

Federal Highway Administration Maryland Division Office

**MD 210 MULTI-MODAL STUDY
FINAL ENVIRONMENTAL IMPACT STATEMENT
AND SECTION 4(f) EVALUATION
PRINCE GEORGES COUNTY, MARYLAND**

RECORD OF DECISION

A. DECISION

1. Project Background

The MD 210 (Indian Head Highway) project area extends from I-95/495 (Capital Beltway) to MD 228. Although they are within the study area, the Oxon Hill Road and MD 228 intersections have been evaluated under separate projects.

MD 210 serves as a major route connecting I-95/I-495 (the Capital Beltway), the District of Columbia, and Virginia with southern Prince George's County and Charles County. To avoid traffic congestion along MD 210 and its intersections, some commuters divert to county roadways that parallel and/or cross MD 210, resulting in congestion on the side roads. These two-lane roads were intended to handle local traffic only; not the high volumes of through traffic that are being diverted from MD 210.

The purpose of this multi-modal study is to address safety and the increasingly severe and frequent traffic congestion along this 10-mile segment of MD 210 in an environmentally sensitive manner, while promoting aesthetic quality, community cohesiveness, multi-modal accessibility, and pedestrian/bicycle mobility.

MD 210 is a six-lane divided arterial highway with partial control of access. The northbound and southbound roadways are separated by a paved and/or grass median, which includes a concrete barrier in some areas. Paved shoulders with open grading and guardrail exist generally along the outside of the roadways. Access to and from MD 210 is mainly provided at signalized intersections, with some non-signalized access points in between. Within the project area, MD 210 is paralleled intermittently on one or both sides by two-lane, two-way service roads. The discontinuity of these service roads prevents them from enhancing through roadway capacity or improving the operation of MD 210 or its intersections.

2. Selected Alternative 5A Modified Description

The Selected Alternative, Alternative 5A Modified, provides six interchanges from Kerby Hill Road to Old Fort Road South, while maintaining the existing three through lanes in each direction (plus auxiliary lanes at the interchanges) with no High Occupancy Vehicle (HOV) lanes. However, the median would be widened to provide the Alternative 5C (concurrent HOV) footprint in the vicinity of the interchange so as to not preclude additional improvements in the future. Bridge abutments for the side road overpasses would be set consistent with the

Alternative 5C footprint, but the mainline lanes would generally coincide with the existing roadway pavement, as feasible, between the interchanges. Where needed, the right-of-way would be preserved through the development review process for the potential additional lanes or other improvements in each direction throughout.

Interchanges would be constructed to include designated bike lanes on all overpassing roadways and sidewalks. Bike travel along MD 210 would be accommodated under the alternative in the same manner as with current conditions. Bike travel will not be prohibited on the MD 210 shoulders, but through various county projects and public information campaigns, north-south bike travel will be encouraged on parallel county facilities, such as Oxon Hill Road and Livingston Road.

See the FEIS/Section 4(f) Evaluation Section II for plans of the Selected Alternative, Alternative 5A Modified.

The intersection improvements included with Alternative 5A Modified are discussed below.

a. Wilson Bridge Drive Option A

Wilson Bridge Drive Option A consists of an at-grade intersection with closure of the median opening and removal of the traffic signal, allowing right-in/right-out movements only. No widening of MD 210 is proposed in the vicinity of the intersection, but improvements to the internal roadway network for the Brookside Condominiums and Wilson Towers Apartments are included to provide the full range of access to MD 210 at the Kerby Hill interchange.

b. Kerby Hill Road Option C

Kerby Hill Road Option C consists of a grade-separation with interchange ramps in the northeast and southwest quadrants of Kerby Hill Road. On the west side of MD 210, the southbound exit ramp from MD 210 ties in to Kerby Hill Road opposite a two-way service road serving the Brookside Park Condominium and Wilson Towers Apartment communities. A ramp to MD 210 southbound from existing Kerby Hill Road uses the existing access road alignment adjacent to the existing service station. East of MD 210, a loop ramp from northbound MD 210 to relocated Kerby Hill Road and a ramp to MD 210 northbound from relocated Kerby Hill Road are proposed. Relocated Kerby Hill Road will consist of two lanes in each direction through the interchange area, and is realigned to the north side of the existing roadway on the west side of MD 210 for improved geometrics and maintenance of traffic.

