

US Army Corps of Engineer<u>s</u>

# ANACOSTIA WATERSHED RESTORATION MONTGOMERY COUNTY, MARYLAND CONTINUING AUTHORITIES PROGRAM SECTION 206 AQUATIC ECOSYSTEM RESTORATION FEASIBILITY STUDY

# DRAFT INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT

# APPENDIX G: PUBLIC AND AGENCY COORDINATION, TRIBAL CONSULTATION



**MARCH 2025** 

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Anacostia River Watershed Restoration Project Montgomery County, Maryland.

Continuing Authorities Program Section 206 Aquatic Ecosystem Restoration Feasibility Study

Study Initiation Notice



27 January 2023

**Planning Division** 

### SUBJECT: Anacostia River Watershed Restoration Project - Montgomery County, Maryland. Continuing Authorities Program Section 206 Aquatic Ecosystem Restoration Feasibility Study

**Coordinating Agencies:** 

The U.S. Army Corps of Engineers (USACE) has initiated an aquatic ecosystem restoration feasibility study of several tributary streams of the Anacostia River: Bel Pre (3.1 miles), Lamberton (1 mile), and Upper Sligo (0.7 miles). The study is a partnership between USACE and the Montgomery County Department of Environmental Protection (MCDEP), the non-Federal sponsor for the study. The streams lie in lands owned by the Maryland-National Capital Park and Planning Commission (MNCPPC) and they are participating in the study. The streams being investigated receive drainage from some of the county's most highly urbanized watersheds where eroded streambanks and unstable stream channel conditions are common. Opportunities for stream restoration, wetland restoration, and increasing stream-floodplain interaction will be sought and evaluated through the feasibility study. The study will seek to minimize impacts to forests and mature trees.

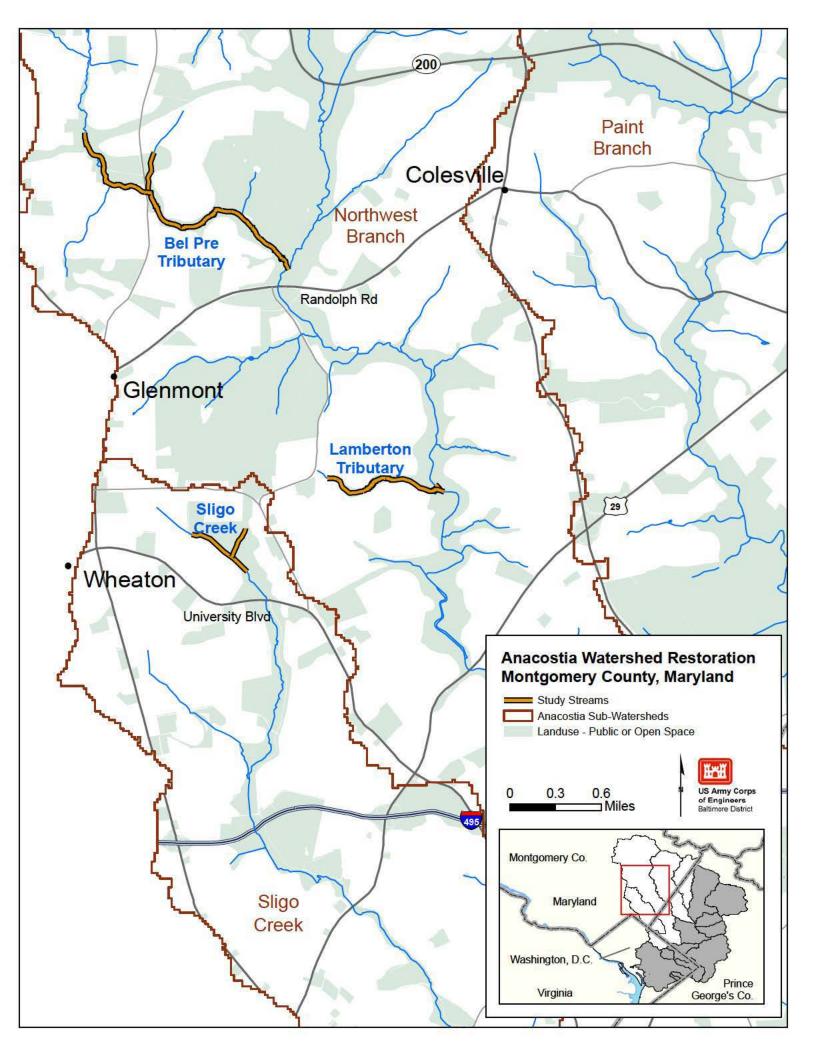
USACE is preparing an environmental assessment to ensure compliance with the National Environmental Policy Act (NEPA). USACE and Montgomery County evaluated these streams in a previous USACE general investigation study that ceased in 2016; that study was not completed.

For Federal and State resource agencies receiving a copy of this notice, we request that you provide information concerning interests within your organization's area of responsibility or expertise within 30 days from the date of this notice to the address below. A timely review of this information and a written response will be greatly appreciated.

If you have any questions, please contact Mr. Christopher Johnson by email at Christopher.a.johnson@usace.army.mil, or by telephone at (410) 962-2926.

Daniel M. Bierly Chief, Civil Project Development Branch Planning Division

Enclosures: Study Area Map



Anacostia River Watershed Restoration Project Montgomery County, Maryland.

Continuing Authorities Program Section 206 Aquatic Ecosystem Restoration Feasibility Study

Maryland Department of Planning State Clearinghouse Study Initiation Notice Response and Recommendation



January 31, 2023

Mr. Christopher Johnson, Biologist, U.S. Army Corps of Engineers, Baltimore District 2 Hopkins Plaza Baltimore, MD 21203-1715

#### STATE CLEARINGHOUSE REVIEW PROCESS

 State Application Identifier:
 MD20230131-0072

 Reply Due Date:
 03/07/2023

 Project Description:
 Anacostia River Watershed Restoration Project - Montgomery County, Maryland. Continuing Authorities Program Section 206 Aquatic Ecosystem Restoration Feasibility Study, Several Tributary Streams of the Anacostia River: Bel Pre (3.1 miles), Lamberton (1 mile), and Upper Sligo (0.7 miles)

 Project Location:
 Montgomery County Rita Pritchett

Dear Mr. Johnson:

Thank you for submitting your project for intergovernmental review. Your participation in the Maryland Intergovernmental Review and Coordination (MIRC) process helps to ensure that your project will be consistent with the plans, programs, and objectives of State agencies and local governments.

We have forwarded your project to the following agencies and/or jurisdictions for their review and comments: <u>the</u> <u>Maryland Departments of Transportation</u>, the Environment, and Natural Resources; the Maryland-National Capital <u>Park and Planning Commission in Montgomery</u>; and the Maryland Department of Planning including the Maryland <u>Historical Trust</u>. A composite review and recommendation letter will be sent to you by the reply due date. <u>Your</u> <u>project has been assigned a unique State Application Identifier that you should use on all documents and</u> <u>correspondence</u>.

Please be assured that we will expeditiously process your project. The issues resolved through the MIRC process enhance the opportunities for project funding and minimize delays during project implementation.

Mr. Christopher Johnson Page 2 State Application Identifier #: MD20230131-0072

If you need assistance or have questions, contact the State Clearinghouse staff noted above at 410-767-4490 or through e-mail at rita.pritchett@maryland.gov. Thank you for your cooperation with the MIRC process.

Sincerely,

J S ~ for MB

Myra Barnes, Lead Clearinghouse Coordinator

MB:RP 23-0072\_NRR.NEW.docx

# MD20230131-0072 FINANCIAL ASSISTANCE

#### U.S. Army Corps of Engineers, Baltimore District

Anacostia River Watershed Restoration Project - Montgomery County, Maryland. Continuing Authorities Program Section 206 Aquatic Ecosystem Restoration Feasibility Study, Several Tributary Streams of the Anacostia River: Bel Pre (3.1 miles), Lamberton (1 mile), and Upper Sligo (0.7 miles) Mr. Christopher Johnson Biologist, U.S. Army Corps of Engineers, Baltimore District 2 Hopkins Plaza Baltimore, MD 21203-1715 Wes Moore, Governor Aruna Miller, Lt. Governor



March 10, 2023

Mr. Christopher Johnson, Biologist U.S. Army Corps of Engineers, Baltimore District 2 Hopkins Plaza Baltimore, MD 21203-1715

### STATE CLEARINGHOUSE RECOMMENDATION

 State Application Identifier: MD20230131-0072
 Applicant: U.S. Army Corps of Engineers, Baltimore District
 Project Description: Anacostia River Watershed Restoration Project - Montgomery County, Maryland. Continuing Authorities Program Section 206 Aquatic Ecosystem Restoration Feasibility Study, Several Tributary Streams of the Anacostia River: Bel Pre (3.1 miles), Lamberton (1 mile), and Upper Sligo (0.7 miles)
 Project Location: Montgomery County

 Project Location:
 Montgomery County

 Approving Authority:
 U.S. Department of Defense DOD/ARMY

 Recommendation:
 Consistent with Qualifying Comments and Contingent Upon Certain Actions

Dear Mr. Johnson:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 34.02.01.04-.06, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the State process review and recommendation. This recommendation is valid for a period of three years from the date of this letter.

