



COMMONWEALTH OF VIRGINIA
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JEFFREY C. MCKAY
 CHAIRMAN

December 1, 2020

The Honorable Shannon Valentine
 Secretary of Transportation
 P.O. Box 1475
 Richmond, Virginia 23218

Reference: Fairfax County Comments on I-495 Express Lanes Northern Extension Project Draft Design Plans

Dear Secretary Valentine:

On December 1, 2020, the Fairfax County Board of Supervisors approved the following comments regarding the draft design for I-495 Express Lanes Northern Extension (I-495 NEXT) Project. I-495 NEXT project is critically important to Fairfax County. The County continues to support the Commonwealth's efforts to reduce congestion and provide additional travel choices in the Capital Beltway Corridor and to move the most people as efficiently as possible in this region. Furthermore, the project's proximity to Tysons and McLean also signifies that improvements in the Corridor will have lasting effects on accessibility and increased economic opportunity for surrounding communities in Fairfax County.

Considering the implications of the I-495 NEXT project, it is essential that citizens are well informed of its scope and resulting impacts. As previously communicated, the Board requests that VDOT allow additional time for the public to provide feedback on the project prior to proceeding with execution of its final contract with the concessionaire.

Fairfax County has been engaged with this project from its inception and appreciates VDOT's efforts to address many of the project issues; however, VDOT continues to inadequately respond to stormwater management concerns. The County looks forward to continued and improved coordination as project design progresses. As part of those efforts, the County offers the following comments regarding the I-495 NEXT draft design plans released in February 2020:

- 2025 Traffic Operations Prior to Maryland Managed Lanes
 - The Board acknowledges VDOT's effort to analyze the 2025 traffic conditions in the event managed lanes north of the American Legion Memorial Bridge (ALMB) in Maryland are not complete. Aside from the County's concerns regarding travel time and level of service degradation at arterial intersections in this scenario, it will be critical to coordinate design efforts to ensure an adequate transition prior to the implementation of Maryland's manage lane system. Based on the current schedule, I-495 NEXT is expected to be completed prior to Maryland's system of managed lanes. It is critical that VDOT address the temporary impacts of opening prior to the opening of Maryland's managed lanes to ensure a safe transition to the existing ALMB configuration in the interim.
 - Fairfax County encourages VDOT's continued coordination with Maryland. Both projects should be closely coordinated to ensure that transportation improvements are well integrated and beneficial to the region. As construction plans are developed, construction phases for both projects should seek to minimize reconstruction at the tie-in segments and reduce unnecessary

disturbance to surrounding communities between construction phases. The projects should also make efforts to minimize the time between the opening of the VDOT project and the Maryland project.

- Stormwater

- The Board recognizes the importance of transportation projects to our community. However, it is also critical to minimize the negative water quality impacts that the additional impervious area has on County watersheds. This is critically important in the McLean area adjacent to the I-495 NEXT project, which has experienced significant flooding during recent storms. Based on the current plan, VDOT anticipates about 3,000 linear feet of stream impacts, mostly located along Scotts Run between Lewinsville Road and Old Dominion Drive in McLean. Increased imperviousness from the I-495 NEXT project has significant potential to exacerbate already prevalent stream degradation and flooding issues, particularly at Scotts Run.

For over a year, County staff has held multiple meetings with VDOT to coordinate the efforts on stormwater management design for this project. As has been discussed in those meetings and via the attached letters to Department of Environmental Quality (Attachment 2) and to Office of the Secretary of Natural Resources (Attachment 3), VDOT should pursue on-site restoration of Scotts Run within the project limits and state transportation projects should meet local standards for stormwater management when the local standards are more stringent. The I-495 NEXT project has yet to adequately address these issues.

Along with comments in Attachment 1, the Board requests VDOT consider these requests below prior to advancing the I-495 NEXT project:

- Stormwater Management (SWM) Requirements –The Board requests that this project meet the current County SWM requirements rather than the outdated state grandfathered SWM conditions. As stated in the letter to VDOT on July 17, 2019, and presented in Attachment 2, Fairfax County’s criteria is more stringent than VSMP Parts II B and II C of VSMP Regulations, and the Board requests that this project meet these SWM requirements. If it is found that our local stormwater management requirements are not attainable, VDOT should implement requirements to the maximum extent practicable and provide documentation to the County demonstrating that the technical requirements are not fully feasible.
- Water Quantity Control – The majority of runoff from the new lanes will be piped directly to Scotts Run stream or the Potomac River with no detention, worsening downstream flooding and erosion along Scotts Run. Road flooding impacts both Fairfax County and VDOT infrastructure. There are also numerous complaints regarding tree loss due to stream erosion downstream of I-495. The Board requests VDOT pursue underground detention within the right-of-way to the extent feasible to prevent negative impacts to Scotts Run and downstream areas.
- Stream and Wetland Impacts – Based on the current plan, the project will generate up to 3,000 linear feet of stream impacts and affect 19.8 acres of impacted wetlands. The Board requests VDOT complete permittee-responsible mitigation along Scotts Run, particularly between Lewinsville Road and Old Dominion Drive. This stream section is mostly within VDOT right-of-way and directly adjacent to the project limits. In previous discussions, VDOT agreed to explore on-site stream mitigation.

- Water Quality – VDOT’s interpretation of routine maintenance exempts the project’s existing impervious area from the state SWM requirements, so the existing impervious surface will remain largely untreated. Under county stormwater standards, the existing impervious area would also be treated. Additionally, the project will not meet its minimum on-site water quality requirements and will purchase 80 percent of its required nutrient reduction offsite outside of Fairfax County. The Board requests VDOT apply enhanced outfall stabilization practices to meet the project’s water quality requirements on site.
- Resource Protection Area (RPA) Impacts – The Environmental Assessment (EA) cites up to 75.5 acres of temporary and permanent impacts to the RPA. Public roads are conditionally exempt from RPA regulation under the Virginia Administrative Code provided that the roadway is designed and constructed in accordance with water quality protection criteria at least as stringent as VDOT requirements. Given that the project will not meet minimum water quality requirements, the Board requests that the project meet the RPA replanting requirements detailed in Fairfax County Code Chapter 118 Chesapeake Bay Preservation Ordinance and Public Facilities Manual Chapter 12 (12-0316.4) in the Scotts Run stream valley section between Lewinsville Road and Old Dominion Drive.

While Fairfax County recognizes the constraints faced by linear projects like I-495 NEXT, we also believe that transportation projects, particularly of this magnitude, should strive to minimize negative effects on water quality, local streams, and ultimately the Chesapeake Bay. The cumulative impact from the project’s failure to address each of the bullets above will worsen the already degraded condition of the Scotts Run stream valley. Although there are limited options to manage stormwater within the right-of-way, there are other mitigation opportunities within the Scotts Run watershed. The County is committed to working with VDOT to help meet the project’s stormwater obligations.

