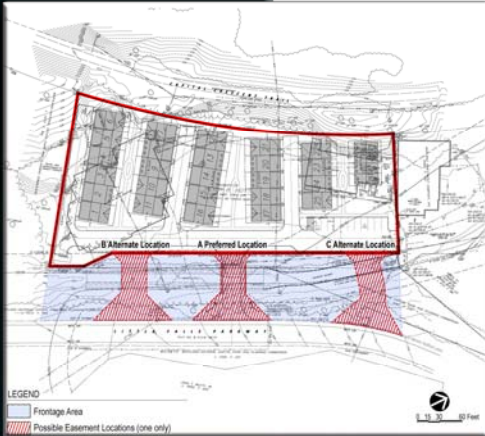


Environmental Assessment for the Hoyt Property Redevelopment and Access Easement



April 12, 2011



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List of Acronyms

ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effect
BFE	base flood elevation
BMP	best management practice
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CWA	Clean Water Act
CFR	Code of Federal Regulations
DFIRM	Digital Flood Insurance Rate Map
EA	Environmental Assessment
EFH	Essential Fish Habitat
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FIRM	Flood Insurance Rate Map
FWS	U.S. Fish and Wildlife Service
FPPA	Farmland Protection Policy Act
LATR	Local Area Transportation Review
LOMR	Letter of Map Revision
MBTE	Migratory Bird Treaty Act
MDE	Maryland Department of the Environment
MDNR	Maryland Department of Natural Resources
MHT	Maryland Historical Trust
MIHP	Maryland Inventory of Historic Places
M-NCPPC	Maryland-National Capital Park and Planning Commission
NAAQS	National Ambient Air Quality Standards
NCPC	National Capital Planning Commission
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act

List of Acronyms

NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
PAMR	Policy Area Mobility Review
RCRA	Resource Conservation and Recovery Act
SWPPP	Stormwater Pollution Prevention Plan
TSCA	Toxic Substances Control Act
USACE	U.S. Army Corps of Engineers
WQC	Water Quality Certification

1 Introduction

This Environmental Assessment (EA) has been prepared to assess and report potential impacts resulting from a proposed access easement from Little Falls Parkway through the Little Falls Stream Valley Park and from related residential development in the Westbard area of Montgomery County, Maryland. The EA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 USC § 4331), the Council on Environmental Quality (CEQ) implementing regulations for NEPA (40 C.F.R. parts 1500-1508), and the National Capital Planning Commission's (NCPC) Environmental and Historic Preservation Policies and Procedures.

NEPA requires federal agencies to prepare an EA to determine if an action has the potential to significantly affect the quality of the human environment. Little Falls Parkway and the Little Falls Stream Valley Park, currently owned by the Maryland-National Capital Planning Commission (M-NCPPC) was initially established by NCPC with land acquired under the Capper-Cramton Act of 1930 as amended. Under the Capper-Cramton Act, the National Capital Park and Planning Commission (now NCPC), acquired stream valley land areas as parkland throughout the National Capital Region. The Capper-Cramton Act requires that the development or disposition of this land be reviewed by NCPC. Therefore, the proposed access easement and the resultant modifications to the park's General Development Plan modifications are subject to NCPC review and approval and, therefore, NEPA review and compliance.

1.1 Purpose and Need for the Proposed Action

EYA, a developer who specializes in urban-infill, townhome development, has requested an access easement in Little Falls Stream Valley Park from the Montgomery County Department of Parks of the M-NCPPC to develop a townhouse subdivision on the Hoyt property in the Westbard area of Montgomery County, Maryland (see Figure 1).

The 1.81-acre Hoyt property is located between Little Falls Parkway and the Capital Crescent Trail, approximately 1,000 feet south of River Road (see Figure 2). The proposed access is needed because the site does not have any direct vehicular access to a public street. The requested easement would allow for the construction of an access road/bridge over parkland, approximately 95 feet in length, directly off Little Falls Parkway to serve the future residential development.