Review comments were requested from the <u>Maryland Departments of Natural Resources, Transportation, and the</u> <u>Environment; Maryland Military Department; Maryland National Capital Parks and Planning Commission - Montgomery</u> <u>County; and the Maryland Department of Planning including the Maryland Historical Trust. The Maryland Department</u> <u>of Planning and Transportation and the Maryland Military Department did not have comments.</u>

The Maryland Historical Trust has determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.

The Maryland Department of Natural Resources(DNR) and Maryland National Capital Parks and the Maryland Department of Planning Commission - Montgomery County (MNCPPCM) stated that their finding(s) of consistency is/are contingent upon the applicant taking the action(s) summarized below.

DNR recommends that every effort be made in the course of this study to evaluate stormwater management improvements that might improve stream conditions rather than limiting the study to instream recommentations only. Streams restoration projects in highly developed or highly impervious watersheds rarely demonstrate success in terms of biological improvement.

Mr. Christopher Johnson March 10, 2023 Page 2 State Application Identifier: **MD20230131-0072** 

#### MNCPPCM commented:

The Montgomery County Planning Department, part of the Maryland-National Capital Park and Planning Commission, received the letter dated January 27, 2023, providing notification of the Anacostia River Watershed Restoration Project and associated aquatic ecosystem restoration feasibility study. Please note that this initiative is subject to Montgomery County's Forest Conservation Law and Forest Conservation review will be required prior to any permitting.

The Maryland Department of Environment (MDE) found this project to be generally consistent with their plans, programs, and objectives, but included certain qualifying comments summarized below.

1. Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3315 for additional information regarding solid waste activities and contact the Resource Management Program at (410) 537-3314 for additional information regarding recycling activities.

2. The Solid Waste Program should be contacted directly at (410) 537-3315 by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.

3. The proposed project may involve rehabilitation, redevelopment, revitalization, or property acquisition of commercial, industrial property. Accordingly, MDE's Brownfields Site Assessment and Voluntary Cleanup Programs (VCP) may provide valuable assistance to you in this project. These programs involve environmental site assessment in accordance with accepted industry and financial institution standards for property transfer. For specific information about these programs and eligibility, please Land Restoration Program at (410) 537-3437.

# Any statement of consideration given to the comments should be submitted to the approving authority, with a copy to the State Clearinghouse.

The State Application Identifier Number <u>must</u> be placed on any correspondence pertaining to this project. The State Clearinghouse must be kept informed if the approving authority cannot accommodate the recommendation.

Please remember, you must comply with all applicable state and local laws and regulations. If you need assistance or have questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at rita.pritchett@maryland.gov.

Mr. Christopher Johnson March 10, 2023 Page 3 State Application Identifier: **MD20230131-0072** 

# Also please complete the attached form and return it to the State Clearinghouse as soon as the status of the project is known. *Any substitutions of this form <u>must</u> include the State Application Identifier Number*. This will ensure that our files are complete.

Thank you for your cooperation with the MIRC process.

Sincerely,

Mina a Baines

Myra Barnes, Lead Clearinghouse Coordinator

MB:RP

Enclosure(s) cc: Tyson Byrne - MDOT Amanda Redmiles - MDE Tony Redman - DNR

Kirk Yaukey - MILT

Neil Braunstein -MNCPPCM Joseph Griffiths - MDPL Beth Cole - MHT

23-0072\_CRR.CLS.docx

Anacostia River Watershed Restoration Project Montgomery County, Maryland.

Continuing Authorities Program Section 206 Aquatic Ecosystem Restoration Feasibility Study

*Environmental Protection Agency (EPA) Study Initiation Notice Response* 

From:	Traver, Carrie
To:	Johnson, Christopher A CIV USARMY CENAB (USA)
Cc:	Glyn, Rebecca
Subject:	[Non-DoD Source] Anacostia River Watershed Project - Study Initiation Notice - Initial comments
Date:	Wednesday, March 1, 2023 12:04:14 PM
Attachments:	Anacostia River Watershed Project Study Initiation Notice 20232701.pdf

Good afternoon, Chris:

The Environmental Protection Agency (EPA) is responding to the notice dated January 27, 2023 regarding the preparation of the Continuing Authorities Program Section 206 Aquatic Ecosystem Restoration Feasibility Study and Environmental Assessment (EA for Study) for the Anacostia River Watershed Restoration Project in Montgomery County, Maryland. EPA has several initial recommendations for consideration in the development of the EA in accordance with the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508):

Water Quality, Aquatic Resources, and Riparian Buffers

Based on the initial information, we expect that the existing in-stream and habitat conditions will be fully assessed in the Study, including designated and existing uses, impairments, and sources of degradation in the Study reaches, upstream, and in the watershed. We recommend not only referencing, but also including links to the applicable sections of TMDLs and water quality plans for the Anacostia River watershed.

We suggest that the Study include a discussion of how restoration needs and priorities have been evaluated and any restoration or improvement efforts that have been completed or are planned in the watershed. We recommend evaluating the contribution of undersized or inadequate crossings to stream degradation in the watershed and a discussion of planned or completed removal efforts. As described, this area is highly urbanized; EPA recommends reducing and improving the quality of stormwater runoff from upland areas where possible before constructing in-stream measures.

As these stream reaches and their riparian buffers provide vital habitat in an otherwise highly developed area, we appreciate the intention to minimize impacts to forests and mature trees. We strongly recommend avoidance of adverse direct or indirect effects to important habitat including riparian wetlands and forests. In particular, Bel Pre Creek and its riparian buffer include mapped resources associated with sensitive habitat, such as NWI-mapped palustrine forested wetlands. Near its confluence with the Northwest Branch, Bel Pre is mapped as Highly Significant for Biodiversity Conservation (Tier 3) by Maryland DNR's Natural Heritage Program's Biodiversity Conservation Network, and mapped resources include a sensitive species review area and a large PFO wetland complex along the Northwest Branch. West of this (to Middlebrook Dr), the Bel Pre Creek riparian buffer is partially mapped as Significant for Biodiversity Conservation (Tier 5) as are portions of the Lamberton and Sligo reaches. Preservation and enhancement of these areas is critical in protecting both biodiversity and water quality.

To promote avoidance of adverse effects to aquatic resources, we recommend conducting or updating wetland delineations in the vicinity of the project areas. We recommend the Study identify potential access areas for construction and maintenance, as well as potential upland cleared areas for stockpiling and staging.

We suggest that indirect and secondary impacts and potential tradeoffs be carefully evaluated. For instance, while increasing flooding events into a floodplain may increase sediment and nutrient retention, saturation of the floodplain could cause die-off of trees. Likewise, flow conditions should be fully evaluated for instream structures so that passage of aquatic organisms is not obstructed at low-flow conditions.

The riparian buffers along Bel Pre and other restoration reaches are also mapped as potential habitat for Forest Interior Dwelling Species (FIDS). The Study should consider potential impacts and minimization measures for sensitive fauna and life stages, including FIDS, migratory bird species, bats, and herpetofauna. Time of year restrictions for construction may

be appropriate to minimize potential impacts to species.

#### Air Quality

Montgomery County is located in the Washington, DC-MD-VA Air quality control region; this area is currently in (moderate) nonattainment for the 2015 8-Hour Ozone standard. The area was in nonattainment of the 2008 8-Hour Ozone standard (marginal) and redesignated to maintenance on 05/15/2019. The area was previously in nonattainment for several revoked NAAQS) including 1-Hour Ozone (1979) NAAQS

Under the general conformity rule, reasonably foreseeable emissions associated with operational and construction activities, both direct and indirect, must be quantified and compared to the annual de minimis levels for those pollutants in nonattainment or maintenance. EPA recommends that the EA include a general conformity applicability analysis or determination according to the guidance provided in 40 CFR Part 93 (*Determining Conformity of General Federal Actions to State or Federal Implementation Plans*), including an estimate of annual emissions of precursors.

