Tromoptera (Cyrtidae, Bombyliidae, Therevidae, Scenopidae). *Proceedings of the Entomological Society of Washington* **26: 181–195.**

Cooke, May T. 1929. Birds of the Washington, D.C. region. *Proceedings of the Biological Society of Washington* **42:1-80.**

Crawford, James C. 1909. A new family of parasitic Hymenoptera. *Proceedings of the Entomological Society of Washington* **11:63-64.**

Davis, Donald R. 1990. Superfamily Tineiodea, pp. 50–55. In: Miller, Scott E. and Ronald W. Hodges (eds.), Primary types of microlepidoptera in the Museum of Comparative Zoology (with a discussion on V. T. Chambers' work). *Bulletin of the Museum of Comparative Zoology* **152.**

Donnelly, Thomas W. 1961. The Odonata of Washington, D.C., and vicinity. *Proceedings of the Entomological Society of Washington* **63:1-13.**

Ethridge, Mark, Jr. 1951. Biologists devote half century to lab on Potomac island. *Washington Post*, **p. A-1. (August 20).**

Fischer, Max. 1967. Die nearktischen Arten der Gattung Synaldis (Hymenoptera, Braconidae). *Polskie Pismo Entomologiczne* **37:464-467.**

Fisher, James. 1955. Excerpt from "City in the Woods" [account of 1953 shad bake], pp. 51-52 in Wild America: the record of a 30,000 mile journey around the continent by a distinguished naturalist and his British colleague by Roger Tory Peterson and James Fisher. Boston: Houghton Mifflin. 434 pp.

Fleming, Peggy, and Raclare Kanal. 1992. Newly documented species of vascular plants in the District of Columbia. *Castanea* **57:132-146.**

Frye, C. T., and C. Lea. Atlas and Annotated List of Carex (Cyperaceae) of Maryland and the District of Columbia. *Maryland Naturalist* **44(2):41-108.**

Gardner, Marshal C. 1950. A list of Maryland mammals; Part I, marsupials and insectivores; Part II, bats. *Proceedings of the Biological Society of Washington* **63:65-68, 111-114.**

Gardner, Marshall C. 1950. A list of Maryland mammals. Part II, bats. *Proceedings of the Biological Society of Washington* **63: 111–114.**

Hale, Mason E., Jr. 1970. Single-lobe growth-patterns in the lichen Parmelia caperata. *Bryologist* **73: 72-81.**

Hale, Mason E., Jr. and James D. Lawrey. 1985. Annual rate of lead accumulation in the lichen Pseudoparmelia baltimorensis. *Bryologist* **88:5-7.**

Hart, C. W., Jr. 1964. Two new entocytherid ostracods from the vicinity of Washington, D.C. *Proceedings of the Biological Society of Washington* **77:243-246.**

Heinrich, C. 1923. Revision of the North American moths of the subfamily Eucosminae of the family Olethreutidae. *United States National Museum Bulletin* **123, 298 pp.**

Heinrich, C. 1926. Revision of the North American moths of the subfamilies Laspeyresiinae and Olethreutinae. *United States National Museum Bulletin* **132, 216 pp.**

Hodges, Ronald W. 1962a. The genus Perimede Chambers in North America. *Proceedings of the Entomological Society of Washington* **64: 145–154.**

Hodges, Ronald W. 1962b. A review of the genus Periploca with descriptions of nine new species. *Pan-Pacific Entomologist* **38: 83–97.**

Hodges, Ronald W. 1964. A review of the North American moths of the family Walshiidae. *Proceedings of the United States National Museum* **115: 289–330.**

Hodges, Ronald W. 1969. Nearctic Walshiidae-notes and new taxa (Lepidoptera: Gelechioidea). *Smithsonian Contributions to Zoology* **18:1-30.**

Hoffman, R. L., S. M. Roble and W. E. Steiner, Jr. 2002. Thirteen additions to the known beetle fauna of Virginia (Coleoptera: Scirtidae, Bothrideridae, Cleridae, Tenebrionidae, Melyridae, Callirhipidae, Cerambycidae, Chrysomelidae). *Banisteria* **20: 53–61.**

Hood, J. Douglas. 1917. An annotated list of the Tbysanoptera of Plummer's Island, Maryland. *Insecutor Inscitiae Menstruus* **5:53-65.**

Jeannel, R. 1963. Supplement a la monographie des Anillini: sur quelques especes nouvelles de l'Amerique du Nord. *Revue Francaise d'Entomologie* **30:145-152.**

Kalmbach, E. R. 1968. An ornithological treasure awaits resurrection. *Auk* **85:703-706. [McAtee MS on bird names.]**

Karren, Jay. 1966. A revision of the genus Exema of America north of Mexico (Chrysomelidae, Coleoptera). *University of Kansas Science Bulletin* **46: 647-695.**

Killip, Ellsworth P. 1931. Plants recently discovered on Plummers Island as a result of low-water conditions. *Proceedings of the Biological Society of Washington* **44:111-115.**

Knab, F., and Raymond C. Shannon. 1916. Tanypezidae in the United States. *Insecutor Inscitiae Menstruus* **4:33-36.**

Krombein, Karl V. 1963. Notes on the Entomognathus of eastern United States. *Proceedings of the Biological Society of Washington* **76:247-254.**

Krombein, Karl V. 1963. A new Chrysura from Plummers Island, Maryland. *Entomology News* **74:149-152.**

Krombein, Karl V. 1963. The host-parasite relationship of Xylocelia virginiana Rohwer and Omalus intermedius (Aaron). *Proceedings of the Entomological Society of Washington* **65: 264.**

Krombein, Karl V.1964. Miscellaneous prey records of solitary wasps, V. (Hymenoptera: Aculeata). *Bulletin of the Brooklyn Entomological Society* **58:118-120.**

Krombein, Karl V. 1967. Trap-nesting wasps and bees: life histories, nests, and associates. Smithsonian Publication 4670, Smithsonian Press, Washington, D.C. vi + 570 pp.

Lawrey, James D., and Mason E. Hale, Jr. 1981. Retrospective study of lichen lead accu-mulation in the northeastern United States. *Bryologist* **84:449-456.**

Lawrey, James D., and Mason E. Hale, Jr. 1991. The species-area curve as an index of disturbance in saxicolous lichen communities. *Bryologist* **94:377382.**

Lawrey, James D. 1992. Natural and randomly-assembled lichen communities compared using the species area curve. *Bryologist* **95(2):137-141.**

Lawrey, James D., and Mason E. Hale, Jr. 1979. Lichen growth responses to stress induced by automobile exhaust pollution. *Science* **204:423-424.**

Lea, C., and C. T. Frye. 2002. Carex (Cyperaceae) in the Potomac River Gorge of Maryland, Virginia, and the District of Colombia. *Bartonia* **No. 61: 93-116.**

Leonard, Mortimer D. 1968. Further records of aphids from Plummers Island, Md. (Homoptera: Aphididae). *Proceedings of the Entomological Society of Washington* **70: 84.**

Long, E. John. 1957. A haven for the biologist is Plummers Island. *Nature Magazine* **50: 465-468.**

Long, E. John. 1966. The island. *American Forests* **72: 22-24, 59-61.**

Malloch, J. R., and Waldo L. McAtee. 1924. Flies of the family Drosophilidae of the District of Columbia region. *Proceedings of the Biological Society of Washington* **37: 25-42.**

Malloch, J. R., C. T. Greene, and Waldo L. McAtee. 1931. District of Columbia Diptera: Rhagionidae. *Proceedings of the Entomological Society of Washington* **33: 213-220.**

Manville, Richard H. 1972. A "sister" organization. *Cosmos Club Bulletin* **25(5):7-10.**

Margolis, B. E., M. S. Castro, and R. L. Raesly. 2001. The impact of beaver impoundments on the water chemistry of two Appalachian streams. *Canadian Journal of Fisheries and Aquatic Sciences* **58: 2271-2283.**

Margolis, B. E., R. L. Raesly, and D. L. Shumway. 2001. The effects of beaver-created wetlands on the benthic macroinvertebrate assemblages of two Appalachian streams. *Wetlands* **21(4):554-563.**

McAtee, Waldo L. 1908. Notes on an orthopterous leaf roller. *Entomological News* **19:488-491.**

McAtee, Waldo L. 1918. A sketch of the natural history of the District of Columbia. *Bulletin of the Biological Society of Washington* **1:1-142.**

McAtee, Waldo L., and Alfred C. Weed. 1915. First list of the fishes of the vicinity of Plummers Island, Maryland. *Proceedings of the Biological Society of Washington* **28:1-14.**

McAtee, Waldo L. 1920. Cercopidae of the vicinity of Washington, D.C., with the descriptions of new varieties of Clastoptera (Homoptera). *Proceedings of the Biological Society of Washington* **33: 171–176.**

McAtee, Waldo L. 1921. Membracidae of the vicinity of Washington, D.C. *Proceedings of the Biological Society of Washington* **34: 123–134.**

McAtee, Waldo L. 1927. Cicadidae of the vicinity of Washington, D.C. *Proceedings of the Entomological Society of Washington* **29: 70–72.**

McAtee, Waldo L. and N. Banks. 1920. District of Columbia Diptera: Asilidae. *Proceedings of the Entomological Society of Washington* **22: 13–33.**

McAtee, Waldo L. and A. N. Caudell. 1917. First list of the Dermaptera and Orthoptera of Plummer's Island, Maryland, and vicinity. *Proceedings of the Entomological Society of Washington* **19: 100–122.**

McAtee, Waldo L. and W. R. Walton.1918. District of Columbia Diptera: Tabanidae. *Proceedings of the Entomological Society of Washington* 20: 188–206.

McComb, Charles W. 1963. A checklist and host index of the Diaspididae of Maryland and the District of Columbia. *University of Maryland Entomology Leaflet 50*, 38 pp., mimeo.

McComb, Charles W. 1967. A revision of the Chelonus subgenus Microchelonus in North America north of Mexico (Hymenoptera: Braconidae). *University of Maryland, Agricultural Experiment Station Bulletin* A-149. 148 pp.

McComb, Charles W., and R. A. Bram. 1963. A checklist and host index of the tetranychoid mites of Maryland and nearby areas. *University of Maryland Entomology Leaflet 49*. 20 pp., mimeo.

Miller, D. C. 1974. Revision of the New World Chaetarthria (Coleoptera: Hydrophilidae). *Entomologica Americana* 49:1-123.

Miller, S. E. and Ronald W. Hodges. 1990. Primary types of microlepidoptera in the Museum of Comparative Zoology (with a discursion on V. T. Chambers' work). *Bulletin of the Museum of Comparative Zoology* 152: 45–87.

Muesebeck, Carl F. W. 1963. A platygasterid parasite of certain wasp larvae. *Beitraege zur Entomologie* 13: 391-394.

Orr, R. L. 1994. Baseline survey of Odonata (dragonflies and damselflies) of the C&O Canal National Historical Park (Potomac River Corridor). Unpublished report to C&O National Historical Park. 16 October 1994.

Orr, R. L. 1995. Odonata of Plummers Island. *Argia* 7: 6–8.

Paradiso, John L. 1969. Mammals of Maryland. *North American Fauna* 66. iv + 193 pp.

Peck, S. B. 1982. A review of the ectoparasitic beetles of North America (Coleoptera: Leptinidae). *Canadian Journal of Zoology* 60: 1517-1527.

Perkins, P. D. 1981 (1980). Aquatic beetles of the family Hydraenidae in the Western Hemisphere: Classification, biogeography and inferred phylogeny (Insecta: Coleoptera). *Quaestiones Entomologicae* 16(12): 15-54.

Ribble, D. W. 1968. Revision of two subgenera of Andrena: Micrandrena Ashmead and Derandrena, new subgenus (Hymenoptera: Apoidea). *Bulletin of the Nebraska State Museum* 8: 237–394.

Robbins, C. A., and Sidney F. Blake. 1931. Cladonia in the District of Columbia and vicinity. *Rhodora* 33: 145-159.

Robinson, Harold. 1967. New species of Dolicbopodidae from the United States and Mexico (Diptera). *Proceedings of the Entomological Society of Washington* 69: 114-127.

Sherwood, John. 1977. The curious world called Winnemana. *Washington Star* (May 8).

Smetana, A. 1974. Revision of the genus Cymbiodyta Bed. (Coleoptera: Hydrophilidae). *Memoirs of the Entomology Society of Canada* 93. iv + 113 pp.

Smetana, A. 1978. Revision of the subfamily Sphaeridiinae of America north of Mexico (Coleoptera: Hydrophilidae). *Memoirs of the Entomology Society of Canada* 105. 292 pp.

Smetana, A. 1980. Revision of the genus Hydrochara Berth. (Coleoptera: Hydrophilidae). *Memoirs of the Entomology Society of Canada* 111. 100 pp.

Smetana, A. 1985. Revision of the Subfamily Helophorinae of the Nearctic Region (Coleoptera: Hydrophilidae). *Memoirs of the Entomology Society of Canada* 131, 154 pp.

Smith, D. R. 1969. Nearctic sawflies I. Blennocampinae: Adults and larvae (Hymenoptera: Tenthredinidae). *United States Department of Agriculture Technical Bulletin* No. 1397, 179 pp. + 19 pls.

Solis, M. A. 2008. Pyraloidea and their known hosts (Lepidoptera: Insecta) from Plummers Island. *Bulletin of the Biological Society of Washington* 15(1): 88-106.

Sommer, Stefan Andreas 1986. The pollination ecology and breeding system of Hamamelis virginiana L. (Hamamelidaceae). M.S. Thesis, University of Maryland, College Park, MD. vii, 83 leaves.

Staines, C. L. 2004. Changes in the chrysomelid (Coleoptera) community over a 95-year period on a Maryland river island (USA), pp. 613 –622. In Jolivet, P., J. A. Santiago-Blay & M. Schmitt (eds.), New developments in the biology of Chrysomelidae. Academic Publishing, The Hague.

Staines, C. L. and S. L. Staines. 1999. Observations on Euphoria inda (L.) (Insecta: Coleoptera: Scarabaeidae). *The Maryland Naturalist* 43: 31–33.

Staines, C. L. and S. L. Staines. 1998. The leaf beetles (Insecta: Coleoptera: Chrysomelidae): potential indicator species assemblages for natural area monitoring, pp. 233–244. In: Therres, G. D. (ed.), Conservation of biological diversity: A key to the restoration of the Chesapeake Bay Ecosystem and beyond. *Maryland Department of Natural Resources*, Annapolis, Maryland.

Steiner, W. E., Jr. 2000. Records and habitat of the "rare click beetle," Cerophytum pulsator (Haldeman), in Virginia and Maryland (Coleoptera: Cerophytidae). *Banisteria* 15: 43–45.

Steiner, W. E., Jr. 2008. A Checklist of the Darkling Beetles (Insecta: Coleoptera: Tenebrionidae) of Maryland, with Notes on the Species Recorded from Plummers Island Through the 20th Century. *Bulletin of the Biological Society of Washington* 15: 233-140.

Stewart, Robert E., and Chandler S. Robbins. 1958. Birds of Maryland and the District of Columbia. United States Department of Interior, North American Fauna 62. 401 pp.

Steyskal, G. C. 1963. A second North American species of Traginops Coquillett. *Proceedings of the Entomological Society of Washington* 65: 51-54.

Stork, N. E. 1984. Additions to the list of Carabidae (Coleoptera) in the fauna of Plummers Island, Maryland. *Coleopterists' Bulletin* 28: 137–141.

Tauber, C. A. 1969. Taxonomy and biology of the lacewing genus Meleoma. *University of California Publications in Entomology 58*. 94 pp.

Viereck, Henry L. 1912. Descriptions of one new family, eight new genera, and thirty-three new species of ichneumon-flies. *Proceedings of the U.S. National Museum* 43: 575-593.

Zimmerman, J. 1970. A taxonomic revision of the aquatic beetle genus Laccophilus (Dytiscidae) of North America. *Memoirs of the American Entomological Society* 26. 275 pp.