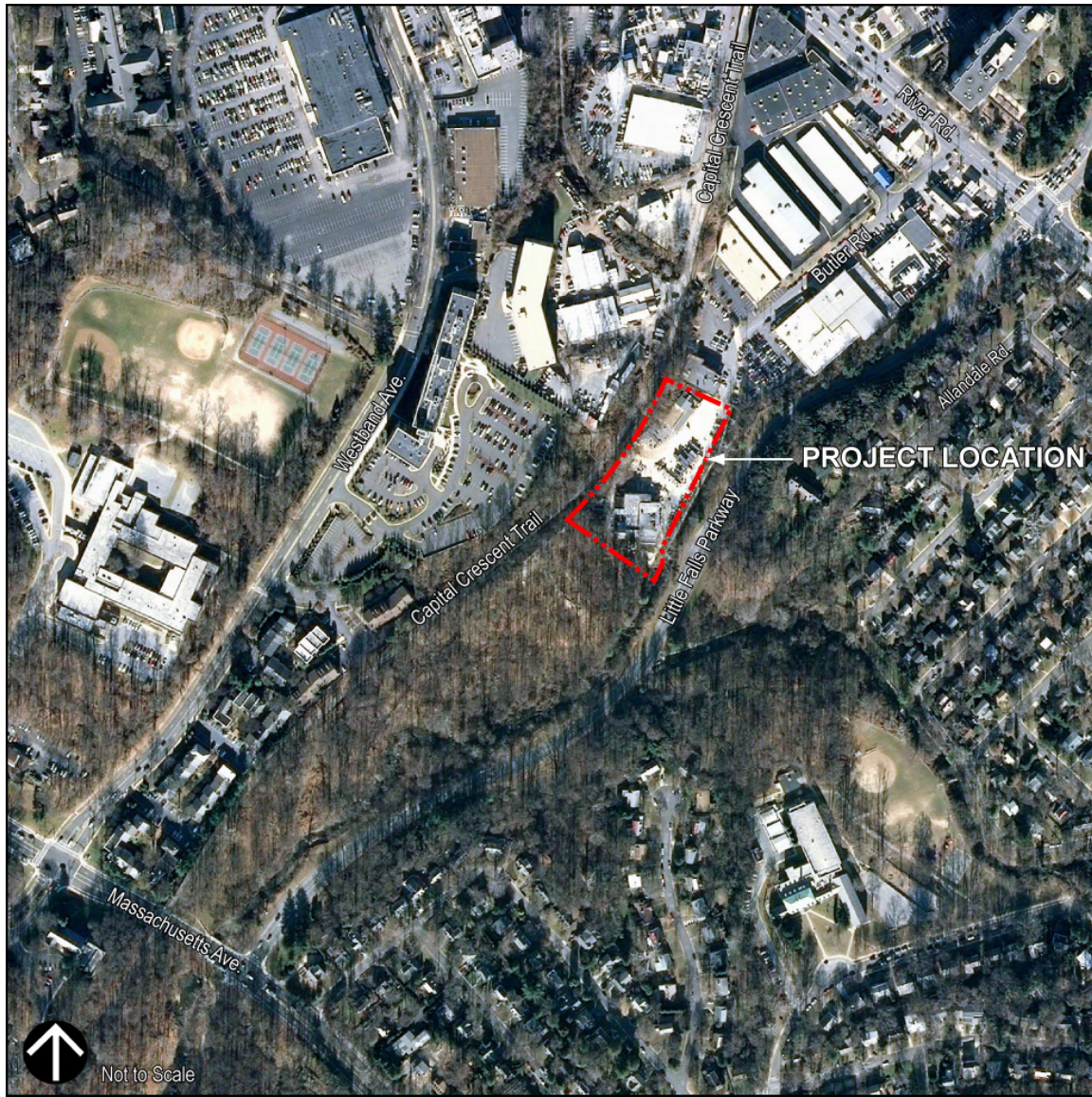


Figure 1: Project Location Vicinity Map

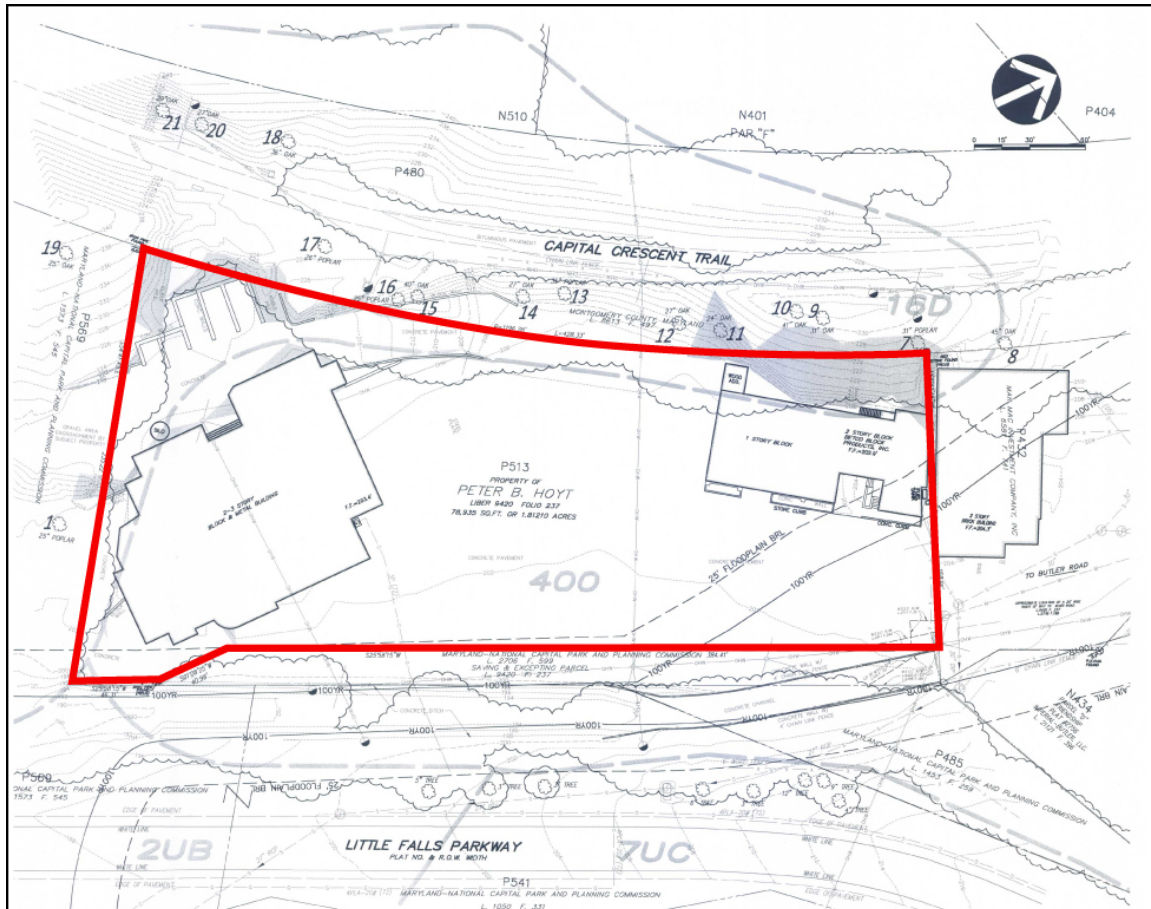


Figure 2: Hoyt Property

1.2 Description of the Proposed Action

The proposed action consists of modification of the Little Stream Valley Park General Development Plan to allow construction of an access road/bridge, through the Little Falls Stream Valley Park between Little Falls Parkway and the 1.81-acre site, Hoyt property to facilitate development of a new 29-unit townhouse community (see Figure 3). The proposed action would allow a perpendicular road/bridge crossing of the park and Willet Branch. The access road/bridge would be approximately 95 feet long and 38 feet wide depending on the final location of the entrance road.

Because the easement is an interdependent part of a larger action (construction of the townhouse community) and depends on the larger action for its justification, the easement and the proposed townhouse development are defined as connected actions under the CEQ regulations (40 CFR 1508.25). Therefore, both the granting of the easement and the proposed townhouse development are analyzed in this EA.

The area proposed for the access easement is part of the Little Falls Stream Valley Park which is controlled by M-NCPPC. Little Falls Stream Valley Park extends from River Road south to Massachusetts Avenue. The park provides a land buffer to Willet Branch and Little Falls Branch. Willet Branch parallels Little Falls Parkway in the vicinity of the Hoyt Property (see Figure 4). The stream flows south and joins Little Falls Branch approximately 80 feet south of the Hoyt Property. Little Falls Branch then flows the length of the stream valley park before discharging into the Potomac River near the Maryland /District of Columbia line.

Little Falls Parkway begins at Glenmont Road and from River Road south runs the length of the stream valley park. The parkway is a four-lane median divided road north of River Road and a two-lane 24-foot wide roadway between River Road and Massachusetts Avenue (Montgomery County, 1982).

The Hoyt property which is proposed for residential development is located at 5400 Butler Road, approximately 1,000 feet south of River Road. The property is bordered by the Capital Crescent Trail to the west, the Willet Branch and Little Falls Parkway to the east, and several industrial properties to the north. The site is currently occupied by a distribution center for the Bethesda Cinder Block Manufacturing Company (BETCO) (see Figure 5). The plant currently encroaches (with impervious paving) several feet into the park property (between the property and Willet Branch).

EYA proposes to demolish the buildings that are currently utilized for the industrial use and redevelop the site with 25 market-rate townhomes and four Moderately Priced Dwelling Units. Vehicular access to the townhomes is planned via a full-movement driveway from Little Falls Parkway.

The approved 1982 Westbard Sector Plan for Montgomery County encourages a townhouse development on the property and indicates a possible access road off Little Falls Parkway to serve the development (Montgomery County, 1982). In addition to realizing the Sector Plan's vision, replacing the existing industrial use with a residential development will bring positive changes to the natural environment of adjacent parkland and communities. In exchange for the easement, the developer has agreed to implement, or make financial contributions to, certain public amenity projects as requested by Parks staff to enhance the surrounding community and parkland and to offset any impact of the entrance road.

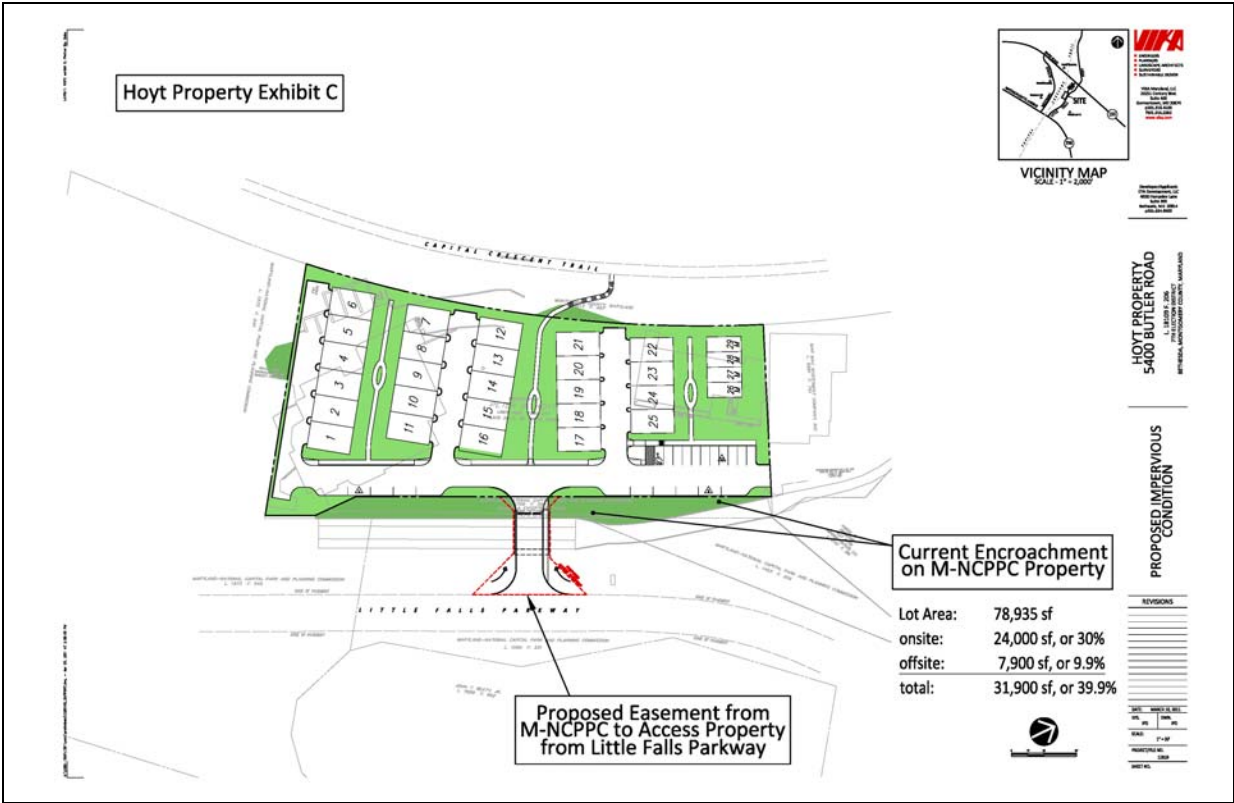


Figure 3 Proposed Easement



Figure 4 Willet Branch within Little Falls Stream Valley Park in the vicinity of the Hoyt Property



Figure 5 Hoyt Property - Current Use

2 Alternatives Including the Proposed Action

2.1 Alternatives

This EA considers alternatives to proposed action including the proposed access easement and the proposed residential development. Table 1 provides a comparison of each of the alternatives and their potential environmental impacts.

2.2 No Action Alternative

Under the No Action Alternative, an access easement would not be granted by NCPC or M-NCPC and the Hoyt property would not be redeveloped. The property would continue its existing use as a concrete processing facility. No vehicular access would be constructed from Little Falls Parkway would occur. While the No Action Alternative does not meet the purpose and need for the proposed action, it is analyzed in this EA in compliance with NEPA to provide a baseline for the comparison of impacts associated with the proposed action.

2.3 Action Alternatives

2.3.1 Alternatives Considered and Dismissed

Access from Butler Road – The Hoyt Property is currently accessed via Butler Road which connects to River Road west of Little Falls Parkway. Butler Road serves an industrial complex which contains numerous warehouses, storage units, and auto body shops. Under this alternative, Butler Road would need to be extended through the private property north of the Hoyt Property. The proposed townhouse development would not be feasible if access were to be provided through this industrial area. The Montgomery County Westward Sector Plan identified this issue when it noted that “the abutting park suggests townhouse residential as an appropriate use [for the Hoyt property]. However, the fact that the only access is through an industrial street clearly rules out that possibility unless access to Little Falls Parkway were to be authorized” (Montgomery County, 1982). Because this alternative would not provide for a viable redevelopment of the Hoyt property, it has been dismissed from further consideration.