#### Greenhouse Gas (GHG) Emissions and Climate Change

We recommend that the EA include a comprehensive discussion of ongoing and reasonably foreseeable climate change impacts relevant to the project and consider measures that promote resiliency where possible. This would include information on the potential impacts of more frequent large storm events, shifting seasonality, and warming temperatures on the aquatic ecosystems and their buffers. We recommend considering long term management, including planned maintenance and/or successional communities in light of climate change.

On January 9, 2023, CEQ published interim guidance to assist federal agencies in assessing and disclosing climate change impacts during environmental reviews. CEQ developed this guidance in response to EO 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. CEQ indicated that agencies should use this interim guidance to inform the NEPA review for all new proposed actions and may use it for evaluations in process. EPA recommends the EA consider the interim guidance as appropriate, to ensure robust consideration of potential climate impacts, mitigation, and adaptation issues. Tools for estimating GHG emissions can be found at *https://ceq.doe.gov/guidance/ghg-tools-and-resources.html* 

#### **Environmental Justice**

The EA would benefit from identification of communities with potential environmental justice (EJ) concerns. We note there may be communities with EJ concerns in the vicinity of the restoration efforts based on the EJSCREEN tool (<u>https://www.epa.gov/ejscreen</u>).

The Study should evaluate the potential for impacts to nearby communities from construction, including noise, emissions, traffic impacts, and safety. It should assess how communities with EJ concerns may be impacted and whether any adverse impacts may be disproportionate. To inform this discussion, it would be helpful to identify potential construction access to restoration reaches, routing of equipment/traffic, estimated time/length of construction, proximity to sensitive receptors, and best management practices and minimization measures that may be employed.

We recommend a robust outreach plan to engage with the residents or businesses who may be impacted by the project. We recommend describing outreach efforts in the EA, including local buy-in for the project, or concerns that have been raised and how they will be addressed.

#### **Monitoring**

EPA recommends clearly defining goals for the restoration projects and developing a monitoring and adaptive management plan that ensures that the goals are met and any issues are corrected quickly.

Thank you for providing us with notice to provide comments for your consideration in the development of the Study. We look forward to hearing more about the Study and working

with you as it progresses.

Thank you,

Carrie

### **Carrie Traver**

Office of Communities, Tribes, & Environmental Assessment U.S. Environmental Protection Agency, Region 3 215-814-2772 traver.carrie@epa.gov

From: Johnson, Christopher A CIV USARMY CENAB (USA) <Christopher.A.Johnson@usace.army.mil> Sent: Monday, January 30, 2023 10:47 AM

To: Ozburn, Nicholas R CIV USARMY CENAB (USA) <Nicholas.R.Ozburn@usace.army.mil>; O'donnell, Amy W <amy\_odonnell@fws.gov>; Brian D Hopper - NOAA Federal <brian.d.hopper@noaa.gov>; Jonathan Watson - NOAA Affiliate <jonathan.watson@noaa.gov>; Traver, Carrie <Traver.Carrie@epa.gov>; abbi\_wicklein-bayne@nps.gov; samuel.engler@usda.gov; mdp.clearinghouse@maryland.gov; amanda.sigillito@maryland.gov; sean.mckewen@maryland.gov; tony.redman@maryland.gov; christopher.barger@maryland.gov; beth.cole@maryland.gov; mcphistoric@mncppc-mc.org; mocoinfo@umd.edu; klucas@delawarenation-nsn.gov; pbarton@estoo.net; wtarrant@sctribe.com; Deeley, Sabrina M <sabrina\_deeley@fws.gov>; Nevshehirlian, Stepan <Nevshehirlian.Stepan@epa.gov> Cc: Santiago, Luis E CIV USARMY CENAB (USA) <Luis.E.Santiago@usace.army.mil>; Leasure, Charles W CIV USARMY CENAB (USA) <Charles.W.Leasure@usace.army.mil>; Bierly, Daniel M CIV USARMY CENAB (USA) <Daniel.M.Bierly@usace.army.mil>

Subject: Anacostia River Watershed Project - Study Initiation Notice

Good Morning,

The U.S. Army Corps of Engineers – Baltimore District has initiated an aquatic ecosystem restoration feasibility study of several tributary streams of the Anacostia River located in Montgomery County, MD. The study is a partnership between USACE and Montgomery County Department of Environmental Protection (MCDEP), the non-Federal sponsor. USACE is preparing an environmental assessment (EA) to ensure compliance with the National Environmental Policy Act (NEPA). For those of you receiving this notice, USACE requests that information concerning interests within your organization's area of responsibility or expertise is received within 30 days from the date of this notice. Please find the attached Study Initiation Notice (dated 27 Jan 2023) for more information.

Thank you,

Chris Johnson Biologist U.S. Army Corps of Engineers Anacostia River Watershed Restoration Project Montgomery County, Maryland.

Continuing Authorities Program Section 206 Aquatic Ecosystem Restoration Feasibility Study

Maryland Department of the Environment (MDE) Study Initiation Notice Response

From:	Danielle Spendiff -MDE-
To:	Johnson Christopher A CIV USARMY CENAB (USA)
Cc:	David Seaborn -MDE_; Heather Nelson -MDE-; Amanda Sigillito -MDE-; William Seiger -MDE-; Jeff White -MDE-; Stewart Comstock -MDE-
Subject:	[URL Verdict: Neutral][Non-DoD Source] Re: Anacostia River Watershed Project - Study Initiation Notice
Date:	Monday, February 27, 2023 4:44:08 PM
Attachments:	Anacostia Integrated Report listings.xlsx

#### Good afternoon,

The Maryland Department of the Environment (MDE), Wetlands and Waterways Protection Program (WWPP) has reviewed the information provided in the letter dated January 27, 2023 regarding a U.S. Army Corps of Engineers (USACE) aquatic ecosystem restoration feasibility study for several Anacostia River tributaries. This study is a partnership between USACE and the Montgomery County Department of Environmental Protection (MCDEP), the non-Federal sponsor for the study.

Persons proposing activities in tidal wetlands, nontidal wetlands and their 25- or 100-foot buffers, or nontidal waterways and the 100-year floodplain must submit a Joint Permit Application and supporting information to WWPP. Early coordination with the Program is encouraged to discuss regulatory requirements and minimization of adverse impacts to regulated resources.

Since these projects will result in a discharge to Waters of the US, a Water Quality Certification (WQC) from MDE under Section 401 of the Clean Water Act will be required for this project. Issuance of an Individual WQC from the State of Maryland would require WWPP to place the project on public notice and take public comments and/or requests for a hearing on the project. General information regarding the State's application procedures and WQC requirements can be found at: <a href="https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/WQC.aspx">https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/WQC.aspx</a>.

This project is a federal action located within Maryland's Coastal Zone, and is therefore subject to federal consistency review under the Coastal Zone Management Act. Unless otherwise covered under the Joint Permit Application, a formal request for a consistency determination on the project (including completed coastal policy checklists) will need to be submitted in accordance with the requirements found on Maryland's Coastal Consistency Review page: <a href="https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/CZM.aspx">https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/CZM.aspx</a>

Review of the project information was also coordinated with MDE's Watershed Protection, Restoration, and Planning Program (WPRPP) and Stormwater, Dam Safety, and Flood Management Program (SDSFMP). The following information & attachment should be considered in completing the study:

- Attached is a list of Integrated Report impairments for the Anacostia. Please visit the Integrated Report website to learn more about these
- impairments: <u>https://mde\_maryland.gov/programs/water/TMDL/Integrated303dReports/Pages/Combined\_2020\_2022IR.aspx</u>
   Applicable TMDLs for the Anacostia may be queried on MDE's TMDL Data Center here via the TMDL search: <u>https://mde\_maryland.gov/programs/Water/TMDL/DataCenter/Pages/index.aspx</u>
- For all TMDL Stormwater Wasteload Allocations, the county must develop an implementation plan to meet these allocations. All Stormwater WLAs for Montgomery County can be found on the WLA Search function of the TMDL Data Center.
- Of particular note regarding Montgomery County's TMDL requirements under their Phase I MS4 permit is PCB source tracking monitoring. The county must perform source tracking monitoring in any TMDL watershed with a stormwater WLA assigned to the county. In the case of Montgomery County, that would mainly apply to the Northeast and Northwest branches of the Anacostia.
- There are no Tier II watersheds in the study area as proposed. However, MDE's Tier II webpage should be checked to verify this information as the project

progresses: https://mde.maryland.gov/programs/Water/TMDL/WaterQualityStandards/Pages/Antidegradation\_Policy.aspx

MDE notes that a virtual agency meeting is scheduled for March 1, 2023, looks forward to continued coordination with the USACE to review this project and ensure all regulatory requirements are met. Please do not hesitate to contact me with any questions or concerns regarding these comments.