WEST END CITIZENS ASSOCIATION – BRIAN SHIPLEY

WEST END CITIZENS ASSOCIATION
Rockville, Maryland

November 9, 2020

Maryland Department of Transportation
707 North Calvert Street, Mail Stop P-601
Baltimore, MD 21202

To Whom It May Concern,

I am writing to you as President of the West End Citizen Association (WECA), a community of 1,600 homes in Rockville, MD. I-270 Exits 5 and 6 offer direct access to our community and our entire western boarder is I-270 – we rely on I-270 and will be greatly impacted by any changes.

#1 Our community members have been actively engaged in understanding and evaluating the seven alternatives presented in Chapter 2 of the Draft Environmental Impact Study. When put to a vote, the community selected the NO BUILD option because we believe that the other six alternatives will NOT positively impact congestion along I-270. Additionally, it is predicted that teleworking will be more acceptable and widely implemented in the future, which will likely lower traffic volumes on I-495 and I-270. Therefore, it only makes sense to hold off on next steps for this project until a new purpose and need is defined.

Thank you.

Sincerely,

Brian Shipley
President, West End Citizens Association

Response to DEIS Comment #1
Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.

WEST MONTGOMERY COUNTY CITIZENS ASSOCIATION – CAROL VAN DAM FALK

From: Carol Van Dam Falk <carolvandam1@gmail.com>
Sent: Monday, November 9, 2020, 10:52 AM
To: Lisa Choplin; governor.mail@maryland.gov; pfranchot@comp.state.md.us; Treasurer@treasurer.state.md.us; marc.elrich@montgomerycountymd.gov; councilmember.friedson@montgomerycountymd.gov; councilmember.albornoz@montgomerycountymd.gov; councilmember.glass@montgomerycountymd.gov; councilmember.jawando@montgomerycountymd.gov; councilmember.riemer@montgomerycountymd.gov; susan.lee@senate.state.md.us; ariana.kelly@house.state.md.us; Korman, Marc Delegate; sara.love@house.state.md.us
Subject: Beltway Expansion DEIS

November 9, 2020

Dear Ms. Choplin, Director, I-495, I-270 P-3 Office, Md-DOT,

#1 The Draft Environmental Impact Study (DEIS) and other independent analyses has shown that Governor Hogan's beltway expansion project would hurt local ratepayers, Maryland taxpayers, and would be especially devastating for local residents. In March, the Washington Suburban Sanitary Commission (WSSC) estimated the cost would be $2 billion to move water and sewer pipes to make way for the project; that's more than double the original estimate from MDOT. The state has consistently refused to acknowledge who will cover the cost. WSSC

Response to DEIS Comment #1
Refer to Chapter 9, Section 3.4.M for a response to impacts to utilities and associated costs.

Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.

#1 Cont

fears it may have to raise ratepayers' water bills. Despite Governor Hogan's claims that the proposal will cost Maryland taxpayers nothing, the DEIS admits that upwards of $1 billion in state subsidies might be needed to complete the project (Washington Post).

Other public/private partnership projects like the Purple Line have run over budget to the tune of $755 million. Developers have demanded the state cough up additional funding to keep the project alive. The governor's response? Crickets. The DEIS acknowledges that under high cost and high interest rate scenarios, every single alternative will run a deficit between $482 million to $1.01 billion for building the Purple Line.

#2

Local communities will pay the biggest price for the beltway project. The DEIS acknowledges that 1,500 properties will be negatively impacted, and up to 34 homes will have to be bulldozed completely.

#3

The project will disproportionately impact local communities, particularly low-income communities and communities of color, all of whom will be forced to cope with increased noise and air pollution and increased risk of flooding and water pollution.

#4

The proposal would also negatively impact dozens of community resources including schools, parks, and hospitals, not to mention the numerous environmental concerns. The DEIS acknowledges that the project will lead to increased particulate matter, carbon monoxide, ozone, carbon dioxide, and greenhouse gas emissions in local communities, yet it does not adequately address these concerns.

#5

The goal of the project is to increase highway capacity, which obviously leads to far more vehicles on the road and increased greenhouse gases for generations to come. Climate change, the number one priority for people across the world, is mentioned only once in the main body of the 350 page report and makes no attempt to mitigate the increased greenhouse gas emissions.
At a time when all efforts should be concentrated on reducing climate pollution, this project would do the exact opposite. Over 550 acres of new impervious surfaces will be added, drastically increasing stormwater runoff, pollution, and flash flood risk for local communities.

Response to DEIS Comment #2
Thank you for your comment concerning impacts to Rock Creek Stream Valley Park and Indian Spring Terrace Local Park. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because Rock Creek Stream Valley Park and Indian Spring Terrace Local Park are located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

Response to DEIS Comment #3
Refer to Chapter 9, Section 3.4.D for a response to Environmental Justice and equity concerns.

Response to DEIS Comment #4
Refer to Chapter 9, Section 3.4.C for a response to analyses of parklands and historic resources.

Refer to Chapter 9, Section 3.4.F for a response to adverse impacts to air quality.

Refer to Chapter 9, Section 3.4.G for a response to climate change and greenhouse gas considerations.

Response to DEIS Comment #5
Refer to Chapter 9, Section 3.4.G for a response to climate change considerations.

#6	Nearly all of the stormwater mitigation efforts will need to be done off site, frequently outside the impacted watersheds, further burdening local communities and their watershed. Rock Creek, Sligo Creek, Northwest Branch, and other local creeks will all be impacted. Over 50 acres of wetlands could be impacted, further worsening stormwater runoff and destroying wildlife. Nearly 30 miles of local streams, creeks, and rivers would be negatively impacted in total (Table ES-2). Dozens of local parks, including the C&O Canal, Cabin John Regional Park, Indian Spring Terrace Local Park, Rock Creek Stream Valley Parks, and many, many more (Table 4-5)- will be negatively impacted.	**Response to DEIS Comment #6** The Preferred Alternative would have an estimated permanent impact of 1.0 acres to the Chesapeake and Ohio Canal National Historical Park, and an estimated temporary impact of 9.1 acres during construction. The Preferred Alternative would have an estimated permanent impact of 5.7 acres to Cabin John Regional Park, and an estimated temporary impact of 0.6 acres during construction. SWM quantity management will be required on-site. SWM water quality treatment will be required to be maximized on-site. A more detailed analysis for the FEIS has resulted in a significant reduction in offsite water quality treatment. However, some offsite SWM water quality treatment is expected due to the numerous constraints located along the study corridor, which is heavily developed with numerous natural, cultural, and socioeconomic resources.
#7	Approximately 1,500 acres of forest canopy will be removed. 155 acres of area of sensitive species review will be impacted, hurting wildlife, increasing habitat fragmentation, and harming endangered and threatened plant species (Table ES-2). From the beginning, the DEIS review process has been deeply flawed. The state has always favored an extensive-build option, even though every Environmental Impact Statement is required to include a "Statement of Purpose and Need," a justification of why the proposed project should be built. This project's purpose and need includes language to ensure that the only project that could receive approval are massive highway expansions that have the potential to create revenue for private corporations. All proposed and studied alternatives include nearly identical impacts to the environment and local communities (Table ES-2), which intentionally allows the state to exclude viable alternatives to massive highway expansion, such as expanding other transit options that are likely to involve a lower cost and far less impact on the environment.	**Response to DEIS Comment #7** The I-495 & I-270 Managed Lanes Study fulfills the requirement to review potential impacts and allowed the agency decision-makers and the public to understand the various advantages and disadvantages of a range of reasonable alternatives. As required by the CEQ NEPA regulations, the DEIS and SDEIS summarize the reasonably foreseeable social, cultural, and natural environmental effects of the alternatives retained for detailed study to a comparable level of detail. This analysis directly contributed to MDOT SHA's evaluation of these alternatives and to recommendations for a full suite of potential measures to avoid and minimize impacts, as well as comprehensive mitigation proposals where impacts could not be avoided. Refer to Chapter 9, Section 3.4 for a response on the NEPA approach, analysis, and impacts.
#8	Beyond all that, the burning question now is do we even need this project? Private and public companies, corporations and agencies based in Maryland and DC have demonstrated convincingly during the coronavirus pandemic for the past nine months that commuting to work by car is unnecessary. Work from home/telework and staggered commute times is the new norm, all of which is to say there is no evidence that this project will be needed once the nation recovers from the COVID-19 pandemic. Even if there was no pandemic, numerous studies have shown that expanding highways almost never results in the desired goal of traffic	**Response to DEIS Comment #8** Refer to Chapter 9, Section 3.1 for a response on Purpose and Need, effects of the Pandemic, and impacts of teleworking/remote working.

#8 Cont

reduction; the costly I-270 expansion in Montgomery County more than 20 years ago serves as a perfect example. Within a few years of the project's completion, bottlenecks were a common site along the I-270 corridor.

A recent study by the Maryland Transportation Institute at the University of Maryland found that only a 5-15% reduction in cars on the road during rush hour would virtually end congestion, making any expansion pointless (Maryland Matters). Even if only a small percentage of people switch to teleworking for good, the state needs to fully examine and study whether this project is viable.

#9

West Montgomery County Citizens Association firmly believes a more thorough examination is required before the state moves forward with the beltway expansion project. We support the "no-build" option.

Sincerely,

Carol V. Falk, WMCCA Board Member
On behalf of the West Montgomery County Citizens Association

Carolvandam1@gmail.com

Response to DEIS Comment #9
Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.

WINGATE CITIZENS ASSOCIATION – ROSS CAPON

I-495 and I-270 Managed Lanes Study
Joint Public Hearing Testimony

Name: Ross Capon

Joint Public Hearing Date: 9/3/2020

Type/Session: Live Testimony/Afternoon

Transcription:

#1 'm Ross R-O-S-S, Capon C-A-P-O-N. I live 24 years at 9220 Shelton Street, Bethesda. Former president of Wingate Citizens Association, which abuts the Beltway, I'm testifying on their behalf. The association supports the No Build option, not the toll lanes project. Investments that encourage idle commuting would worsen our serious air quality and global warming problems and our ability to compete with regions which are adhering to sustainability principles. Some of the recent shift to telecommuting is likely permanent. So, this is the wrong time for big investments and expanded highway capacity. An article posted today at Maryland Matters says if just 50 percent of drivers take the toll lanes, congestion would disappear. This is nonsense. Since congestion avoidance is the primary incentive to use the toll lanes. The same commentary is silent on environmental issues and on the recent continuing improvements being made to 270 and presumes that more road capacity is the only meaningful transportation investment. Some early promises are invalid. This project will impose big dollar costs on taxpayers and WSSC ratepayers. A recent report cites the roughly $1 trillion dollar shortfall over the next decade facing US surface transportation and continues, "P3's are often mentioned as a solution to this shortfall. This idea is simply wrong as the US Treasury Department notes, all infrastructure investments ultimately depend on either user fees, government tax revenues or a combination of the two. Second, the project will not remain within the existing highway footprints there will be major takings. Moreover, it will increase pressure to widen the Beltway east through Silver Spring and beyond, where more substantial takings will be required. The DEIS identifies loss of park land, 15 hundred acres of tree canopy, impacts to 1,500 properties, and the taking of up to 34 homes. Moreover, Parks and Planning says the limits of disturbance are not realistic and the impacts could be greater, especially regarding parks and open space. Chapter four notes increased flood risk in adjacent communities, impacts on 47 parks, removal of trees and landscaping that buffer parks, decrease in available wetland and waterway habitat and plant and animal species in those areas, and destruction of 21 known national historic properties. It would be financially irresponsible for Maryland to undertake this project when two huge transit needs and replacement of the aging Bay Bridge must be addressed. And with MTA proposing big cuts to transit service with no clear plan duration, we need a transportation system that reduces economic inequality, not increases it, and that system will provide jobs if we just get the right leadership and direction. Thank you very much for your time.

Response to DEIS Comment #1
Refer to Chapter 9, Section 3.3.A for a response to Analysis of Alternatives Retained for Detailed Study.

MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 – Phase 1 South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.

WOODMOOR-PINECREST CITIZENS ASSOCIATION – HARRIET QUINN

From: wpatraffic <wpcatraffic@yahoo.com>
Sent: Monday, November 9, 2020 10:11 PM
To: MLS-NEPA-P3
Cc: Gregory Slater; Nick Brady; wpcatrffic@yahoo.com
Subject: Woodmoor-Pinecrest Citizens Association MLS DEIS Comments
Attachments: WPCA_MLS_P3_DEIS_Comments.pdf

Dear Director Choplin:

Attached are comments on the Draft Environmental Impact Statement for the I-495/I-270 Managed Lanes Study from the Woodmoor-Pinecrest Citizens Association in Silver Spring.

We thank you for your work and request your careful and thoughtful consideration of these comments.

Sincerely,
Harriet Quinn
Woodmoor-Pinecrest Citizens' Association

1

This page is intentionally left blank.

WOODMOOR PINECREST CITIZENS' ASSOCIATION

November 9, 2020

Lisa Choplin
Director, I-495 & I-270 P3 Office
Maryland Department of Transportation
State Highway Administration
707 North Calvert Street, Mail Stop P-601
Baltimore, MD 21202

VIA EMAIL: MLS-NEPA-P3@mdot.maryland.gov

RE: I-495/ I-270 Managed Lanes Draft Environmental Impact Statement (DEIS)

Dear Director Choplin:

The Woodmoor-Pinecrest Citizens' Association (WPCA) is a civic association serving a community of more than 1,150 families located in eastern Silver Spring. The neighborhood is over 78 years old and has housed generations of families. The borders of our neighborhood are I-495, the Northwest Branch of the Anacostia River, Colesville Road (US 29) and University Boulevard (MD-193).

As a neighborhood bordered by three state highways, we have worked collaboratively for decades with the Maryland Department of Transportation (MDOT) State Highway Administration (SHA) on many projects that provided solutions to various issues. While we appreciate the opportunity to submit comments on the I-495 /I-270 Managed Lanes Study (MLS) DEIS, we object to the insufficient time allowed to review the 19,000+ pages contained in the Study that were released in the midst of the Covid-19 pandemic.

The WPCA previously submitted comments on the Scoping and Alternatives Retained for Detailed Study (ARDS) for the MLS and provided testimony during the public hearing.

Oppose all Build Options

The proposed highway expansion project would cut through the heart of our community. Due to the significant negative direct and indirect impacts of the proposed project and the many unanswered questions, the WPCA voted unanimously to support the No Build option (Alternative 1) and does not support the current slate of build alternatives identified by MDOT.

1

#1

Response to DEIS Comment #1

Thank you for your comment concerning impacts to the Woodmoore-Pinecrest Community. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the I-495 interchange at Colesville Road and facilities such as Montgomery Blair High School and the Silver Spring YMCA are located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

The Supplemental DEIS and FEIS include additional details regarding the impact of the pandemic on travel, including results of a COVID-19 Travel Analysis and Monitoring Plan developed for the project. Refer to **FEIS, Appendix C** for a copy of the latest version of that plan and results.

The intent of the project is to improve operations for all users, not just those "willing to pay the tolls". The results of the operational analysis indicate that congestion will be reduced in the general purpose lanes and delays will be reduced on the local roads in most areas because the HOT lanes serve traffic that otherwise would be using the general purpose lanes and local roads. Additionally, HOV 3+ and transit vehicles will also be able to use the managed lanes (and obtain the associated speed and travel time benefits) without paying a toll.

The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. However, widening adjacent to Colesville Road is no longer included in this project. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

#1 Cont

November 9, 2020

Request to Pause MLS during Covid-19 and Reassess Purpose and Need

We request that the project be paused during the Covid-19 pandemic. The pandemic has fundamentally altered this region's commerce, employment, and traffic patterns. All of the current project's key assumptions and financials, including traffic volumes and the expected tolls, are based on assumptions and projections from prior to the Covid-19 pandemic and are no longer applicable. The project should be reassessed after the pandemic subsides.