2.3.2 Alternatives Considered in Detail

Each of the Action Alternatives includes the demolition of the existing concrete facility and the redevelopment of the Hoyt property to accommodate 29 townhomes as shown in Figures 3 and 6. Three different alternatives have been assessed for the proposed access easement through the Little Falls Stream Valley Park as described below and as shown in Figure 6.

Alternative A (Preferred Alternative): Under Alternative A an easement would be granted to allow vehicular access from Little Falls Parkway, across the Little Falls Stream Valley Park and Willet Branch, into the Hoyt property. Under this alternative, the crossing would be located in the center of the eastern boundary of the Hoyt property.

2 – Alternatives Including the Proposed Action

Alternative B: Under Alternative B an easement would be granted to allow vehicular access from Little Falls Parkway, across the Little Falls Stream Valley Park and Willet Branch, into the Hoyt property. Under this alternative, the crossing would be located on the southeast portion of the Hoyt property

Alternative C: Under Alternative C an easement would be granted to allow vehicular access from Little Falls Parkway, across the Little Falls Stream Valley Park and Willet Branch, into the Hoyt property. Under this alternative, the crossing would be located on the northeast portion of the Hoyt property.

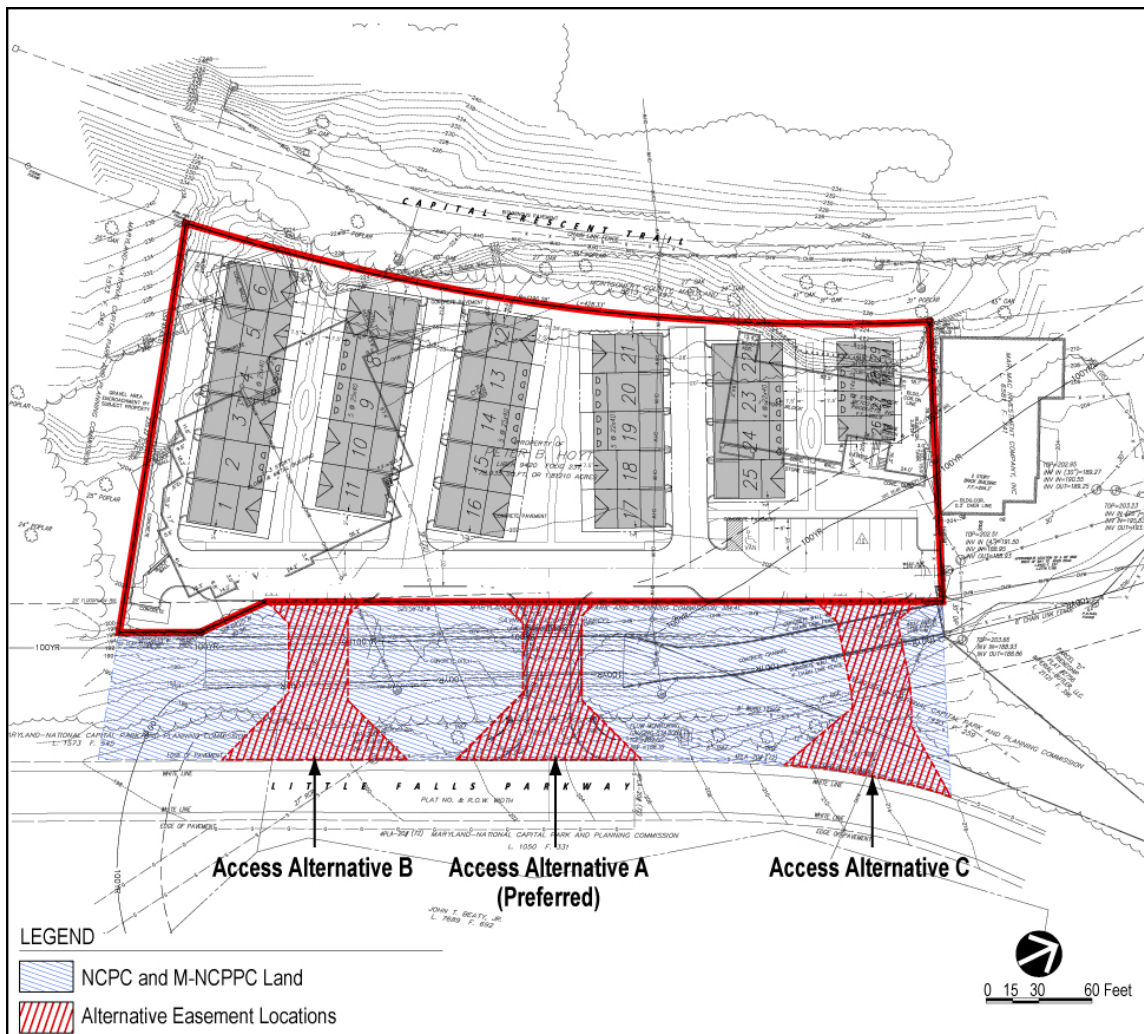


Figure 6: Alternatives

Table 1. Comparison of Environmental Impacts of Alternatives

Alternatives Considered				
Resource	No Action Alternative	Alternative A	Alternative B	Alternative C
Geology and Soils	No new impacts to soils would occur.	Minimal, short-term impacts to soils would occur from demolition and construction activities. No soils protected under the Farmland Protection Policy Act would be affected.		
Water Resources	Stormwater would continue to enter Willet Branch untreated.	Beneficial impact to water quality would occur from the implementation of LID practices and SWM onsite.		
Floodplains	No impact to floodplains would occur.	No impacts to floodplains would occur.		
Biological Resources	No impacts to biological resources would occur.	Trees removed would be replaced at a ratio of 2:1. Impervious areas within Little Falls Stream Valley Park would be reforested. Invasive species would be removed.		
Air Quality	No new impacts to air quality would occur.	Minimal emissions from construction activities would occur.		
Visual Resources	Continued impacts to visual resources would occur from industrial uses on the Hoyt property	Beneficial impacts to visual resources would occur with the change in land use.		
Cultural Resources	No impact to cultural resources would occur.	No impact to cultural resources would occur.		
Land Use and Planning	No changes in land use would occur.	Land use would change from industrial to residential. Changes are consistent with Montgomery County's Westbard Sector Plan.		
Socioeconomics	No new impacts would occur.	Beneficial impacts to housing would occur. Minor increases in population would occur. No impacts to minority or low-income populations would occur.		
Traffic/Transportation	No potential for increase in traffic	Increased traffic during construction would occur. Residential development would result in a minor increase in traffic levels during peak hours. New access would result in a minor change in traffic patterns on Little Falls Parkway.		
Hazardous Materials/Waste Management	Site would not be remediated.	Contaminated soils would be removed during construction.		
Noise	No increases in noise would occur.	Increased noise levels would occur during construction. Long-term noise levels would decrease with change to residential use.		

2 – Alternatives Including the Proposed Action

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3 Affected Environment and Environmental Consequences

This section describes the regulator setting, existing conditions, and potential impacts for each resource potentially affected by the proposed action. The impact analyses have been conducted by gathering data of the affected resource areas in relation to the implementation of the Proposed Alternatives. Using this data, potential impacts and the significance levels have been assessed. When mitigation is appropriate to avoid or reduce adverse impacts, these measures are also described.

3.1 Geology and Soils

3.1.1 Geology and Soils - Affected Environment

3.1.1.1 Regulatory Setting

Soil resources provide a foundation for both plant and animal communities by establishing a substrate for plant growth and vegetative cover, for forestation, for impervious ground cover, and for animal habitat and feeding. These resources are equally important in both terrestrial and aquatic environments. While there are few applicable regulations regarding soils, proper conservation principles can reduce erosion, decrease turbidity, and generally improve water quality.

One of the main tools for evaluating impacts to soils is the Farmland Protection Policy Act (FPPA) which requires Federal agencies to evaluate the effects (direct and indirect) of their activities before taking any action that could result in converting designated prime or unique farmland soils, or farmland soils of statewide and local importance for non-agricultural purposes. If an action would adversely affect farmland preservation, alternative actions that could avoid or lessen adverse effects must be considered. Determination of the level of impact on prime and unique farmland soils or farmland soils of statewide and local importance is done by the lead Federal agency (proponent), which inventories farmlands affected by the proposed action and scores the land as part of a Farmland Conversion Impact Rating (AD 1006 Form), for each alternative. In consultation with the proponent, Natural Resources Conservation Service (NRCS) completes the AD 1006 Form and determines the level of consideration for protection of farmlands that needs to occur under the FPPA (NRCS 2008).

Montgomery County's Water Quality Ordinance (Chapter 19, Article 4 of the Montgomery County Code) regulates the design and issuance of permits for stormwater management and erosion and sediment controls within the county.

3.1.1.2 Existing Conditions

The subject property, including the access easement, is located in the Upland Section of the Eastern Piedmont Plateau Physiographic Province (MGS, 2007). The Piedmont Plateau consists of hard, crystalline and igneous rocks (MGS, 2007). The U.S. Department of Agriculture (USDA) NCRS Soil Survey of Montgomery County indicates soils within the

3 – Affected Environment and Environmental Consequences

property boundaries are classified as Urban Land, Brinklow-Blocktown channery silt loams, 15 to 25 percent slopes, and Gaila-Urban land complex, 8 to 15 percent slopes, and Glenelg-Urban land complex, 0 to 8 percent slopes (see Figure 7). The Glenelg, Gaila and Brinklow-Blocktown are all rated as partially hydric. None of the soil units within the site are rated as prime farmland soils.

3.1.2 Geology and Soils - Environmental Consequences and Mitigation Measures

3.1.2.1 No Action Alternative

Under the No Action Alternative, the Hoyt property would not be redeveloped and the access road would not be constructed. There would be no new impacts to geology or soils under this alternative.