Sincerely,

Ð	Danielle A. Spendiff Chief, Regulatory & Customer Service Division Federal Consistency Coordinator Water & Science Administration Maryland Department of the Environment 1800 Washington Boulevard
	Baltimore, Maryland 21230 danielle.spendiff1@maryland.gov 410-537-4023 (O) 410-913-8524 (M) Website   Facebook   Twitter.

#### ----- Forwarded message ------

From: Johnson, Christopher A CIV USARMY CENAB (USA) <<u>Christopher.A.Johnson@usace.army mil</u>>Date: Mon, Jan 30, 2023 at 10:49 AM

Subject: Anacostia River Watershed Project - Study Initiation Notice

To: Ozburn, Nicholas R CIV USARMY CENAB (USA) <<u>Nicholas.R.Ozburn@usace.army mil</u>>, O'donnell, Amy W <<u>amy\_odonnell@fws.gov</u>>, Brian D Hopper - NOAA Federal <<u>brian.d.hopper@noaa.gov</u>>, Jonathan Watson - NOAA Affiliate <<u>jonathan.watson@noaa.gov</u>>, Traver, Carrie <<u>Traver.Carrie@epa.gov</u>>, abbi\_wicklein-bayne@nps.gov <<u>abbi\_wicklein-bayne@nps.gov</u></a>, samuel.engler@usda.gov <<u>samuel.engler@usda.gov</u>>, mdp.clearinghouse@maryland.gov <<u>mdp.clearinghouse@maryland.gov</u>>, amanda.sigillito@maryland.gov <<u>amanda.sigillito@maryland.gov</u>>, sean mckewen@maryland.gov>, tony.redman@maryland.gov <tony redman@maryland.gov>, christopher.barger@maryland.gov>, beth.cole@maryland.gov <br/>, beth.cole@maryland.gov <br/>, beth.cole@maryland.gov <br/>, beth.cole@maryland.gov <br/>, beth.cole@maryland.gov <br/>, wtarrant@sctribe.com</br/>, Vatarrant@sctribe.com>, Deeley, Sabrina M <<u>sabrina\_deeley@fws.gov</u>>, Nevshehirlian.Stepan@epa.gov <br/><Nevshehirlian.Stepan@epa.gov></br/>

Cc: Santiago, Luis E CIV USARMY CENAB (USA) <<u>Luis.E.Santiago@usace.army mil</u>>, Leasure, Charles W CIV USARMY CENAB (USA) <<u>Charles.W.Leasure@usace.army mil</u>>, Bierly, Daniel M CIV USARMY CENAB (USA) <<u>Daniel.M.Bierly@usace.army mil</u>>

Good Morning,

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Thank you,

Chris Johnson

Biologist

U.S. Army Corps of Engineers

Baltimore District, Planning Division

2 Hopkins Plaza Baltimore, MD 21201

Office: (410) 962-2926

Cell: (443) 807-7461

Email: christopher.a.johnson@usace.army.mil

<u>Click here</u> to complete a three question customer experience survey.

Anacostia River Watershed Restoration Project Montgomery County, Maryland.

Continuing Authorities Program Section 206 Aquatic Ecosystem Restoration Feasibility Study

Maryland Department of Natural Resources (MDNR) Wildlife and Heritage Service Coordination

From:	Johnson, Christopher A CIV USARMY CENAB (USA)	
To:	lori.byrne@maryland.gov	
Cc:	Santiago, Luis E CIV USARMY CENAB (USA); Tony Redman -DNR-	
Subject:	Anacostia River Watershed - Montgomery County Stream Restoration	
Date:	Wednesday, June 28, 2023 12:08:00 PM	
Attachments:	Montgomery County_LODs.zip	
	Anacostia River Watershed Project Study Initiation Notice 20232701.pdf	
	Updated Species List June2023 Chesapeake Bay Ecological Services Field Office.pdf	
	MD DNR_USGS Figure_June2023.pdf	
	Anacostia Stream Rest PAR DEP FWS .pdf	

Good Morning Ms. Byrne,

The U.S. Army Corps of Engineers (USACE) has initiated an aquatic ecosystem restoration feasibility study of several tributary streams of the Anacostia River: Bel Pre (3.1 miles), Lamberton (1 mile), and Upper Sligo (0.7 miles). The study is a partnership between USACE and the Montgomery County Department of Environmental Protection (MCDEP), the non-Federal sponsor for the study. The streams lie in lands owned by the Maryland-National Capital Park and Planning Commission (MNCPPC) and they are participating in the study. The streams being investigated receive drainage from some of the county's most highly urbanized watersheds where eroded streambanks and unstable stream channel conditions are common. Opportunities for stream restoration, wetland restoration, and increasing stream-floodplain interaction will be sought and evaluated through the feasibility study. The study will seek to minimize impacts to forests and mature trees.

I'm interested in submitting this request for comments related to fisheries and/or additional natural resources other than just state listed rare, threatened, and endangered species. We have coordinated with USFWS who completed a Planning Aid Report for the Corps in March (attached). Also attached is an updated USFWS IPaC submittal to capture the new listing of NLEB. We also have fish and benthic data from Montgomery County DEP, but to close any gaps on any state listed species, we'd like to request the info previously mentioned.

Please feel free to reach out to me if you need any further information or have any questions or concerns about the files attached.

Thank you

Chris Johnson Biologist U.S. Army Corps of Engineers Baltimore District, Planning Division 2 Hopkins Plaza Baltimore, MD 21201 Office: (410) 962-2926 Cell: (443) 807-7461 Email: <u>christopher.a.johnson@usace.army.mil</u>



Wes Moore, Governor Aruna Miller, Lt. Governor Josh Kurtz, Secretary David Goshorn, Deputy Secretary

August 28, 2023

Mr. Christopher A. Johnson U.S. Army Corps of Engineers Baltimore District, Planning Division 2 Hopkins Plaza Baltimore, MD 21201

### **RE:** Environmental Review for Anacostia River Watershed - Montgomery County Stream Restoration: Bel Pre, Lamberton, Upper Sligo, Montgomery County, Maryland.

Dear Mr. Johnson:

For the Lamberton and Sligo Creek sites, the Wildlife and Heritage Service has determined that there are no official State or Federal records for listed plant or animal species within the delineated area shown on the map provided. However, our remote analysis suggests that the forested area on this property provides habitat for Forest Interior Dwelling Birds. Many species of forest interior breeding birds are declining in Maryland. This group of bird species requires large, contiguous blocks of forest to successfully breed. Most FIDS are neotropical migrants; these long distance migratory birds breed in North America and winter in Central and South America. The declines in FIDS have been attributed largely to the loss and fragmentation of forests in the eastern United States due to urbanization, agriculture and some forest management practices. Tropical deforestation on the wintering grounds also is an important factor. The key to maintaining suitable breeding habitat for FIDS, and halting or reversing their declines, is the protection of extensive, unbroken forested areas throughout the region. Riparian forests are particularly important habitat for several FIDS that breed on the Coastal Plain. Interested landowners can contact us for further voluntary guidelines to help conserve this important habitat.

For the Bel Pre site, the Wildlife and Heritage Service has determined that there is a record

. We would encourage the applicant to avoid adverse impacts to these existing native species and their habitat during the proposed work.

Page 2

Please be sure to let us know if the limits of proposed disturbance or overall site boundaries change and we will provide you with an updated evaluation. Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at <u>lori.byrne@maryland.gov</u> or at (410) 260-8573.

Sincerely,

Louia. Bym

Lori A. Byrne, Environmental Review Coordinator Wildlife and Heritage Service MD Dept. of Natural Resources

ER# 2023.1024.mo

Anacostia River Watershed Restoration Project Montgomery County, Maryland.