Experts agree that there is great uncertainty regarding traffic and congestion in the years to follow COVID-19 stay-at-home orders. A recent study performed by AECOM – a widely respected transportation consultant for Northern Virginia Transportation Authority (NVTA) - predicts far lower Vehicle Miles Traveled ("VMT") across the DMV in 2025: VMT post pandemic could see a 40% decrease. [1]

Another recent study by Maryland's leading transportation analysts, the Maryland Transportation Institute (MTI) at the University of Maryland, found that a 5% -15% reduction in cars on the road during rush hour would virtually end congestion and that a 10% reduction in peak-hour outer loop Beltway traffic resulted in a 61% reduction in delays. [2]

Yet, the DEIS only makes a passing reference to the effects of the pandemic on commuting in one short paragraph in 19,000+ pages. It is clear, that the DEIS does not have an adequate analysis of something that will likely impact this project in its entirety.

We should fully study whether this project will even be viable if just a small percentage of people switch to telework on a long-term basis. Even without COVID-19, numerous studies show that expanding highways almost never results in the desired reduction of traffic and congestion. Induced demand has led to highway expansion projects being back to pre-build traffic levels in as little as 5 years.

Finally, nearly all of the benefits listed in the DEIS for traffic speed and travel times only benefit those willing to pay the tolls, which the DEIS shows could be well over $2.00 per mile for some segments (Appendix C, p. 883). For some sections of the highway, the DEIS admits that average travel speed will actually decrease for those in the toll-free lanes during peak times (Table 3-5).

---

[1] *Pandemic has Reshaped Northern Virginia's Commute for Years to Come*. WTOP, August, 19, 2020 wtop.com/dc-transit/2020/08/pandemic-has-reshaped-northern-virginias-commute-for-years-to-come

[2] *Analysts: More Telework, Change in Habits Could Dramatically Ease Congestion*, Maryland Matters, August 14, 2020. www.marylandmatters.org/2020/08/14/analysts-more-telework-change-in-habits-could-dramatically-ease-congestion

Comments addressed above.

#1 Cont

November 9, 2020

Neighborhood Community Impacts

Our Woodmoor neighborhood and the surrounding Four Corners communities that abut I-495 would be disproportionately affected by the proposed project. These communities were already established prior to the construction of the Beltway and have experienced the negative impacts and separation due to the highway construction and expansion over the years. The DEIS analysis minimizes the actual impacts to these communities and suggestions for mitigation are insufficient. Moreover, the limits of disturbance (LOD) in the DEIS do not adequately reflect the likely impacts. Since MDOT SHA will not finalize the design until after it awards a contract to a private partner to engineer, design and construct, there is significant risk that the LOD will be much broader than what is characterized in the DEIS and would affect more property owners and businesses than currently shown.

MDOT is proposing to add up to six additional lanes (not four) to the Beltway between Brunett Avenue and University Boulevard. Two of those lanes would be elevated to Colesville Road, causing even more property and noise impacts to the adjacent areas. This appears to be the only area in the project with a configuration that adds six lanes. This configuration would also include adding three additional traffic signals at the ramps with Colesville Road, which would cause additional backups that will result in cut through traffic through our neighborhood. Colesville Road would be one of the few access points to the toll lanes in the Silver Spring area, which would result in redirecting many vehicles through this community and would increase, not reduce traffic on our local roads.

Three bridges within our community would require reconstruction: Colesville Road over the Beltway, University Boulevard over the Beltway and the Beltway Bridge over the Northwest Branch. Our neighborhood is adjacent to the latter two bridges, and both were reconstructed within the last five years. The impacts to our community were significant during reconstruction, in terms of traffic backups on the highway, resulting neighborhood cut through traffic as well as construction noise at night.

Our neighborhood high school, Montgomery Blair, the largest public school in Maryland, would lose athletic field space. It is already very constrained in terms of land. Blair High School is home to a very diverse population of over 3,200 students and 400 staff, who would be ill-served by losing space that is currently dedicated to sports and recreational activities. The students at Blair represent underserved communities and deserve to be able to play sports at school on the currently existing fields.

The intense construction activity and noise immediately adjacent to the school and neighborhoods and the resulting additional emissions would surround the area for years, impacting the health and well-being of residents, students and staff.

Page **3** of **6**

Comments addressed above.

#1 Cont

November 9, 2020

The preliminary noise pollution analysis map indicates noise levels above 66 dB into the Montgomery Blair High School building area. In addition to traffic noise levels beyond the acceptable standards propagating to the school building with perhaps the inability to mitigate due to the proposed height of the new lanes, the school would be subjected to years of very significant construction noise from 3 adjacent sides because in addition to the Beltway reconstruction, as previously mentioned, the adjacent bridges over the Beltway on Colesville Road and University Boulevard would have to be reconstructed. The students at Blair HS, particularly those from underserved communities, can ill-afford the long-term negative effects of these unnecessary distractions on their studies.

Dozens of homes within our neighborhood boundaries would lose property to additional Beltway expansion. Dozens of other residences in the surrounding Four Corners neighborhoods would also lose property and some would be completely displaced. Several businesses in Four Corners on Forest Glen Road would be displaced. In addition to displacing residents and businesses and reducing property values for owners, these takings would also affect the character of the neighborhoods.

The historic Silver Spring YMCA would be forced to leave the neighborhood area. This facility is a longstanding and tremendous community resource for our area, providing fitness classes, workout facilities, two swimming pools, as well as day care and summer camps and recreation for area families. The loss of the YMCA in this densely populated area would be devastating.

The DEIS does not address the impact of widening on the connecting local roads, such as Colesville Road (US 29), where there are currently five access ramps for the Beltway, or University Boulevard (MD-193) where there are six access ramps. The DEIS should provide analysis of the traffic impacts of Beltway expansion on local neighborhood streets and arterials, especially for those areas with proposed access points to toll lanes.

Eventual widening of Colesville Road in the Four Corners area would devastate our robust commercial district. The numerous neighborhoods surrounding Four Corners rely on the shops and restaurants in this district, which is the exact mix of walkable commercial and residential property that is so desired by both the planners in our region and by residents.

The loss of adjacent park land would have a negative impact on the health and environment of the surrounding area.

The loss of hundreds of acres of adjacent irreplaceable tree canopy would have a negative impact on the health and environment of the surrounding area. There would not be room in the immediate area for replacement of the trees lost.

Comments addressed above.

November 9, 2020

Stormwater Management and Public Utilities in the Area

#1 Cont

We are very concerned with how proposed expansion would affect stormwater management in this area that impacts three watersheds. We also do not want WSSC or any other utilities to shoulder any costs related to relocation of water, sewer, gas, power, or telecommunications infrastructure and then transferring that cost to their customers. WSSC has estimated the expansion would cost them over $2 billion for relocation of pipes. There has been no assessment performed of the actual costs of and subsidies for this project. No budget has been shared with the public.

Purple Line P3 Default

The massive budget overruns on the Purple Line implementation demonstrate the risks with management of P3 transportation projects. Given that the private contractor has stated their intention to abandon the Purple Line project in the middle of construction, those issues must be resolved before the State considers any contracts for another massive P3 transportation project for Montgomery County.

Alternatives Omitted from Study

Prior to the DEIS, the Agencies unreasonably defined the study's purpose and need so narrowly that they only considered alternatives which involved construction of two to six new toll lanes. The Agencies did not analyze other, much less expensive and less disruptive options for smaller scale roadway improvements, or transportation systems and transportation demand management options. Given the changing dynamic in commuting patterns with the current public health emergency, it is irresponsible to not take these tremendous shifts into account.

Further, there has been insufficient study of both the MD-200 (ICC) Diversion Alternative as well as Transportation Systems Management (TSM) and Travel Demand Management (Alternative 2). Under NEPA requirements, Agencies must consider all alternatives that are "practical or feasible from a technical and economic standpoint."

Conclusion

In conclusion, due to numerous harmful impacts to residents, homes, students, parkland, and the environment, as well as the many unanswered questions and insufficient information, the WPCA supports the No Build option (Alternative 1) for I-495 east of I-270.
MDOT should prioritize and consider other immediate, easier to implement, less disruptive, less harmful, and less expensive solutions to traffic and congestion issues such as the MD-200 Diversion Alternative as well as Transportation Systems and Travel Demand Management.

Page 5 of 6

Comments addressed above.

November 9, 2020

Respectfully submitted,

Greg Siers, President
Woodmoor-Pinecrest Citizens' Association
Silver Spring, Maryland 20901

Cc:
Gregory Slater, Secretary, Maryland Department of Transportation

This page is intentionally left blank.

WOODMOOR-PINECREST CITIZENS ASSOCIATION – MICHELE RILEY

I-495 and I-270 Managed Lanes Study
Joint Public Hearing Testimony

Name: Michele Riley

Joint Public Hearing Date: 9/3/2020

Type/Session: Live Testimony/Afternoon

Transcription:

#1

My name is Michele Riley. M-I-C-H-E-L-E, R-I-L-E-Y. My address is 416 Hillmoor Drive, H-I-L-L-M-O-O-R Drive in Silver Spring 20901. I'm a resident of the Woodmore neighborhood in the Four Corners area of Silver Spring and a member of the board of the Woodmore Pine Crest Citizens Association, which has over 1,100 homes. Our association will be providing more comprehensive written comments on the DEIS to be submitted prior to the close of the public comment period. Our neighborhoods boundaries are I-495, University Boulevard, Colesville Road, and the northwest branch of the Anacostia. This project would cut through the heart of our community. Our association supports the No Build option for the Beltway east of I-270 because of the significant direct and indirect impacts to our neighborhood and surrounding community, including 1.) the limits of disturbance that would be required for any of the build alternatives will likely be much broader than characterized in the DEIS. 2.) the Silver Spring YMCA would be forced to leave the neighborhood area. This facility is a longstanding and tremendous community resource for our area, providing fitness classes, workout facilities and two swimming pools, as well as day care and summer camps for area families, and the loss of the YMCA in this densely populated area would be devastating. 3.) Our neighborhood high school, Montgomery Blair, the largest high school in Maryland, would lose athletic field space, which is already very constrained. Blair High School is home to a very diverse population of over 3,200 students and 400 staff who would be ill served by losing space currently dedicated to sports and recreational activities to this beltway expansion. The students at Blair High School represent underserved communities and deserve to be able to play sports at school on the currently existing field. Moreover, the intense construction activity and noise immediately adjacent to the school and the resulting additional emissions would surround the school for years, impacting the health and well-being of students and staff. 4.) The eventual widening of Colesville Road in the Four Corners area would devastate our robust commercial district. The numerous neighborhoods surrounding Four Corners rely on the shops and restaurants in this district, which is a mix of walkable commercial and residential property that is so desired by the planners in our region and by residents. 5.) Dozens of homes in our neighborhood would lose property to the beltway expansion project. And 6.) the loss of adjacent park land and irreplaceable tree canopy would have a negative impact on the health and environment of the surrounding area. There would not be room in the immediate area for replacement of the trees lost. For these reasons, the Woodmore Pine Crest Citizens Association supports the No Build option. We encourage MDOT to reconsider this project and evaluate other alternatives that are less impactful and reflect the fact that congestion and vehicle miles traveled have dropped significantly due to the global pandemic. These changes may be permanent due to significant increases in adoption of telework by many employers. Thank you for your time.

Response to DEIS Comment #1

Thank you for your comment concerning impacts to the Woodmore community. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Four Corners community is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

WOODSIDE FOREST CIVIC ASSOCIATION – DANIEL HATTIS

From: Daniel Hattis <danhattis@gmail.com>
Sent: Monday, November 9, 2020 4:35 PM
To: MLS-NEPA-P3
Cc: aklase@marylandtaxes.gov; treasurer@treasurer.state.md.us
Subject: Comment to I-495/I-270 DEIS

To Whom It May Concern:

I write on behalf of the Woodside Forest Civic Association (WFCA) to oppose widening of I-495 and I-270, and to support the no-build option.

#1

Woodside Forest is a community in Silver Spring between Georgia Avenue to the west and Colesville Road to the east. I-495 and Sligo Creek Park form our northern boundary. As such, any change to I-495 would have a dramatic impact on our neighborhood.

Being so close to Washington, DC and surrounded by major roads, transportation issues are critical to Woodside Forest. Many of our residents use I-495 every day to commute or to go about their daily business. We are very familiar with the flow of traffic on that road and, during the hours when traffic is slow, we get just as frustrated as anyone else. Therefore, we welcome reasonable efforts to improve our ability to move more expeditiously and safely throughout the region.

However, the current expansion effort under discussion is not the answer. Not only would it fail to fix traffic flow, it would lead to major problems both for Woodside Forest, for our region, and for the entire state.

As noted, Woodside Forest is adjacent to I-495 and some homes are very close to the soundwall. It is clear that any expansion to the existing roadway would cause these residents would lose their homes. The residents who remain will need to contend with far more noise pollution and the sight of the soundwall or road right next to their homes. This is untenable, would reduce the quality of life for residents, and lower home values significantly.

In addition, bringing the road closer to residents would increase air pollution for those families. Studies have shown that living within 200 yards of an interstate can have a negative impact on child development, including showing a correlation to reduced IQ. Bringing the road closer to hundreds of homes would impact many children and others who are vulnerable, such as those with asthma. In addition to the road being closer to homes, studies have shown that the additional lanes would bring an increased number of vehicles. This would further exacerbate the amount of air pollution in Woodside Forest.

Expansion of I-495 would also require a reduction to Sligo Creek Park. This is an extremely popular park and is one of the few remaining green spaces in southern Montgomery County. It is a home to many different plant and animal species, many of which are rare to see this close to a major city. In addition, thousands of residents from all over the area use its trails each day, both for recreation and to commute. Every day, children can be seen playing alongside the water and biking past deer, rabbits, toads, foxes, turtles, and other park residents. Expanding the road would do great damage to this critical natural resource. Along with the loss of trees, there would certainly be damage from water runoff from which the creek and park would never be able to recover. In addition, the state's plan to mitigate this damage by protecting lands in other parts of Maryland is not a solution. This is an area where there is a distinct lack of nature with the exception of this wonderful park right outside our homes. For most residents here, the park is a big reason why we live here. It is not a solution to replace the parkland with a land far from where we live, and from which we will not derive any benefit.

1

Response to DEIS Comment #1

Thank you for your comment concerning impacts to the Woodside Forest community. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to west of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County. See Figure 1-1 in the FEIS. The potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Four Corners community is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. Any future proposal for improvements to the remaining parts of I-495 within the study limits, outside of Phase 1 South, would advance separately and would be subject to additional environmental studies, analysis, and collaboration with the public, stakeholders, and agencies.

#1 Cont

Beyond the physical and environmental issues, this plan will do additional damage to our community and to all Maryland residents. While there are claims that this project will not cost taxpayers any money, this has been refuted by numerous reports and from the experiences of communities with similar projects. Already, we have seen that the Purple Line is costing the state vast sums of money, with more costs on the horizon. The media has also reported that the costs of moving water delivery systems is likely to be at least $2 billion--money which will be borne by residents. This does not even account for at least $1 billion which the state is putting on taxpayers to move this project forward. And then there are likely to be huge costs down the line, if there are cost overruns or if revenue does not meet expectations. In these cases, the taxpayers have been on the hook. At a time of decreased state revenue and great need to fix aging transportation infrastructure, these costs will greatly hinder the state's ability to keep up with existing and ongoing needs for decades to come. This creates a major burden on all Maryland residents.

Despite all of these problems, some may argue that the cost is worth the benefit. However, this plan will not actually reduce traffic congestion or improve the lives of Maryland residents. In fact, studies and experience have found that these types of express lanes suffer from fatal errors. First, they are only useful when there is significant traffic congestion in the free lanes. This means they are not going to reduce congestion, but are actually dependent on it. Second, they get more expensive depending on how much the roadway is used--very likely up to nearly $50 each way. This means that during the heaviest traffic periods--the time periods these lanes are supposedly most intended to address--they will be so expensive that only the wealthiest will be able to use them. We have seen from pricing in places like Virginia that the average resident will not be able to benefit from these lanes. In effect, taxpayers are subsidizing (through loss of money, land, and the environment) the wealthiest people and corporations which are willing and able to pay such exorbitant costs. Third, as noted above, it has been found that these projects only increase traffic. In all likelihood, the free lanes will wind up more congested than ever and the toll lanes will carry more cars in addition.