- Bike/Pedestrian Facilities

- The bicycle and pedestrian facilities are critical to addressing the varied mobility needs of the region. Fairfax County’s Comprehensive Plan recommends a major regional trail along I-495. Such a facility is intended as a link between Maryland and Virginia. The provision of this major regional trail is imperative to providing nonmotorized transportation alternatives and reducing single occupancy vehicles in the region. As the Commonwealth coordinates with Maryland on the vehicular improvements to the ALMB, all efforts should be taken to ensure the continuation of this trail into Maryland for pedestrians and bicyclists.
- Tysons is located at the southern end of the I-495 NEXT project. The connection of pedestrian and bicycle facilities as part of this major regional trail and along the secondary streets to Tysons is critical to providing a comprehensive transportation network that meets the needs of this growing community. VDOT should make all efforts to provide a safe and consistent pedestrian and bike connection from this major regional trail to Tysons.
- VDOT should confirm that the design plans will be revised, per previous discussions, to include the pedestrian facility on the north side of Georgetown Pike bridge across I-495.
- The design for the overpass at Live Oak Drive should be refined to ensure a more comfortable on-road biking environment.
- The I-495 NEXT project should make all efforts to promote pedestrian and bicycle connections to this major regional trail and along secondary streets. Furthermore, any design elements of the

I-495 NEXT project should not preclude the provision of pedestrian and bicycle facilities outlined in the County Trails Plan and Bicycle Master Plan in the future.

- Right-of-Way
 - The Board appreciates the additional considerations given to minimizing right-of-way impacts to our residences, businesses, parks and natural resources. As design progresses, the I-495 NEXT project should continue to make reasonable efforts to avoid right-of-way impacts to surrounding properties.

- Enhanced Transit
 - A clear advantage of the managed lanes is that they support more reliable and more efficient bus service in the corridor. The Board acknowledges the I-495 American Legion Bridge Transit and TDM Study led by Maryland Department of Transportation (MDOT)/ Maryland Transit Administration (MTA) and Virginia Department of Rail and Public Transportation (DRPT), which seeks to find multimodal solutions for the corridor. In addition to this effort, Fairfax County has included a new bus route over ALMB in its Transit Network Study. Considering the potential for new transit routes via the Express Lanes, VDOT should coordinate with Fairfax County staff in the design phase and look for opportunities to promote and enhance transit access to the Express Lane facilities.

- Park Impacts
 - Cultural Resources:
 - Park Authority staff recommends any areas with ground disturbance throughout the project corridor that are not previously surveyed should undergo a Phase I archaeological survey. If sites are found that are potentially significant to the history of Fairfax County, or potentially eligible for inclusion onto the National Register of Historic Places, they should undergo Phase II archaeological testing. If sites are found significant or eligible, avoidance or Phase III data recovery is recommended.
 - Natural Resources:
 - All development on Park Authority property must comply with its Policy 201, Natural Resources, and agency-wide Natural Resource Management Plan (NRMP). Of note is Section 7 of the NRMP:

Avoid adverse impacts to natural areas, mitigate unavoidable impacts from construction and maintenance projects and require restoration and rehabilitation of impacted natural resources.

 - i. Minimize impacts to forests, meadows and other natural areas from human use.
 - ii. Protect significant natural communities and species.
 - iii. Require restoration of impacted natural resources when use of parkland causes damage to them.

If impacts cannot be avoided, staff requests a design that minimizes impacts and a mitigation plan for any losses, which should be coordinated with the Park Authority. This mitigation plan will need to clarify the extent of construction that will occur on Park Authority property as well as the impacts to natural resources.
 - Park Authority recommends the rehabilitation for any temporary impacts to natural resources to Park Authority standards and mitigate/compensate for permanent impacts to

natural resources on Park Authority managed lands. This requirement shall apply to any natural resource impact (terrestrial or aquatic) that is not regulated under the jurisdiction of any federal or state agency.

- Due to the proximity to parkland, this project should only use common native species including perennials and seed mixes. The Park Authority requests that the applicant utilize common plant species generally native to Fairfax County, including trees, perennials, and seed mixes, to provide the greatest ecosystem benefit.
- Design and Construction Recommendations:
 - Depending on the final scope of the work, spoils should be removed from offsite dumping of debris and properly secured by a barrier to eliminate future offsite dumping on parkland.
 - The potential extension of noise walls on/near Scotts Run Nature Preserve/Live Oak Drive will need further discussion as the design progresses.
- Failing Conditions at Studied Intersections
 - Based on the transportation analysis provided in the Environmental Assessment, there are multiple intersections that operate under failing conditions in both 2025 and 2045 analysis. The I-495 NEXT design plans should incorporate any needed intersection improvements to mitigate the impacts to degraded intersections.
- Implementation Issues
 - VDOT has made extensive efforts to coordinate with County staff on project designs, pedestrian/bicycle facilities, and stormwater, among other aspects of the project. These efforts are expected to provide substantial opportunity for input and consideration for the implementation of the I-495 NEXT project. The Board emphasizes that these efforts should continue and the following considerations be included with further design efforts:
 - Ensuring that sound walls are replaced rapidly after the existing wall is removed,
 - Minimizing park impacts,
 - Developing an aggressive maintenance of traffic plan for roadway and pedestrian/bicyclist accessibility,
 - Ensuring sufficient time to coordinate traffic and design changes with County staff and Supervisors office, as well as the impacted communities,
 - Minimizing night construction in areas adjacent to residential neighborhoods,
 - Maintaining proper erosion, siltation and stormwater management equipment and facilities during construction,
 - Developing an effective landscaping and tree replacement plan,
 - Minimizing disruption during construction,
 - Minimizing construction that impacts bus services especially at peak times, and
 - Including proper temporary roadway striping capable of maintaining visibility at night and in inclement weather.
 - Meeting the County's stormwater requirements.
- County Involvement in Design Review Process
 - The Board recognizes that the design concepts presented in the EA represent preliminary designs and the Public-Private Partnership are important opportunities to allow creativity in the final design to reduce costs, simplify maneuverability of systems, and further reduce impacts on the community. The Board requests VDOT share the design plans with the County staff prior to final approval for major design submittal packages.

The Honorable Shannon Valentine
December 1, 2020
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Additional County comments can be found in the attachments to this letter. Fairfax County appreciates the work that has been undertaken through the design development process to date and the opportunity to provide comments. We also look forward to working closely with the Commonwealth and developing a mutually beneficial project to County residents and the region.

If you have any questions or need additional information, please contact Martha Coello of the Department of Transportation at Martha.Coello@fairfaxcounty.gov or 703-877-5682.

Sincerely,

Jeffery McKay
Chairman

Enclosure:

- Attachment 1: Combined List of Comments from Fairfax County staff on I-495 NEXT Draft Design
- Attachment 2: DPWES Letter to DEQ on I-495 NEXT Water Quality on June 30, 2020
- Attachment 3: DPWES Letter to Natural Resources on State Transportation Project SWM Concerns August 14, 2020 and BOS Letter to VDOT on SWM Requirements July 17, 2019

cc: Members, Fairfax County Board of Supervisors

Bryan J. Hill, County Executive
Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Department of Transportation
Helen Cuervo, District Administrator, VDOT, Northern Virginia
Susan Shaw, Megaprojects Director, VDOT
Barbara Byron, Director, Department of Planning and Development
Randy Bartlett, Director, Department of Public Works and Environmental Services
Kirk Kincannon, Director, Fairfax County Park Authority

Attachment 1: Fairfax County Staff Comments on I-495 NEXT Draft Design for Public Hearing