3.1.2.2 Action Alternatives A, B, and C

The redevelopment of the Hoyt property and construction of the access road would disturb soils during demolition and construction activities.

Soil loss would occur directly from disturbance or indirectly via wind or water. To minimize soil loss, the developer would implement Best Management Practices (BMP), such as developing and implementing an erosion and sedimentation control plan, using silt fences or hay bales, re-vegetating disturbed soils, and maintaining site soil stockpiles, to prevent soils from eroding and dispersing off-site.

No prime, unique, or important farmlands would be affected by the proposed action. Therefore, the action complies with the FPPA and no further documentation is required.



Source: USDA Web Soil Survey, National Cooperative Soil Survey

Figure 7: Soils map

3.2 Water Resources

3.2.1 Water Resources - Affected Environment

3.2.1.1 Regulatory Setting

Water is a central component of any community for both the natural and human inhabitants. The availability of water, including surface water and groundwater, and the quality of those waters, play a critical role in determining the natural community structure and in supporting human activity.

The Clean Water Act (CWA) establishes the basic structure for regulating pollutant discharges to navigable waters of the U.S. It sets forth procedures for effluent limitations, water quality standards and implementation plans, national performance standards, and point source (e.g., municipal wastewater discharges) and nonpoint source programs (e.g., stormwater). The CWA also establishes the National Pollutant Discharge Elimination System (NPDES) under Section 402 and permits for dredged or fill material under Section 404 (USEPA 2008b).

The U.S. Army Corps of Engineers (USACE) is charged with regulating the disposal of dredged and fill materials under Section 404 of the CWA. A Section 404 permit from the USACE must be obtained for any dredge or fill activities within jurisdictional waters of the U.S. During the permit review process, the USACE determines the type of permit appropriate for the proposed action. Two types of permits are issued by the USACE: (1) General Permits, issued on a state, regional, and nationwide basis and covering a variety of activities, including minimal individual and cumulative adverse affects, and (2) Individual Permits, issued for a case-specific activity (USACE 1998).

Section 401 of the CWA specifies that states must certify that any activity subject to a permit issued by a Federal agency, such as a CWA Section 404 permit, meets all state water quality standards. Water quality certification (WQC) is also necessary when a project qualifies for a General Permit, even if the activity does not need to be reported to the USACE. This WQC is issued through Maryland Department of the Environment (MDE).

EO 11990 (Protection of Wetlands) requires Federal agencies to follow avoidance, mitigation, and preservation procedures with public input before proposing new construction in wetlands. As with EO 11988, the same Eight-Step Planning Process is used to evaluate the potential effects of an action on wetlands. Formal legal protection of jurisdictional wetlands is promulgated through Section 404 of the CWA. A permit from the USACE may be required if an action has the potential to affect wetlands.

Maryland's Stormwater Management Regulations (COMAR 26.17.02) and the Stormwater Management Act of 2007 requires Environmental Site Design, through the use of nonstructural best management practices and other better site design techniques, be implemented to the maximum extent practicable. The Maryland Department of the Environment (MDE) is in the process of addressing the requirements of the Act including changes to regulations and the State's 2000 Maryland Stormwater Design Manual.

Montgomery County's Water Quality Ordinance (Chapter 19, Article 4 of the Montgomery County Code) regulates the design and issuance of permits for stormwater management and erosion and sediment controls within the county.

3.2.1.2 Existing Conditions

There are no waters of the U.S. or wetlands located within the Hoyt property. There is one perennial stream, the Willet Branch, located within a concrete channel, approximately 430 feet in length, which flows from north to south along the entire length of the property within the Little Falls Stream Valley Park (see Figure 8). Willett Branch south and joins Little Falls Branch approximately 80 feet south of the Hoyt Property. Little Falls Branch then flows the length of the stream valley park before discharging into the Potomac River near the Maryland/ District of Columbia line.

The existing Hoyt property has no stormwater management facilities or capacity. During Phase II subsurface sampling of the Hoyt property, groundwater was encountered within 5 to 7 feet below grade, and flows from north to south direction. The Hoyt property is currently paved inhibiting groundwater recharge onsite.



Figure 8: Willet Branch, channelized section

3 – Affected Environment and Environmental Consequences

3.2.2 Water Resources - Environmental Consequences and Mitigation Measures

3.2.2.1 No Action Alternative

Under the No Action Alternative, the Hoyt property would not be redeveloped and the access road would not be constructed. There would be no new impacts to water resources under this alternative. Stormwater runoff from the site would continue to enter Willet Branch untreated, and the paved site would continue to inhibit groundwater recharge resulting in a moderate, long-term, adverse impact to water resources.

3.2.2.2 Action Alternatives A, B, and C

The proposed development would be required to provide a stormwater management system in accordance with Montgomery County and Maryland regulations. The proposed townhouse development will significantly increase pervious areas on the Hoyt Property from 5,300 square feet (6.7%) to approximately 24,000 square feet (30%). Approximately 7,900 square feet of land that is currently impervious surfacing and which encroaches into the Little Falls Stream Valley Park would be returned to MNCPPC, for a total of 31,900 square feet of pervious area (39.9% of the total area including the Hoyt property and the encroachment). This represents a substantial greening of the property. All these requirements and measures will improve the environmental sustainability of the property and the proposed access road.

The townhouse development would include a low-impact stormwater management system approved by the County. The use of silt fencing or similar best management practices including planting grasses or spreading hay on erodible surfaces and soil piles, as well as erecting fences to contain runoff and sediment would reduce or eliminate impacts from stormwater during construction.

During construction, temporary dewatering practices would be needed if excavation occurs within the groundwater table, or if groundwater is encountered during construction to prevent impacts to groundwater and water quality. The access road would directly impact the Willet Branch stream because the addition of a bridge will require the removal of riparian vegetation, alteration of the floodplain, and may require grading within the stream channel. A joint permit would be required from the MDE and the U.S. Army Corps of Engineers for authorization prior to commencing any construction activities within waters of the U.S. The impacts to Willet Branch from construction would be minor, direct, and short-term.

M-NCPPC has proposed restoring Willet Branch, from the current concrete channel, to a more natural condition. This future action would result in beneficial impacts to the stream and water quality in the area.

3.3 Floodplains

3.3.1 Floodplains - Affected Environment

3.3.1.1 Regulatory Setting

Executive Order (EO) 11988 (Floodplain Management) requires Federal agencies to avoid direct or indirect support of development within the 100-year floodplain whenever there is a practicable alternative. A floodplain is defined as the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, and including, at a minimum, that area subject to a 1 percent or greater chance of flooding in any given year. The critical action floodplain is defined as the 500-year floodplain (0.2 percent chance floodplain) (USEPA 1979). The 500-year floodplain as defined by 40 CFR 9 is an area, including the base floodplain, which is subject to inundation from a flood having a 0.2 percent chance of being equaled or exceeded in any given year.

Flood zones are land areas identified by FEMA that describe the land area in terms of its risk of flooding. A flood insurance rate map (FIRM) is a map created by the National Flood Insurance program (NFIP) for floodplain management and insurance purposes. Digital versions of these maps are called DFIRMs. A FIRM would generally show a community's base flood elevation (BFE), flood zones, and floodplain boundaries. However, maps are constantly being updated due to changes in geography, construction and mitigation activities, and meteorological events.

EO 11988 requires that Federal agencies proposing activities in a 100-year floodplain must consider alternatives to avoid adverse effects and incompatible development in the floodplain. In accordance with 44 CFR Part 9, critical actions, such as the development of hazardous waste facilities, hospitals, or utility plants, must be undertaken outside of a 500-year floodplain. If no practicable alternatives exist to siting an action in the floodplain, the action must be designed to minimize potential harm to or within the floodplain. Furthermore, a notice must be publicly circulated explaining the action and the reasons for siting in the floodplain. When evaluating actions in the floodplain, FEMA applies the decision process described in 44 CFR Part 9, referred to as the Eight-Step Planning Process, to ensure that its actions are consistent with EO 11988. By its nature, the NEPA compliance process involves the same basic decision-making process as the Eight-Step Planning Process.

3.3.1.2 Existing Conditions

FEMA has developed flood maps based on a flood frequency analysis completed by FEMA that update the flood risk data with information on storms that have occurred in the past 25+ years. The Hoyt property and the adjacent parkland is shown on Flood Insurance Rate Map 24031C0455D, dated September 29, 2006. Portions of property are located in Zones AE and Zone X (shaded), which are areas of the 0.1 percent annual chance of flood (100-year) and the areas of 0.2 percent chance of flood (500-year), respectively. The existing building on the northern portion of the Hoyt property is located within the 100-year and 500-year floodplains, and is shown on Figure 9.