Continuing Authorities Program Section 206 Aquatic Ecosystem Restoration Feasibility Study

Maryland Historical Trust (MHT) Coordination and Tribal Consultation



**Planning Division** 

April 5, 2023

Ms. Elizabeth Hughes State Historic Preservation Officer Maryland Historical Trust 100 Community Place Crownsville, Maryland 21032-2023

## SUBJECT: Anacostia River Watershed Restoration Project - Montgomery County, Maryland. Continuing Authorities Program Section 206 Aquatic Ecosystem Restoration Feasibility Study

Dear Ms. Hughes:

The purpose of this letter is to initiate consultation with your office under Section 106 of the National Historic Preservation Act regarding the Anacostia Watershed Restoration Study in Montgomery County, Maryland. The U.S. Army Corps of Engineers (USACE) has initiated an aquatic ecosystem restoration feasibility study of several tributary streams of the Anacostia River: Bel Pre (3.1 miles),Lamberton (1 mile), and Upper Sligo (0.7 miles) (see attached figure). The study is a partnership between USACE and the Montgomery County Department of Environmental Protection (MCDEP), the non-Federal sponsor for the study. The streams lie in lands owned by the Maryland-National Capital Park and Planning Commission (MNCPPC) and they are participating in the study. The streams being investigated receive drainage from some of the county's most highly urbanized watersheds where eroded streambanks and unstable stream channel conditions are common. Opportunities for stream restoration, wetland restoration, and increasing stream-floodplain interaction will be sought and evaluated through the feasibility study.

The project's area of potential effect (APE) may be defined as the area of direct impacts and the areas within which the undertaking may directly or indirectly cause alterations to the character or use of historic properties, including visual effects. Impacts may come in the form of excavation, temporary access roads and staging areas, as well as minor tree removal.

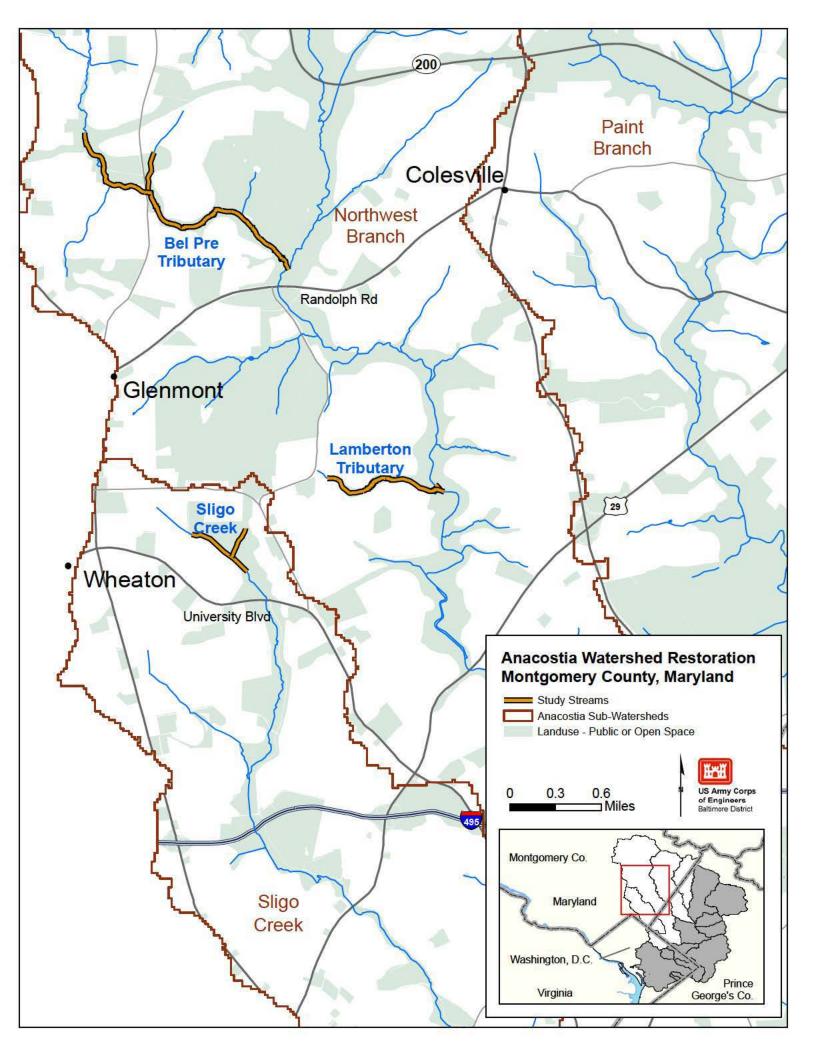
USACE looks forward to receiving your response to this request for consultation within thirty (30) days of your receipt of this letter. Should we become aware, from any source, that historic properties are located in the project area we will notify your office immediately. Questions or comments regarding this project should be directed to Mr. Chris Johnson at (410) 962-2926 or email at <u>Christopher.a.johnson@usace.army.mil.</u> Thank you for your assistance with this project.

Sincerely,

Jumh

Daniel M. Bierly Chief, Civil Project Development Branch Planning Division

Enclosure: Study Area Map





DEPARTMENT OF THE ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT 2 HOPKINS PLAZA BALTIMORE, MARYLAND 21201-2930



April 5, 2023

Planning Division

Ms. Elizabeth Hughes State Historic Preservation Officer Maryland Historical Trust 100 Community Place Crownsville, Maryland 21032-2023

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> The Maryland Historical Trust has determined that there are no historic properties affected by this undertaking.

Date



USACE looks forward to receiving your response to this request for consultation within thirty (30) days of your receipt of this letter. Should we become aware, from any source, that historic properties are located in the project area we will notify your office immediately. Questions or comments regarding this project should be directed to Mr. Chris Johnson at (410) 962-2926 or email at <u>Christopher.a.johnson@usace.army.mil.</u> Thank you for your assistance with this project.

Sincerely,

Daniel M. Bierly Chief, Civil Project Development Branch Planning Division

Enclosure: Study Area Map



DEPARTMENT OF THE ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT 2 HOPKINS PLAZA BALTIMORE, MD 21201

April 5, 2023

Katelyn Lucas Historic Preservation Assistant Delaware Nation P.O. Box 825 31064 State Highway 281 Anadarko, Oklahoma 73005 klucas@delawarenation-nsn.gov

Dear Ms. Lucas:

Recognizing our Tribal Trust responsibility and your Government-to-Government consultation rights, I am writing to initiate consultation with your office for a new proposed undertaking in Montgomery County, Maryland. The U.S. Army Corps of Engineers (USACE) has initiated an aquatic ecosystem restoration feasibility study of several tributary streams of the Anacostia River: Bel Pre (3.1 miles), Lamberton (1 mile), and Upper Sligo (0.7 miles) (see attached figure). The study is a partnership between USACE and the Montgomery County Department of Environmental Protection (MCDEP), the non-Federal sponsor for the study. The streams lie in lands owned by the Maryland-National Capital Park and Planning Commission (MNCPPC), and they are participating in the study. The streams being investigated receive drainage from some of the county's most highly urbanized watersheds where eroded streambanks and unstable stream channel conditions are common. Opportunities for stream restoration, wetland restoration, and increasing stream-floodplain interaction will be sought and evaluated through the feasibility study.

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Please let us know if you are interested in consulting on this project on a Government-to-Government basis, and the extent to which you wish to participate. We will provide a USACE representative at any consultation meetings, and we will fully consider any information you wish to provide.

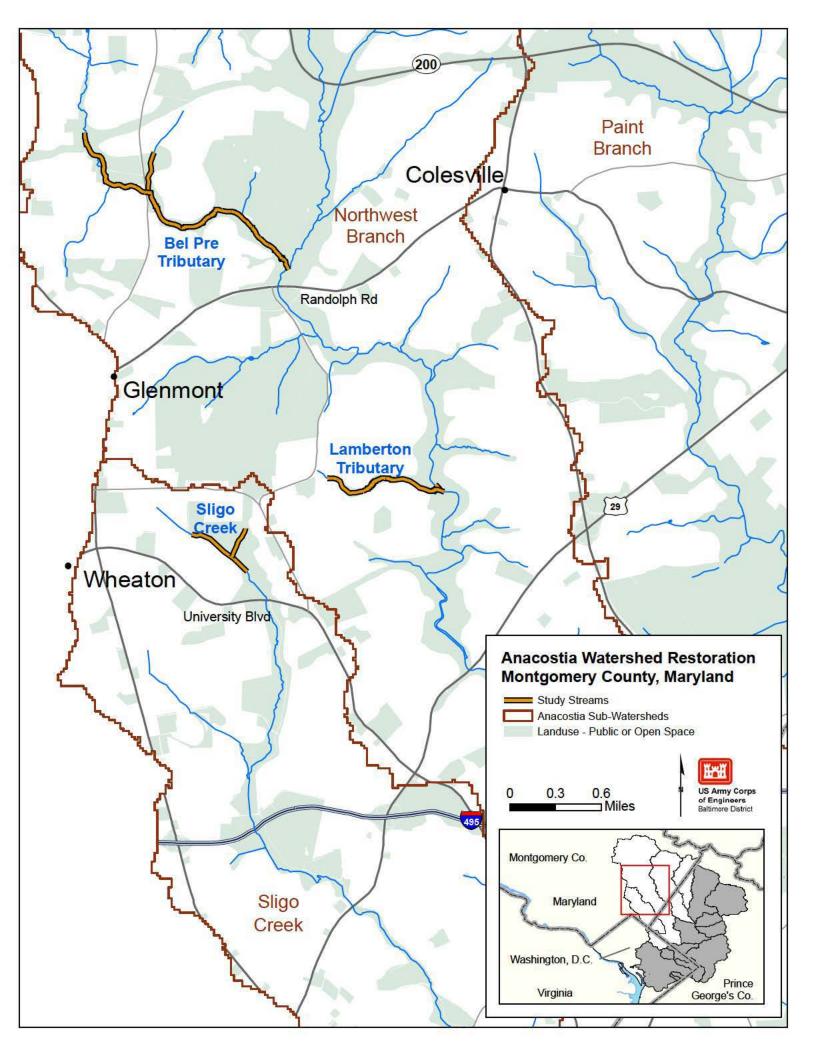
Thank you for your assistance with this project. We ask that your office review the enclosed information and assist us in identifying and assessing the project's effects on historic properties. If you have any questions about the project, please contact Chris Johnson at (410) 962-2926 or <u>Christopher.a.johnson@usace.army.mil</u>.