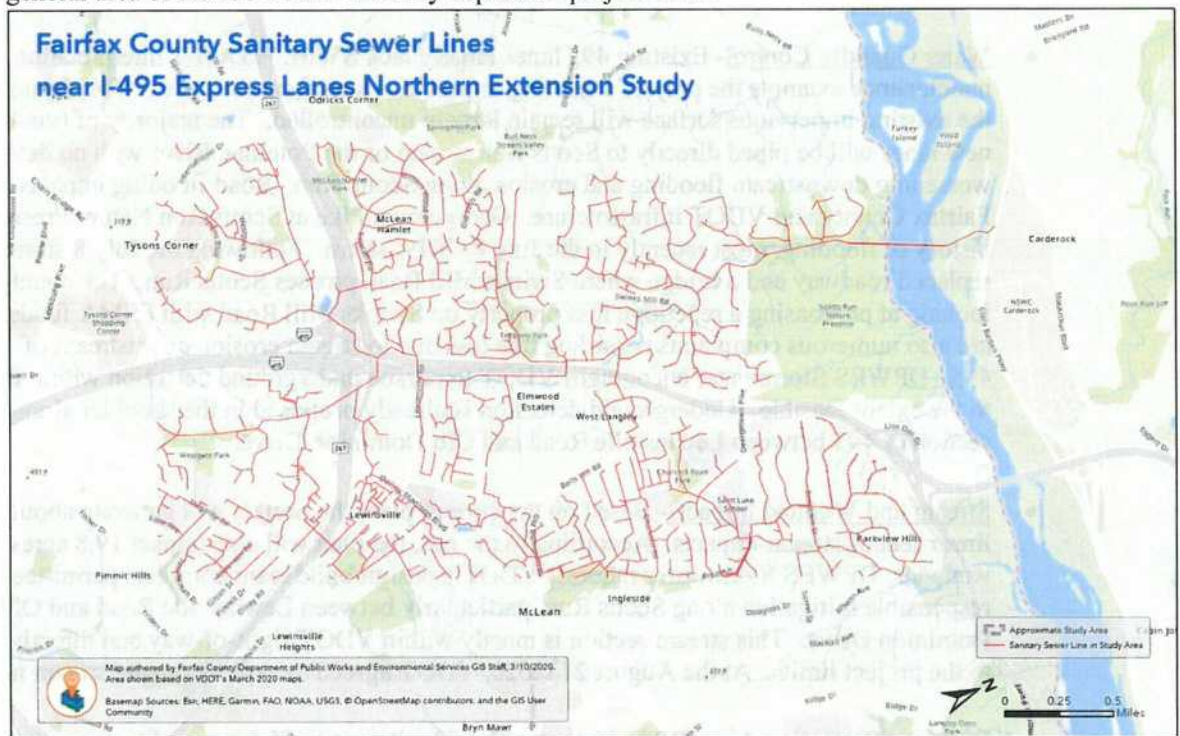
DPWES Stormwater

- **SWM Requirements**- The current plan fails to follow the county's request to meet local stormwater management (SWM) requirements. The project will meet state VSMP regulations as detailed in VDOT IIM-LD-195-12. Additionally, it is the county's understanding that the project will meet the old grandfathered SWM conditions rather than current requirements.
- **Water Quality**- The project will not meet its on-site water quality requirements. VDOT may ask for an exception from DEQ to meet up to 80% of their phosphorus reduction off site in a nutrient bank outside of Fairfax County. DPWES Stormwater urges VDOT to explore using enhanced outfall stabilization practices to meet the project's water quality requirements on site. At the August 21, 2020, meeting with VDOT, Virginia Department of Environmental Quality (DEQ), FCDOT, and DPWES staff, VDOT said that the project will incorporate several outfall enhancements into the SWM plan.
- **Water Quantity Control**- Existing 495 lanes largely lack SWM. VDOT's interpretation of routine maintenance exempts the project's existing impervious area from the state SWM requirements, so the existing impervious surface will remain largely uncontrolled. The majority of runoff from the new lanes will be piped directly to Scotts Run stream or the Potomac River with no detention, worsening downstream flooding and erosion along Scotts Run. Road flooding impacts both Fairfax County and VDOT infrastructure. Georgetown Pike at Scotts Run Nature Preserve has a history of flooding, most recently in the July 8, 2019, storm. Following the July 8 storm, VDOT replaced roadway and a bridge where Swinks Mill Road crosses Scotts Run. The county is looking at purchasing a repetitive loss property on Swinks Mill Road with FEMA funds. There are also numerous complaints regarding tree loss due to stream erosion downstream of 495. DPWES Stormwater encourages VDOT to pursue underground detention within the ROW to the extent feasible. Underground detention is already proposed in the shoulder along the section of 495 between Lewinsville Road and Old Dominion Drive.
- **Stream and Wetland Impacts**- Based on the current plan, the project will generate about 3,000 linear feet of stream impacts. According to the EA, the plan will also impact 19.8 acres of wetlands. DPWES Stormwater requests VDOT's design/build team complete permittee-responsible mitigation along Scotts Run, particularly between Lewinsville Road and Old Dominion Drive. This stream section is mostly within VDOT right-of-way and directly adjacent to the project limits. At the August 21, 2020, VDOT agreed to explore on-site stream mitigation.
- **Resource Protection Area (RPA) Impacts**- The EA cites up to 75.5 acres of temporary and permanent impacts to the RPA. Public roads are conditionally exempt from RPA regulation under the Virginia Administrative Code provided that the roadway is designed and constructed in accordance with water quality protection criteria at least as stringent as VDOT requirements. The project will not meet its on-site water quality requirements and require an exemption from DEQ. Given that the project may not meet minimum water quality requirements, DPWES Stormwater requests that the project meet the RPA replanting requirements detailed in Fairfax County Code Chapter 118 Chesapeake Bay Preservation Ordinance and Public Facilities Manual Chapter 12 (12-0316.4) in the Scotts Run stream valley section between Lewinsville Road and Old Dominion Drive.

- While DPWES Stormwater recognizes the constraints faced by linear projects like the 495 Express Lanes Northern Extension, we also feel that transportation projects, particularly of this magnitude, should strive to minimize impacts to water quality and our local streams.
- Revegetation- When restoring disturbed areas within the 495 project area, DPWES Stormwater requests that VDOT develop and implement a Non-Native Invasive Management Plan (NNIMP), encourages VDOT to restore areas within Waters of the United States corridors with a mix of plants, shrubs, and trees including native plant seed, live stakes, and nursery stock and provide monitoring, invasives treatment, and replanting of restoration areas for a period of two years after construction is complete and restoration vegetation is installed.

DPWES Wastewater

- Please find a map of Fairfax County wastewater infrastructure both crossing and within the general area of the 495 NEXT Beltway expansion project below



The geographic data layers produced by the Government of Fairfax County, Virginia ("Fairfax County"), and any associated maps and applications, are provided as a public resource. While every reasonable effort is made to ensure the accuracy and completeness of the data, Fairfax County makes no warranties, expressed or implied, concerning the accuracy, completeness or suitability of its data, and it should not be construed or used as a legal description. For full disclaimer visit <https://www.fairfaxcounty.gov/mapping/disclaimer>.

- As the project details become more refined, Fairfax County Wastewater Planning and Monitoring Division (WPMD) will need to be given the opportunity (at an early stage) to review the project design plans for potential impacts on wastewater infrastructure (i.e. relocated storm sewer within close proximity (vertical or horizontal) to wastewater infrastructure, significant cut or fill required for road grading that impacts the depth of the existing wastewater pipes, storm water ponds on top of existing wastewater easements, heavy construction equipment on top of shallow existing sewers, etc.).

Fairfax County Public Schools

- The only concerns are if sections of Old Dominion or Lewinsville roads area going to be closed during construction. Both of these roads have house stops along them and are routes used by the majority of buses that service the Langley/McLean and Great Falls areas. Also construction/ lane closures at the 495 on and off ramps to Georgetown Pike and the backup this will cause during afternoon rush hour. An area that is already going to have backups due to Cooper Middle being under construction.