3 – Affected Environment and Environmental Consequences

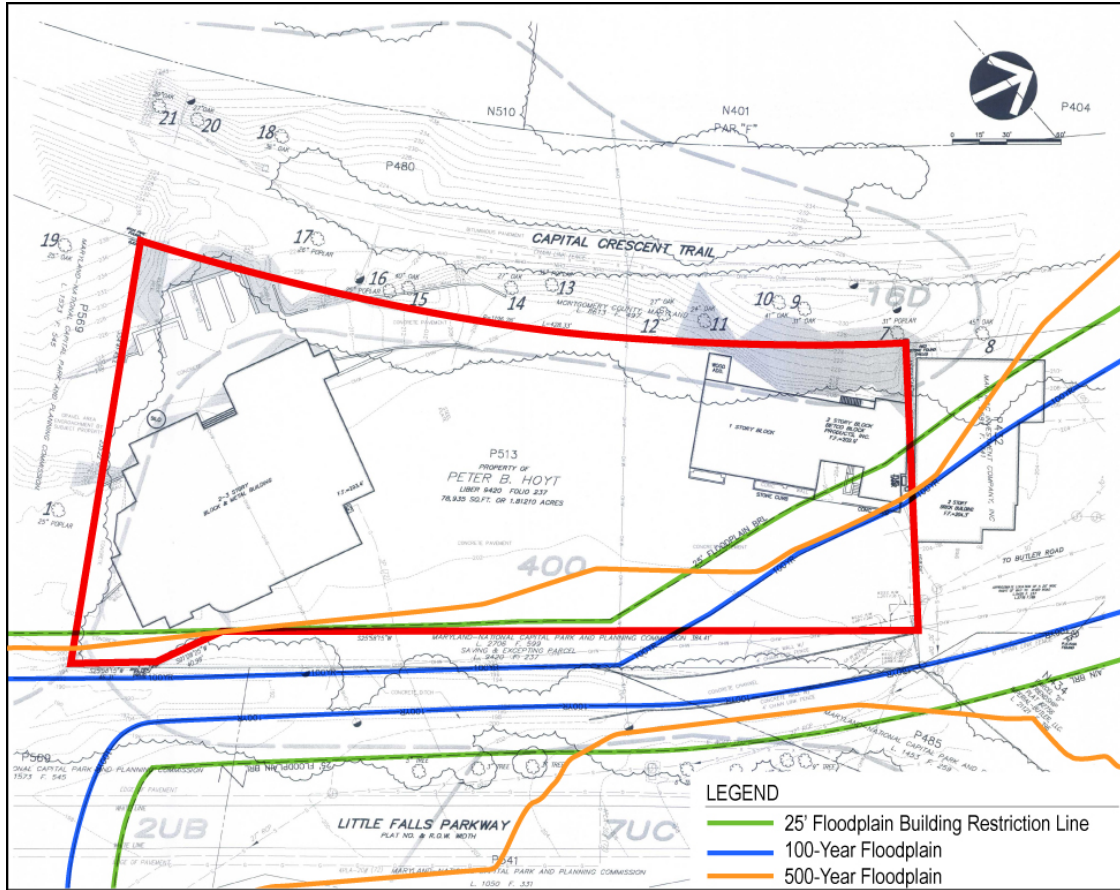


Figure 9: Floodplain Boundaries

3.3.2 Floodplains - Environmental Consequences and Mitigation Measures

3.3.2.1 No Action Alternative

Under the No Action Alternative, the Hoyt property would not be redeveloped and the access road would not be constructed. There would be no new impacts to floodplains under this alternative

3.3.2.2 Alternative A

The majority of the Hoyt property is located in FEMA designated Zone X, which is outside of the 100-year floodplain. Portions of the site near the eastern boundary are located in the 100-year and 500-year floodplains. However, none of the proposed townhouses would be located within either of the FEMA designated flood zones, and the homes would be located beyond Montgomery County’s 25-foot floodplain building restriction line. The proposed development would not increase impervious surfaces on the site; therefore, there would be no measurable increase in stormwater runoff to Willet Branch. The implementation of required stormwater management controls would decrease stormwater runoff from the site resulting in a beneficial, long-term impact to the floodplain.

Under Alternative A, the proposed access road would be located in the center of the eastern boundary of the site and require the crossing of Willet Branch. The proposed crossing would be located within the 100-year floodplain. The crossing would be constructed in a manner to accommodate the flow of the 100-year flood resulting in a minor, long-term, adverse impact to the floodplain.

As previously noted, the developer of the proposed townhouses has committed to ensuring that no buildings would be located within either of the FEMA designated flood zones, and the homes would be located beyond Montgomery County's 25-foot floodplain building restriction line.

3.3.2.3 Alternative B

Redevelopment of the Hoyt property would have the same impacts under Alternative B as under Alternative A. Under Alternative B, the proposed bridge crossing is located in the south portion of the eastern boundary of the site. Under Alternative B, impacts to the floodplain would be similar to those under Alternative A.

3.3.2.4 Alternative C

Redevelopment of the Hoyt property would have the same impacts under Alternative C as under Alternative A. Under Alternative C, the proposed bridge crossing spans the widest part of the floodplain and is located in the north portion of the eastern boundary of the site. Under Alternative C, impacts to the floodplain would be greater than Alternatives A and B because the crossing would be located at a wider point in the floodplain.

3.4 Biological Resources

3.4.1 Biological Resources - Affected Environment

3.4.1.1 Regulatory Setting

Biological resources comprise naturally occurring and cultivated vegetative species and domestic and wild animal species and their habitats. Sensitive biological resources include plant and animal species listed as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS) under the Endangered Species Act (ESA) or by a state agency pursuant to state law or regulation. Sensitive species also include species identified by the USFWS as candidates for possible listing as threatened or endangered pursuant to the ESA. Biological resources also include wetlands, which are important because they provide essential breeding, spawning, nesting, and wintering habitats for a major portion of the nation's fish and wildlife species.

The Endangered Species Act (ESA) establishes a Federal mandate to conserve, protect, and restore threatened and endangered plants and animals and their habitats. Section 7 of the ESA mandates that all Federal agencies must ensure that any action authorized, funded, or implemented is not likely to jeopardize the continued existence of a threatened or endangered species or result in the destruction of critical habitat for these species. To accomplish this, Federal agencies must consult with the USFWS or the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NOAA Fisheries) when taking

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action that has the potential to affect species listed as endangered or threatened or proposed for threatened or endangered listing.

The Migratory Bird Treaty Act (MBTA) makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird species listed in 50 CFR 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). Disturbance that causes nest abandonment and/or loss of reproductive effort (*e.g.*, killing or abandoning eggs or young) may be considered a take, and is potentially punishable by fines and/or imprisonment. If an action is determined to cause a potential take of migratory birds, as described above, then a consultation process with the USFWS needs to be initiated to determine measures to minimize or avoid these impacts. This consultation should start as an informal process.

3.4.1.2 Existing Conditions

No forested areas exist within the Hoyt Property as defined by Montgomery County Forest Legislation. The surrounding areas that are within the Little Falls Stream Valley Park and the Capital Crescent Trail are forested. The vegetation is made up of an early-successional, Oak-Poplar forest stand. Within this forested area, 21 significant trees (those with a diameter at breast height equal to, or greater than 24 inches) were located within 100 feet of the Hoyt Property. Of the 21 significant trees, 10 of which were identified as specimen trees (Vika, 2011). The area between the Hoyt property and the Little Falls Parkway contains immature vegetation. These areas also contain invasive species such as creeping euonymous, Japanese honeysuckle, and English ivy within the understory.

No suitable wildlife habitat exists within the Hoyt Property due to the lack of vegetation and the developed nature of the site. The surrounding forested areas that are within the Little Falls Stream Valley Park and the Capital Crescent Trail are forested. The Little Falls Stream Valley Park is a 160-acre park that can provide contiguous habitat for wildlife. Many species of wildlife has been spotted at the park including owls, foxes and a variety of song birds and ducks. (LFWA, 2010).

Consultation letters were submitted in March 2011 to the USFWS as well as the Maryland Department of Natural Resources (MDNR) to determine the presence of any federal or state-listed species at the Hoyt property. To date, a response has not been received from the USFWS. In a letter dated March 3, 2011, MDNR indicated that there are no State or Federal records for rare, threatened, or endangered species within the boundaries of the project site.

3.4.2 Biological Resources - Environmental Consequences and Mitigation Measures

3.4.2.1 No Action Alternative

Under the No Action Alternative, the Hoyt property would not be redeveloped and the access road would not be constructed. There would be no new impacts to biological resources under this alternative.

3.4.2.2 Action Alternatives A, B and C

Redevelopment of the Hoyt property would require the removal of vegetation along the edges of the Hoyt property for construction of the townhouse development and within the Little Falls Stream Valley Park for the construction of the access road. This would result in a minor, long-term, adverse impact to vegetation and habitat for wildlife. The re-forestation of the existing impervious surface between the proposed townhomes and the parkway along with the removal of invasive species with the construction of the access road would have long-term, beneficial impacts to vegetation. New landscaping vegetation would also be added to the site adding to these beneficial impacts.

Due to the lack of suitable habitat in the vicinity of the proposed project, no impacts to rare, threatened, or endangered species are anticipated.

The mitigation measures for the site development have been proposed for habitat restoration. A non-native invasive species management program is proposed for designated areas within Little Falls Stream Valley Park and the Capital Crescent Trail. The goal of this mitigation measure is to restore natural habitat surrounding the proposed redevelopment and the associated access road. M-NCPPC has also proposed stream restoration to naturalize Willet Branch along the eastern frontage of the property. Trees removed for construction of the townhomes and the access road/bridge would be replaced at a two to one ratio.

3.5 Air Quality

3.5.1 Air Quality - Affected Environment

3.5.1.1 Regulatory Setting

Under the authority of the CAA, the U.S. Environmental Protection Agency (EPA) has developed National Ambient Air Quality Standards (NAAQS) for certain air pollutants (criteria pollutants) deemed harmful to public health and the environment. These criteria pollutants include: nitrogen dioxide (NO₂), sulfur dioxide (SO₂), carbon monoxide (CO), ozone (O₃), particulate matter (PM_{2.5}/PM₁₀), and lead (Pb).