Sincerely,

upph

Daniel M. Bierly, P.E. Chief, Civil Project Development Branch Planning Division

Enclosure: Study Area Map





DEPARTMENT OF THE ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT 2 HOPKINS PLAZA BALTIMORE, MD 21201

April 5, 2023

Ms. Susan Bachor Deputy Director, THPO Delaware Tribe of Indians 126 University Circle Stroud Hall, Room 437 East Stroudsburg, PA 18301 sbachor@delawaretribe.org

Dear Ms. Bachor:

Recognizing our Tribal Trust responsibility and your Government-to-Government consultation rights, I am writing to initiate consultation with your office for a new proposed undertaking in Montgomery County, Maryland. The U.S. Army Corps of Engineers (USACE) has initiated an aquatic ecosystem restoration feasibility study of several tributary streams of the Anacostia River: Bel Pre (3.1 miles), Lamberton (1 mile), and Upper Sligo (0.7 miles) (see attached figure). The study is a partnership between USACE and the Montgomery County Department of Environmental Protection (MCDEP), the non-Federal sponsor for the study. The streams lie in lands owned by the Maryland-National Capital Park and Planning Commission (MNCPPC), and they are participating in the study. The streams being investigated receive drainage from some of the county's most highly urbanized watersheds where eroded streambanks and unstable stream channel conditions are common. Opportunities for stream restoration, wetland restoration, and increasing stream-floodplain interaction will be sought and evaluated through the feasibility study.

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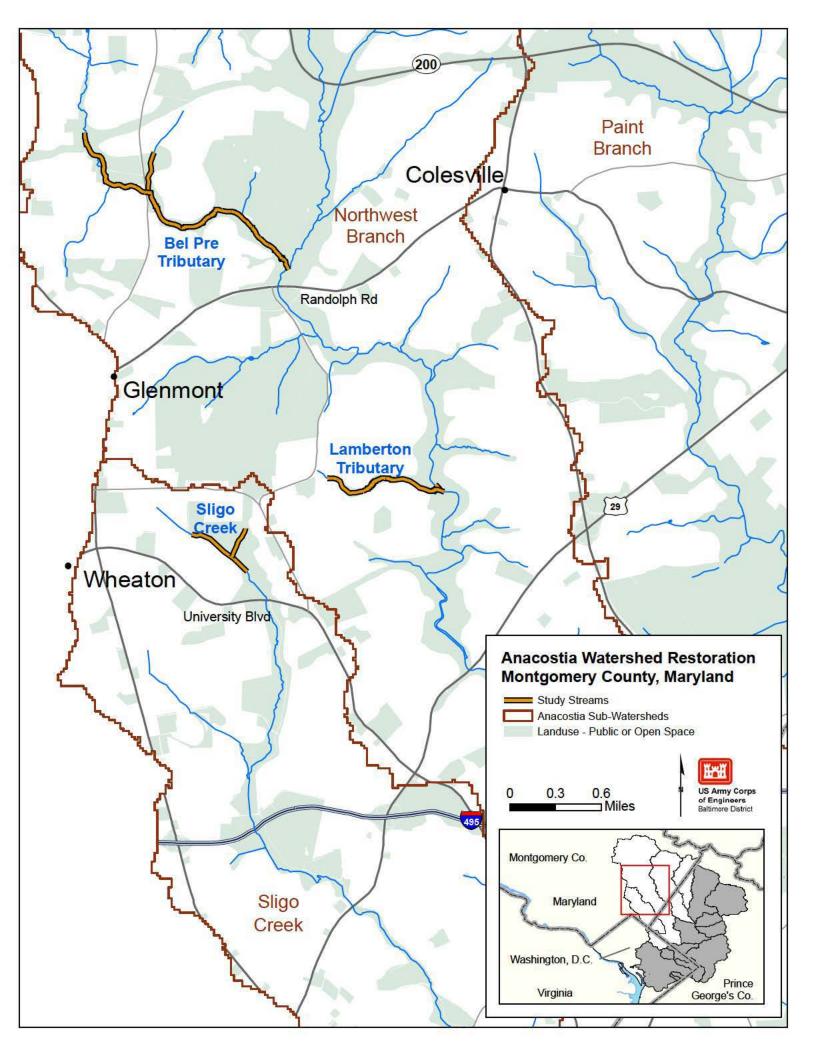
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Sincerely,

upph

Daniel M. Bierly, P.E. Chief, Civil Project Development Branch Planning Division

Enclosure: Study Area Map





April 5, 2023

Paul Barton Tribal Historic Preservation Officer Eastern Shawnee Tribe of Oklahoma 70500 E. 128 Road Wyandotte, OK 74370 pbarton@estoo.net

Dear Mr. Barton:

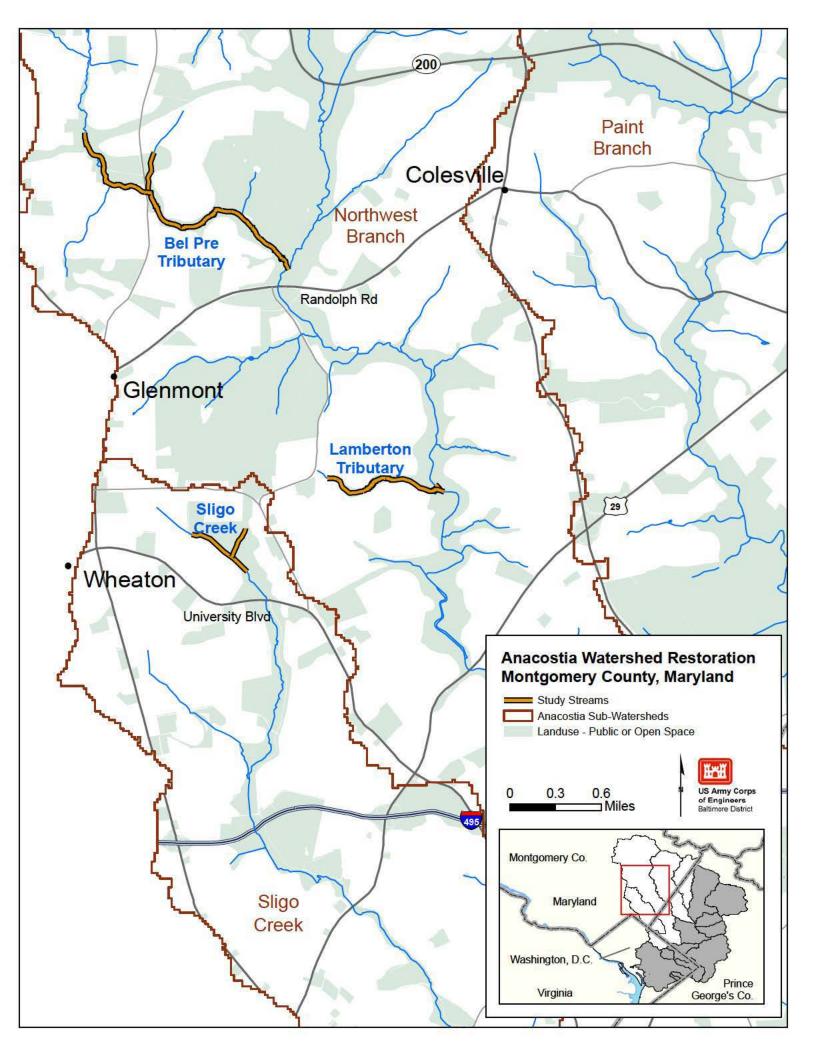
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Sincerely,

upph

Daniel M. Bierly, P.E. Chief, Civil Project Development Branch Planning Division





April 5, 2023

Shaleigh R. Howells Cultural Resource Director and Museum Director Pamunkey Tribe 1054 Pocahontas Trail King William, VA 23086 Shaleigh.howells@pamunkey.org