Department of Neighborhood and Community Services

- Are pedestrian pathways/ bike lanes protected (from traffic, pollution, noise) by the noise barrier (or other structures) in all places?
http://495next.com/documents/pim052019/pim052019_presentation_v2.pdf
 - Live Oak Drive Design Concept
 - Georgetown Pike Design Concept
 - Old Dominion Drive Design Concept
- More information is needed about the “shared use” paths in the proposed designs (see existing proposals for 2025 + 2045 and previous comment about design of pedestrian/bike pathways).

Health Department

- All new facilities should connect to the existing bicycle and pedestrian network to allow for convenient active transportation options, reducing vehicle emissions and providing users with the opportunity for physical activity.
- All grade crossings should be well marked and visible by drivers. Crossings should prioritize cyclists and pedestrians, including crossings at highway on-ramps and off-ramps, with features such as bike-ped traffic light cycles and other safety measures.
- Every effort should be made to build all shared use paths at once, to provide the greatest connectivity and thus greatest use.
- Every effort should be made to ensure drivers are aware of cyclists and pedestrians in the vicinity of the project. Signage, along with driver outreach and education should be budgeted as part of this project.

Fairfax County Park Authority

Acquisition of Parkland:

- The United States Department of the Interior (USDOI), Bureau of Outdoor Recreation, approved Project Proposal 51-00053, dated August 17, 1970, for the acquisition of approximately 336 acres of land that was identified as the Burling Tract, with the Land and Water Conservation Fund (LWCF). The Burling Tract was purchased by the Fairfax County Board of Supervisors (BOS), the deed was recorded in Deed Book 3343 at Page 532 on September 4, 1970. The BOS transferred the land to FCPA as recorded in Deed Book 12327 at Page 2170 on October 29, 2001. The Burling Tract includes what is now FCPA Scotts Run Nature Preserve, Tax Map #21-1((1))3, which will be impacted by the VDOT Project. VDOT's Project impacts will likely require a LWCF land conversion process and subject to approval by National Park Service.

Cultural Resources

- Park Authority staff recommends any areas with ground disturbance throughout the project corridor that are not previously surveyed, undergo Phase I archaeological survey. If sites are

found that are potentially significant to the history of Fairfax County, or potentially eligible for inclusion onto the National Register of Historic Places they should undergo Phase II archaeological testing. If sites are found significant or eligible, avoidance or Phase III data recovery is recommended.

- Park Authority staff has conducted archival cultural resources review for the above referenced project. The Environmental Assessment report made no mention of the site, 44FX2430, specifically. The report only mentioned that any sites within their area of impact contained no sites that were eligible, or potentially eligible for inclusion onto the National Register of Historic Places. However, after re-checking the current Virginia Department of Historic Resources (VDHR) status of 44FX2430, the site has NOT been evaluated. Therefore, it is recommended that if the site will be impacted, a Phase II study is necessary in order to determine county significance or eligibility for National Register of Historic Places (NRHP) status. If found significant or eligible, avoidance, or Phase III data recovery is recommended as mitigation.

Natural Resources

- All development on Park Authority property must comply with its Policy 201, Natural Resources, and agency-wide Natural Resource Management Plan (NRMP). Of note is Section 7 of the NRMP:

Avoid adverse impacts to natural areas, mitigate unavoidable impacts from construction and maintenance projects and require restoration and rehabilitation of impacted natural resources.

- i. Minimize impacts to forests, meadows and other natural areas from human use.
- ii. Protect significant natural communities and species.
- iii. Require restoration of impacted natural resources when use of parkland causes damage to them.

If impacts cannot be avoided, staff requests a design that minimizes impacts and a mitigation plan for any losses, which should be coordinated with the Park Authority. This mitigation plan will need to clarify the extent of construction that will occur on Park Authority property as well as the impacts to natural resources.

- Scotts Run Nature Preserve will experience direct impacts of lost parkland, vegetation, habitat and increased storm water discharge, invasive species as well as wildlife impacts. The ecological community impacted by this effort has been classified as Mesic Mixed Hardwood Forest. The area that would be most impacted by this project scored an 11.5 out of 16 in the Non-Native Assessment and Prioritization survey. This categorization makes the area a high priority for active management. It has been treated for invasive plants for several years to maintain ecological integrity.
- Park Authority recommends the rehabilitation for any temporary impacts to natural resources to Park Authority standards and mitigate/compensate for permanent impacts to natural resources on Park Authority managed lands. This requirement shall apply to any natural resource impact (terrestrial or aquatic) that is not regulated under the jurisdiction of any federal or state agency.
- The Park Authority defines permanent impact as any habitat type conversion, for example, forest to grassland, and temporary impact as replacement of the same habitat type or better, for example, grassland to grassland.
- Mitigation/compensation for permanent impacts shall be determined using the Fairfax County Land Development Services 2020 Unit Price Schedule to determine a replacement cost. Forest,

woodland, and shrubland habitat types shall be mitigated/compensated for at \$61,049 an acre, and grassland shall be mitigated/compensated for at \$14,520 an acre. Total impacts and mitigation/compensation costs shall be determined upon completion of the site design.

- Due to the proximity to parkland, staff requests the use of only common native species including perennials and seed mixes on this project since non-native species either do not fare as well as natives or are invasive, negatively impacting the environmental health of Park Authority property. The Park Authority requests that the applicant utilize common plant species generally native to Fairfax County, including trees, perennials, and seed mixes, to provide the greatest ecosystem benefit.
- The Park Authority requests the results of any endangered species surveys conducted in preparation to or as part of this project.
- Park Authority recommends stabilization of areas within the construction footprint within Scott's Run Nature Preserve using a native seed mix as specified by the FCPA. Once construction is complete, FCPA will rehabilitate these areas to the habitat type. VDOT will compensate FCPA to design, install and maintain these rehabilitated areas for up to three (3) years.
- Any impacts that extend beyond the Limits of Disturbance (LOD), including root and branch pruning, must follow Policy 201 for Natural Resources or be mitigated/compensated for.
- The FCPA requests the results of any endangered species surveys conducted in preparation to or as part of this project.
- Staff has reviewed the Environmental Assessment and has several recommended edits and/or corrections that pertain to description of parkland, habitat classification, migratory bird, bat, and forest dwelling species impacts, and the inclusion of the Potomac Heritage National Scenic Trail within the project limits.

Design and Construction Recommendations:

- Depending on the final scope of the work, staff recommends the removal of spoils from offsite dumping of debris, then at the end of the project have VEPCO secure their easement access with a gate or other barrier type feature to eliminate future offsite dumping on parkland.
- The Park Authority recommends pedestrian facilities be constructed on both sides of the Georgetown Pike overpass to provide adequate access to Scotts Run Nature Preserve to minimize the number of unsignalized crossings of Georgetown Pike as possible.
- The Park Authority supports the continuation of the proposed pedestrian/bicycle facilities heading north along Balls Hill Road and continuing to the American Legion Bridge for future connectivity into Maryland.
- The potential extension of noise walls on/near Scotts Run Nature Preserve / Live Oak Drive will need further discussion as the design progresses.