c. Palmer/Livingston Road Option E

Palmer/Livingston Road Option E consists of a half-diamond interchange on the east side of MD 210, with single-lane ramps in the northeast and southeast quadrants. In the southwest quadrant, a two-lane ramp from MD 210 southbound to Palmer/Livingston Road and a single lane ramp from Palmer/Livingston Road to MD 210 southbound are proposed. The proposed Palmer/Livingston roadway alignment is skewed sharply in relation to MD 210 in order to tie the vertical grade into existing Livingston Road on the west side of MD 210 with as few business displacements as possible. The northwest quadrant contains a proposed access road with

retaining walls for the existing businesses along Palmer/Livingston Road. The existing trail along Henson Creek will be reconstructed as necessary to accommodate the widened MD 210 bridge over the trail and Henson Creek, and a new trail connecting the access road to the existing Henson Creek trail will be constructed.

d. Old Fort Road North Option C

Old Fort Road North Option C consists of a diamond interchange at Old Fort Road North. Old Fort Road North will be realigned to the south of the existing intersection and will be comprised of two lanes in each direction crossing over MD 210. The existing service road in the northeast quadrant would be closed with traffic being diverted east to the Broadview Road intersection.

e. Fort Washington Road Option D

Fort Washington Road Option D consists of a $\frac{3}{4}$ diamond interchange with a relocated Fort Washington Road flyover north of the existing Tantallon Shopping Center. The existing access road east of MD 210 will flyover MD 210 and tie into existing Fort Washington Road west of MD 210 at the existing Livingston Road intersection. The existing Fort Washington Road then becomes a right in/right out only intersection at MD 210. Relocated Fort Washington Road will have one lane in each direction with left turn lanes at intersections.

f. Swan Creek Road Option G

Swan Creek Road Option G is a variation of Option F, developed at the request of the Corps to minimize impacts to wetlands in the southwest intersection quadrant. Option G consists of a configuration to restore the continuity of Livingston Road across MD 210 via an overpass. Redundant exit ramps are proposed from northbound MD 210 to Livingston Road to maximize visibility and accessibility to the Old Forte Village Shopping Center and Fort Washington Hospital. Northbound Livingston road will remain connected to the existing parallel service road on the east side of MD 210. Exits will also be redundant off of southbound MD 210, with a new ramp to intersect Livingston Road in front of the Fort Washington Hospital and the retention of the existing right turn onto Swan Creek Road at the existing intersection location. A new road behind the Old Forte Village Shopping Center is included with the Selected Alternative to connect Swan Creek Road to Livingston Road on the west side of MD 210.

g. Old Fort Road South Option C

Old Fort Road South Option C consists of a standard diamond interchange with Old Fort Road South over MD 210. This interchange is the southernmost of the grade-separated interchanges proposed with the Selected Alternative. Old Fort Road South will consist of two lanes in each direction in the interchange area. Since a service road is being eliminated by the ramp onto southbound MD 210, a new access road is proposed to serve residences in the southwest quadrant of the interchange.

h. Farmington Road Option A

Farmington Road Option A includes minor improvements to widen the eastbound and westbound approaches of the at-grade intersection. The westbound approach will be widened by one

additional lane to provide a deceleration lane for the ramp spur connecting to northbound MD 210 and separated through and left turn lanes at the MD 210 intersection. The eastbound approach will be widened by one additional lane to allow an exclusive right turn lane onto southbound MD 210.

i. MD 373 Option A

MD 373 Option A includes lengthening the acceleration/deceleration lanes on the MD 210 approaches to the intersection. The westbound MD 373 approach to MD 210 will be widened by one lane to provide a double left turn, a single thru and a right turn lane. The eastbound approach will remain with a single left turn and thru/right turn lane. MD 210 resurfacing is proposed throughout the intersection area.