Once again, the WFCA opposes widening of I-495 and I-270 and supports the no-build option for the reasons noted above. We are very willing to discuss any of these issues in more detail.

Best,
Daniel Hattis
President, Woodside Forest Civic Association

2

Comments addressed above.

WYNGATE CITIZENS ASSOCIATION – JAMES LAURENSON

I-495 and I-270 Managed Lanes Study
Joint Public Hearing Testimony

Name: James Laurenson

Joint Public Hearing Date: 9/3/2020

Type/Session: Live Testimony/Morning

Transcription:

#1 Hi, my name is James Laurenson, it's J-A-M-E-S L-A-U-R-E-N-S-O-N. I am at 5916 Melvern Drive Bethesda. I'm the chair of the Land Use and Legislation Committee of the Wyngate Citizens Association of Bethesda, Maryland, and co-founder of the Montgomery County Faith Alliance for Climate Solutions in the Cedar Land Ecosystems Study Group, a member of several local environmental and public interest groups. In December, I emailed the State to express Wyngate's support of the non-concurrent expressed by the Park and Planning Commission of the ARDS. Sadly, these issues still exist and now there are more. Many of which, others have gone into in great, great detail. The DEIS fails to conduct and display the required hard look at the potential for adverse health and environmental, including environmental justice effects, especially in light of recently curtailed national air pollution, fuel efficiency and other rules, which thus violates rules allowing the public to understand and comment, and allowing relevant agencies to completely consider impacts and litigations.

#2 Second, it uses an overly narrow set of options, which are simply variations on a theme of highway expansion and polls with no meaningful variety, and especially any locals serving transit and related options, which thus violates EIS rules regarding the need for a reasonable range of alternatives as clearly described in cases such as NRDC versus Mortin, 1972.

#3 Third, it fails to address the pandemic's effects, and per 40 CFR 1502.9C1, which states that agencies shall prepare supplements if there are significant new circumstances or information and it does not do this. This is a monumental omission that demands a full stop to the process until adequate supplements are developed and given proper public review.

#4 Fourth, it will not pay for itself as claimed, and rather, will cost the state billions, especially given the pandemic's long-term effects. And yet no itemized budget has ever been shared, which is yet another violation of the rules. And fifth, perhaps the most significant issue of all – lacks any consideration of county, state, or international climate crisis plans without even one mention of climate effects in the DEIS and with flawed and laughable assumptions that just little or no increase in VMT. Let me be clear. This failure ignores the very real and existential impact on our shear existence and that of every other species, which would be, and this is no exaggeration, a crime against humanity and nature. Therefore, I, and those I represent do not support the 495 270 Managed Lanes P3 Program. And instead, because we have no other choice, support the No Build option. Federal and state employees – do the right thing. That should be why you joined government work. And in any case, that is what we pay you for. Thank you.

Response to DEIS Comment #1
MDOT SHA and FHWA appreciate your comment on the proposed action. As a result of the NEPA process, including consideration of all public, stakeholder and agency comments concerning the project, MDOT SHA and FHWA have identified Alternative 9 – Phase 1 South as the Preferred Alternative giving consideration to economic, environmental, technical, and other factors as detailed in the SDEIS and FEIS.

Response to DEIS Comment #2
Refer to Chapter 9, Section 3.2.A for a response on Screening of Preliminary Alternatives Process.

Response to DEIS Comment #3
Refer to Chapter 9, Section 3.1 for a response on Purpose and Need, effects of the Pandemic, and impacts of teleworking/remote working.

Response to DEIS Comment #4
Refer to Chapter 9, Section 3.5 for a response to the P3 Program and Project Cost.

ROCK CREEK CONSERVANCY – COMPLETE LETTER SUBMITTAL

From: Jeanne Braha <jbraha@rockcreekconservancy.org>
Sent: Monday, November 9, 2020 2:32 PM
To: MLS-NEPA-P3; Lisa Choplin
Subject: Rock Creek Conservancy Comments on 495/270 DEIS
Attachments: 2020 11 09 RCC DEIS Comments to SHA 495 270.pdf

Please find attached comments from Rock Creek Conservancy. I appreciate your confirming receipt.

Thank you,
Jeanne

--
Jeanne Braha
Executive Director
Rock Creek Conservancy
7200 Wisconsin Avenue, Suite 500, Bethesda, MD 20814
jbraha@rockcreekconservancy.org
301-579-3105

Friend us on Facebook
Follow us on Twitter
Follow us on Instagram

1

ROCK CREEK CONSERVANCY

Rock Creek Conservancy exists to restore Rock Creek and its parklands as a natural oasis for all people to appreciate and protect.

Rock Creek Conservancy
Comments on Managed Lanes Study Draft Environmental Impact Statement
November 9, 2020

Submitted via email to: MLS-NEPA-P3@mdot.maryland.gov, LChoplin@mdot.maryland.gov

Lisa B. Choplin, DBIA
Director, I-495 & I-270 P3 Office
Maryland Department of Transportation State Highway Administration
I-495 & I-270 P3 Office
707 North Calvert Street
Mail Stop P-601
Baltimore, MD 21201

Re: Rock Creek Conservancy Comments on I-495 and I-270 Managed Lanes Study Draft Environmental Impact Statement/Draft Section 4(f) Evaluation

Rock Creek Conservancy (the Conservancy) submits these comments in support of the no-build option.

The alternatives presented in the Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation for the 475/270 Managed Lanes Study would create major – and avoidable – impacts on Rock Creek. Given the lack of specificity and accountability suggested by the DEIS, the Conservancy supports the no build alternative at this time.

The U.S. Department of Transportation (DOT) Federal Highway Administration (FHWA) and the Maryland Department of Transportation (MDOT) State Highway Administration (SHA) (together, Agencies) should not go forward with this flawed DEIS. At a minimum, the Agencies should not move forward with any of the fundamentally flawed build alternatives without redoing the DEIS and providing the public an opportunity to review and comment on the impacts the Agencies failed to evaluate, particularly the specific plans for mitigation of impacts to the Rock Creek watershed.

Rock Creek Conservancy is a non-profit organization based in Bethesda, MD that restores Rock Creek and its parklands for all people to appreciate and protect, and annually engages more than 4,500 volunteers in people-powered restoration.

I. Alternatives

The DEIS acknowledges that the preliminary range of alternatives "could have a varying degree of potential environmental impacts" but states that the Agencies screened out all options that did not meet "the transportation purpose and need," and so "the consideration of the potential for varying degrees of environmental impacts was not a differentiator in whether the alternative should be retained or dismissed." DEIS, App. B, at 94. The objective of NEPA is to rigorously explore all reasonable alternatives in light of their environmental impacts. By not considering and comparing the environmental impacts of the preliminary range of alternatives, the Agencies failed to identify whether any of these preliminary alternatives may have had less environmental impact than the screened alternatives. This is particularly

7200 Wisconsin Avenue, Suite 500 | Bethesda, MD 20814
(301) 579-3105 | info@rockcreekconservancy.org
rockcreekconservancy.org | #LoveRockCreek

problematic because, as the DEIS acknowledges, "The overall difference in environmental impacts between the Screened Alternatives was not significant." DEIS, App. B, at 95. The Agencies improperly screened out any alternatives that may have had less impact and improperly narrowed the alternatives to be studied in detail in the DEIS to those that have almost identical environmental impacts. This result directly conflicts with the objectives of NEPA and is a fundamental flaw of the DEIS.

The alternatives presented in the Draft Environmental Impact Statement (DEIS) for the 475/270 Managed Lanes Study would have significant impacts on Rock Creek and these impacts can be avoided by the selection of other alternatives. Of particular concern, is the Agencies' failure to consider alternatives that would avoid or minimize adverse impacts to wetlands, streams, floodplains and parks. There is virtually no difference in impacts to Maryland wetlands and streams regardless of which alternative is selected, and no difference at all in impacts to Palustrine Open Waters and Virginia wetlands and streams. The DEIS fails to consider any alternatives, other than the no build alternative, that might have fewer adverse environmental impacts. None of the alternatives considered would avoid or minimize adverse impacts. Furthermore, the DEIS fails to demonstrate that there is no practicable alternative with less extensive impacts to wetlands and waterways than the proposed highway expansion alternatives. One obvious alternative is the MD 200 (ICC) Diversion Alternative, which would have avoided direct impacts on Rock Creek and avoided residential property takings. This alternative should be analyzed fully in a new DEIS.

The DEIS presents an MD 200 Diversion Alternatives Analysis but it improperly adds managed lanes to I-95 to the model, which reduces that alternative's environmental and traffic benefits. The addition of these managed lanes is not necessary to evaluate the MD 200 Diversion Alternative and the Agencies must analyze the Diversion without this addition. The MD 200 Diversion Alternative should be studied in more detail with various modeling assumptions, including analyses with and without the I-95 segment. Furthermore, the Agencies failed to consider a variety of assumptions that would incentivize the MD 200/I-270 route as opposed to traveling on I-495/I-95 through operational changes such as restructuring the tolling systems and speed limits currently in place and adding more dynamic signage. Without the I-95 managed lane segment, the reduction in environmental impact provides a greater benefit for the MD 200 Alternative. Therefore, the analysis provided by MDOT SHA fails to demonstrate that it not a reasonable alternative under NEPA or a reasonable avoidance technique under Section 4(f)." This alternative would eliminate impacts to the Rock Creek watershed.

II. Impacts on Wildlife and Habitat

Rock Creek is a primary driver of quality of life in our region – for people and for our ecosystems. The ribbon of green around Rock Creek from Laytonsville to Georgetown provides not only recreational benefits to residents but also habitat connectivity to wildlife, from the endangered Hays spring amphipod[1] to birds who use the parks as part of their migratory flyway.

A. The DEIS Fails to Adequately Identify and Analyze Impacts on Aquatic Species, Aquatic Habitat, and Fisheries

The Project would impact more than 16,000 linear feet of Rock Creek, and yet the DEIS fails to provide a detailed description and analysis of the impacts of the Project on aquatic biotic resources. Instead the DEIS provides only a "watershed quality index" that includes a brief narrative description ("good," "poor," "very poor") of existing aquatic conditions for habitat, benthic invertebrates, and fish but provides no analysis of direct or indirect effects on aquatic biotic resources. *See* DEIS, at 4-106. Rock Creek's aquatic habitats are rated fair to good/fair; benthic invertebrate score range is very poor to poor/fair; fish range is very poor to good. This current state is, in large part, a function of degradation due to stormwater runoff from existing highway surfaces[2] and should not preclude protection of the creek.

The DEIS Natural Resources Technical Report (NRTR), *see* DEIS, App. L, is referenced several times as containing further information regarding impacts to aquatic resources, but this appendix also fails to indicate how aquatic habitat, benthic invertebrates, or fish will be impacted by the build alternatives. Appendix L simply provides additional information on the current conditions of aquatic habitat, fish populations, and benthic macroinvertebrates, DEIS, App. L, at 113 to 146. The analysis of impacts in the NRTR is limited to one conclusory statement:

> all Screened Alternatives have the potential to affect aquatic biota in the corridor study boundary due to direct and indirect impacts to perennial and intermittent stream channels. Stream channel impacts associated with the Screened Alternatives range from 153,702 to 156,984 LF and wetland impacts range from 15.4 to 16.5 acres. Impacts are provided in more detail in Section 2.3.3 and in Table 2.9-58 and Table 2.9-59 below."

DEIS, App. L, at 146. Wetland impacts in Rock Creek are relatively modest, but the features in the watershed are particularly notable: one of the largest remaining wetlands in the downcounty area and the DEIS notes that Rock Creek had the most vernal pools in its floodplain throughout the project area (at 4-103).

The citations referenced in the above excerpt from the DEIS provide no further analysis, but rather present summaries of the impervious surface, in feet and acres, that would be added under the build alternatives. The linear feet and acres of impervious surface to be added by the build alternatives tells the Agencies and the public nothing about how the build alternatives would impact aquatic biota. Other than the no-build alterative, the alternatives would add 54.5 to 62.9 acres of impervious surface to the Rock Creek watershed.

Given the complete lack of information on impacts, it is no surprise that the DEIS also fails to provide any information on how the Agencies plan to mitigate potential impacts to aquatic biota. Section 4.18.4 of the DEIS states that MDOT SHA will continue to coordinate with regulatory agencies and resource managers to identify sensitive aquatic resources and determine potential avoidance and minimization as Project designs are refined, DEIS, at 4-109, but these issues must first be addressed in the DEIS in order for the environmental impacts of the Project to be considered. There is general information on aquatic resources and mitigation in several DEIS appendices, but none of this information provides any analysis of impacts to the existing aquatic biota. *See* DEIS, NRTR, App. N, Agency Correspondence; DEIS, App. M, AMR; DEIS, NRTR, App. M; DEIS, App. N, Compensatory Mitigation Plan, App. A – M. The DEIS must be supplemented with sufficient data to analyze direct and indirect effects on biotic aquatic resources and provide a detailed description of proposed mitigation of those impacts.

[1] Center for Biological Diversity. *Hay's Spring Amphipod.* https://www.biologicaldiversity.org/species/invertebrates/Hays_spring_amphipod/index.html

[2] MNCPPC staff report October 22, 2020 (ck date)

The delineated parameters of the Corridor Study Boundary defines the area in which data on existing environmental conditions were gathered (300 feet on either side of the centerline of I-495 and I-270). DEIS, at 4-2. This area is too limited to fully evaluate the direct effects of the Project on aquatic biota in streams and wetland and is certainly too restricted to evaluate indirect downstream effects. For direct effects, the study boundary needs to be expanded to include all waterways and wetlands that would receive stormwater from or otherwise be impacted by construction and operation of the Project. For indirect effects, the analysis should consider all cumulative and secondary effects on aquatic ecosystems, including those downstream from the waters that are directly impacted. Rock Creek Park, a national park, is approximately three miles downstream of the project area and would be adversely impacted by increased stormwater flows.

Separately, the Conservancy requests that the Agencies reference in the body of the DEIS the aquatic biota maps that currently are buried in appendices. *See, e.g.*, DEIS, NRTR, App. B, Natural Resources Inventory Mapbook_Part1 to Part 4; *See also*, NRTR, App. K, Aquatic Biota and Surface Water Sampling Monitoring Map. Although this information does not help the public determine the potential impacts of the project on aquatic biotic resources, it at least provides information on the location of these resources.

B. The DEIS Fails to Adequately Identity and Analyze Impacts on Federal and State Rare, Threatened, or Endangered Species and Habitats

The Endangered Species Act (ESA) establishes a process for identifying and protecting plant and animal species that are "threatened" or "endangered." 16 U.S.C. §§ 1533-1544. Section 7 of the ESA requires federal agencies to consult with U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) to make sure that any proposed federal agency action is "not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [the species' critical] habitat . . . ." 16 U.S.C. § 1536(a)(2). If FWS or NMFS advises the agency that the proposed action area includes neither a listed species nor its critical habitat, then there is no need for further consultation. 50 C.F.R. § 402.12(d)(1). However, if the agency determines that the action is likely to adversely affect a listed species or its critical habitat, then the agency must engage in formal consultation, which requires the agency to prepare a "biological assessment" of the action and requires FWS or NMFS to issue a "biological opinion" as to whether the action is likely to "jeopardize the continued existence of any listed species or destroy or adversely modify" critical habitat. 50 C.F.R. § 402.14(h).

In addition, the Agencies may need to reopen the consultation process when "new information reveals effects of the action that may affect listed species or critical habitat." 50 C.F.R. § 402.16(b). If the biological opinion finds jeopardy of species or destruction or adverse modification of critical habitat, the FWS or NMFS must suggest "reasonable and prudent alternatives" to the proposed activity that would not violate the ESA. 16 U.S.C. § 1536(b)(4). The agencies would have to agree to a reasonable and prudent alternative approved by FWS or NMFS and receive an incidental take statement from FWS or NMFS before the proposed action can move forward. *Id.*

The Maryland Nongame Endangered Species Conservation Act regulates activities in a similar fashion but applies to impacts on plants and wildlife, including their habitats, listed on the Maryland Threatened and Endangered Species list. Md. Code Ann., Nat. Res., § 10-2A-01 to 10-2A-09. The Maryland Threatened and Endangered Species list is more expansive than the federal list and also requires protections for animals that are deemed in "Need of Conservation."