Department of Transportation

- Fairfax County staff has suggested a grade-separated crossing of Lewinsville Rd in addition to the at-grade connection on the north side of Lewinsville Rd. VDOT responded that the grade separation would provide a connection to a trail system outside the scope of this project and would require a separate feasibility study but will consider to include at-grade crosswalk across Lewinsville Rd to connect the existing shared-use path on the south side. Fairfax County staff previously suggested and continues to recommend routing the proposed SUP under the bridge and connect to the existing path south of the bridge along Lewinsville Rd.
- Shared-use path should be added on the south side of Georgetown Pike from Balls Hill Rd to just east of Dead Run Dr.
- It is important to the trail system on Virginia side to include the segment in this project on the east side of I-495 cross the on ramp to George Washington Parkway with or without the managed lane project on Maryland side.
- Project should retain the wide shoulder area on Route 193 between Balls Hill Rd and the I-495 inner loop ramp.
- I-495 inner loop on ramp at Route 193 should be widened to two lanes further than existing to accommodate extra volume from Georgetown Pike. This was contemplated several years ago in relation to congestion problem at Route 193 / Balls Hill Rd.
- Balls Hill Road / Georgetown Pike - VDOT is installing an island on WB Georgetown Pike at Balls Hill Road to prevent the right lane from being used for through movements. This island should be included in the design.
- Balls Hill Road / Georgetown Pike - VDOT has a proposal to modify NB Balls Hills Road to a two-lane approach. The centerline of Balls Hill Road south of Georgetown Pike would be shifted to the west using the adjacent VDOT parcel to accommodate the widening. This will likely be completed before this project and should be reflected in the plans.
- Balls Hills Road / NB I-495 Ramp - VDOT has proposed prohibiting the NB through movement across Georgetown Pike. Please confirm whether that movement is allowed in the current concept but it should be prohibited.
- The County has presented VDOT with alternative designs for the Tysons East Dulles Connector. Plans for the 495 Express lanes should not preclude future construction of the Connector.
- Based on the current design, there is no exit from Express Lane between Rt 123 and GW Parkway, exist should be considered or other alternatives should be provided to the surrounding communities.

Attachment 2



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

June 30, 2020

Ms. Erin Belt, Mr. Robert Cooper, Ms. Hannah Zegler
Office of Stormwater Management
Department of Environmental Quality
P.O. Box 1105
Richmond, Virginia 23218

Reference: I-495 Express Lanes Northern Extension (495 NEXT) Water Quality

Dear Ms. Belt, Mr. Cooper, and Ms. Zegler:

Per the attached May 26, 2020, meeting minutes titled, Project Next – DEQ/VDOT IIM-LD-251.5, Virginia Department of Transportation (VDOT) staff requested Fairfax County confirm the following in writing:

- The [495 NEXT] project is not in “*contravention of local water quality-based limitations*” as described in 9VAC25-870-69, Section C.2.
- Fairfax County is aware of the project’s request to DEQ for a “20% onsite facilities / 80% nutrient credit” ratio to address the total phosphorus reduction requirements (approximately 42 pounds per year of nutrient credits).

The Department of Environmental Quality’s (DEQ) *2018, 305(b)/303(d) Water Quality Assessment Integrated Report* lists Scotts Run as a Category 3C stream segment. The report defines Category 3C as, “data collected by a citizen monitoring or another organization indicating water quality problems may exist but the methodology and/or data quality has not been approved for a determination of support of designated use(s). These waters are considered as having insufficient data with observed effects. Such waters will be prioritized by DEQ for follow-up monitoring.”

While Fairfax County confirms that the project is not in a watershed with local water quality-based limitations, the county is concerned that VDOT intends to meet 80% of the project’s water quality requirements with offsite nutrient credits. Scotts Run is an urban stream with poor water quality and degraded riparian and aquatic habitats. The 2001 Fairfax County Stream Protection

Department of Public Works and Environmental Services
Director’s Office

12000 Government Center Parkway, Suite 448
Fairfax, VA 22035-0050

Phone: 703-324-5033, TTY 711, Fax: 703-653-7145
www.fairfaxcounty.gov/publicworks



Strategy Baseline Study gave Scotts Run a “very poor” composite site condition rating based on parameters that included biotic integrity, stream physical assessment, fish taxa, and percent imperviousness. Fairfax County’s 2002 Stream Physical Assessment characterized the existing habitat quality as only “fair” with inadequate buffers.

Fairfax County requests VDOT utilize enhanced outfall stabilization practices to meet the project’s water quality requirements on site. The Chesapeake Bay Program stream restoration group recently released a memo entitled, “Recommendations for Crediting Outfall and Gully Stabilization Projects in the Chesapeake Bay Watershed.” The Department of Public Works and Environmental Services (DPWES) encourages the project team to consider the use of this memo to justify water quality credit for outfall enhancements that go beyond the VDOT standard riprap protection. These outfall enhancements could address water quality within the project limits and help protect Scotts Run from further degradation.

In addition to the direct water quality impacts, the project’s Environmental Assessment cites up to 75.5 acres of temporary and permanent impacts to the Resource Protection Area (RPA) resulting in the removal of riparian buffer that benefits water quality by infiltrating runoff and filtering out pollutants. Public roads are conditionally exempt from RPA regulation under the Virginia Administrative Code provided that the roadway is designed and constructed in accordance with water quality protection criteria at least as stringent as VDOT requirements. Given that VDOT will not meet minimum water quality requirements on site, DPWES requests that the project meet the RPA replanting requirements detailed in Fairfax County Code, Chapter 118 (Chesapeake Bay Preservation Ordinance) and Public Facilities Manual Chapter 12 (12-0316.4). RPA reestablishment as proposed in the county code will protect water quality, filter pollutants out of the stormwater runoff, reduce stormwater volume, prevent erosion, and provide important ecological habitat.


Fairfax County continues to request that VDOT meet local stormwater management (SWM) requirements consistent with the July 2019, letter Fairfax County sent to the Virginia Secretary of Transportation requesting that VDOT projects meet local SWM requirements (see Attachment 2). The 495 NEXT project will meet state Virginia Stormwater Management Program (VSMP) regulations as detailed in VDOT IIM-LD-195.12. As stated in the attachment, the county believes some Fairfax County Stormwater Management Ordinance criteria is more stringent than Parts II B and II C of the VSMP Regulations and requested that VDOT projects meet the county’s local SWM regulations.

Fairfax County previously sent a letter to DEQ regarding the 495 NEXT project’s stream impacts (see Attachment 3). The county continues to request that the project’s stream and wetland impacts be minimized and avoided where feasible and that temporary stream impacts be restored onsite using natural channel design practices to reduce the need for mitigation. The county also requests that VDOT follow permittee responsible mitigation using the watershed approach as the preferred method of stream mitigation.

Ms. Erin Belt, Mr. Robert Cooper, Ms. Hannah Zegler
495 NEXT Water Quality
Page 3 of 3

While Fairfax County recognizes the constraints faced by linear projects like 495 NEXT, we also believe that transportation projects, particularly of this magnitude, should strive to minimize impacts to water quality and local streams. We respectfully request responses to these letters on the 495 NEXT project's use of off-site nutrient credits and stream impacts to meet their state stormwater and stream mitigation requirements.