B. ALTERNATIVES CONSIDERED

The following alternatives and options were evaluated in the Draft and Final Environmental Impact Statements for the MD 210 Multi-Modal Study. A detailed description of the alternatives considered is presented in Section II of the FEIS/Section 4(f) Evaluation and a summary table of impacts for these alternatives is included in Table S-1 of the FEIS/Section 4(f) Evaluation.

1. No-Build Alternative (Not Selected)

This alternative included routine maintenance, minor construction projects and developer-based improvements associated with new developments. These minor improvements would not measurably affect roadway capacity or safety. The No-Build Alternative was not selected because it did not adequately address the purpose and need of the project.

2. Alternative 5A: No High Occupancy Vehicle (HOV) Lanes (Not Selected)

Alternative 5A included no HOV lanes on MD 210 (or side roads) and no widening of MD 210 other than that necessary in the immediate vicinity of an intersection location to support a given intersection improvement option (e.g., acceleration lanes, turn lanes, etc.). There would be no improvement to the MD 210 connection to or from I-295. This alternative would reduce traffic congestion but would not promote any widespread transit operations improvements or incentives for ride sharing. Two sets of intersection capacity improvement options were considered with Alternative 5A. The capacity options were as follows:

a. Capacity Option 1 (Not Selected)

Capacity Option 1 included the least number of interchanges considered reasonable for the nine major signalized intersections in the study area. Interchanges would only be provided at the Kerby Hill/Livingston Road and Livingston Road/Palmer Road intersections. The remaining intersections would be expanded while maintaining the existing traffic signals. Under this option, a 4th through lane in each direction would be included on MD 210, from Old Fort Road North to Old Fort Road South. With this 4th through lane and additional side road turn lanes these intersections were predicted to operate at 5% to 30% over capacity. The intersections to the north would be a greater percentage over capacity than those to the south. While these

intersections were predicted to operate over capacity, the proposed improvements were much less impactful to the socio-economic and natural environment and less costly. The existing MD 210 median openings would be closed at Wilson Bridge Drive and all unsignalized existing median break locations, leaving each of these locations right-turn in, right-turn out access only. Capacity Option 1, which included improved at-grade intersections at all locations south from Palmer/Livingston Road to MD 373, was not selected because failing intersection operations would occur in the design year at four locations, and there was general support from the public for access control (i.e., interchanges) at those four locations (Old Fort Road North, Fort Washington Road, and Old Fort Road South).

As shown on Table S-1 of the FEIS/Section 4(f) Evaluation, Capacity Option 1 would have resulted in approximately 40% fewer residential and business displacements, 50% less right-of-way impact and 60% - 70% lower impacts to wetlands, Waters of the U.S. and woodlands, as compared to Capacity Option 2 and is therefore the environmentally preferred option for intersection improvement. Capacity Option 1 was not selected because six project area intersections would remain 5% to 30% over capacity for the design year; subsequently, it did not meet the purpose and need for the project. In addition, Capacity Option 1 was the less favored of the two intersection improvement options by the public.

b. Capacity Option 2 (Selected as Part of Alternative 5A Modified)

Capacity Option 2 included the application of grade-separated interchanges considered necessary to achieve Level of Service (LOS) D or better during the peak periods for the nine major signalized intersections in the study area. Interchanges were proposed at the Kerby Hill Road/Livingston Road, Livingston Road/Palmer Road, Old Fort Road North, Fort Washington Road, Swan Creek Road/Livingston Road and Old Fort Road South locations. These interchanges were expected to operate at LOS D or better for the weaves on and off MD 210 as well as the intersections proposed where the ramps tie into the side roads. Most of the ramp tie-in intersection locations would warrant traffic signals and would operate at LOS C or better during the peak period. The remaining intersections would be expanded with the existing traffic signals to remain. The existing MD 210 median openings would be closed at Wilson Bridge Drive and all unsignalized existing median break locations, leaving each of these locations right-turn in, right-turn out access only.