C. The DEIS Fails to Adequately Identify Impacts on the Northern Long-Eared Bat

Two federally listed bat species, including the Northern Long-eared Bat, which is found in Rock Creek Park, have been identified by FWS as potentially being impacted by the build alternatives. DEIS, at 4-111. Therefore, a formal ESA § 7 consultation must take place, requiring FHWA to perform biological assessments and FWS to issue biological opinions pursuant to 50 C.F.R. § 402.14(h). The DEIS states that field studies will be conducted to identify whether the bats are using habitat that may be impacted by the build alternatives. DEIS, at 4-111. It appears that no biological opinion has been issued yet, given that none is referenced in the DEIS. Moreover, the field studies FWS directed FHWA to conduct have not yet been performed. DEIS, at 4-111. The biological assessments along with the FWS determinations as to whether the build alternatives will cause "jeopardy or adverse modification" must be completed prior to the conclusion of the NEPA process. Furthermore, if FWS determines that the species may be jeopardized, destroyed or adversely modified, then the Project must incorporate the alternative actions suggested by FWS.

D. The DEIS Fails to Adequately Identify Maryland Aquatic Species and Fails to Account for Impacts to Maryland Species

The DEIS does not identify Maryland special-status aquatic species that may be present in waterways within the corridor study boundary area or areas that may be affected downstream. Some fish species and aquatic invertebrate species possibly occurring in the project area are identified in Appendix N of DEIS Appendix L (NRTR: Agency Correspondence), however, it is unclear whether this appendix provides the complete list of Maryland aquatic rare, threatened, or endangered species. This information should be provided in the main DEIS document.

The DEIS also fails to provide any information on how the Agencies plan to avoid, and if necessary, mitigate any harm to Maryland rare, threatened, or endangered species. *See* DEIS, at 4-109 to 4-112. All proposed mitigation measures should be included in NEPA documents to provide the public with information regarding how the Agencies plan to avoid illegal takings of these species during any proposed construction and operation of the build.

III. The DEIS and Section 4(f) Analysis Fail to Adequately Address the Project's Effects on Historic and Cultural Resources Impacts to Parklands

Approximately three miles of the Rock Creek stream channel runs alongside the current Beltway and within Rock Creek Stream Valley parks (units 2 and 3), managed by the Maryland-National Capital Parks and Planning Commission. Section 4(f) of the US Department of Transportation Act mandates that projects like this may only use parks, recreation areas, or wildlife refuges if no feasible and prudent avoidance alternative exists.

In its 4(f) review, the DEIS fails to consider alternatives to taking these significant wetlands and floodplains on parkland by considering only single-mode road alternatives. Data on parks and rec facilities were gathered using desktop sources including GIS data and relevant county planning documents[3]. A project with this scale of impact merits careful analysis, including ground truthing of those assumptions. Had DEIS preparers walked the three miles of Rock Creek along the beltway, they would have seen one of the largest remaining downcounty wetlands, as well as migratory birds that use the Rock Creek stream

[3] p 18, ch 4

valley parks as part of their migration along the Atlantic flyway. A more thorough investigation would allow for more qualitative – rather than just quantitative – assessment of impact, ensuring that the myriad ecosystem services of the area are protected. Mitigation of these impacts should include building noise barriers along the highway to protect wildlife and recreational users from the significant noise more traffic will create.

In addition, the DEIS fails to analyze the extent of impacts to parkland, including their connection as a cohesive system, as is required by Section 106 of the National Historic Preservation Act. The DEIS's reliance on a smaller "Limits of Disturbance" radius, instead of a broader Area of Potential Effect that would consider all potential direct, indirect, and cumulative effects, impermissibly restricts consideration of the Project's true effects on historic and cultural resources and incorrectly limits effects considered to physical impacts only, even though adverse visual, audible, and atmospheric effects are also expected. The DEIS includes only rudimentary information about Rock Creek Stream Valley Parks units 2 and 3, which are part of a National Register-eligible site and does not consider the project's proximity impacts to parkland. The DEIS notes that, in addition to the negative effects of permanent conversion of Rock Creek Stream Valley units 2 and 3 from parkland to highway/use for transportation, 'construction impacts MAY also temporarily diminish the integrity of the setting and feeling of the property.' There is no doubt that a project like this would diminish the setting and feeling of the property to the thousands of visitors who use the park each year.

Rock Creek Park, a unit of the National Park Service, is just a few miles downstream of the project area and would be adversely affected by polluted stormwater runoff. In addition, the Capper Cramton Act[4] envisioned continuous stream valley protection extending from the national park into Montgomery County – this project would frustrate that experience for recreational users and wildlife.

IV. The DEIS Fails to Examine How Increased Stormwater Will Affect Receiving Waterways

Under NEPA, the Agencies must "carefully consider detailed information concerning significant environmental impacts" and make the public aware of those environmental effects before a proposed action is chosen. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989); *see also Theodore Roosevelt Conservation P'ship v. Salazar*, 616 F.3d 497, 503 (D.C. Cir. 2010). Among other things, the Agencies must provide detailed information on how polluted stormwater from the Project will affect receiving waterways.

The Clean Water Act (CWA) prohibits discharges of pollutants to waters of the United States without a permit. 33 U.S.C. §§ 1311, 1342. The Agencies state that they will meet all required permitting for stormwater runoff but fail to address how increased stormwater runoff and the associated increase in pollutant loads to receiving waterways will meet established effluent limitations. *See id.* § 1362(11) (defining an effluent limitation as "any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance"). The type, quantity, and contents of the discharge determine the types of limitations the permit must impose on the discharger and should be carefully considered in the DEIS. Stormwater collects pollutants on its way to stormwater management facilities and eventually into municipal storm sewer systems, when they exist, and receiving waterways. These discharges can negatively impact the chemical, physical, and biological conditions of waterways. It is well recognized that stormwater can degrade water quality, particularly in urban settings, yet the DEIS fails to take a hard look at how the large increases in stormwater from the build alternatives will impact water quality.[5] The Maryland Department of the Environment has itself stated that "[i]t becomes fairly easy for all organizations, individuals, and government agencies to agree that urban stormwater is a problem that must be addressed." MDE, Response to Formal Comments for Montgomery County NPDES Permit (2009).

This project will dramatically increase stormwater runoff to Rock Creek, at a time when Maryland is struggling to manage suburban stormwater pollution under the Chesapeake Bay agreement. The alternatives retained for design would add between 52 and nearly 63 additional acres of impervious surface to the Rock Creek watershed. Alternative 5, which has been dropped from consideration, would add only 43.7 acres of impervious surface – and the I-200 diversion would add 0 additional acres to the Rock Creek watershed.

The Rock Creek watershed is already impaired by phosphorus, bacteria[6], and sediment[7] in Maryland for one or more designated use, meaning that the waterways in these watersheds currently do not meet water quality standards because they already receive high levels of one or more pollutant. DEIS, App. L, at 47, 48; *see* 33 U.S.C. § 1313. DEIS, App. L, at 55. The build alternatives would increase impervious surface and the numbers of vehicles traveling the Beltway and I-270, thereby increasing stormwater runoff and pollutant loads. Stormwater impacts will be one of the largest environmental impacts of this Project and yet the DEIS fails to identify to what extent new stormwater loads will impact the water quality of receiving waterways.

A. The DEIS Fails to Identify Stormwater Volume and Pollutant Loads

DEIS Section 2.7.2 provides an overview of applicable federal, state, and local stormwater and water quality requirements that the selected alternative will need to meet under the Clean Water Act, Maryland Stormwater Management Act, and Montgomery County and Prince George's County stormwater management requirements, and identifies how much impervious surface would be added by the build alternatives (Table 2-5) and how many major culvert crossings may be built. DEIS, pp. 2-37 to 2-39. The DEIS fails, however, to provide an estimate of stormwater volumes or pollutant loads by alternative. DEIS, at 2-39. Instead, the Agencies punt this analysis until after the NEPA process is concluded. DEIS, at 2-39 ("A detailed SWM analysis will be performed for the Selected Alternative during final design to determine required and provided stormwater management volumes."). It appears the Agencies may have already conducted some volume calculations given that this information is needed to estimate the location and type of stormwater facilities needed along the proposed new highway lanes, DEIS, at 2-37 to 2-38, but this information is not included in the DEIS.

[4] https://www.ncpc.gov/docs/publications/Capper-Cramton_Resource_Guide_2019.pdf

[5] *See, e.g.*, National Academies of Science, Committee on Reducing Stormwater Discharge Contributions to Water Pollution, *Urban Stormwater Management in the United States* (2009); *see also* Hallie Miller, *Report Faults Maryland for Failings in Chesapeake Bay Pollution*, Washington Post (Aug. 18, 2020), https://www.washingtonpost.com/local/report-faults-maryland-for-failings-in-chesapeake-bay-pollution/2020/08/18/8c4421f2-e193-11ea-b69b-64f7b0477ed4_story.html.

[6] https://mde.maryland.gov/programs/water/TMDL/ApprovedFinalTMDLs/Pages/TMDL_final_Rock_Creek_Nutrient.aspx

[7] https://mde.maryland.gov/programs/water/TMDL/ApprovedFinalTMDLs/Pages/TMDL_final_Rock_Creek_Nutrient.aspx

B. The DEIS Fails to Take a "Hard Look" at How Increased Stormwater Will Affect Receiving Waterways

The impacts of stormwater on receiving waterways is discussed only superficially in the DEIS. Although the DEIS mentions that "[a]n evaluation of potential water quality loss and major culvert crossings was also conducted," DEIS, at 2-37, there are no data presented for water quality loss, only tables and estimates of the amount of impervious surface to be added and conclusory statements indicating that stormwater will negatively impact receiving waterways. The DEIS also fails to model how anticipated increases of stormwater volumes will impact water chemistry.

For example, DEIS § 4.13.3 states:

> All Build Alternatives would affect surface waters, surface water quality, and watershed characteristics in the corridor study boundary due to direct and indirect impacts to ephemeral, intermittent, and perennial stream channels and increases in impervious surface in their watersheds. The impacts to jurisdictional surface waters by classification are summarized in Table 4-20 of this chapter. The impacts to jurisdictional surface waters by MDNR 12-digit and USGS HUC8 watersheds are provided in the Natural Resources Technical Report (Appendix L, Section 2.3).

DEIS, at 4-89; *see also id*. at 4-90 to 4-91. However, those references do not discuss the likely impacts to water quality in any detail. Table 4-20 provides information on the total square footage and acres of wetlands and waterways that would be disturbed by each alternative but provides no information on impact to water chemistry. The flaws in Appendix L, also referenced here, are discussed further below.

Similarly, DEIS § 4.13.3 states:

> In addition to tree removal, stormwater discharges also have the potential to increase surface water temperatures in nearby waterways. The effect of the temperature change depends on stream size, existing temperature regime, the volume and temperature of stream baseflow, and the degree of shading. Thermal effects from decreased shading and stormwater discharge are of particular concern for Use III and IV stream networks, such as Paint Branch and Northwest Branch, as they support aquatic biota less tolerant of warmwater conditions.

DEIS, at 4-90. Yet the DEIS fails to quantify the likely temperature changes or to discuss their likely impacts on the affected waterways. *See also* discussion at DEIS, at 4-90 to 4-91 (providing general descriptions of the effects of chlorides, organic pollutants, and sediments on water quality, but neglecting to specify or otherwise analyze their effects in the context of the Project, except to say that they "increase in impervious areas"). The DEIS identifies where the most and least impervious areas would be added, but still does not analyze the impacts and refers to the same flawed Appendix L that is discussed below.

Id. at 4-91. Table 4-29 simply provides the amount of impervious surface (52.5 – 62.9 acres in Rock Creek) to be added to each of the seventeen impacted watersheds.

Appendix L, Section 2.3, identifies existing water quality conditions for the watersheds and the most common contaminants found in highway stormwater before making the conclusory statement that:

> There would be no effect on surface waters and watershed characteristics from the No Build Alternative. However, all Screened Alternatives would affect surface waters and watershed characteristics in the corridor study boundary due to direct and indirect impacts to ephemeral, intermittent, and perennial stream channels. Impacts to jurisdictional surface waters are discussed in Section 2.3.3 and the impacts to jurisdictional surface waters by MDNR 12-digit watershed are included in Table 2.3-8. Watersheds would also be impacted by increasing impervious surface area. SWM controls will be included in the final design to reduce velocity of runoff flow and negative impact to water quality. Section 2.4.3.C includes more information regarding environmental effects to water quality. Additional information regarding SWM assumptions are discussed in Section 2.7.3 of the DEIS. Note that although the corridor study boundary intersects the Piscataway Creek Tier II watershed, no features were identified and therefore no impacts would occur within this watershed.

DEIS, App. L, at 78.

Appendix L, Section 2.3.3 makes no reference to stormwater impacts. Table 2.3-8 provides the total area of wetlands and waterways that will be disturbed. Appendix L, Section 2.4.3 simply restates information provided in Section 4.13.3 of the main DEIS document.

In Appendix L, Section 2.3, the Agencies provide thirty-three pages of data and discussion showing the existing chemical and physical conditions of each impacted watershed, DEIS, App. L, at 45-78, but fail to provide any analysis of the effect the most common contaminants found in highway stormwater runoff would have on the water quality in these watersheds. *Id*. at 78; § 2.4.3(A), (C). In fact, the only time the effects of stormwater are ever mentioned in the summary of watershed existing conditions is in a small section discussing Sligo Creek that states, "direct effects of runoff would likely affect water quality." DEIS, App. L, at 66. There is no information cited to support how the Agencies arrived at this conclusion or to what extent Sligo Creek would be impacted. There is no discussion of stormwater in the existing conditions sections for the other sixteen watersheds, including the Rock Creek watershed.

The Agencies must identify specifically how building new highway lanes and reconstructing existing lanes, which are the only build alternatives being considered, will increase stormwater flow and pollutant loads. DOT should model the anticipated stormwater runoff to identify and characterize the quantity and quality of runoff, including identifying estimated total volumes, peak discharge, and velocity. This discussion should include an itemized calculation of stormwater from each drainage area for each proposed alternative and models showing how this stormwater would impact the ability of the receiving waterway to meet existing effluent limitations. This analysis should also consider the impact on local waterways from the lack of proposed onsite treatment and the impact of using water quality trading credits relied upon by the Agencies to meet stormwater permitting requirements.

More information on issues with the proposed water quality trading proposed in the DEIS is provided in the Subsection II.C.4. of this comment document. There are models readily available to the Agencies that would allow them to provide meaningful information about the risk of adverse effects of runoff on receiving waterways, which can then inform a determination of impact, the need for mitigation measures, and the potential effectiveness of such management measures for reducing these risks. *See for example*, Stochastic Empirical Loading Dilution Model, FHWA (2013), https://pubs.usgs.gov/tm/04/c03/.

The Agencies must provide a supplemental EIS containing a stormwater impact analysis and provide the public with an opportunity to comment on these proposed projects impacts.