Areas where concentrations of criteria pollutants are below the NAAQS are designated as being in “attainment” and areas where a criteria pollutant level exceeds the NAAQS are designated as being in “nonattainment” by EPA. Ozone (O₃) nonattainment areas are categorized based on the severity of pollution: marginal, moderate, serious, severe, or extreme. CO and PM₁₀ nonattainment areas are categorized as moderate or serious. The Hoyt property is located in Montgomery County, Maryland, which is designated as a non-attainment area for PM_{2.5} and as a moderate non-attainment area for ozone under the 8-hour standard (EPA, 2008).

3.5.1.1 Existing Conditions

Montgomery County is in moderate non-attainment for 8-hour ozone and in severe non-attainment for 1-hour ozone. The county is also in non-attainment for PM_{2.5}. The county is

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in attainment for PM₁₀, lead, NO₂, SO₂, and CO. Localized emissions in the project area currently occur from truck and vehicular traffic entering and exiting the site.

3.5.2 Air Quality - Environmental Consequences and Mitigation Measures

3.5.2.1 No Action Alternative

Under the No Action Alternative, the Hoyt property would not be redeveloped and the access road would not be constructed. Trucks and other vehicles would continue to access the Hoyt Property via Butler Road. Therefore, traffic volumes would continue at current levels and site usage would not change. Impacts to air quality from truck and vehicular traffic would continue. No new localized or regional effects to air quality would occur.

3.5.2.2 Action Alternatives A, B and C

Under the Action Alternatives, some emissions would be generated by construction vehicles during construction and from the demolition of existing buildings. These emissions would have short-term, minor impacts on air quality. The proposed 29 residential units would generate more traffic than the existing industrial use; however, the change in land use from industrial to residential would result in a reduction of truck traffic. Based on the size of the development, substantial emissions are not anticipated from traffic. Therefore, there would be a minor, adverse, long-term impact to air quality.

3.6 Visual Resources

3.6.1 Visual Resources - Affected Environment

3.6.1.1 Regulatory Setting

The Federal Elements of the Comprehensive Plan for the National Capital, developed and administered by NCPC, addresses matters related to existing and future of federal properties and federal interests in the National Capital Region. The Federal Elements contain recommendations for growth and development of the National Capital Region and contain policy guidelines seven elements including parks and open space. Element 4 – Parks and Open Space provides policies to uphold the symbolic, recreational, social, and ecological value of national capital parks, waterfronts, and other open spaces including views associated with parkways such as Little Falls Parkway. These policies state that, the federal government should:

1. Maintain parkways as scenic landscape corridors, and protect their historic aspects.
1. Encourage local jurisdictions to plan for and zone development in such a way that it is not visible from parkways.
2. Encourage local jurisdictions to minimize—through planning, regulation, and careful design—the impact of development that is visible from parkways.

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3. Where transportation system impacts are unavoidable, require action to minimize and mitigate these impacts to maintain parkway characteristics.

Montgomery County planning and zoning regulations govern land use, building heights, signage, and other site elements that may affect viewsheds.

3.6.1.2 Existing Conditions

Viewsheds of the Hoyt property are restricted to the south by the densely wooded areas of the Little Falls Stream Valley Park, even before spring leaf-out. With the leaves off of the trees, the site and its industrial uses are visible from the Little Falls Parkway to the east. Figure 10 shows the existing view from inside the Hoyt property toward the parkway, while Figures 11, 12, and 13 show the existing views from the parkway looking into the Hoyt property. As seen in Figures 12 and 13, the existing views from the Parkway are dominated by views of the BETCO plant, the plant's waste piles and material stockpiles, and also by the 11-story Park Bethesda apartment building located west of the Hoyt property between Westbard Avenue and the Capital Crescent Trail. As noted previously, the BETCO plant currently encroaches (with impervious paving) several feet into the park property (between the property and Willet Branch).

The Capital Crescent Trail is visible to the west of the property (see Figure 14). Commercial and industrial buildings and a large cell tower are visible above the wooded slopes that separate the property from the Capital Crescent Trail.

To the north, along Butler Road, the viewshed is dominated by additional commercial buildings, including automotive dealerships, an athletic club, and storage facilities (see Figure 15). A large apartment building located across River Road is also visible to the north. One single-family home, the Milton (Loughborough) House, is partially visible to the east/southeast (see Section 3.7, Cultural Resources, for additional information on the Milton House).



Figure 10 View of Little Falls Stream Valley Park and Little Falls Parkway from the Hoyt Property

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Figure 11 View from Little Falls Parkway toward the north end of the Hoyt Property (vicinity of Alternative A)



Figure 12 View from Little Falls Parkway toward the center of the Hoyt Property (vicinity of Alternative B)

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Figure 13 View from Little Falls Parkway toward the south end of the Hoyt Property (vicinity of Alternative C)



Figure 14 View toward Capital Crescent Trail from the Hoyt Property



Figure 15 View north toward Butler Road

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3.6.2 Visual Resources - Environmental Consequences and Mitigation Measures

3.6.2.1 No Action Alternative

Under the No Action Alternative, the Hoyt property would not be redeveloped and the access road would not be constructed. The No Action Alternative would continue to impact current viewsheds and visual resources. The current industrial uses the Hoyt property, including several waste piles and material stockpiles, are visible from Little Falls Parkway, the Little Falls Stream Valley Park, and the Capital Crescent Trail. The encroachment of impervious surfacing into the stream valley park would remain. Under the No Action Alternative, these views would remain resulting in a moderate, adverse impact on viewsheds.

3.6.2.2 Action Alternatives A, B, and C

Alternatives A, B, and C would have a beneficial impact to visual resources in the area. The proposed action would improve the views into the property resulting in long-term, beneficial impacts. The current views from the Little Falls Stream Valley Park, Little Falls Parkway, and the Crescent Trail of the BETCO plant and waste and stockpiles would be replaced with views of residential townhomes with attractive landscaping. The townhomes would be approximately 35-feet in height and would be screened by re-forestation between the homes and the parkway, as the townhouse plan would re-forest the currently impervious parkland and return it to the County in its natural, green condition. Views from the parkway would continue to be dominated by the 11-story Park Bethesda apartments west of the Hoyt property.

The addition of the access road would change the land use from forested parkland to a transportation use in a portion of the narrow segment of the Little Falls Stream Valley Park that lies between the Little Falls Parkway and the Hoyt property. The vegetation in this area of Little Falls Stream Valley Park is immature trees with extensive invasive species such as Japanese honeysuckle. The access road would remove the invasive species and would be landscaped with native vegetation resulting in a beneficial impact on views from the park and the parkway.

The Federal Elements of the Comprehensive Plan for the National Capital call for maintaining parkways as scenic landscape corridors, and protect their historic aspects. While the proposed action would add an access point onto Little Falls Parkway, the parkways function would not change and the scenic landscape would be enhanced by the re-forestation of the current impervious parkland, by the removal of invasive species, and by the change in the Hoyt property land use.

The Comprehensive Plan also encourages local jurisdictions to plan for and zone development in such a way that it is not visible from parkways, to minimize—through planning, regulation, and careful design—the impact of development that is visible from parkways, and where transportation system impacts are unavoidable, require action to minimize and mitigate these impacts to maintain parkway characteristics. The proposed action would be visible from the parkway, Montgomery County has taken these views into consideration in their planning process. The Montgomery County Westward Sector Plan notes that “the depth of the abutting parkland is thin making the block plant quite visible; its

appearance is somewhat out of place with the nearby residences (townhouses)” and that despite the current I-1 zone, “the abutting park (also owned by MNCPPC) suggests townhouse residential as an appropriate use” (Montgomery County, 1982). Therefore, as noted previously, these viewshed impacts would have long-term, beneficial impacts on views from the parkway. The impacts to the transportation aspects of the Little Falls Parkway (e.g. the new access point) would have a minor, long-term adverse impact on the parkway characteristics.

3.7 Cultural Resources

3.7.1 Cultural Resources - Affected Environment

Cultural resources include evidence of the past activities and accomplishments of people. They include buildings, objects, locations, and structures that have scientific, historic, or cultural value. Cultural resources provide cultural, educational, aesthetic, inspirational, and/or economic value and give a sense of orientation to the nation. Cultural resources are protected under a number of federal laws and regulations, as well as numerous specific state statutes.

3.7.1.1 Regulatory Setting

Section 106 of the National Historic Preservation Act (NHPA), as amended, and implemented by 36 CFR Part 800, requires Federal agencies to consider the effects of their actions on historic properties, and provide the State Historic Preservation Officer(s) (SHPO) and the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on Federal projects that would have an effect on historic properties prior to implementation. Historic properties are defined as archaeological sites, standing structures, or other historic resources listed in or eligible for listing in the National Register of Historic Places (NRHP).

Under the Council's regulations, applicants for funding may initiate the Section 106 compliance consultations when authorized to do so by the federal agency by a Programmatic Agreement between ACHP, federal agency, and SHPO. The federal agency must notify the involved SHPO's and other consulting parties that the applicant will be so authorized. The federal agency remains legally responsible for all findings and determinations made on its behalf. When historic resources are identified in the project's Area of Potential Effect (APE), consultation should also occur with any persons or organizations that could be interested in the cultural resources that could be impacted by the project (such as local community groups or historic preservation organizations, or tribes with historic association with the cultural resources).