Sincerely,


For Randolph Bartlett
Randolph W. Bartlett, PE
Director

Enclosure: Attachment 1: Project Next – DEQ/VDOT IIM-LD-251.5 Meeting Minutes
Attachment 2: Fairfax County Request for VDOT Projects to Meet Local SWM Requirements
Attachment 3: 495 NEXT Project Stream Impacts Letter to DEQ

cc: Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Craig Carinci, Director, Department of Public Works and Environmental Services (DPWES), Stormwater Planning Division (SWPD)
Matthew Meyers, Branch Chief, DPWES, SWPD
Martha Coello, Division Chief, FCDOT
Yuqing Xiong, Senior Transportation Planner, FCDOT
Abraham Lerner, Associate Manager, Virginia Department of Transportation

Meeting	Project Next – DEQ/VDOT IIM-LD-251.5	Date	May 26, 2020
Location	Teleconference – Google Meets meet.google.com/zah-bmkf-bxz Dial-In Number: 251-262-9697 Conference Code: 427306053	Time	2:00pm – 3:00pm

	<p>Invitees:</p> <p>DEQ: Erin Belt, Robert Cooper, Hannah Zegler</p> <p>VDOT: John Olenik, Pawan Sarang</p> <p>HDR: Brian Meli</p>
Item	Subject: Project NEXT – DEQ/VDOT discussion on IIM-LD-251.5 memo
1.0	Introduction
2.0	<p>Comments from DEQ via 2020-05-06 email from VDOT (Pawan Sarang)</p> <ul style="list-style-type: none"> a. DEQ Comment #1 - Review the simple method computations, Chapter 11.4.4 of the 2013 DEQ Blue Book, ensuring the correct values are entered into the spreadsheet and re-verify the total load reductions lb./yr. of P needed to purchase. <ul style="list-style-type: none"> - DEQ (Erin Belt) confirmed that Equation 5-14 would apply to this Part IIC project. The “[0.05 + (0.009 x I)]” portion is related to the Part IIC, Performance-based calculation worksheets from the 1999 Virginia SWM Handbook. This confirmation will result in no changes to the Project NEXT computations. b. DEQ Comment #2 - Ensure the IIC and IIB criteria are not mixed or matched in the computations. <ul style="list-style-type: none"> - DEQ (Erin Belt) confirmed that Table 5-14 would apply to this Part IIC project. The removal efficiency of Bioretention will be 50% for the project, as listed on the table. - DEQ (Robert Cooper) confirmed that the project should use the Part IIC, 1999 Virginia SWM Handbook to design the facilities. - HDR (Brian Meli) presented the Worksheet #1 and #2 approach which utilizes an I(watershed) value of 16%. DEQ confirmed that this approach is sound and matches the worksheet methodology. c. DEQ Comment #3 - Include language from the law 62.1-44, 15:35 entered into the memo to document compliance with the law. <ul style="list-style-type: none"> - DEQ (Erin Belt) confirmed that the comment has been addressed in the May 12th, 2020 memorandum update. The Code of Virginia reference (62.1-44, 15:35.D.3) was added to the memorandum at the top of page 2.
3.0	<p>Additional comments from DEQ</p> <ul style="list-style-type: none"> a. Per DEQ (Erin Belt), two (2) items are needed for DEQ to complete their review:

	<ul style="list-style-type: none"> • A letter of availability from the nutrient credit bank. • Fairfax County to confirm, in writing: <ol style="list-style-type: none"> i. That the project is not in "contravention of local water quality-based limitations" as described in 9VAC25-870-69, Section C.2. ii. That per an April 27, 2020 email from Abi Lerner to Yuqing Xiong, Fairfax County is aware of the project's request to DEQ for a "20% onsite facilities / 80% nutrient credit" ratio to address the Total Phosphorus reduction requirements. This request equates to approximately 42 lbs/yr of nutrient credits. <ul style="list-style-type: none"> - Action Item: VDOT (John Olenik) to coordinate with the nutrient credit bank regarding the letter of availability. - Action Item: HDR (Brian Meli) to send an email to VDOT (Pawan Sarang) requesting written confirmation from Fairfax County regarding the above items. - Action Item: VDOT (Pawan Sarang) to forward the request to VDOT PM (Abi Lerner). - Action Item: VDOT PM (Abi Lerner) to forward the request to Fairfax County (Yuqing Xiong). <p>b. Per DEQ (Hannah Zegler), when will LD-453 be filled out?</p> <ul style="list-style-type: none"> - VDOT (Pawan Sarang) confirmed that LD-453 will be filled out by the Design/Builder, later in the process.
<p>4.0</p>	<p>Next Steps</p> <ul style="list-style-type: none"> - See the above action items



SHARON BULOVA
CHAIRMAN

COMMONWEALTH OF VIRGINIA
County of Fairfax
BOARD OF SUPERVISORS

Attachment 2

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FAX 703-324-3955
TTY 711

chairman@fairfaxcounty.gov

JUL 17 2019

Secretary Shannon Valentine
Virginia Department of Transportation
P.O. Box 1475
Richmond, VA 23218

Reference: Fairfax County Request for VDOT Projects to Meet Local Stormwater Management Requirements

Dear Secretary Valentine:

Fairfax County recognizes the critical importance of transportation projects to our community and continues to support the Commonwealth's efforts to advance multi-modal mobility in the region to improve our quality of life. We also know that transportation projects add significant impervious area to the Chesapeake Bay's and Fairfax County's watersheds and have significant negative impacts on water quality. Fairfax County would like to partner with the Virginia Department of Transportation (VDOT) to develop solutions to the stormwater management issues associated with transportation projects.

We reviewed VDOT Location and Design Division Instructional and Informational Memorandum IIM-LD-195.10 regarding stormwater management requirements for VDOT projects. Section 4.1 of this memorandum (starting on sheet 6) notes that, "*When requested by a locality's VSMP Authority, VDOT projects located in jurisdictions that have adopted more stringent stormwater management (SWM) technical criteria than that required by the VSMP Regulations shall be designed, to the largest extent practicable, to meet the locality's more stringent criteria.*"

Fairfax County's Stormwater Management Ordinance provides the technical criteria for regulated land-disturbing activities in Fairfax County. The criteria are provided in Article 5 of Chapter 124 of Fairfax County's Code of Ordinances, available at:
https://library.municode.com/va/fairfax_county/codes/code_of_ordinances

We believe these criteria are more stringent than Parts II B and II C of the Virginia Stormwater Management Program (VSMP) Regulations. Therefore, on March 19, 2019, the Fairfax County Board of Supervisors voted to, and now formally requests that all current projects under design for use in the public involvement phase and future VDOT projects located in Fairfax County meet the County's local stormwater management regulations. Per IIM-LD-195.10, if it is found that our more stringent local stormwater management requirements are not attainable, VDOT should implement requirements to the maximum extent practicable and provide documentation to the County demonstrating that the technical requirements are not fully feasible. Additionally, Fairfax County requests that all stormwater management facilities designed to meet local

Secretary Shannon Valentine
Request for VDOT Projects to Meet Local Stormwater Management Requirements
Page 2 of 2

stormwater management regulations be constructed, inspected, and maintained by VDOT and that the state provide sufficient funding to VDOT to adequately fulfill these needs.

VDOT and Fairfax County are both municipal separate storm sewer system (MS4) permit entities and share the same stormwater management objectives. Fairfax County wishes to partner with VDOT on efforts to find innovative ways to address stormwater management within the right-of-way and directly downstream to meet our mutual MS4 and Chesapeake Bay total maximum daily load (TMDL) goals.