3. Alternative 5B (Not Selected)

Alternative 5B consisted of widening MD 210 to provide a two-lane, reversible, barrier-separated HOV facility in the median of MD 210 for the portion of study area from the Capital Beltway to south of Swan Creek Road. South of Swan Creek Road, the barrier-separated HOV lanes would have transitioned to concurrent flow HOV lanes (i.e., one HOV lane in each direction) for the remaining portion of the study area down to MD 228. The reversible section of the HOV lanes was to operate northbound for morning peak traffic conditions and southbound for evening peak conditions. Additional study would have been conducted to determine how the HOV lanes were to operate, if at all, during off-peak periods.

Alternative 5B was also developed with Capacity Option 1 and Capacity Option 2, as described above for Alternative 5A.

Alternative 5B was not selected primarily because of strenuous opposition voiced by the public to HOV lanes. The residents within communities along MD 210 in the study area believed that their communities would be adversely impacted, both in terms of direct impact by roadway construction and accelerated development in southern Prince George's and Charles counties. The message conveyed by these citizens was that they were being asked to bear the burden of increased sprawl-type development to the south and improve others' commute times at their expense. In addition, this alternative was approximately 20% higher in cost than Alternative 5A Modified (Refer to DEIS/Section 4(f) Evaluation, page S-7 for Alternative 5B cost) and provided more roadway capacity than would be needed for the design year traffic (See Table II-2, DEIS/Section 4(f) Evaluation, page II-39).

4. Alternative 5C (Not Selected)

Alternative 5C consisted of the widening of MD 210 to provide an additional lane in each direction designated as a concurrent flow HOV lane for the entire length of the project. Special striping to create an approximate four-foot wide separation between the new HOV lane and the existing three general-use lanes was to be included.

Alternative 5C was also developed with Capacity Option 1 and Capacity Option 2, as described above for Alternative 5A.

Alternative 5C was also not selected because of the strong public opposition to HOV lanes. In addition, this alternative was approximately 15% higher in cost (Refer to DEIS/Section 4(f) Evaluation, page S-7 for Alternative 5C cost) than Alternative 5A Modified. This alternative also provided more roadway capacity than would be needed for the design year traffic (See Table II-2, DEIS/Section 4(f) Evaluation, page II-39).

5. Alternative 5A Modified (Selected)

Following the Combined Location/Design Public Hearing, further studies were conducted to refine both the mainline alternatives and intersection improvements options. The considerable public opposition to the widening of MD 210 to provide HOV lanes was balanced against travel demand forecasting data indicating that HOV lanes on MD 210 would be heavily utilized due to the substantial long distance commuter orientation in the corridor, expanding transit service plans (particularly commuter bus) and high vehicle occupancy rates.

In consideration of all comments received, SHA developed a modified alternative, Alternative 5A Modified. This modified alternative was only developed with Capacity Option 2 due to the level of support the interchanges received from the public and the fact that Capacity Option 1 would not provide acceptable levels of service. Alternative 5A Modified will provide six interchanges from Kerby Hill Road to Old Fort Road South, while maintaining the existing three through lanes in each direction (plus auxiliary lanes at the interchanges) with no HOV lanes. However, the median will be widened to provide the Alternative 5C (concurrent HOV) footprint in the vicinity of the interchanges so as to not preclude additional improvements in the future. Bridge abutments for the side road overpasses would be set consistent with the Alternative 5C footprint, but the mainline lanes would generally coincide with the existing roadway pavement, as feasible, between the interchanges. Where needed, the right-of-way would be preserved

through the development review process for the potential additional lane or other improvements in each direction throughout.

The primary difference between Alternative 5A Modified and Alternative 5A is approximately 24 feet of additional span length included with the six MD 210 overpasses at the proposed interchange locations. Alternative 5A Modified also differs from Alternative 5A as a result of several minor design refinements that were developed for Alternative 5A Modified subsequent to the Location/Design Public Hearing to minimize environmental impacts or address community concerns, accessibility issues and operational concerns. Alternative 5A Modified was selected because it best meets the project purpose and need.