The consultative process required under the regulations aims at resolving two key issues. The first is whether the proposed project has an effect on historic properties. The term effect is defined under 36 CFR 800.16(i) as an "alteration to the characteristics of historic property qualifying it for inclusion in, or eligibility for the National Register (of Historic Places)." The project's impact on the property's use, character, location, and setting are to be considered when determining its effect on the historic property. The other issue is whether any effect on the historic property is adverse. An effect is considered adverse under 36 CFR

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800.5(a)(I) when it will endanger those qualities that make the property eligible for inclusion in the National Register of Historic Places.

3.7.1.2 Existing Conditions

No architectural or archaeological resources have been recorded within the Hoyt property or the Little Falls Stream Valley Park. According to the Maryland Real Property Database, the buildings on the Hoyt property were constructed in 1968. Buildings immediately adjacent to the Hoyt property are all modern construction.

Review of the Maryland Inventory of Historic Properties (MIHP) at the Maryland Historical Trust (MHT) indicates two architectural properties are present within one-half mile of the project area. These are the Milton (Loughborough) House (M: 35-35) and Westbrook Elementary School (MIHP M: 35-50), both of which lie east/southeast of the property. The Milton (Loughborough) House is listed in the National NRHP. The home was originally constructed before 1820 and expanded in 1847 by Nathan Loughborough, Comptroller of the US Treasury during the John Adams administration. The Westbrook Elementary School, which was originally built in 1939, has not been formally evaluated for NRHP eligibility.

The archaeological records at MHT also were reviewed. Four archaeological surveys have been conducted within one-half mile of the Hoyt property (Franklin and Gregory 1980; Gardner 1976; Thomas 1979). Three of these were non-intensive surveys related to the Washington Metropolitan Area Transit Authority's Rockville and Glenmont Routes, the Washington Suburban Sanitary Commission Rock Run project, and the Metropolitan Washington Area Water Supply Study. The fourth survey also was non-intensive and was conducted for the abandonment of the Georgetown Subdivision right-of-way. The report of this project could not be found at MHT. During that survey, one archaeological site, 18MO311, was identified within one-half mile of the property. This nineteenth-century millrace, located to the south of the Hoyt property, has not been formally evaluated for NRHP eligibility.

A reconnaissance of the Hoyt property was conducted on March 25, 2011, to investigate the potential impacts to cultural resources. The reconnaissance showed that the property has been significantly altered by ground disturbance. The original sloped ground was cut back to provide a level surface for the concrete plant and yard, and the soils were removed from the property. Little Falls Branch was altered in the past and flows through a concrete channel. While a small strip of land is present between the channelized stream and Little Falls Parkway, it has been disturbed by channelization of the creek and construction of the parkway. This land-surface modification and stream channelization has resulted in the removal or disturbance of all soil deposits that could have contained archaeological resources. The west edge of the property is steeply sloped and therefore unlikely to contain archaeological sites. Given the extent of modification, the extensive removal of soils, and steepness of slopes, there is no potential for intact archaeological resources in the project area.

Viewsheds of the Hoyt property are restricted to the south by densely wooded areas, even before spring leaf-out. With the leaves off of the trees, the site is visible from the Little Falls

Parkway to the east. To the west, commercial and industrial buildings and a large cell tower are visible above the wooded slopes and Capital Crescent Trail. To the north, along Butler Road, are more commercial buildings, including automotive dealerships, an athletic club, and storage facilities. A large apartment building located across River Road is also visible to the north. One single-family home is partially visible to the east/southeast. It is the Milton (Loughborough) House, which is listed in the NRHP.

3.7.2 Cultural Resources - Environmental Consequences and Mitigation Measures

3.7.2.1 No Action Alternative

Under the No Action Alternative, the Hoyt property would not be redeveloped and the access road would not be constructed. There would be no new impacts to any architectural or cultural resources within or near the Hoyt property under this alternative.

3.7.2.2 Action Alternatives A, B, and C

The Action Alternatives would not impact the Westbrook Elementary School as it is not visible from the project area. The Action Alternatives could have a visual impact on the Milton House, which is listed in the NRHP. The change in views would be from that of an industrial use to a residential development. The trees within the Little Falls Stream Valley Park would continue to buffer the views from the Milton House to the project area. Therefore, the action alternatives would only have a minor, long-term, adverse impact on historic properties, and it is not anticipated that the project will have an adverse effect on historic properties under Section 106 of the NHPA¹.

Given the extensive disturbance of the project area associated with the construction of the existing concrete plant and yard and Little Falls Parkway and with the channelization of the Willet Branch, no significant archaeological resources are anticipated to be present in the project area. Therefore, the Action Alternatives would not have an adverse effect on archaeological resources.

3.8 Land Use and Zoning

3.8.1 Land Use and Zoning - Affected Environment

3.8.1.1 Regulatory Setting

Land use patterns within communities aid in forming the structure of our built environment. The relationships of land uses to one another can result in community harmony or discord.

¹ Concurrence on the finding of No Adverse Affect has been sought from the Maryland Historical Trust.

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Local, state, and tribal land use plans exist in many areas of the country, guiding future land use patterns based upon the vision of the local community and leaders.

Zoning in Montgomery County is regulated by the Zoning Ordinance.

3.8.1.2 Existing Conditions

The Hoyt property is currently zoned I-1 for industrial use. The property is currently in uses as a distribution center for the Bethesda Cinder Block Manufacturing Company (BETCO). The property contains three one-to-three-story buildings and extensive paved areas for outdoor storage and parking. The Little Falls Stream Valley Park which runs along the east and south side of the property is forested. Willet Branch runs through the park along the east side of the property.

The surrounding parcels are also zoned industrial and are currently used for industrial and commercial businesses. The Capital Crescent Trail is located immediately west of the site and is used for recreation.

3.8.2 Land Use and Zoning - Environmental Consequences and Mitigation Measures

3.8.2.1 No Action Alternative

Under the No Action Alternative, the Hoyt property would not be redeveloped and the access road would not be constructed. Therefore there would be no changes in land use or zoning.

3.8.2.2 Action Alternatives A, B, and C

Under the Action Alternatives, land use on the site would change from industrial to residential. This change would be consistent with the approved 1982 Westbard Sector Plan which encourages a townhouse development on the property and indicates a possible access road off Little Falls Parkway to serve the development. Therefore, the Hoyt property redevelopment would have a beneficial, long-term impact on land use.

The proposed access road through the Little Falls Stream Valley Park would result in a change in land use from undeveloped parkland to a transportation use. This change would not affect the current use of the parkland and therefore would result in a moderate, long-term, adverse impact to land use.

The developer of the Hoyt property has requested a zoning change for the site from industrial to townhouse use. This change in zoning is consistent with the 1982 Westbard Sector Plan and therefore would have no adverse impact on zoning.

3.9 Socioeconomics

3.9.1 Socioeconomics - Affected Environment

3.9.1.1 Regulatory Setting

One of the key federal mechanisms for evaluating socioeconomic impacts of its actions is through EO 12898 (Federal Actions to Address Environmental Justice in Minority and Low-

Income Populations) that requires Federal lead agencies to ensure rights established under Title VI of the Civil Rights Act of 1964 when analyzing environmental effects.

Federal lead agencies determine impacts on low-income and minority communities as part of the NEPA compliance process. Agencies are required to identify and correct programs, policies, and activities that have disproportionately high and adverse human health or environmental effects on minority or low-income populations. EO 12898 also tasks Federal agencies with ensuring that public notifications regarding environmental issues are concise, understandable, and readily accessible.

3.9.1.2 Existing Conditions

The Hoyt property is currently in industrial use as are the properties immediately to the north of the site. The Little Falls Stream Valley Park is located to the east and south of the site. The Capital Crescent Trail is located to the west of the site. There is a large apartment complex west of the Capital Crescent Trail that is visible from the Hoyt property. Residential properties are also located east of Little Falls Parkway.

According to the 2005-2009 American Community Survey 5-Year Estimates from the U.S. Census Bureau², Bethesda is approximately 85.1 percent White, 3.0 percent black, and 8.9 percent Asian. Montgomery County is 60.2 percent White, 16.3 percent black, and 13.2 percent Asian. Approximately 2.9 percent of the population in Bethesda is below the poverty line, compared to 5.3 percent in the county.

3.9.2 Socioeconomics - Environmental Consequences and Mitigation Measures

3.9.2.1 No Action Alternative

Under the No Action Alternative, the Hoyt property would not be redeveloped and the access road would not be constructed. There would be no impacts to socioeconomic resources under this alternative.

3.9.2.2 Action Alternatives A, B, and C

Under the Action Alternatives, the site use would change from industrial to residential. It is not known if the current property users, BETCO, would relocate to another location. If they do not relocate, the closure of BETCO would have a moderate, adverse impact on employment.

Implementation of the Action Alternatives would have a beneficial impact on housing in the area by providing new housing opportunities in the area. Residential development would result in a small increase in population which would result in a minor, increase in usage of

² While the 2010 Census was recently conducted throughout the U.S., the data has not been analyzed and is not currently available. Therefore, the 2005-2009 American Community Survey 5-Year Estimates were used in this analysis.

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community services and facilities, and utilities. The Action Alternatives would result in beneficial impacts to environmental conditions and therefore would not have disproportionately high and adverse human health or environmental effects on minority or low-income populations as defined in Executive Order 12898.

3.10 Traffic and Transportation

3.10.1 Traffic and Transportation - Affected Environment

3.10.1.1 Regulatory Setting

Maryland Department of Transportation is responsible for the design, construction, and maintenance of their state highway systems, as well as the portion of the Federal highways and interstates within their boundaries. Arterials, connectors, rural roads, and local roads are constructed and maintained by county or city governments.

