

# Friends of the Cabin John Creek

P.O. Box 267, Cabin John, MD 20818

Incorporated 2013

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## Comments on the Supplemental Draft Environmental Impact Statement (SDEIS) for the I-495/270 Highway Expansion Study

November 30, 2021

Jeffrey T. Folden, P.E., DBIA  
Deputy Director, I-495 & I-270 P3 Office  
Maryland Department of Transportation State Highway Administration  
707 North Calvert Street  
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Baltimore, MD 21202

Dear Mr. Folden,

Friends of Cabin John Creek (FoCJC) is a 501(c)3 organization consisting of local residents and volunteers dedicated to the restoration, preservation, and stewardship of the Cabin John Creek Watershed (CJCW). We submitted comments November 4, 2020 on the Draft Environmental Impact Statement (DEIS) for the I-495 & I-270 Managed Lanes Study. Contained below are our comments and concerns regarding the Supplemental Draft Environmental Impact Statement (SDEIS), which focuses on impacts of the Preferred Alternative listed in the DEIS.

**The Cabin John Creek & Watershed are the most impacted** - The SDEIS (see Chapter 4) confirms that Cabin John Creek and its watershed will be the most impacted of the various waterways studied.

- Cabin John Creek will be the most affected waterway, with 31,429 linear feet (or 495,512 square feet) of waterway impacts. (p. 4-66).
- The Preferred Alternative would add the most impervious surface to the CJCW, with 98.2 acres (over 4 million sq ft) added. (See p. 4-70 and 71.) According to Montgomery County's 2012 Cabin John Creek Implementation Plan, there were 3,402 acres of impervious cover in the CJ Creek watershed at that time. The additional impervious surface will add another 3% to that amount. We noted in our previous comments, but it bears worth repeating: the opportunity to address not only any new pavement but also the existing I-495 and I-270 pavement regarding stormwater runoff is unique and should be seized upon and not be wasted.

- The Preferred Alternative talks about the need to connect the inner I-495 lanes with various exits, including in particular the connection with MD-190 (a.k.a. River Road). One of the connection scenarios in the Preferred Alternative is a "flyover" lane, that would exist suspended in the air with supporting columns embedded in and around the Cabin John Creek and parkland. This is truly a nightmare scenario with all sorts of adverse impacts to nearby residences and users of the County trail along the Cabin John Creek, including visual impacts and noise impacts that will be leveraged due to the elevated nature of the project. This location is an area that is residential in nature; the community prides itself on the beautiful creek and works hard to preserve and improve the creek.

Thus, we are concerned about the impacts of the I-495/I-270 project on the health and beauty of both the watershed and the creek. We request that the SDEIS accurately reflect those impacts.

## **COMMENTS**

**Comment #1: Include Environmental Enhancements in the Final EIS.** We are encouraged by MDOT SHA's commitment to "environmental enhancements that would provide meaningful benefits to adjacent resources" mentioned in Chapter 2, Section 4, including attributes and functions that may be compromised by the highway project. Such enhancements would include "... water quality improvements, stream restoration, and removal of invasive species on county parkland."

We are also encouraged by MDOT SHA's additional commitments to avoid and minimize environmental and parkland impacts. MDOT SHA states that it will address "water quality concerns on parkland focused on stabilizing streams, creating natural surface channels, and re-vegetating areas to improve water quality and reduce flooding and pollutant loads." The agency states that it is committed to improvements such as "stream bank and bed stabilization and removal of concrete lined channels in identified priority areas such as Cabin John Stream Valley Park."

We applaud these commitments and request that they be described in detail in the Final Environmental Impact Statement as enhancements that will happen. If not in the final EIS, then they need to be described in the related mitigation document that follows.

**Comment #2: Treat stormwater locally on-site.** We agree with the Maryland-National Capital Park and Planning Commission's (M-NCPPC) draft comments on the SDEIS (November 4, 2021) that this project should plan to treat stormwater on-site as much as possible – "a minimum of 80% of water quality treatment requirements should be handled on-site" – in order to protect Cabin John Creek and the organisms it sustains, and prevent harmful downstream impacts to the Potomac River and Chesapeake Bay.