C. SECTION 4(f)

1. Impacts to Section 4(f) Resources

The Selected Alternative would impact one Section 4(f) resource, the Henson Creek Stream Valley Park. The FHWA has determined that the FEIS/Section 4(f) Evaluation adequately discusses environmental impacts and demonstrates that there is no feasible and prudent alternative that would avoid or minimize the impact to the Section 4(f) property. A detailed evaluation of the environmental impacts of the MD 210 Multi-Modal Study was presented in Chapter V of the FEIS/Section 4(f) Evaluation.

Henson Creek Stream Valley Park is located in the northern portion of the study area and is traversed by MD 210 just north of the Palmer Road/Livingston Road intersection. Henson Creek Stream Valley Park is a publicly owned public park under the jurisdiction of the Maryland-National Capital Park and Planning Commission (M-NCPPC) and is comprised of multiple parcels of land totaling 888 acres according to the Subregion VII Master Plan. The section of park in the vicinity of MD 210 is undeveloped except for the Henson Creek Trail. The Henson Creek Trail is a paved trail that provides a scenic recreational route through Henson Creek Stream Valley Park for hiking, biking, jogging, horseback riding, and in-line skating. Program Open Space (POS) funds were utilized in the purchase of several of the parcels and construction of Henson Creek Trail. Any conversion of land acquired or developed under a State grant from Program Open Space requires approval of the Secretary of the Department of Natural Resources, the Secretary of the Department of Budget and Fiscal Planning and the Director of the Department of Planning, and requires replacement with land of at least equivalent area and of equal recreation or open space value.

In 1988, with the coordination of the Maryland Department of Resources (DNR) and the Maryland Department of Planning (MDP), the SHA established a 13.65 acre land bank with the M-NCPPC against which future Program Open Space acquisitions by the SHA can be credited. The land is currently used by M-NCPPC for the Glenn Dale Community Center. SHA will coordinate with M-NCPPC in final design to ascertain the amount of acreage to subtract from the bank that will be equal to or greater than the appraised monetary value of the land impacted at Henson Creek Stream Valley Park.

Construction of Alternative 5A Modified would require the acquisition of 0.2 acre of undeveloped wooded land from within the park boundary of Henson Creek Stream Valley Park, east of MD 210. Right-of-way would be required from the park to accommodate the proposed MD 210/Palmer Road northeast quadrant interchange ramp supporting slopes. A 450 linear foot (LF) portion of existing Henson Creek Trail, currently used by hikers, bikers, skaters and horseback riders, would be reconstructed. Impacts to the trail would be contained to the trail portion that is within existing SHA right-of-way; no temporary use of the park would be required. A new Henson Creek Trail connection would be constructed in the northeast and northwest interchange quadrant for users of the trail to access MD 210 and Palmer/Livingston Road.

Avoidance of the Henson Creek Stream Valley Park was evaluated by proposing a loop ramp (Interchange Option C, D - See FEIS/Section 4(f) Evaluation Figure V-3 for mapping) in the southeast quadrant in lieu of the northeast quadrant diamond ramp proposed under Option E (Selected Option). The avoidance loop ramp option (C or D) is not prudent because it would displace a daycare business (Day Star Nursery) and have an additional right-of-way cost of \$620,000.

Minimization of the impact to Henson Creek Stream Valley Park from 0.2 acre to 0.04 acre by constructing two retaining walls north and south of the proposed bridge, in combination with a 1.5:1 ratio grading slope along the northeast quadrant diamond ramp, was evaluated. However, at a cost of \$596,000, the minimization is not considered prudent.

Coordination and Correspondence Regarding Section 4(f) Resources

Public involvement and agency coordination have been integral parts of the project planning process. All reasonable avoidance and minimization measures have been evaluated in consultation with M-NCPPC representatives. The measures proposed by the SHA to mitigate the permanent use of Henson Creek Stream Valley Park include the following:

- SHA will strive for a minimum of 10 feet vertical clearance between the Palmer/Livingston Road to MD 210 North interchange ramp and the trail.
- The reconstructed trail will be designed in consideration of the following:
 - Considerable amounts of silt have been deposited on the trail under the MD 210 Bridge. SHA will clear the silt during construction. In addition, during detailed design, SHA will investigate the sediment transport ability of the channel and crossing through the channel reach where the bridge is located. The ultimate design will use this analysis to maximize the sediment transport of the crossing.
 - M-NCPPC has requested that the trail be reconstructed above the elevation of the 2-year storm and that the vertical clearance between the MD 210 Bridge and the trail be increased if possible. SHA will investigate increasing the vertical clearance from the existing 8 feet while minimizing the siltation and ensuring proper

drainage. (SHA recognizes that M-NCPPC prefers 12 to 14 feet of clearance with a preferred minimum of 10 feet.)