3.10.1.2 Existing Conditions

The Hoyt property is currently accessible from Butler Road which connects to River Road west of Little Falls Parkway. Butler Road is an un-marked roadway that serves an industrial complex which contains numerous warehouses, storage units, and autobody shops. Little Falls Parkway is located to the east of the property; however there is no direct access into the property. Little Falls Parkway begins at Glenmont Road and from River Road south runs the length of the stream valley park. The parkway is a four-lane median divided road north of River Road and a two-lane 24-foot wide roadway between River Road and Massachusetts Avenue (Montgomery County, 1982). The parkway serves as a connection between River Road and Massachusetts Avenue for commuters travelling between Maryland and the District of Columbia as well as northern Virginia. Commercial traffic is prohibited on Little Falls Parkway.

There is currently limited traffic associated with the industrial use of the site.

3.10.2 Traffic and Transportation - Environmental Consequences and Mitigation Measures

3.10.2.1 No Action Alternative

Under the No Action Alternative, the Hoyt property would not be redeveloped and the access road would not be constructed. There would be no new impacts to traffic volumes and no changes to roadways or traffic patterns under this alternative.

3.10.2.2 Action Alternatives A, B, and C

The redevelopment of the Hoyt property would result in short-term increases in traffic volumes associated with site demolition and construction activities. Construction related traffic would result in a minor, short-term adverse impact.

Under the Action Alternatives, a new access road would be constructed from the Hoyt property through the Little Falls Stream Valley Park. This new road would add a new access point on Little Falls Parkway resulting in a minor, long-term, adverse impact to the roadway.

A Policy Area Mobility Review (PAMR) study has been conducted for the proposed residential community. According to the M-NCPPC Local Area Transportation Review (LATR) and PAMR guidelines, since the number of total trips is expected to be generated by the proposed development, is fewer than 30, the application is exempt from a LATR study. The results of the PAMR study indicated that the proposed townhouses will generate 4 to 22 new peak hour trips compared to the existing brick and block plant, and that the surrounding road network will adequately accommodate the proposed development. Seven trips are required to be mitigated to address PAMR. The townhome developer, EYA, proposes to make appropriate identified improvements or make the appropriate payment to meet this mitigation requirement.

As additional mitigation measures, M-NCPPC has proposed installing a radar speed display signs along Little Falls Parkway as a traffic calming measure. A trail renovation and maintenance project is also proposed to refurbish the four-foot-wide shoulder of the Capital Crescent Trail. With these mitigation measures, the proposed action is anticipated to have a minor, long-term, adverse impact on traffic levels.

3.11 Solid and Hazardous Materials and Waste

3.11.1 Solid and Hazardous Materials and Waste - Affected Environment

3.11.1.1 Regulatory Setting

Solid and hazardous materials and wastes are regulated in the U.S. under a variety of Federal and state laws. Federal laws and subsequent regulations governing the assessment, transportation, and disposal of hazardous wastes and materials include the Resource Conservation and Recovery Act (RCRA); the RCRA Hazardous and Solid Waste Amendments; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); the Solid Waste Act; the Toxic Substances Control Act (TSCA); and the CAA. RCRA is the Federal law that regulates hazardous waste from “cradle to grave,” that is, from the time the waste is generated through its management, storage, transport, treatment, and final disposal. USEPA is responsible for implementing this law

RCRA also sets forth a framework for the management of non-hazardous wastes. The 1986 amendments to RCRA enable the USEPA through relevant state agencies to address the environmental problems that can result from underground tanks storing petroleum and hazardous substances. RCRA focuses only on active and proposed facilities, and does not address abandoned or historical sites.

3.11.1.2 Existing Conditions

Phase II subsurface investigations were conducted on the Hoyt property in December 2010 and February 2011. Soil, groundwater and soil gas were tested on the site. The results of these investigations reveal that four subsurface soils have level of total petroleum hydrocarbons-diesel range organics (TPH-DRO) that exceed MDE’s clean up standard in a

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residential setting of 230 ppm. In addition, multiple soil samples contained levels of DRO and gasoline range organics (GRO). Also, low amounts of lead, arsenic, chromium and barium were detected in a composite disposal sample. Detectable arsenic exceeds the clean-up standard for both the state and federal level.

Groundwater samples contained levels that exceeded MDE groundwater cleanup standard for TPH-DRO, TPH-GRO and methyl tert-butyl ether (MTBE). No cleanup standards are set by MDE for this additive. It should be noted that the MDE levels are in association with drinking water standards and the site does not currently, and does not plan to utilize the groundwater for any purpose. The results found that the contamination levels in the groundwater are highest in the northern portion of the site, and decrease in the down gradient direction across the site.

Two analytes were detected out of the 11 soil gas samples 1,1,1-Trichloroethane at 1.4 ug/L and Chloroform 0.19 ug/L. The level for 1,1,1-Trichloroethane is below the screening level for residential air. While Chloroform is a known carcinogen and the EPA risk-based concentration (RBC) for residential air is 0.11 ug/m³. This level for Chloroform is above the EPA RBC level.

3.11.2 Solid and Hazardous Materials and Waste – Environmental Consequences and Mitigation Measures

3.11.2.1 No Action Alternative

Under the No Action Alternative, the Hoyt property would not be redeveloped and the access road would not be constructed. Under this alternative, environmental concerns on the Hoyt property would not be remediated.

3.11.2.2 Action Alternatives A, B, and C

The investigation results noted in section 3.11.1.2 above have been forwarded to MDE for their review. Under the Action Alternatives, the property owner would undertake remediation activities as agreed to with MDE. These remediation activities would have a beneficial, long-term impact on environmental conditions. With proper remediation, long-term risks to future residents should be minimized if not eliminated.

3.12 Noise

3.12.1 Noise - Affected Environment

3.12.1.1 Regulatory Setting

Noise can be disruptive to normal activities for people and wildlife. In extreme cases, it can have adverse health effects, such as hearing loss. The location, duration, timing, and frequency of activity give rise to a pattern of noise. The loudness is measured in units called decibels (dB). The loudness of sound as heard by the human ear is measured on the A-weighted decibel (dBA) scale.

Certain land uses, facilities, and the people associated with them are more sensitive to a given level of noise than other uses. Such "sensitive receptors" include schools, churches,

hospitals, retirement homes, campgrounds, wilderness areas, hiking trails, and some species of threatened or endangered wildlife.

Machinery and activities during construction and renovation can generate noise. However, construction sites of this size typically do not generate noise levels greater than 90 dBA, and elevated noise levels would be likely to be of short duration. Heavy equipment use tends to be the noisiest phase of construction, but lasts only a short time.

3.12.1.1 Existing Conditions

The Hoyt property is currently in industrial use. Noise levels generated at the site are primarily from vehicular and truck traffic. Noise within the Little Falls Stream Valley Park is generated by activities on the Hoyt property and by traffic on Little Falls Parkway.

3.12.2 Noise - Environmental Consequences and Mitigation Measures

3.12.2.1 No Action Alternative

Under the No Action Alternative, the Hoyt property would not be redeveloped and the access road would not be constructed. The industrial use of the Hoyt property and associated noise generation would continue. There would be no additional noise generation under this alternative.

3.12.2.2 Action Alternatives A, B, and C

Impacts under the Action Alternatives are likely to be short term and minor in duration and associated primarily with the demolition and construction site work for the townhomes and the road crossing. Adverse noise impacts from construction would be minor and short-term.

After the site work is complete, impacts to noise levels are expected to be beneficial. Commercial vehicles would be prohibited to access the site via Little Falls Parkway and would be directed to the Butler Road Access. Generally, residential areas would not create noise of the scale of industrial operations and therefore noise levels would be reduced. The reduced impacts on noise would have a beneficial impact on the recreation value of the Capital Crescent Trail and the Little Falls Stream Valley Park.

3.13 Cumulative Effects

The Council on Environmental Quality's (CEQ) Regulations (40 CFR 1500-1508) implementing the procedural provisions of the National Environmental Policy Act (NEPA) of 1969, as amended (42 USC 4321) defines cumulative effects as: "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other action (40 CFR 1508.7)"

The proposed project is located in the Westbard section of Montgomery County. According to the Westbard Sector Plan, this area developed along a major transportation corridor, the B&O Railroad. Residential development began in the 1920s with the construction of the Kenwood Country Club and the adjacent Kenwood subdivision. Single-family residential development continued in the 1930s and 40s. Garden-style apartment and high-rise

3 – Affected Environment and Environmental Consequences

structures were constructed in the area starting in the 1960s. Commercial and industrial development occurred over the century primarily along River Road and Westbard Avenue (Montgomery County 1982).

Past, present, and future development has affected and will continue to affect the natural, cultural, and social environment of the Westbard area and the area surrounding the proposed project. Current and future development continues to result in a loss of vegetation, putting pressure on natural habitats and adversely affecting wildlife. Additional development continues to put pressure on community services and increases demands for utilities. With an increase in development there also comes an increase in traffic and roadway congestion. Worsening traffic contributes to poor air quality. Lastly, future development projects may result in views of a more densely developed environment and could affect historic and archeological resources.

Beneficial cumulative impacts associated with past, current, and future development include increased job opportunities, improved housing, and an increase in the regional and state tax base.

The proposed redevelopment of the Hoyt property and proposed access road would add to cumulative impacts on the natural, cultural, and social environment. However, as documented in this EA, because the Hoyt property is currently in use as an industrial site with no environmental controls in place, the proposed project would for the most part result in beneficial impacts. The change in land use would improve numerous resources including water resources, vegetation, viewsheds, land use planning, housing inventories, and site contamination thus reducing the adverse cumulative impacts that have and will continue to occur with development of the region.

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