

"Federation Corner" column  
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### **Truth is "outside the scope of the ICC project"**

by Wayne Goldstein

Mark Twain popularized this phrase: "There are three kinds of lies: lies, damn lies and statistics." We interpret this 112-year old phrase to mean that numbers -statistics- can be used to tell lies. Recently, Neil J. Pedersen of the State Highway Administration (SHA), was given newspaper space to make creative use of numbers. He wrote: "The ICC's \$370 million environmental program is designed not only to fully compensate for the highway's impact but also to correct a range of man-made environmental problems that are entirely unrelated to the project and that otherwise would remain unaddressed. Among these above-and-beyond initiatives is one to significantly upgrade facilities to treat and slow the flow of storm water that courses off the roofs and other hard surfaces of homes and businesses built in the Anacostia watershed over past decades."

The only reason that the EPA and other federal agencies responsible for protecting the environment were finally able to accept this version of the ICC, after decades of rejections, was that SHA finally incorporated enough design features into the project to lessen the worst of the environmental damage that would be caused by the ICC. This was not a selfless and voluntary act by SHA. It was the minimum necessary to get federal approval. SHA did come up with a way "to correct a range of man-made environmental problems that are entirely unrelated to the project." This it called Environmental Stewardship projects. However, this voluntary program is only for \$68 million, which is no more than 2.8% of the now outdated \$2.4 billion price tag for the ICC, a small portion of Mr. Pederson's claim that "more than 15 percent of the ICC project's total cost is dedicated to environmental initiatives."

From the very beginning of this latest version of the ICC, I sought to educate myself as to why this highway was needed and to also advocate for far more substantial Environmental Stewardship projects. In January 2005 public testimony to SHA, I stated: "... Raise the proposed Environmental Stewardship package from a paltry \$68 million to \$1 billion, on the order of the cost of the environmental achievements of the Big Dig in Boston. Spend \$350 million now for remedial cultural and environmental projects. Lower imperviousness in the Paint Branch watershed by paying for the installation of storm chambers, rain gardens and the removal of peripheral impervious surfaces on any available property. If needed, pay property owners to induce them to allow such installations and removals, and buy properties for sale to then do these installations and removals before reselling them with impervious cap covenants on the properties. Raise the additional \$650 million over a 10-year period through state toll revenues and gasoline user fees to restore hundreds of miles of streams, to replace many [stormwater management facilities], to reforest all treeless riparian buffers, and to remove all invasive plants in county parks. If SHA committed to such a level of meaningful stewardship, it MIGHT be possible one day to say that the ICC was the means to leave our environment better off AFTER than BEFORE it was built."

In what turned out to be futile efforts to have an honest exchange of ideas with SHA, I repeatedly wrote questions like this to them: "What is the cost to lower the total percentage of impervious surface in the Upper Paint Branch Special Protection Area to 8% through such methods as installing rain barrels, rain gardens and storm chambers for free; removing patios and other impervious surfaces for free; replacing impervious surfaces with pervious ones; buying houses on the open market, removing all extraneous impervious surfaces and reselling houses with impervious surface limit covenants; buying houses on the open market, demolishing the houses, removing all impervious surfaces, and turning the vacant land into passive recreation parkland or open space?"

I was told that the only way to get any meaningful response from SHA was to put all communications to them in the form of a question. Although Mr. Pederson wrote this week that SHA was spending money "to

significantly upgrade facilities to treat and slow the flow of storm water that courses off the roofs and other hard surfaces of homes and businesses," here's the first answer I received to my question in the only official, legally binding response, the ICC Record of Decision: "Many of the suggestions made were applied to the design of the ICC, including bioretention facilities. Other programs, such as private property surface conversions (i.e. patios, extraneous surfaces) and buying homes are outside the scope of the ICC project. The Lead Agencies would encourage you to forward these comments about further impervious surface reductions to Montgomery County."

Here's the second answer I received to this same question from SHA because I persisted in challenging the extent of their commitment to their environmental responsibilities. "Although the responses to [the same question asked twice] may seem to be contradictory, they both convey the message that the Lead Agencies are not required to lower impervious surface area or develop a cost for doing so in Upper Paint Branch (or any other watershed) to comply with any state or federal regulations. However, the Lead Agencies acknowledge that the water quality in the Upper Paint Branch is in decline because of existing development, which has occurred without the ICC. As part of the Environmental Stewardship commitment for this project, the Lead Agencies have committed to undertake projects that repair a number of eroded stream channels and address a percentage of existing developed areas that are presently without stormwater management. The Lead Agencies are working with [county] and other agencies to monitor existing conditions and address the effects of existing impervious surfaces and those directly created by the ICC on watershed health, significantly beyond state and federal requirements."

In other words, SHA chooses to decide how comprehensive the "above-and-beyond initiatives" to help restore the Anacostia watershed will be, chooses to answer questions calling for bold environmental action or honest answers with the stock phrase "outside the scope of the ICC project," and then chooses to claim "the ICC itself will lie as lightly on land and over water as possible" as it will "serve as a catalyst for improving the [Anacostia] river's water quality, not degrading it, through an unprecedented focus on environmental protection and restoration."

What would Mark Twain say to all of this?