

Revision to the Compensatory Mitigation and Environmental Stewardship Packages for the Intercounty Connector

The recent revisions to the ICC Environmental Stewardship (ES) and Compensatory Mitigation (CM) programs should be considered in view of the applicable regulations and policies. In accordance with state and federal regulations, compensatory mitigation is required for unavoidable adverse impacts to waterways and wetlands from construction of the ICC. During the planning and permitting processes for the ICC, a mitigation site selection process was conducted in close partnership with the participating stakeholders and Interagency Working Group (IAWG). IAWG is made up of representatives from the applicable Federal, State and County agencies. A watershed-based approach was employed throughout the process that focused on the overall watershed needs, opportunities and potential benefits for the Middle Potomac-Anacostia-Occoquan watershed for locating those wetlands and streams in the watersheds within the ICC study area with the greatest need for restoration. A concurrent process was performed to determine the environmental stewardship package.

The ICC Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) documented the environmental stewardship package and compensatory mitigation package that was reviewed by the IAWG. The environmental stewardship package consisted of projects that were above and beyond the required compensatory mitigation.

The final compensatory mitigation package included six stream restoration projects; three fish passage restoration projects; seven wetland creation projects, and five water quality improvement projects. The final environmental stewardship package included 26 stream restoration projects, two wetland creation projects, 16 stormwater management retrofit projects and 21 special protection area best management practice projects. In addition, backup mitigation and stewardship sites were identified in the FEIS and ROD. If for some technical reason one of the preferred mitigation or stewardship sites was no longer feasible, suitable backup sites would be considered and evaluated as replacement sites.

Since May 2005, when the mitigation package was approved by the regulatory agencies with advice from IAWG, all mitigation and stewardship sites have been undergoing further evaluations and detailed field investigations. As a result of these investigations, it was determined that two wetland creation environmental stewardship sites (LP-17 and RC-36) and one stream restoration compensatory mitigation site were no longer feasible (PB-93a). The ICC Team proposed to replace the environmental stewardship projects LP-17 and RC-36 with PB-85 and RC-73, and replace the compensatory mitigation project PB-93a with RC-131A. This information was presented to the IAWG in June 2007 and approved by SHA and FHWA in a re-evaluation on July 31, 2008.

Since June 2007, the design and construction of the ICC highway has been underway.

As a result of that work, impacts to wetlands and streams have been greatly reduced through extensive avoidance/minimization measures. By reducing the impacts to wetlands and streams authorized by the regulatory agencies, the compensatory mitigation requirements are reduced. In addition, the ROD states: "No significant increase in environmental impacts is expected during final design engineering, and the impacts may be reduced through ongoing efforts to minimize harm; any change in impacts will be re-evaluated in accordance with 23 CFR Part 771.130."

There is now a surplus of compensatory mitigation projects and consequently, some projects are no longer needed. So rather than have high priority compensatory mitigation projects dropped, some projects have been moved to the environmental stewardship list and the lower priority environmental stewardship projects are being replaced.

The current priorities are based on the most recent technical studies. SHA reviewed the technical studies for each of the projects then prioritized them based on that information and input from the agencies (IAWG).

In summary:

- The proposed wetland creation (52 acres) and the stream restoration (42,936 linear feet) are still above and beyond the wetland impacts (27.16 acres) and stream impacts (33,140 linear feet)
- Prince George's County
 - Reduce wetland impacts by 19.29 acres
 - Reduce stream impacts by 1,550 linear feet
 - Replace 2 acres of wetland creation (LP-17)
 - Replace 3,500 linear feet of stream restoration
- Montgomery County
 - Reduce wetland impacts by 1.34 acres
 - Reduce stream impacts by 3,398 linear feet
 - 31 acres of wetland creation not required because of reduced wetland impacts (MR-5 and SC-21)
 - Replace 3 acres of wetland creation (RC-36)
 - Replace 6,665 linear feet of stream restoration