C. The Analysis Used to Identify Stormwater Management Needs Is Incomplete and Lacks Supporting Data

The Agencies must evaluate all relevant data and "articulate a satisfactory explanation" for the conclusions reached in the EIS. *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). The Agencies fail to explain and provide sufficient data in the DEIS to support the stormwater management needs identified in the DEIS. The Agencies must provide an explanation for the findings in Table 2-5 as to the number of lanes that will need to be reconstructed. Additionally, the DEIS fails to consider impacts to smaller culverts.

i. The DEIS Provides Insufficient Data to Support its Impervious Surface Area Calculations and the Selection of Stormwater Management Facilities Proposed

Section 2.7.2 identifies the types of stormwater management to be used to manage the large quantities of stormwater that will be produced by all build alternatives. DEIS, at 2-37 to 2-39. The DEIS identifies the type of stormwater facilities (quantity ponds, ESD ponds, swales, quantity vaults, and water quality vaults) and water culverts to be used and their proposed locations based on the amount of impervious surface area calculated for each build alternative. DEIS, at 2-38; Table 2-5. However, no photos, maps, or data are provided to support the calculated impervious areas presented in Table 2-5. *Id.* (Table 2-5 provides the acres of impervious area for each build alternative broken down by: Required Quantity surface area (acres); Provided Quantity surface area (acres); Required ESD surface area (acres); Provided ESD surface area (acres); and Impervious Area Requiring Offsite Treatment (acres)). A footnote to Table 2-5 states that, "Offsite requirements are based on the engineering design as of January 2020." This design should have been included in the DEIS, but it was not.

The DEIS proposes new stormwater facilities to be built along the study corridor to accommodate stormwater runoff but fails to consider impacts to existing stormwater management facilities. DEIS, at 2-38; *see* DEIS, App. D, EnvMapping_web_part1 to EnvMapping_web_part4. The DEIS does not provide information on existing stormwater management facilities. Given this lack of information, it is unclear how the construction of new facilities will impact existing facilities proposed at the same site. It appears that some newly proposed facilities would be built on top of or overlapping existing stormwater management facilities. For example, Map 99 in Appendix D, Environmental Mapping, proposes three new facilities within the traffic loops where I-270 meets Democracy Boulevard. There are already seven existing facilities located at the same location as the proposed facilities (numbers 150657 through 150060). *See* MDOT SHA NPDES SWM FAC mapping tool, available at https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=d588b42cc24f4ef48235a86259da3270.

The DEIS also fails to describe or account for how existing stormwater runoff will be managed if and when existing facilities are removed or replaced to site new facilities. Moreover, in situations where new facilities replace old facilities, the DEIS should explain how they will be built with sufficient capacity to address all existing and new stormwater runoff. There are several publicly available resources the Agencies can use to identify existing facilities along the study corridor.[8] The Agencies established the limits of disturbance (LOD) by estimating the areas around the build alternatives that will be impacted by "construction, construction access, staging, materials storage, grading, clearing, erosion and sediment control, landscaping, drainage, stormwater management, noise barrier replacement/construction, and related activities." DEIS, at 2-40. The LOD for each alternative should be cross-referenced with the appropriate local map and loss of treatment and storage should be accounted for in the planning and design of stormwater management facilities. Proposed stormwater management facilities are shown on the DEIS Environmental Resource Maps, but the maps fail to show the drainage areas to the facilities. *See* DEIS, App. D, EnvMapping_web_part1 to EnvMapping_web_part4. These maps also fail to show where facilities will connect into existing drainages networks. All drainage areas and areas used to connect facilities to existing drainage networks need to be included within the LOD. It is unclear whether the LOD currently includes these areas given that they are not shown on any of the DEIS maps. Without maps showing the drainage areas and any other data used to calculate the impervious surface areas provided in Table 2-5 and identify connection points to existing drainage infrastructure, the public is foreclosed from reviewing and commenting on the sufficiency of the proposed stormwater management facilities.

ii. No Information is Provided to Support the Percentage of Existing Lanes to be Reconstructed

The amount and type of stormwater management required under the Maryland Stormwater Management Act of 2007 is dictated in part by the amount of impervious surface area created and reconstructed. Md. Code Ann., Env't §§ 4-201.1, 4-203 (2014). Specifically, if the percentage of lanes that need to be reconstructed exceeds 40 percent, "all existing impervious areas located within a project's LOD are required for management." Maryland Stormwater Design Manual, Chapter 5, p. 5-117. To calculate the amount of new and reconstructed impervious surface, the Agencies "assum[ed] all shoulders and 25 percent of the existing lanes would need to be reconstructed." DEIS, at 2-37. The Agencies calculated this percentage by conducting "field investigat[ions] to determine existing conditions." *Id.* However, no information is provided to support the conclusion that only 25 percent of existing impervious surface will be reconstructed. The public is currently unable to review and comment on this finding given a lack of supporting information. The Agencies must provide sufficient information to support their conclusion, including field logs, maps, photos, or other information used to calculate this important number.

Regardless of the percentage of reconstructed impervious surface, the Conservancy encourages the Agencies to account for and provide for treatment of all stormwater from existing lanes given that much of this polluted water is currently untreated, as is clear from a visual observation of degraded outfalls along the highway. Additionally, the DEIS assumes that culverts that need to be replaced to accommodate increased stormwater volumes will be installed using trenchless construction techniques that will not disturb the existing road. Although this would be an ideal outcome, there is no information presented in the DEIS to suggest all culverts can be replaced using trenchless technology and the Conservancy urges

[8] MDOT SHA NPDES SWMFAC: https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=d588b42cc24f4ef48235a86259da3270.
Prince George's County Clean Water Map: https://www.arcgis.com/apps/webappviewer/index.html?id=dc168a43d3554905b4e4d6e61799025f.
Montgomery County (map at bottom of page): https://www.montgomerycountymd.gov/water/stormwater/maintenance.html.
Fairfax County: https://www.fairfaxcounty.gov/GeoApps/Jade/Index.html?configBase=https://www.fairfaxcounty.gov/GeoApps/Geocortex/Essentials/REST/sites/Jade/viewers/Jade/virtualdirectory/Resources/Config/Default.

the Agencies to consider that at least some percentage of replaced culverts may require road reconstruction.

iii. Impacts to Culverts Smaller Than 36 Inches Must be Considered

DEIS Section 2.7.2.c looks at how major culverts, defined as culverts 36 inches in diameter or greater, will be impacted by the increase of stormwater flow and proposes that some culverts will need to be replaced by larger culverts. DEIS, at 2-38. However, no consideration is given to smaller culvert channels. Adding impervious surface area will have more significant detrimental impact on smaller channels with smaller drainage areas given that the percentage of impervious surface area added will be higher for these channels. As is the case for the issues discussed above, the DEIS fails to identify exactly which culverts would need to be replaced with larger ones and where these culverts are located. A list of the culverts to be replaced should be provided along with the data used to identify these culverts. The proposed new culverts should be included on the Environmental Resource Maps, DEIS, App. D, EnvMapping_web_part1 to EnvMapping_web_part4.

E. The DEIS Fails to Consider Viable Stormwater Avoidance and Mitigation Options

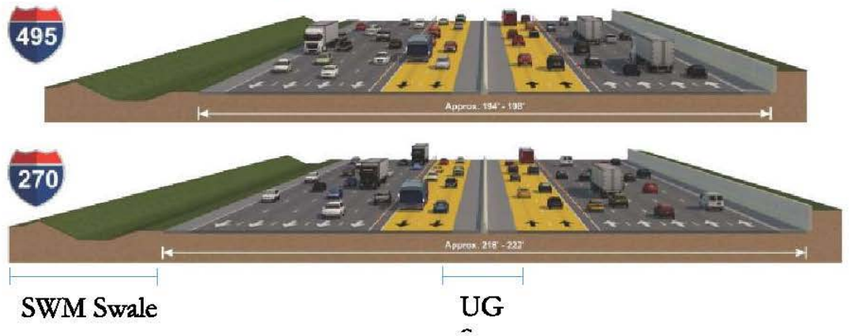
The DEIS fails to sufficiently consider stormwater avoidance and mitigation options that would avoid or minimize stormwater impacts. The DEIS fails to consider areas immediately surrounding the build alternatives, but outside the LOD, for possible stormwater management. The DEIS explains that "[t]he design for on-site SWM [stormwater management], including ponds and large facilities along the roadside and within interchanges, was developed to a concept level of detail and was included within the LOD." DEIS, App. L, at 32. This statement effectively means that any amount of stormwater that cannot be managed and treated by a stormwater management facility within the LOD will be addressed offsite and possibly outside of the Rock Creek watershed.

The Agencies propose to address a large amount of stormwater from the Project through the use of compensatory stormwater management, i.e., treating stormwater in another area instead of treating the stormwater created by the Project (also known as water quality trading). The Agencies base this proposal on a finding that there is not enough land available along the study corridor to hold and treat all stormwater projected by the selected alternatives. DEIS, at 2-37. The DEIS explains the need for so much offsite treatment as follows: "[d]ue to the large amount of impervious area requiring treatment for each Build Alternative and existing site constraints, ESD could not be met for the Build Alternatives within the study area." DEIS, at 2-38. For example, alternative 10 (add two priced managed lanes in each direction on I-495 and on I-270 and retain one existing HOV lane in each direction on I-270 only) would require 434 acres of offsite treatment, *id.*, meaning that the stormwater from 434 acres of impervious surface (a volume that is not disclosed in the DEIS, as is discussed above) will go untreated if alternative 10 is selected.

F. The DEIS fails to analyze whether underground storage or stormwater swales could be used to manage stormwater.

For example, the build alternatives could utilize more space within the right of way for stormwater treatment, and proposed drainage swales could be designed as stormwater management swales. Underground storage could also be built into the shoulders/medians where there is less regular traffic. See the revised alternative image below for an example:

Figure 2-6: Alternative 9 Typical Sections



G. The DEIS suggests Using a Water Quality Bank Rather Than Mitigation Within Affected Watersheds.

The Agencies propose using a project-specific Water Quality Bank that will utilize water quality trading credits to meet the requirement to make up for the lack of onsite treatment for any build alternative selected. The DEIS states that this bank will be "developed through a variety of means including but not limited to the transfer of excess water quality credits from other MDOT programs (e.g. the TMDL program)." DEIS, at 2-38. The DEIS fails to provide information regarding where these offsite treatment credits would come from or whether there are sufficient credits available within the local watershed. Furthermore, it is unclear how many credits will be coming from the MDOT SHA banking program or if MDOT SHA currently has sufficient credits available within its program to meet the credit needs of this proposed project. MDOT SHA already struggles to meet its requirements under its NPDES MS4 permit and it is unclear how the Agency intends to supply sufficient credits to meet the proposed project stormwater permitting requirements. Will credits be obtained from within the local 8-digit watershed? Will the credits come from an MDOT SHA or private stream restoration project or some other credit source? Where would the credits come from if MDOT SHA's NPDES MS4 permit is not reissued? Without knowing where the credits will come from it is impossible for the Agencies to determine whether the proposed build alternatives will cause violations of the Clean Water Act, 33 U.S.C. §§ 1311, 1342. If the Agencies have conducted this analysis and know the source of these credits, this information must be provided during the NEPA process and the public should be afforded the opportunity to comment on this new information.

The Conservancy objects to the manner with which the credit ratio for impacts is restricted to stream resources classified as having "medium" function value. Rock Creek's classification is less than high quality primarily because of degradation caused by lack of stormwater and environmental treatment from

existing runoff from I-495, as well as inadequate and inconsistent maintenance of the current outfalls[9]. MDOT SHA cannot cause the degradation, then use the degradation it caused to suggest that less mitigation is needed. The stream features should be treated in the same way as the high quality resources are treated. The highly urbanized nature of the Rock Creek area must be accounted for and the extremely high functional value ecosystem functions of these resources must be appropriately mitigated.

Replacing land in or mitigating damages to the Rock Creek stream valley parks with land miles away strips local residents of the quality of life benefits in favor of a short-lived travel time benefits[10] for drivers and at a great cost to the taxpayers of Maryland. In addition, the DEIS underestimates the amount of mitigation required because it may have underestimated the limits of disturbance of the project. The limits of disturbance should be expanded to accommodate onsite treatment of new and existing runoff to protect Rock Creek from the impacts of this roadway.

H. The DEIS Does Not Consider All Alternatives for Mitigation of Project-Generated Stormwater.

Stormwater management should be as close as possible to the project site, and all facilities should be within the Rock Creek watershed. The stormwater management strategies used should reduce more stormwater runoff than the volume flowing off all existing and additional lanes into Rock Creek. Rainfall estimates used to calculate those stormwater volumes should account for the more intense storms expected as a function of climate change. Techniques used should emphasize reduction in sediment, bacteria, and phosphorous. Section V.C., below, offers comments on specific sites proposed in the DEIS.

The project's innovative design should extend to stormwater management. This might include considering the significant opportunity for restoration projects that exist downstream, particularly in Rock Creek Park of the National Park Service in Washington DC. Areas of parkland that currently hold recreational facilities (such as ballfields) could be restored and additional parkland acquired elsewhere nearby. Green streets projects could be used creatively to manage stormwater that flows to the creek and calm traffic that may be an incidental effect of the new traffic patterns. Stormwater storage could be placed under the current I-495road bed, or the road could be raised to cover additional storage.

A credit system to develop stormwater management on private (or federal, like the Uniformed Services University) land could be developed similar to the stormwater retention credit program in the District of Columbia: landowners would be compensated for the value of stormwater management on their private property. An independent entity would need to approve plans, inspect, and ensure annual maintenance of the facilities. These could be placed throughout the Rock Creek watershed to reduce volume into the creek and its tributaries, with emphasis on lands that drain to the project area or those areas that experience indirect stormwater impacts.

The highway could be covered with a "roof" over the current highway and add parkland on top to replace recreational areas along the creek and then restore existing recreational areas as natural areas. Freeway cap parks have been constructed in Dallas (Klyde Warren Park) and Seattle (Freeway Park)[11].

[9] From MNCPPC presentation to commission (https://www.mncppc.org/DocumentCenter/View/15750/102120-Commission-Meeting-Staff-Report-DEIS-and-JPA-comments-ARGDSB)
[10] https://www.bloomberg.com/news/articles/2018-09-06/traffic-jam-blame-induced-demand
[11] https://www.americancityandcounty.com/2019/08/07/from-freeway-to-walkway/#:~:text=On%20June%2014%2C%20the%20city,called%20a%20freeway%20cap%20park.

V. The Joint Federal/State Application (JPA) for a Clean Water Act § 404 permit fails to meet Clean Water Act requirements and is not in the public interest.

A. The JPA Fails to Meet CWA § 404(b)(1) Requirements

The Corps should deny the JPA for a Section 404 permit because the permit application fails to meet EPA's Section 404(b)(1) requirements. First, the JPA must be denied because there is "a practicable alternative to the proposed discharge which could have less adverse impact on the aquatic ecosystem." 40 C.F.R. § 230.10(a). Second, pursuant to 40 C.F.R. § 230.10(b), the Corps must deny the permit unless it finds that the proposed discharges would not violate state water quality standards or toxic effluent standards under CWA § 307, 33 U.S.C. § 1317(a)(1), or jeopardize the existence of endangered or threatened species, including all species listed in the DEIS Natural Resources Technical Report, Appendix N, Agency Correspondence. Third, pursuant to 40 C.F.R. § 230.10(c), the Corps should deny the JPA because the discharges are likely to contribute to significant degradation of water quality. The additional discharges proposed under the JPA will contribute cumulatively to significant degradation of wetlands, life stages of aquatic life and other water-dependent wildlife, aquatic ecosystem diversity, and aesthetic value of the impacted wetlands and waterways. Fourth, pursuant to 40 C.F.R. § 230.10(d), the JPA must be denied because the Agencies have failed to take sufficient steps to minimize harm to protected waters, which includes waters of the United States and wetlands that serve as habitat to plants and animals, 40 C.F.R. § 230.3.

B. Issuing a CWA § 404 Permit Would Not be in the Public Interest

Even if the JPA for a Section 404 permit meets EPA's Section 404(b)(1) guidelines, the Corps should deny the permit because the proposed build alternatives are not in the public interest. The Corps must conduct a public interest review to evaluate "the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest." 33 C.F.R. § 320.4(a). This review should also reflect that "wetlands constitute a productive and valuable public resource, the unnecessary alteration or destruction of which should be discouraged as contrary to the public interest." 33 C.F.R. § 320.4(b).