- The existing Henson Creek trail is 8 feet wide. Reconstructed areas of the trail will be 10 feet wide wherever possible.
- SHA will coordinate with M-NCPPC further regarding the design of the trail during the detailed design stage.
- SHA recognizes that the Henson Creek trail is known to be heavily used. Should trail closures be required during construction, SHA will coordinate with M-NCPPC regarding the possibility of reopening the trail on weekends. In addition, SHA will coordinate with M-NCPPC regarding any necessary trail closures so that M-NCPPC can provide adequate signing or other notification of trail closure schedules.
- Any scuppers currently draining directly onto the trail will be diverted away from the trail.
- Sediment and erosion controls will be implemented prior to construction to minimize sediment runoff into park property and any streams within the vicinity of the park.

The M-NCPPC has concurred with the proposed minimization and mitigation measures as jurisdictional agency official for Henson Creek Stream Valley Park. Coordination will continue between SHA and M-NCPPC as the project progresses through final design and construction.

Based on this evaluation, it has been determined that the Selected Alternative, Alternative 5A Modified, is the only prudent and feasible alternative that minimizes impacts to Section 4(f) property and that the proposed action includes all possible planning to minimize harm.

D. MEASURES TO MINIMIZE HARM

1. Design Considerations

Impacts to socio-economic and natural environmental resources were reduced through adjustments to the horizontal and vertical alignments and the cross section elements at the following locations:

- The alignment of the northbound MD 210 Fort Washington Road interchange exit ramp was shifted closer to MD 210 and retaining walls included with the Selected Alternative design to reduce stream impacts by approximately 1,000 linear feet;
- Option G at Swan Creek Road was selected over Option C, thus reducing project wetland impacts by 2.0 acres; and
- Currently, bus service is provided by the Washington Metropolitan Area Transit Authority (WMATA) in the northern end of the study corridor (i.e., along MD 210 in the

vicinity of Wilson Bridge Drive, Kerby Hill Road and Palmer Road). The Selected Alternative would result in disruption to this service. The proposed interchange ramps would render many of the existing bus stops difficult or unsafe to access either for the buses, the patrons or both. Several of the bus stops along Kerby Hill Road and Palmer Road would remain operational at their current location or with minor relocation. Coordination is on-going between SHA, MTA, WMATA and Prince George's County to develop the exact service plan, the types of vehicles to be used, the service operator and funding sources to mitigate impacts to transit operations in the study area.

2. Terrestrial Vegetation and Wildlife

The associated loss of terrestrial wildlife caused by the MD 210 Multi-Modal Project will be mitigated by the enhancement of wildlife habitat through reforestation in compliance with the reforestation law and wetland mitigation, including the use of vegetation such as mast-producing trees and seed or berry-producing shrubs that have high food value for wildlife or other species that will provide effective cover.

The Maryland Reforestation Law requires that when highway construction using state funds causes the cutting or clearing of forests in the size of one acre or more, replacement is required on an acre-for-acre (1:1) basis and must be accomplished on public land. Mitigation must be completed within one year or two growing seasons after the highway construction has been completed.

3. Surface Water Resources and Aquatic Life

a. Stormwater Management (SWM)

The additional impervious surface from Alternative 5A Modified could affect stream base flows by increasing peak flows and reducing the rate and quantity of infiltration. Stream temperature and quality can be adversely affected by new paved surfaces and decreased shading along disturbed areas. Stormwater management incorporating infiltration can mitigate any temperature effects on the receiving waters. Because the area affected by the Selected Alternative is relatively small compared to the drainage areas, peak flows at the crossings are only minimally affected.