Sincerely,



Sharon Bulova
Chairman
Fairfax County Board of Supervisors

cc: Ann Jennings, Deputy Secretary of Natural Resources for the Chesapeake Bay
David K. Paylor, Director, Virginia Department of Environmental Quality
Bryan J. Hill, Fairfax, County Executive
Rachel Flynn, Deputy County Executive
Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)
Bill Hicks, Director, Land Development Services
Tom Biesiadny, Director, Fairfax County Department of Transportation
Craig Carinci, Director, DPWES, Stormwater Planning Division
Chad Crawford, Director, DPWES, Maintenance and Stormwater Management Division
Brian Keightley, Director, DPWES, Urban Forest Management Division



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

MAY 29 2020

Hannah Schul and Mackenzie Scott
Office of Wetlands and Stream Protection
Department of Environmental Quality
1111 East Main Street, Suite 1700
Richmond, VA 23219

Reference: I-495 Express Lanes Northern Extension (495 NEXT) Project Stream Impacts

Dear Ms. Schul and Ms. Scott:

For the 495 NEXT project stream impacts, Fairfax County requests that stream and wetland impacts be minimized and avoided where feasible, and that temporary stream impacts be restored onsite using natural channel design practices to reduce the need for mitigation. Additionally, Fairfax County asks that the Virginia Department of Transportation (VDOT) follow permittee responsible mitigation (PRM) using the watershed approach as the preferred method of stream mitigation.

On April 9, 2020, VDOT, Transurban, United States Environmental Protection Agency (EPA), United States Army Corps of Engineers (COE), the Department of Environmental Quality (DEQ), and Fairfax County representatives met to discuss the 495 NEXT project stream impacts. Based on the current plan, VDOT anticipates about 3,000 linear feet of stream impacts, mostly located along Scotts Run between Lewinsville Road and Old Dominion Drive in McLean. During the meeting, DEQ staff emphasized that stream mitigation efforts should follow the mitigation strategy hierarchy outlined in the, "Compensatory Mitigation for Losses of Aquatic Resources Final Rule" (2008 Rule). Fairfax County Stormwater Management believes the 2008 Rule supports stream mitigation within the Scotts Run watershed, and requests that DEQ consider PRM using the watershed approach as a part of the Virginia Water Protection Permit (VWPP), through either PRM by the design builder as a part of the project construction or a financial contribution by the design builder to a county administered Scotts Run stream restoration project.

Restoration of the Scotts Run stream section within or directly adjacent to the project limits through PRM would reduce the project's permanent stream impacts. The VWPP regulations state that mitigation means, "sequentially avoiding and minimizing impacts to the extent practicable and then compensating for the remaining unavoidable impacts of a proposed action" (9VAC 25-210-10). Chapter 3 of the Joint Permit Application Review document recommends converting permanent impacts to temporary impacts where possible. The COE Norfolk District and DEQ "Unified Stream Methodology for Use in Virginia" guidance document states that,

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Director's Office**

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“streams that will be relocated using the principles of Natural Channel Design may be considered self-mitigating in most cases, eliminating the need to apply the Unified Stream Methodology.” This language supports on-site stream restoration to convert stream impacts from permanent to temporary and meet the VWPP regulation objective to minimize stream impacts to the extent practicable.

Given Scotts Run watershed’s deteriorated existing condition, including poor water quality, degraded riparian and aquatic habitats, and property and roadway flooding, PRM using a watershed approach is preferred to purchasing stream mitigation credits outside of the watershed. Fairfax County has received numerous complaints along Scotts Run regarding stream erosion and tree loss and property and roadway flooding. Increased imperviousness from the 495 NEXT project without local mitigation will only exacerbate already prevalent stream degradation and flooding issues.

Fairfax County has completed a Scotts Run watershed management plan that supports the PRM watershed approach requirements. Scotts Run is one of the five watersheds included in the 2008 Middle Potomac Watershed Management Plan (WMP). The county developed the WMP as a tool to address issues affecting the county’s environment, water quality, and local areas of opportunity for implementing improvement projects that protect and restore the county’s streams and other water resources. The plan identifies multiple stream restoration opportunities along Scotts Run, including SC9220 in the section of Scotts Run between Lewinsville Road and Old Dominion Drive and SCS9204 downstream of the project between I-495 and Georgetown Pike. Please see the enclosed map (Attachment 1) for additional information. To meet the WMP goals, Fairfax County has already invested millions of dollars into stream restorations at the headwaters of Scotts Run and has identified two additional stream restoration projects in their five-year capital improvement plan (CIP) for an estimated total of \$7.3 million dollars. One of these projects is SC9220 located directly adjacent to the project.

After minimizing permanent stream impacts by restoring the stream through Natural Channel Design, VDOT could meet the remaining stream mitigation requirements through PRM using the watershed approach. The 495 NEXT project stream mitigation strategy could model the 95 Express Lanes, which used PRM to meet stream compensation requirements. Approved in 2013 by COE, DEQ, and Prince William County, VDOT and the 95 Express Lane Partners (Fluor and Transurban) restored 1,435 linear feet of Swan’s Creek, a stream located outside of the project limits but within the same watershed. Like the Scotts Run stream restoration projects identified in the county’s WMP and CIP, significant erosion and tree loss made Swan’s Creek restoration a top project priority for Prince William County.

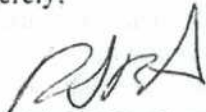
Another approach could be to have the design builder financially fund the design, construction, and monitoring of a county administered stream restoration project already identified in the county’s CIP. With over 12 miles of streams restored since 2010, Fairfax County is a national leader in designing and implementing successful and sustainable stream restoration projects. The county’s projects meet the same standards as mitigation banks for plans and success criteria.

and its stormwater management program has the capacity and expertise to ensure long-term stewardship of the restoration project. County stream restorations undergo a rigorous design process that includes not only improvements using Natural Channel Design, but also non-native, invasive plant management and riparian buffer restoration to improve water quality in the stream valley. Construction is performed by prequalified contractors with extensive stream restoration experience. An engineer from the firm responsible for the project design provides full-time construction oversight on top of regular inspection by county staff. Post construction, projects enter a robust multi-year monitoring program to ensure structural and vegetative success.

The ecological benefits of PRM using the watershed approach outweigh the benefits of purchasing credits. When evaluating the compensatory mitigation options, the 2008 Rule asks the reviewer to consider the location of the compensation site relative to the impact site and its significance in the watershed and the likelihood of ecological success and sustainability. The Middle Potomac Watershed Management Plan highlights current impairments in the Scotts Run watershed and how stream mitigation will help improve the water quality of Scotts Run. Fairfax County's comprehensive and successful stream restoration program will ensure that any project implemented in Scotts Run to satisfy VWPP stream mitigation requirements will meet or exceed mitigation bank design, construction, and monitoring standards.

Fairfax County believes on-site restoration of Scotts Run within the project limits and PRM using the watershed approach for any permanent stream impacts best comply with the regulatory objectives to first avoid and minimize stream impacts and then implement successful and sustainable compensatory stream mitigation. We respectfully request a response to this letter on the use of on-site stream restoration using Natural Channel Design along Scotts Run to meet DEQ's VWPP stream mitigation requirements. We are also available to meet to discuss options to address stream impacts from the 495 NEXT.