C. The Draft Compensatory Mitigation Plan is Incomplete, and the Final Plan Should be Made Available to the Public Prior to Issuing any Permit

The current Draft Compensatory Mitigation Plan is incomplete, and the final plan should be made available to the public prior to issuing any permit. the draft compensatory mitigation plan does not provide detailed information on the proposed maintenance plan, performance standards, mitigation work plan, monitoring requirements, long-term management plan, adaptive management plan, or financial assurances but states that these issues will be addressed during the development of the Phase II Mitigation Design Plans. DEIS, JPA, Part 13, at 29-31. Additionally, the DEIS does not appear to consult existing watershed planning, although the document does refer to county master plans to justify the need for expanded highways. The organizations urge the Corps to take a watershed approach to compensatory mitigation as is recommended by guidance.[12] Although the JPA provides a brief summary of Project

[12] The 2000 in-lieu fee guidance embraces the watershed approach for in-lieu fee mechanisms, stating, "[l]ocal watershed planning efforts, as a general matter, identify wetland and other aquatic resources that have been degraded and usually have

objectives it fails to provide sufficient details as to how the lost wetland and stream functionality will be replaced by the proposed compensatory mitigation. *See* DEIS, JPA, Part 13, at 30. This of particular concern given that most of the Phase I proposed sites are far away from the proposed build alternatives and will not abate localized wetland and stream functionality degradation. *See* DEIS, JPA, Part 18, Figure J-1, at 69. Furthermore, the objectives fail to provide concrete information determining what success will look like at the proposed sites because there are no performance standards provided. *See* DEIS, JPA, Part 13, at 30. The JPA simply states, "[p]erformance standards for all of the wetland mitigation sites will be in accordance with the Performance Standards and Monitoring Protocol for Permittee-Responsible Nontidal Wetland Mitigation Sites in Maryland, April 20, 2018." *Id.*

The Conservancy does not support the use of mitigation banks rather than permittee-responsible mitigation or in-lieu fee programs. Although this stated goal for the mitigation package is "to improve upon the ecological functions in these watersheds with a focus on the impaired conditions and needs," and the mitigation sites are to be selected in part on their "potential for watershed improvements," and proximity to the impaired areas and "replacement of lost functions and values," DEIS, App. N, at 4, 9, 20, in practice construction feasibility and mitigation credits tied to theoretical functional uplift seemed to be more important criteria. Ultimately, the sites selected were those with the simplest index, acreage, for wetland credit, and its analog, linear feet for streams. This gives no real way to assess the true value of the exchange of the wetland or stream lost to highway construction for one or another alternative proposed mitigation site, as a function-based system might.

Should the Corps decide to approve the permit, the Conservancy supports the selection of the proposed site in Rock Creek (MPAO0032)[13] particularly as it is in the same watershed where the Rock Creek Conservancy recently did a conservation landscaping project. Furthermore, the Conservancy also supports proposed restoration sites: MO 00029[14], MO 00034[15], WSS150159.[16] The Conservancy generally recommends coupling stream restoration projects with upland stormwater management – if there is not a reduction in stormwater flows to restored streams, they are vulnerable to degradation in the future. The Organizations also support the restoration of the mainstem of Portal Branch, particularly if paired with green streets installations within the watershed (as most of its impairment is due to stormwater that flows from nearby outfalls). Most of the watershed that feeds (and damages) Portal is in Montgomery County. Deerprint Run, a small stream off Daniel Road near Beach Drive, is currently inundated with sediment and is a good candidate for restoration given that the removal of sediments and the addition of regenerative stormwater conveyances would allow for the reestablishment of amphibian habitat in what is an existing wetland. Finally, the organizations encourage the Agencies to review the Potomac River

established a prioritization list of restoration needs. In-lieu fee mitigation projects should be planned and developed to address the specific resource needs of a particular watershed." 65 Fed. Reg. 66,914-17 (Nov. 7, 2000).
The 1995 mitigation banking guidance encourages a watershed-based approach as the overall goal of a mitigation bank: "The overall goal of a mitigation bank is to provide economically efficient and flexible mitigation opportunities, while fully compensating for wetland and other aquatic resource losses in a manner that contributes to the long-term ecological functioning of the watershed within which the bank is to be located. The goal will include the need to replace essential aquatic functions that are anticipated to be lost through authorized activities within the bank's service area. In some cases, banks may also be used to address other resource objectives that have been identified in a watershed management plan or other resource assessment." 60 Fed. Reg. 58,605-14 (Nov. 28, 1995).

[13] Although many of Rock Creek's tributaries and the main stem are in poor to fair condition. This should not exclude them from consideration; expectations should just be managed accordingly.

[14] This site was eliminated because of a culvert in need of repair. The culvert should be included in the project. While potential for ecological uplift may be somewhat limited, removal of current and reduction of sediments would be a benefit from a stormwater perspective.

[15] Access constraints should be further explored before eliminating.

[16] Being high in the landscape should not be an immediate disqualifier; it may simply call for different techniques.

Tunnel project currently under development by DC Water under the C&O Canal and parts of Rock Creek Park, as this project offers a model for adding stormwater storage relatively unobtrusively and without significant disruption aboveground.

Additionally, the Conservancy requests that the permit require site monitoring for a period sufficient to ensure the stream and ecosystems return to a self-stable state, and that the mitigation is meeting all performance standards, and that the Corp not waive any monitoring. 33 C.F.R. § 332.6 ("The mitigation plan must provide for a monitoring period that is sufficient to demonstrate that the compensatory mitigation project has met performance standards, but not less than five years. A longer monitoring period must be required for aquatic resources with slow development rates (e.g., forested wetlands, bogs)."). The DEIS states that following construction, the public mitigation sites will be placed in MDOT SHA's monitoring program and will be monitored separately by the private remediation site providers for up to ten years. DEIS, App. N, at 30-31. However, stream and wetland ecosystems, once disturbed, including by restoration, may take up to 20 years to return to a self-stable state.

D. The DEIS Fails to Provide Information Regarding the Status of the CWA § 401 Certification Process

The DEIS also fails to indicate the status of the state water quality certifications that are required before any CWA § 404 permit is authorized unless the certification is waived. 33 U.S.C. § 1341(a)(1); 40 C.F.R. Part 121. The DEIS simply indicates that a Section 401 Water Quality Certificate is required from both Maryland and Virginia. DEIS, at 4-78. The Organizations ask for an update on the status of the certification process.

VI. The DEIS Does Not Sufficiently Present or Analyze the Costs of the Project or Its Impacts on Public and Private Property.

Based on the promise of no taxpayer funding, together with claims that the State does not have the funds to pay for improvements, alternatives that would require public subsidy to deliver were previously eliminated from review. *E.g.*, DEIS, at ES-9, *id.*, App. B, at 29-30.

However, the DEIS shows that each of the retained build alternatives would require the government to relocate 25-34 homes. DEIS, at ES-17. These build alternatives would also destroy hundreds of acres of parkland and historic properties, and would directly affect, even if not condemn, nearly 1,500 additional private properties. *Id.* It appears MDOT and state taxpayers will be responsible for the costs of these takings and other damages.

The DEIS also estimates that the build alternatives might require a state subsidy to be paid to the developer ranging from $482 million to more than $1 billion depending on the construction price and interest rates. DEIS, at 2-48 to 2-50. Further, that subsidy does not include an estimated $1 to $2 billion needed to fund the required relocation of water and sewer infrastructure,[17] nor does it account for the

[17] Letter from Montgomery County Council to Gregory Slater (May 14, 2020), https://static1.squarespace.com/static/5b72c6a8da02bc640472bf8c/t/5ec01b95ac35107c14b15b29/1589648277828/WSSC-MDOT-Letter.pdf; Memorandum to Prince George's County Council and Montgomery County Council re Agenda Item #1: Briefing: Possible Impacts of the I-270 and I-495 Road Widening P3 Project on WSSC/WATER Infrastructure (March 20, 2020), https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200312/20200312_TETIEE1-2.pdf; Dominique Maria Bonessi, *Water Bills In Maryland Could Nearly Triple Under Beltway And I-270 Expansion Plan*, WAMU (March 16, 2020), https://wamu.org/story/20/03/16/water-bills-in-maryland-could-nearly-triple-under-beltway-and-i-270-expansion-plan/; Express Toll Lanes

cost of adequate environmental mitigation. Moreover, although it is not clear what risks MDOT, the State of Maryland, and Maryland taxpayers will be liable for, it is likely these could be significant. These are all funds the state might choose to use to enhance and protect our natural and cultural resources and quality of life rather than destroying them.

Could Raise Water Bills in Montgomery and Prince George's, Maryland Matters (March 13, 2020), https://www.marylandmatters.org/2020/03/13/express-toll-lanes-could-raise-water-bills-in-montgomery-and-prince-georges/.

MDOT SHA Response to Rock Creek Conservancy:

Thank you for your comment concerning impacts to Rock Creek's park and watershed as well as wetlands, streams, and floodplains. As described in the Supplemental DEIS, the Preferred Alternative was identified after coordination with resource agencies, the public, and stakeholders to respond directly to feedback received on the DEIS to avoid displacements and impacts to significant environmental resources, and to align the NEPA approval with the planned project phased delivery and permitting approach which focused on Phase 1 South only. The Preferred Alternative includes two new, high-occupancy toll (HOT) managed lanes on I-495 in each direction from the George Washington Memorial Parkway to east of MD 187 and conversion of the one existing high-occupancy vehicle lane in each direction on I-270 to a HOT managed lane and adding one new HOT managed lane in each direction on I-270 from I-495 to north of I-370 and on the I-270 east and west spurs. The Preferred Alternative includes no action or no improvements at this time on I-495 east of the I-270 spur to MD 5 in Prince George's County.

As acknowledged in your letter of November 2021, the potential impacts raised in your comment had been identified in the DEIS related to build alternatives that would have spanned the entire study area. Because the Rock Creek Stream Valley Park is located outside the Preferred Alternative limits of build improvements, those impacts have now been completely avoided. The Preferred Alternative impacts the MDE 12-Digit Rock Creek Watershed. The waterway impacts include two culverts that will not be touched, but are included as impacts for regulatory review. There are also 0.8 acres of new impervious surface being added within the MDE 12-Digit Rock Creek Watershed. Additional response to the issues raised are responded to below.

I. Alternatives

Pursuant to the CEQ regulations and FHWA guidance, agencies perform an assessment of potential project alternatives to determine if they warrant being advanced to detailed study in an EIS. The screening of alternatives is an essential part of the NEPA process designed to focus attention of the public, stakeholders and the agency decision-makers on the actions most likely to address the Purpose and Need and to avoid wasteful analysis on options that could not address the identified fundamental needs. This process involves application of the Study's established Purpose and Need elements, as well as other criteria related to transportation planning and the sources of financing a proposed action. Refer to DEIS, Appendix B.

For the Study, the alternatives screening process first focused on four transportation assessments. Each of the preliminarily identified alternatives were evaluated on whether or how they addressed: (1) existing traffic and long-term traffic growth, (2) trip reliability (dependable travel times); (3) additional roadway travel choice, and (4) ease of usage for travelers. In addition, the Purpose and Need elements were applied to evaluate whether each alternative could: (1) accommodate population evacuations or emergency response, (2) improve the movement of freight, services and commuting employees, (3) provide a revenue source, (4) promote multi-modal connectivity, and (5) address expected environmental impacts. These criteria were applied to all 15 preliminary alternatives to gauge how they would be expected to satisfy the project Purpose and Need. Refer to DEIS, Appendix B.

In your comments on alternatives, you raised the concern about consideration of MD 200 as an alternative to avoid environmental resources. Following the Spring 2019 Public Workshops and agency meetings, several Cooperating and Participating Agencies requested that MDOT SHA evaluate an alternative that would provide an alternate route for travelers to use MD 200 (Intercounty Connector) instead of the top side of I-495 between I-270 and I-95 to avoid or reduce impacts to significant, regulated resources and residential relocations to that section of I-495. Refer to DEIS, Appendix B.

Importantly, this new screened alternative was developed and analyzed with input from the agencies to the same level of detail and using the same approach for the anticipated limits of disturbance as all other screened alternatives. Detailed traffic analyses were completed on the MD 200 Diversion Alternative to assist in evaluating its ability to meet the Study's Purpose and Need, again, using the same methodology that was used for the Screened Alternatives. The methodology included a three-step process:

- A regional forecasting model was developed for the MD 200 Diversion Alternative using the Metropolitan Washington Council of Governments Travel Demand Model (MWCOG model), the model typically used by MDOT SHA and other transportation agencies to evaluate projects in the Washington, DC metropolitan area;
- Outputs from the MWCOG model were used to develop balanced traffic volume projections for the design year of 2040 for each roadway segment and ramp movement within the Study limits;
- Traffic simulation models for the MD 200 Diversion Alternative were developed using VISSIM software to determine the projected operational performance in several key metrics.

Two key underlying factors played a large role in evaluating whether the MD 200 Diversion Alternative could meet the project Purpose and Need. First, the portion of I-495 proposed to be excluded from any improvements is one of the most congested and least reliable segments of highway in Maryland. While the presumed TSM/TDM measures could slightly improve congestion there, that portion of I-495 would still experience severe congestion. Second, while MD 200 currently has adequate capacity to accommodate the potential for diverted traffic, it was anticipated that portions of MD 200 would reach capacity during peak travel periods by 2040. Therefore, the ability to handle diverted traffic would be limited in the future.

Traffic analysis was performed using the same key traffic metric applied to all Screened Alternatives (System-Wide Delay, Corridor Travel Time and Speed, Level of Service (LOS), Travel Time Index (TTI), Vehicle Throughput; and Effect on Local Roadway Network). After this comprehensive evaluation, MDOT SHA determined that the MD 200 Alternative would not address the Study's Purpose and Need of accommodating long-term traffic growth, enhancing trip reliability, or improving the movement of goods and services. In fact, the MD 200 Diversion Alternative was the worst performing of the various Build Alternatives and provided the least congestion relief benefits. Refer to DEIS, Chapter 2 and DEIS, Appendix B. Similar to the MD 200 Diversion Alternative, the Preferred Alternative provides less improvement to traffic operations when compared to the Build Alternatives that included the full 48-mile study limits evaluated in the DEIS (such as Alternatives 9 and 10). However, the Preferred Alternative was chosen based in part on feedback from the public and stakeholders who indicated a strong preference for eliminating property and environmental impacts on the top and east side of I-495. As the analysis indicates, congestion would still be present during the PM peak period on I-270 northbound and the I-495 inner loop in the design year of 2045 due to downstream bottlenecks outside of the Preferred Alternative limits but would not get worse due to implementing the Preferred Alternative.

Therefore, even recognizing that the MD 200 Diversion Alternative would have avoided all residential displacements and all but one business displacement and would have reduced the number of parks and historic resources potentially impacted by the proposed action, MDOT SHA's final conclusion, concurred in by the FHWA, was that this alternative would not adequately meet the established Purpose and Need.

Although the Preferred Alternative also avoids improvements to the topside of I-495 and provides less improvement to traffic operations when compared to the DEIS Build Alternatives, it was chosen based in part in response to comments received from the public, partner agencies and stakeholders who indicated a strong preference for eliminating property and environmental impacts on the top and east sides of I-495.

II. Impacts to Wildlife and Habitat

The Preferred Alternative impacts the MDE 12-Digit Rock Creek Watershed. The waterway impacts include two culverts that won't be touched, but were required by the regulatory agencies to be included as impacts. There are also 0.8 acres of new impervious surface being added within the MDE 12-Digit Rock Creek Watershed. Refer to Chapter 5, Section 5.13 for information on watersheds and Section 5.18 for information on aquatic biota and FEIS, Appendix M for additional details.

Throughout the NEPA phase of the Study, MDOT SHA has had extensive coordination with federal and state agencies related to the rare, threatened and endangered (RTE) species. The coordination related to RTE species was documented in the DEIS in Chapter 4, Section 4.19, SDEIS, Chapter 4, Section 4.19, FEIS, Chapter 5, Section 5.19 and FEIS, Appendix M. The species-specific surveys and additional coordination were documented in the Supplemental DEIS (October 1, 2021) in Chapter 4, Section 4.19 as well as SDEIS, Appendix H.