The stormwater management requirements associated with Selected Alternative 5A Modified consist of treating 61.7 acres of new impervious area and 13.3 acres of reconstructed impervious area. The preliminary study has concluded that treatment requirements can be met using 24 proposed stormwater management facilities. The exact type(s) of facilities will be selected during the final design stage following an analysis of Best Management Practices, which could include extended detention ponds, dry swales, bioretention areas, filtration methods and proprietary filtration systems. Approximately 1.51 acres of additional right-of-way outside of existing right-of-way has been proposed.

b. Stream Mitigation (refer to FEIS/Section 4(f) Evaluation Table IV-4 on p. IV-29 for the Summary of Stream Impacts and Section VI.D for Agency Correspondence)

The Selected Alternative would impact 9,140 lf of stream, 3,255 lf of which are ephemeral. At Carey Branch, located south of the Kerby Hill Road intersection, the stream impact is estimated to be 1,205 linear feet. The impacted segment of Carey Branch is characterized by poor channel definition and substantial erosion. The stream has migrated close to the existing edge of MD 210, exposing an underground utility pipe. In addition, an abandoned box culvert remains in the middle of the channel that once accommodated a driveway access to a property on the west side of the stream. As 1:1 in-kind mitigation for this reach of Carey Branch, SHA will remove the box culvert and improve the channel stability (Refer to FEIS/Section 4(f) Evaluation, pages IV-33 and VI-304). A stream mitigation site search was undertaken for the remainder of impacts associated with Selected Alternative 5A Modified. The Potomac Airfield site, located east of MD 210 in the Piscataway Creek watershed, was selected. SHA will restore approximately 2,200 linear feet of Tinkers Creek along the Potomac Airfield as mitigation for stream impacts associated with Alternative 5A Modified.

SHA is proposing out-of-kind mitigation for the remaining unmitigated stream impacts by pursuing the advance acquisition of the 6.5-acre forested wetland and forested upland parcel located at the southwest quadrant of MD 210 and Swan Creek Road. Preservation will be assured through covenants and restrictions.

5. Wetland Mitigation (refer to FEIS/Section 4(f) Evaluation Table IV-6 on p. IV-47 for the Summary of Wetland Impacts)

In accordance with Executive Order 11990, the Selected Alternative has been designed with the intention of avoiding or minimizing harm to wetlands. The Selected Alternative would impact 12 non-tidal wetlands with a total impact of approximately 1.3 acres within the Henson Creek watershed. Federal, state, and local regulations require the mitigation and/or compensation for the unavoidable loss of wetland habitats. A joint federal and state Section 404 Corps of Engineers permit is required for any disturbance to wetlands.

Conceptual wetland mitigation has been coordinated with the U.S. Army Corps of Engineers, Maryland Department of Environment, Natural Resources Conservation Service, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the U.S. Environmental Protection Agency (Refer to FEIS/Section 4(f) Evaluation Section VI. Comments and Coordination.) This coordination will continue through the design phase.

A mitigation site search was conducted and six sites were presented during an interagency field meeting in August 2001. The Parker Farm, located east of MD 210 in the Piscataway Creek watershed, was chosen as the most preferable wetland mitigation site. A majority of the site lies within the floodplain of Piscataway Creek and is used for production of row crops. The Parker Farm mitigation site could be used for approximately seven acres of wetland creation, one acre of wetland restoration, and sixteen acres of wetland preservation. The 2.6 acres of wetland mitigation requirement for the Selected Alternative would be accomplished on the Parker Farm.

The goal of the mitigation project would be to replace the functions of the impacted wetlands, which include wildlife habitat, groundwater discharge, sediment trapping and stabilization, and nutrient retention and removal. Expanding on the existing riparian forest and implementing grading and planting plans that maximize species diversity will replace habitat functions identified in the FEIS/Section 4(f) Evaluation. Furthermore, the site is under development pressure as shown on the tax map provided in FEIS/Section 4(f) Evaluation Figure IV-12 and would expand on the existing stream valley protection corridor that is owned by the M-NCPPC.