Dear Ms. Howells:

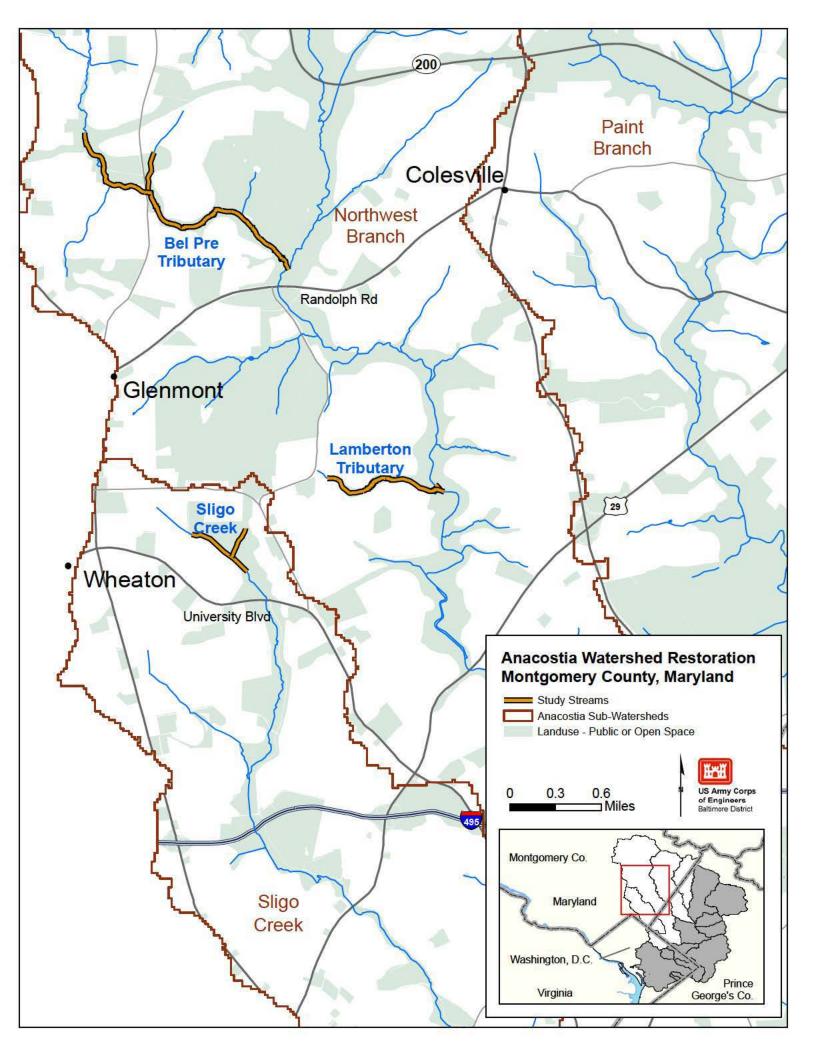
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Sincerely,

upph

Daniel M. Bierly, P.E. Chief, Civil Project Development Branch Planning Division





William Tarrant Tribal Historic Preservation Officer Seneca-Cayuga Tribe P.O. Box 45322 Grove, Oklahoma 74345 wtarrant@sctribe.org April 5, 2023

## Dear Mr. Tarrant:

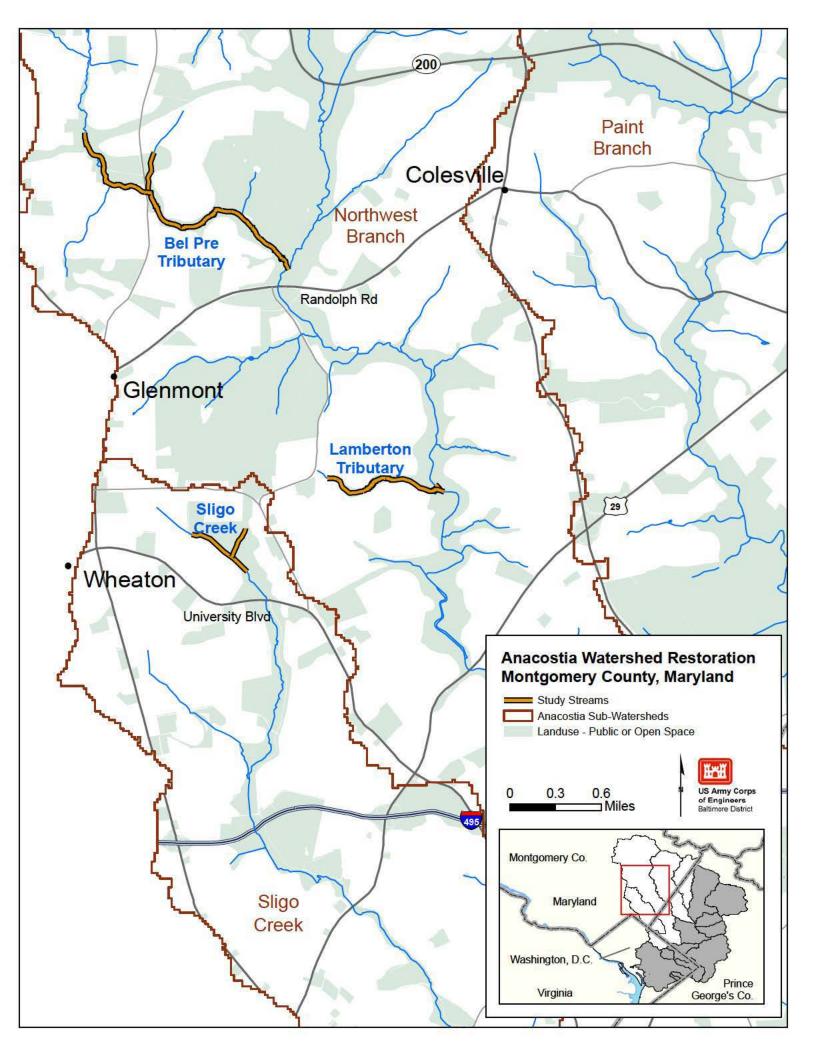
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Sincerely,

upph

Daniel M. Bierly, P.E. Chief, Civil Project Development Branch Planning Division





April 5, 2023

Dr. Jeffrey C. Bendremer Tribal Historic Preservation Officer Stockbridge-Munsee Community 86 Spring Street Williamstown, MA 01267 jeff.bendremer@mohican-nsn.gov

Dear Dr. Bendremer:

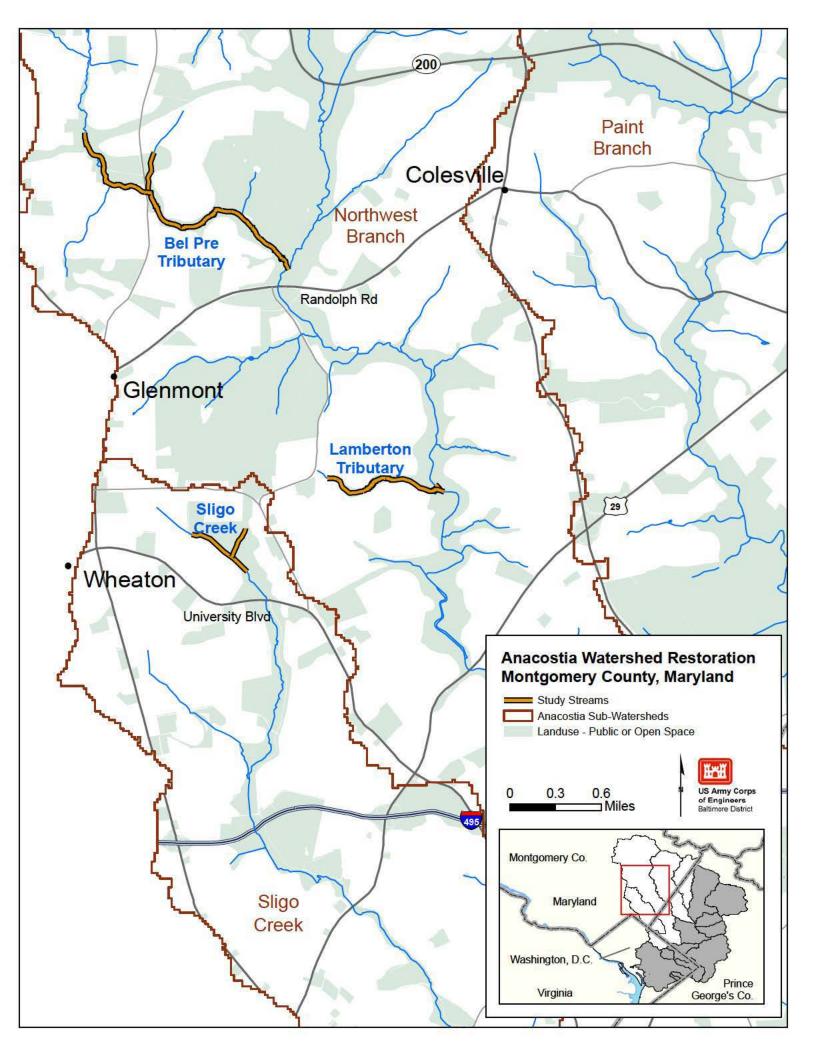
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Sincerely,

upph

Daniel M. Bierly, P.E. Chief, Civil Project Development Branch Planning Division





Bryan Printup Tuscarora Nation Tuscarora Community Center 5226 Walmore Road Lewiston, New York 14092 bprintup@hetf.org April 5, 2023

## Dear Mr. Printup:

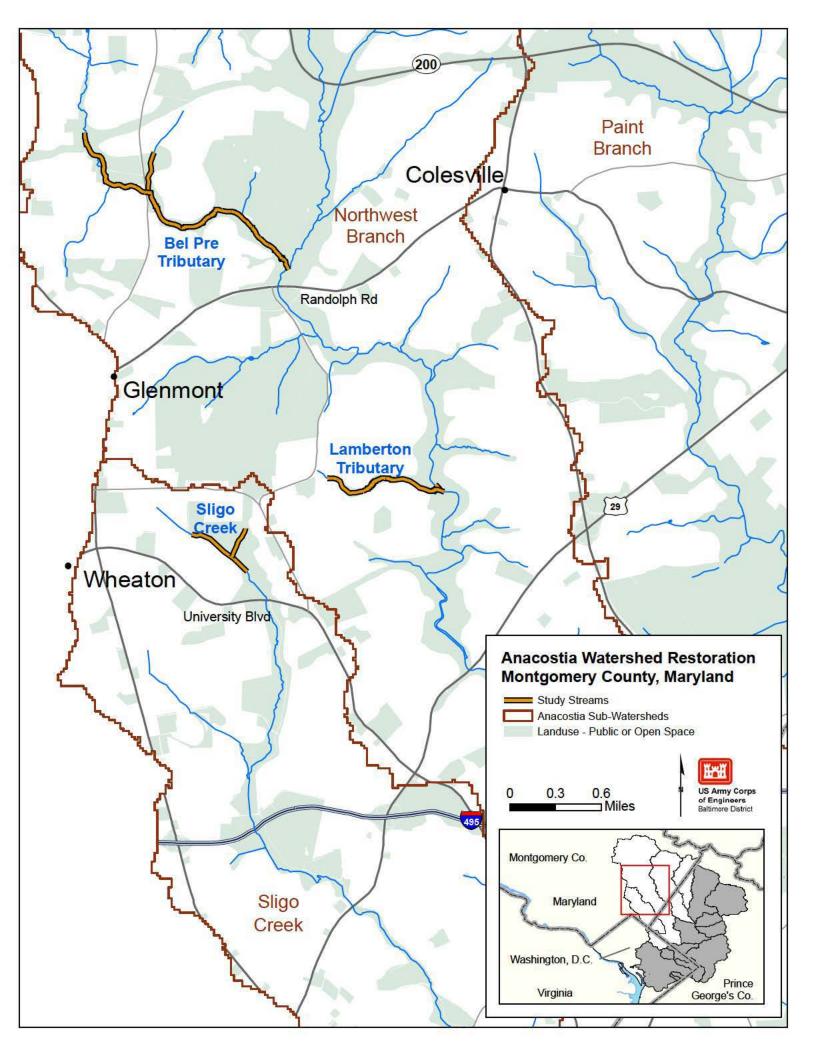
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Sincerely,

upph

Daniel M. Bierly, P.E. Chief, Civil Project Development Branch Planning Division





IN REPLY REFER TO: NCPC FILE No. 8475

July 24, 2023

Mr. Daniel M. Bierly Department of the Army Corps of Engineers, Baltimore District 2 Hopkins Plaza Baltimore, Maryland 21201-2930

Re: Anacostia River Watershed Restoration Project - Montgomery County, Maryland Continuing Authorities Program Section 206 Aquatic Ecosystem Restoration Feasibility **Study Scoping Comments** 

Dear Mr. Bierly:

National Capital Planning Commission (NCPC) staff appreciate the opportunity to provide scoping comments as part of the United States Army Corps of Engineers (USACE) study to improve parts of three Anacostia River tributaries in Montgomery County, Maryland. Please note that NCPC has approval authority over all projects on Maryland-National Capital Park & Planning Commission (M-NCPPC) land acquired under the 1930 Capper-Cramton Act (CCA). Although the exact locations are not clear, it is likely that some projects will be located on Capper Cramton land. As such, we request to participate as a Cooperating Agency to satisfy the Commission's independent National Environmental Policy Act (NEPA) responsibilities resulting from NCPC's approval authority. Further, we request to be a Consulting Party pursuant to Section 106 of the National Historic Preservation Act (NHPA).

### National Capital Planning Commission Policies

Proposed stream improvements would be generally consistent with a number of planning policies set forth in the Parks & Open Space Element of the Comprehensive Plan for the National Capital, including those that relate to stream valley parks; character and setting of Capper-Cramton parks; and environmentally sensitive areas. For additional information related to our study area review interest, please consult the NCPC Capper-Cramton Act Resource Guide (www.ncpc.gov/review/guides/) and Parks & Open Space Element of the Comprehensive Plan (www.ncpc.gov/plans/compplan/).

NCPC's tree preservation and replacement policies are outlined in the Federal Environment Element (FE.G.1-FE.G.12) of the *Comprehensive Plan*. These policies encourage early planning to avoid any tree removal all together, tree protection, and prescribe replacement ratios based on tree size, health, and species should any removal be required. Other notable NCPC policies that may apply to future stream work include:

- FE.E.5 Design vegetated buffer strips around wetlands and waterbodies to capture and clean stormwater runoff. Encourage restoration of streams and stream banks that have been negatively impacted by runoff; and
- FE.H.3 Consider the impacts, including cumulative impacts, of environmental changes on wildlife habitats and the biodiversity of an ecosystem. Consideration should extend to non-protected areas, as well as areas protected by designations such as parks and wetlands.

# Environmental Assessment Impact Topics

We recommend the following impact topic areas be considered for analysis (short- and long-term) in the proposed Environmental Assessment (EA):

- Total impervious surface area changes;
- Stormwater runoff volumes;
- 100 and 500-year floodplain impacts;
- Recreational facilities;
- Noise impacts;
- Wildlife impacts / Threatened or endangered species;
- Historic and archaeological preservation;
- Geology and topography;
- Visual and aesthetic resources; and
- Vegetation, tree canopy area, and number of on-site trees impacted.

# Project Review Process

As the agency that controls the study area property, M-NCPPC should submit all future stream restoration projects to NCPC for review and approval pursuant to the Capper-Cramton Act. The EA should reference NCPC's review jurisdiction over the study area and the requirement for Commission approval prior to any improvement-related work. NCPC would review all future projects as two separate actions (preliminary and final) when plans are at a sufficient level of detail. Please consult our agency website at <u>www.ncpc.gov/review/guidelines</u> for additional information about our submission guidelines and review process.

We appreciate the opportunity to provide these staff comments and look forward to participating in the EA process and future project submissions. If you have any questions, please contact Michael Weil at 202-482-7253 or <u>michael.weil@ncpc.gov</u>.

Sincerely,

FOR Diane Sullivan, Director Urban Design and Plan Review Division