MDOT SHA coordinated closely with the US Fish and Wildlife Service (USFWS) and the Maryland Department of Natural Resources (DNR) to conduct bridge and acoustic surveys for Northern Long-Eared Bat and Indiana Bat within the study corridors and reports for these efforts are appended to the SDEIS, Appendix H, and FEIS, Appendix M. Informal consultation between the FHWA, MDOT SHA and the USFWS continued with submittal of the habitat assessment and acoustic study report to the USFWS and MDNR. In a letter to the FHWA dated January 13, 2021, the USFWS issued a "no effect" determination for the IB based on the absence of documented IB during bridge, emergence, and acoustic surveys. The USFWS also indicated that the project is covered by the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the NLEB and Activities Excepted from Take Prohibitions since the area where forest clearing would occur does not have known maternity roost trees or hibernacula. In their letter, the USFWS stated that the project was "not likely to adversely affect" the NLEB. MDOT SHA coordinated closely with USFWS and MDNR regarding NLEB and Indiana bat, and Endangered Species Act Section 7 consultation has concluded. MDOT SHA and FHWA have worked closely with USFWS and MDNR to ensure protection of listed bat species. While the Study was determined to have "no effect" on the IB and "not likely to adversely affect" the NLEB, MDOT SHA voluntarily committed to a time of year restriction for tree clearing from May 1 through July 31 of any year within a 3-mile buffer around each positive NLEB detection location within the study corridor to go above and beyond what is required to protect this bat species. One of the three positive detection locations for NLEB is located within the Phase 1 South limits of the corridor study boundary. IB was not detected in the acoustic or bridge surveys.

Maryland special status aquatic species that may be present in waterways within the corridor study boundary were provided by DNR and are included in the DEIS, Appendix L and presented in FEIS, Chapter 5, Section 5.18. MDE and USACE will include permit conditions related to aquatic life passage to ensure that aquatic life is protected at new and replaced culverts and bridges. MDOT SHA is in coordination with MDE, DNR, USFWS, and NMFS to ensure that commitments are included in the ROD to protect aquatic life passage.

III. Project's Effects on Historic and Cultural Resource Impacts to Parkland

Section 4(f) of the U.S Department of Transportation (USDOT) Act of 1966 as amended (49 USC 303(c)) is a Federal law that protects significant publicly-owned public parks, recreation areas, wildlife and/or waterfowl refuges, or

any significant public or private historic sites. Section 4(f) applies to all transportation projects that require funding or other approvals by the USDOT. As a USDOT agency, FHWA must comply with Section 4(f) and its implementing regulations at 23 CFR 774. The Draft Section 4(f) Evaluation for the proposed action is appended to the DEIS (Appendix F) and summarized in Chapter 5 of the DEIS with updated information related to the Preferred Alternative summarized in Chapter 5 of the SDEIS. The Final Section 4(f) Evaluation can be found in FEIS, Appendix G, and FEIS Chapter 6.

Selection of the Preferred Alternative was partly based on extensive coordination with and input from agencies and stakeholders, including the Officials with Jurisdiction (OWJs) for Section 4(f) properties. See DEIS, Chapter 5, Section 5.4; SDEIS, Chapter 7; FEIS Chapter 6. Agency and stakeholder comments on the DEIS and Draft Section 4(f) Evaluation specifically requested avoidance of parkland and historic resources within the study area. The Preferred Alternative is responsive to the comments received and aligns the Study to be consistent with the phased delivery and permitting approach, which limits the build improvements to Phase 1 South and avoids improvements on I-495 east of the I-270 east spur. The result is complete avoidance of a substantial number of Section 4(f) properties and a large reduction of parkland acreage impacts within the Study limits, which remain the same as in the DEIS. Design refinements have progressed since the Preferred Alternative was identified, resulting in additional avoidance and minimization of impacts. and quantified impacts have been broken down into permanent or long-term effects and temporary or short-term construction-related effects.

As noted previously, the Preferred Alternative avoids impacts to Rock Creek Stream Valley Park, in fact the Preferred Alternative avoids over 100 acres of park and historic properties, including:

- Minimize impacts by over 50% to National Parks near the American Legion Bridge (George Washington Memorial Parkway and Chesapeake & Ohio Canal National Historical Park) and completely avoid three other National Parks: Baltimore Washington Parkway, Greenbelt Park, and Suitland Parkway.
- Avoids approximately 20 acres of Maryland-National Capital Park and Planning Commission parkland including Rock Creek, Sligo Creek, and Northwest Branch Stream Valley Parks.

The Preferred Alternative will result in the use of 33.2 acres of Section 4(f) properties. The DEIS presented measures that had been identified to ensure all possible planning to minimize harm and mitigate for adverse impacts and effects. See DEIS, Appendix F; SDEIS, Section 5.4. Additional minimization and mitigation efforts have been implemented in conjunction with the Preferred Alternative, as described in the Updated Section 4(f) Evaluation. SDEIS Chapter 5 and Final Section 4(f) Evaluation FEIS, Appendix G. More specifically, MDOT SHA has identified and will pursue the acquisition of replacement parkland in coordination with NPS, M-NCPPC, the City of Rockville, and the City of Gaithersburg as potential mitigation for parkland impacts. MDOT SHA has also identified other potential mitigation opportunities, including trail and path improvements; improvements to park facilities and amenities, tree planting and invasive species removal, water quality improvements, ecological restoration, as applicable. Refer to FEIS, Chapters 6 and 7, and FEIS Appendix G. Mitigation for the use of NPS-owned parkland would also be consistent with stipulations identified in the Section 106 Programmatic Agreement and would be coordinated with the MHT and Section 106 consulting parties.

Final mitigation commitments are included in the Final Section 4(f) Evaluation and in the FEIS. Refer to Chapters 6 and 7 and FEIS, Appendix G. The final commitments include all possible planning to minimize harm.

IV. Analysis of How Increased Stormwater Will Affect Receiving Waterways

Maryland Stormwater Management Law is relatively strict with the goal of maintaining post development runoff as nearly as possible to pre-development runoff characteristics. This project will require both Erosion and Sediment Control permits and Stormwater Management Permits and will have to meet a high standard of providing protection to receiving waters both during and after construction.

The project is required to provide stormwater treatment for all new impervious area, which includes approximately 0.8 acres in the Rock Creek watershed. Given the strict stormwater permitting requirements, impacts to downstream water quality from stormwater runoff are not expected.

A conceptual preliminary level of identification of stormwater management (SWM) needs was considered throughout the Phase 1 South limits when establishing the LOD for the Preferred Alternative. The Maryland *Stormwater Management Act of 2007* emphasizes environmental site design (ESD) and consideration of SWM early in the planning stage of a project to better balance transportation needs, right-of-way considerations, and requirements of the Act, which include both water quality (i.e., ESD) and water quantity management. Water quality management treats the first flush of rainfall to remove pollutants and improve downstream conditions. Water quantity management stores and slowly releases water to reduce downstream flooding.

Final design is necessary for completion of the SWM permits. One purpose of NEPA is to encourages and in some cases forbids the use of federal funds for completion of final design until after a ROD to avoid the expense of performing final design on multiple alternatives. If a Build Alternative is selected in the ROD, final design will progress and permits relying upon final design will progress. Erosion and Sediment Control permits will be required and BMPs, such as, super silt fence, clear water diversion and sediment traps will be used to protect receiving waters during construction. Stormwater management permitting will be required to protect receiving waters after construction. Stormwater management permits require that all discharges for the 10-year storm be controlled to match the existing discharges. Detailed calculations will be required to show that runoff leaving the ROW will be conveyed in a stable manner and not worsen downstream flooding. In addition, all new impervious area will require water quality treatment onsite. Onsite water quality treatment is preferred, however, if it is not possible to provide all water quality onsite, offsite water quality will be allowed for existing “reconstructed” impervious area. The offsite treatment must be provided in the same 6-digit watershed. Therefore, the impacts to receiving waters both in terms of total pollutant loads and increased stormwater volumes will be minimal

In addition, sensitive waters, such as, Tier I watersheds and Use III and IV watersheds have additional requirements and restrictions on the type of SWM that can be used to provide extra protection for these sensitive resources.

A SWM analysis was updated for the SDEIS and FEIS based on the Preferred Alternative. Refer to SDEIS, Chapter 2, Section 2.3.2 and FEIS, Chapter 3, Section 3.1.6.Impacts to existing SWM facilities, as identified in the NPDES database, was also included in the analysis. All existing shoulders and 25% of existing lanes were assumed to require reconstruction, which results in 39 to 44% of existing pavement assumed to be reconstructed. Environmental mapping included in Appendix E of the FEIS displays the impervious area associated with the Preferred Alternative. It also shows the proposed large SWM facilities along the alignment. Through continued coordination with agencies, including M-NCPPC, US Army Corp of Engineers, and MDE, the proposed SWM facility locations have been refined in response to agency comments. The proposed SWM facilities inform the LOD, which is then commented on by the public. Culverts under 36” in size were not included in the culvert analysis because there are very few culverts smaller than 36”. Since MD SWM Law requires that stormwater volumes be controlled to existing levels prior to leaving

the site, existing culverts will not see increases in SWM flows from this project. Preliminary hydrology was done on all culverts over 36" in diameter in order to identify culverts that are potentially undersized in existing conditions, due to development upstream of the project.

Avoidance and minimization was considered in siting on-site and offsite SWM facilities in order to avoid or reduce impacts to natural resources, Section 4(f), Section 106, and private properties. Coordination meetings with agencies, including MNCPPC, MDE, US Army Corps of Engineers, National Park Service, etc., were conducted to minimize or eliminate impacts to sensitive areas. Many SWM facilities were eliminated due to impacts, which is why underground vaults were incorporated into the SWM analysis.

Section 2.3.2 of the SDEIS includes a discussion of the types of SWM considered. Both stormwater swales and underground storage were included. Swales are provided along the alignment wherever feasible. Coordination meetings with agencies, including MNCPPC, MDE, US Army Corps of Engineers, National Park Service resulted in elimination of some swale locations in order to reduce/eliminate impacts to sensitive resources. In addition, underground vaults are provided under both the outside and inside shoulders where feasible.

Due to the heavily urbanized areas and numerous resources along the study corridors that limit the amount of SWM water quality that can be practically provided on-site, alternate means for providing SWM were evaluated. MDOT SHA performed an extensive planning-level study to identify compensatory, or off-site, SWM opportunities to ensure the SWM water quality requirements of the Preferred Alternative could be met. The results of this evaluation, as originally presented in the SDEIS, were modified for the FEIS based on further analysis and development of the on-site SWM and the compensatory SWM analysis. Refer to Appendix C of the SDEIS for the Draft Compensatory SWM Plan and Appendix D of the FEIS for the Final Compensatory SWP Plan. Both documents show sufficient water quality credits to meet the anticipated offsite requirements within the watershed.

Stormwater management permits will require that onsite SWM be maximized and that all new pavement and 50 percent of reconstructed pavement be treated. If the full water quality cannot be provided onsite, offsite stormwater management locations will be allowed within the same 6-digit watershed.

V. The Joint Federal/State Application (JPA) for a Clean Water Act § 404 Permit

MDOT SHA has worked closely with the regulatory agencies to ensure that the JPA meets Clean Water Act requirements. MDOT SHA maintains that the record supports a finding that there is no practicable alternative that could have less adverse impact on the aquatic ecosystem, while still meeting the study's Purpose and Need and other environmental avoidance and minimization requirements. The Corps will determine based on its own separate analysis whether the Preferred Alternative is the least environmentally damaging practicable alternative (LEDPA).

The Draft Compensatory Mitigation Plan was included as Appendix N to the DEIS. This plan outlined the detailed mitigation site search as well as the resulting mitigation sites identified for stream and wetland restoration as 404 mitigation for the I-495 & I-270 MLS. The Final Compensatory Mitigation Plan is included in FEIS Appendix O and includes the Phase II mitigation plans for the selected stream and wetland mitigation sites in Maryland. Virginia has a mitigation credit program that identifies appropriate sites for wetland and stream mitigation to compensate for unavoidable impacts. Onsite stormwater management has been maximized to the greatest extent practicable within the Study Preferred Alternative LOD. The remaining stormwater treatment will be achieved offsite. The Final Compensatory Stormwater Mitigation Plan is in the FEIS, Appendix D and includes a summary of the site search process and the resulting stormwater sites identified for offsite stormwater management to cover the stormwater treatment need for the Study.

The Study requires a Clean Water Act Section 401 Water Quality Certification from Maryland and Virginia indicating that anticipated discharges from the Study will comply with state water quality standards. MDOT SHA has coordinated closely with MDE, the Virginia Department of Environmental Quality (VDEQ), and the USACE to ensure that all state water quality standards are met for the Study. Permits will be sought from the USACE, MDE, and VDEQ for unavoidable impacts to wetlands and waterways concurrent with publication of the FEIS. Maryland and Virginia Water Quality Certifications will be requested at the same time. Minimization efforts for potential water quality impacts that could result from road crossings may include the proper maintenance of flood-prone flows through proposed structures using flood relief culverts to avoid increased scour and sedimentation. Most of the stream systems within the corridor study boundary currently have floodplain access; this should be retained as much as possible to preserve benefits such as velocity dissipation, storage, and sedimentation/stabilization. Other efforts would consider retaining or adding riparian buffers, as well as maintaining or improving aquatic life passage. The complete Joint Permit Application is also included in FEIS, Appendix P.

VI. Costs of the Project and Its Impacts on Public and Private Property

As disclosed in the SDEIS and FEIS, the Preferred Alternative would between $3.0 and $3.5 Billion. This estimate includes costs for construction, property acquisition, and environmental mitigation. The Preferred Alternative avoids all residential and commercial displacements. The FEIS presents the results of the estimated property impacts based on preliminary design. As the design of the Preferred Alternative progressed, property impacts were minimized where feasible. All affected private property owners will be compensated for the fair market value of the acquired portion of land and any structures acquired for the construction of the Preferred Alternative. The final right-of-way requirements for the project will be determined in final design.

MDOT does not have enough funds to construct improvements of the magnitude associated with the Preferred Alternative. Additionally, MDOT does not have enough bonding capacity to take out loans to pay for the improvements, even with the promise of tolls to pay them back. Therefore, MDOT elected to use a Public-Private Partnership or P3 approach to fund the project.

A P3 is an alternative model for delivery of a capital project in which the governmental sector works with the private entities. The particular P3 model identified for the Study is a progressive multi step approach. This P3 model, like others, seeks to make the most of private sector expertise, innovation, and financing to deliver public infrastructure for the benefit of the public owner and users of the infrastructure. This P3 agreement includes designing, building, financing, operating, and maintaining a transportation facility, however, MDOT SHA would continue to own all lanes and infrastructure on I-495 and I-270 and ensure the highway meets their intended transportation function. Many comments expressed concern over the use of the P3 model, specifically pointing out challenges to the delivery of the Purple Line project, which was also done through a P3 agreement. While concerns over the Purple Line project are understandable, the Study P3 Agreements are different from the Purple Line and other P3s in Maryland, in that this process uses a multi-step Progressive P3 model to further identify and reduce impacts and risks. The first step of this process is the collaborative Predevelopment Work. The evaluation criteria for the Predevelopment Work focused on reducing project risk, providing schedule certainty and the ability to deliver Phase 1 with no State of Maryland funding. The selected concessionaire for the project proposed a sound approach to delivering Phase 1 that will greatly reduce the likelihood of challenges that other projects have faced. The Progressive P3 approach allows the concessionaire to closely collaborate with MDOT, Maryland Transportation Authority (MDTA) and other stakeholders during the Predevelopment phase before finalizing its

design and pricing, which will reduce and mitigate risks and challenges that would exist in a more traditional procurement process as well as other P3 models. MDOT SHA acknowledges receipt of your SDEIS Comment Letter dated November 15, 2021. Refer to Appendix T for a response to this SDEIS Comment Letter.	***This page is intentionally left blank.***