Sincerely,



Randolph W. Bartlett, PE
Director

Enclosure: Map

cc: Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Craig Carinci, Director, Department of Public Works and Environmental Service (DPWES), Stormwater Planning Division (SWPD).
Matthew Meyers, Branch Chief, DPWES, SWPD
Martha Coello, Division Chief, FCDOT
Yuqing Xiong, Senior Transportation Planner, FCDOT

Stephanie Kubico, Office of Environmental Programs, Environmental Assessment and Innovation Division, EPA Region III
Barbara Okorn, Office of Communities, Tribes and Environmental Assessment, EPA Region III
Timothy Witman, Office of Environmental Programs, EPA Region III
David Knepper, Environmental Scientist, COE Norfolk District
Bryan Campbell, Environmental Specialist, VDOT
Abraham Lerner, Associate Manager, VDOT
Robert Iosco, Associate Manager, VDOT
Amanda Baxter, Development Director, North America, Transurban
John Simkins, Planning, Environment, Realty, and Freight Team Leader, Federal Highway Administration



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

AUG 14 2020

The Honorable Deputy Secretary Ann Jennings
Office of the Secretary of Natural Resources
P.O. Box 1475
Richmond, Virginia 23218

Reference: State Transportation Project Stormwater Management Concerns

Dear Deputy Secretary Jennings:

Fairfax County recognizes the critical importance of transportation projects to our community, but we also see the negative water quality impacts that the additional impervious area has on the Chesapeake Bay and county watersheds. We are concerned about the current approach to stormwater management (SWM) on state transportation projects, particularly the purchase of stream bank credits outside of the county to mitigate stream impacts. We also noted significant discrepancies between the SWM proposed on the state transportation projects and the minimum SWM that the county would require on local development projects. Fairfax County requests your assistance in working with the Virginia Department of Environmental Quality (DEQ) and the Virginia Department of Transportation (VDOT) to develop and implement consistent application of the Virginia Stormwater Management Program (VSMP) regulations to the following transportation project SWM issues:

- **Stream Mitigation:** The "Compensatory Mitigation for Losses of Aquatic Resources Final Rule" (2008 Rule) outlines a mitigation strategy hierarchy of mitigation bank stream credits, in-lieu of fee program credits, and permittee responsible compensation using the watershed approach, respectively. Increased imperviousness from transportation projects without local mitigation will only exacerbate already prevalent stream degradation and flooding issues. Fairfax County believes that in some cases the 2008 Rule supports stream mitigation within the impacted local watershed over the purchase of stream mitigation credits outside of the watershed and requests that DEQ consider permittee responsible mitigation using the watershed approach. This approach was used successfully for the 95 Express Lanes project. Approved in 2013 by the United States Army Corps of Engineers, DEQ and Prince William County, VDOT and the 95 Express Lane Partners (Fluor and Transurban) restored 1,435 linear feet of Swan's Creek, a stream located outside of the project limits but within the same watershed.

State versus local SWM Requirements: VDOT projects meet state VSMP regulations as detailed in VDOT IIM-LD-195.12. As stated in the enclosed letter, the county believes some Fairfax County Stormwater Management Ordinance criteria is more stringent than Parts II B and II C of

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the VSMP Regulations and requested that VDOT projects meet the county's local stormwater management regulations. It does not appear VDOT is moving forward with this request. The I-495 Express Lanes Northern Extension (495 NEXT), the largest VDOT project under design in Fairfax County, does not appear to meet local stormwater standards.

- Interpretation of VSMP Regulations: Fairfax County interprets elements of the VSMP regulations differently than VDOT, including the "one percent rule" to determine limits of analysis and limitations to the use of off-site nutrient credits. In locations where full-depth pavement reconstruction occurs, Fairfax County's interpretations result in stricter SWM requirements and greater downstream protection.

While the Fairfax County Department of Public Works and Environmental Services SWM recognizes the constraints faced by linear projects, we also believe that transportation projects should strive to minimize impacts to water quality and local streams similar to other development projects. Fairfax County remains committed to working cooperatively and partnering with VDOT on transportation projects. We seek your assistance to ensure that DEQ and VDOT interpret and apply the VSMP regulations on transportation projects consistent with other development projects to achieve our mutual Chesapeake Bay Total Maximum Daily Load goals and protect downstream receiving channels.

Thank you for your time and support. If you have any questions or need additional information, please call Catie Torgersen at 703-639-7664.

Sincerely,



Randolph W. Bartlett, PE
Director

Enclosure: Fairfax County Request for VDOT Projects to Meet Local SWM Requirements

cc: The Honorable Nicholas Donohue, Deputy Secretary of Transportation, Commonwealth of Virginia
Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Bill Hicks, Director, Land Development Services
Craig Carinci, Director, Department of Public Works and Environmental Services (DPWES), Stormwater Planning Division (SWPD)
Catie Torgersen, Planner, DPWES, SWPD



SHARON BULOVA
CHAIRMAN

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chairman@fairfaxcounty.gov

JUL 17 2019
Secretary Shannon Valentine
Virginia Department of Transportation
P.O. Box 1475
Richmond, VA 23218

Reference: Fairfax County Request for VDOT Projects to Meet Local Stormwater Management Requirements

Dear Secretary Valentine:

Fairfax County recognizes the critical importance of transportation projects to our community and continues to support the Commonwealth's efforts to advance multi-modal mobility in the region to improve our quality of life. We also know that transportation projects add significant impervious area to the Chesapeake Bay's and Fairfax County's watersheds and have significant negative impacts on water quality. Fairfax County would like to partner with the Virginia Department of Transportation (VDOT) to develop solutions to the stormwater management issues associated with transportation projects.

We reviewed VDOT Location and Design Division Instructional and Informational Memorandum IIM-LD-195.10 regarding stormwater management requirements for VDOT projects. Section 4.1 of this memorandum (starting on sheet 6) notes that, "*When requested by a locality's VSMP Authority, VDOT projects located in jurisdictions that have adopted more stringent stormwater management (SWM) technical criteria than that required by the VSMP Regulations shall be designed, to the largest extent practicable, to meet the locality's more stringent criteria.*"

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https://library.municode.com/va/fairfax_county/codes/code_of_ordinances

We believe these criteria are more stringent than Parts II B and II C of the Virginia Stormwater Management Program (VSMP) Regulations. Therefore, on March 19, 2019, the Fairfax County Board of Supervisors voted to, and now formally requests that all current projects under design for use in the public involvement phase and future VDOT projects located in Fairfax County meet the County's local stormwater management regulations. Per IIM-LD-195.10, if it is found that our more stringent local stormwater management requirements are not attainable, VDOT should implement requirements to the maximum extent practicable and provide documentation to the County demonstrating that the technical requirements are not fully feasible. Additionally, Fairfax County requests that all stormwater management facilities designed to meet local

stormwater management regulations be constructed, inspected, and maintained by VDOT and that the state provide sufficient funding to VDOT to adequately fulfill these needs.

VDOT and Fairfax County are both municipal separate storm sewer system (MS4) permit entities and share the same stormwater management objectives. Fairfax County wishes to partner with VDOT on efforts to find innovative ways to address stormwater management within the right-of-way and directly downstream to meet our mutual MS4 and Chesapeake Bay total maximum daily load (TMDL) goals.

Sincerely,



Sharon Bulova
Chairman
Fairfax County Board of Supervisors

cc: Ann Jennings, Deputy Secretary of Natural Resources for the Chesapeake Bay
David K. Paylor, Director, Virginia Department of Environmental Quality
Bryan J. Hill, Fairfax, County Executive
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Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)
Bill Hicks, Director, Land Development Services
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Craig Carinci, Director, DPWES, Stormwater Planning Division
Chad Crawford, Director, DPWES, Maintenance and Stormwater Mangement Division
Brian Keightley, Director, DPWES, Urban Forest Management Division