6. Noise Impact Mitigation

Seventy-two (72) receptor sites within 14 Noise Sensitive Areas (NSAs) were selected to represent the overall noise environment and to determine locations where residences may be impacted by traffic noise associated with the Selected Alternative. Of the 14 NSAs, the Federal Noise Abatement Criteria were exceeded at 13, and noise mitigation was evaluated at each of these areas. Based on the SHA Noise Policy Guidelines, noise abatement measures for portions of six of the NSAs (B, C, E, G, H and N) are considered feasible and reasonable and will be considered further in Final Design.

7. Residential and Business Displacements

Under Alternative 5A Modified, fifteen residential and thirteen commercial displacements would be necessary. Additionally, one religious facility, the Shalom Ministries Worship Center, would be displaced. Most of the residential displacements are known to be non-minority. Thirteen business displacements are anticipated, including several that may be minority owned and/or operated. The number of minority displacements is not disproportionately high compared to the non-minority displacements. All properties will be acquired in accordance with the requirements of the Uniform Relocation and Real Property Acquisition Act of 1970, as amended in 1987.

8. Sediment and Erosion Control

Temporary construction-related impacts to soils, surface waters, and wetlands are anticipated to occur as a result of this project.

Temporary impacts to soils include increased erosion potential from areas cleared of vegetation for construction activities. Standard sediment and erosion control measures will be implemented in accordance with state and local regulations to minimize adverse impacts.

Temporary construction-related impacts to wetlands include increased sedimentation, in-stream and in-wetland work for the construction of abutments and other structures, and temporary construction crossings. The use of surface mats, clean rock fills, and other measures to be determined at final design, will be used to minimize temporary impacts to wetlands. Original grades will be restored as needed in temporary wetland impact areas and native vegetation will be re-established.

Instream work within the Henson Creek Mainstem will be restricted from March 1 through June 15 of any year. Should cofferdams be utilized, the diversion channel established by the cofferdam will be sized according to hydraulic requirements. Every effort will be made to

maintain at least 50% or more of the stream open during construction within the spawning season.

E. MONITORING AND ENFORCEMENT

As part of the commitment to continue efforts to minimize impacts from the project, several monitoring and coordination efforts have been proposed as outlined in this Record of Decision and the FEIS/Section 4(f) Evaluation. Monitoring programs will consist primarily of the conditions of the Section 404 Permit with respect to wetlands and other aquatic resources. To ensure compliance with all appropriate Federal and state regulations, necessary permits will be obtained prior to construction.

The FEIS/Section 4(f) Evaluation served as the US Army Corps of Engineers permit application. Other permits will be sought both during final design and prior to construction.

Coordination with the appropriate agencies during final design will ensure that commitments to develop and implement mitigation are carried out.

COMMENTS RECEIVED ON FINAL ENVIRONMENTAL IMPACT STATEMENT

The Notice of Availability of the FEIS/Section 4(f) Evaluation was published in the *Federal Register* on July 23, 2004. Advertisements announcing the availability of the document were published in the Gazette (UM Zone,) the Prince George's Journal, the Washington Times, the Maryland Independent, the Afro-American (D.C.), the Prince George's Sentinel and the Washington Post. The notices announced the availability of the FEIS/Section 4(f) Evaluation and the locations where copies of the document were available for public review. A list of the specific agencies, organizations and individuals to whom copies of the FEIS/Section 4(f) Evaluation were sent is contained in Section VII of the FEIS/Section 4(f) Evaluation.

To date, comments have been received from the Federal Emergency Management Agency (FEMA), the Environmental Protection Agency (EPA) and the State of Maryland Critical Area Commission (CAC) on the FEIS/Section 4(f) Evaluation (attached.) The FEMA requested that SHA coordinate with the Floodplain Management Officer of Prince George's County to ensure that the project meets the requirements of their floodplain management ordinances, the EPA determined that the Maryland Department of Transportation has adequately addressed its comments within the FEIS and the CAC requested that the project be resubmitted to Commission Staff for review and comment should the project be funded.

Original Signed by Nelson J. Castellanos

Nelson J. Castellanos
Division Administrator, Maryland Division
Federal Highway Administration

9/22/04

Date