**Comment #3 - Keep mitigation sites within the same creek watershed** - none of the listed mitigation sites for impacted wetlands and streams are within our watershed. See Chapter 4 pages 59-63, especially Table 4-28, which shows three up-county proposed



mitigation sites. We support M-NCPPC's request that the project does off-site stormwater mitigation within 1,500 feet of the project's Limit of Disturbance. This will help mitigate the impact of the current highways and further help the creek. There is discussion about conducting mitigation in an area elsewhere in the watershed but quite remote from I-495 and I-270. (p. 2-11 "compensatory SWM ESD could not be met onsite.") Taking this "distant mitigation" approach is not going to help the creek, and thus it will be very unpopular with the local populace living in and around the impacted area.

**Comment #4: Plan for a greater volume of stormwater.** The SDEIS needs to anticipate stormwater management (SWM) facilities for storms that drop more rain than in the past. The Washington, D.C. area is receiving more precipitation per year and more large precipitation events than in the past. In the D.C. area seven of the last 10 years have had above-normal precipitation, per data from the National Weather Service. This includes a record 66.28 inches in 2018. In addition, we have storm events dropping more than one inch of precipitation about 10 days per year, on average, over the last seven years, according to data from the United States Geological Survey. Due to climate change, these trends are expected to continue and likely increase.

In Chapter 2, when discussing SWM quantity requirements, the SDEIS says, "Each SWM facility is expected to meet a minimum of 1-inch treatment credit." These facilities should be designed to be able to handle the 2-, 3- and 4-inch rainstorms we are experiencing more often now due to climate change. In fact, United States Geological Survey precipitation gauge data since 2014 shows our area now has an average of two 2-inch or greater precipitation events each year, with some years having four such events. The SDEIS needs to contain information on how often the SWM facilities will be adequate during a given storm event and given year and how often the facilities will fail because the storms drop a higher volume of rain in a short amount of time. The state of MD recently passed a law requiring the state to use more up-to-date rainfall data when issuing permits. That law, which became effective June 1, 2021, requires MDE to report on the most recent precipitation data available, investigate flooding events since 2000, and update Maryland's stormwater quantity management standards for flood control. The SDEIS should not live in the past, working with outdated data and old scenarios, but instead should anticipate the impact of greater rainfall density and the resulting impacts to creeks if that stormwater is not ameliorated.

**Comment #5: Prioritizing avoiding impacts to Forest Conservation Act easements.** Chapter 4 notes the project would impact Forest Conservation Act easements, including state and county owned easements, encompassing a total of 14.7 acres. Of these, 2.1 acres are in the Cabin John Stream Valley Park in the City of Rockville, and another 0.6 acres in M-NCPPC parkland. These easements were created to protect forested areas, in part because forests and trees do an excellent job of soaking up stormwater. The SDEIS needs to work harder to find a way to avoid, or greatly minimize, impacts to Forest Conservation Act easements. This land was set aside specifically to protect forests and it should be left that way.

**Comment #6: Reduce the amount of parkland impacts.** Much of Cabin John Creek and its tributaries flow through parkland. The Cabin John Creek mainstem goes through parkland for most of its 10-mile length, from Rockville to the creek's confluence with the Potomac River. The creek's health depends in large part on the parkland, its forests and wetlands. We repeat the comment made earlier that the SDEIS needs to work harder at analyzing how to mitigate environmental impacts locally when at all possible. As such, we urge SHA and FHWA to reduce the parkland impacts of this project. We understand the agencies have an obligation under so-called Section 4(f) to work to avoid parkland impacts and so the SDEIS needs to make a stronger effort to do so. The proposed changes to the MD-190/Cabin John Parkway interchange are one area where parkland impacts probably can and certainly should be reduced.

**Comment #7 - 100% of stormwater from all re-constructed areas should be treated/managed** - the SDEIS states that all stormwater from new impervious surfaces and 50% of stormwater from reconstructed impervious surfaces will be treated. Again, the opportunity to address stormwater runoff from not only any new pavement but also from the existing I-495 and I-270 pavement, regardless of whether it is characterized as "reconstructed", is unique and should be seen as an opportunity to address past failures. The SDEIS should examine the options/opportunities for addressing all the stormwater coming off current as well as future wider versions of I-495 and I-270.

**Comment #8 - Incorporating of the FoCJC November 4, 2020 Comments** - to the extent relevant and applicable, we repeat the FoCJC comments submitted on November 4, 2020 regarding the draft EIS.

Thank you for considering our comments and concerns.

Sincerely,



Sandra Laden  
Vice President  
Friends of Cabin John Creek, Inc.

cc:

Montgomery County Council  
County Executive Marc Elrich  
MCP Planning Board Chair Casey Anderson  
Audubon Naturalist Society