

April 13, 2021

To the Montgomery County Executive and Montgomery County Department of Environmental Protection,

Rock Creek Conservancy is a non-profit organization based in Bethesda, Maryland, that restores Rock Creek and its parklands for all people to appreciate and protect. The Conservancy engages nearly 5,000 community members each year in people-powered restoration. As the majority of the Rock Creek watershed is located in Montgomery County, the Conservancy appreciates the County's investments that protect Rock Creek, its parklands, and, particularly, manage stormwater before it reaches either of those.

There are a number of positive changes in the FY22 Budget and areas where there is room for growth. First and foremost, the Conservancy is distinctly happy to see that the Department of Environmental Protection's operating budget for watershed restoration will increase in FY22 to levels higher than before the pandemic. As with virtually every jurisdiction across the county, the COVID-19 pandemic has forced difficult decisions with budgeting and support for programs. This is critical to continuing to ensure the environmental health that drives quality of life in the County.

The Conservancy is concerned that Rock Creek remains impaired, often more so than the Anacostia River. The parklands that surround Rock Creek provide valuable habitat connectivity for the region and the network of tributaries and parklets throughout the County drive climate resilience. Just this September, we saw people rescued - by boat - on County roads near Rock Creek due to a major storm event. Throughout the year, we see bacteria levels that make wading and playing in the stream unsafe for people and their pets.

This budget provides important resources to make incremental progress toward the restoration of Rock Creek, to protect the parks that make green space easily accessible - regardless of the size of your yard - and provide climate resilience for our region.

Full funding of the steps outlined in the Climate Action Plan will reinforce important protections of Rock Creek and its parklands. In this letter, we will focus on the section of the budget that addresses the largest threat to Rock Creek, stormwater. Montgomery County has been making progress towards the requirements outlined in its Municipal Separate Storm Sewer System (MS4) permit, but the impacts of climate change are becoming more pronounced every year. More investment into water quality and protection is needed not just to keep pace with statutory requirements, but to return Montgomery County to a position of leadership on watershed restoration and health.

#### **More Progress Towards Chesapeake Bay Goals**

We would like to see improvement towards the fulfillment of Montgomery County's Total Maximum Daily Load (TMDL) requirements. Rock Creek remains impaired in the following categories: bacteria, sediment, and

nutrients. Per the FY20 MS4 Report, over roughly the last two decades, the bacteria level has been reduced by 4.91% against a target goal of 96% reduction, sediment levels have decreased by 11.65% against a target of 38.3% reduction, and nutrient load (phosphorus) has decreased by 8.99% with a target of 35%. Each of these categories significantly impacts the ability of Rock Creek to foster healthy environments both in water and on land. The bacteria impairment is specifically concerning for its risks to both human and animal health. Stormwater management strategies such as green infrastructure construction, restoration projects to support ecosystem functions, and reforestation offer significant value to meeting the TMDL goals and auxiliary benefits through creating more environmentally-conscious communities, and should be continuously funded to the greatest extent possible. These practices are like preventative care; they are effective at stopping stream impairment before it becomes severe and requires direct intervention. We would like to see existing programs like RainScapes and Green Streets receive more funding to meet demand for these services, as we understand that more residents are signing up for green infrastructure programs.

We remain very concerned about the potential impacts on Rock Creek of the I-495 and I-270 Managed Lane Study project and what they entail for our ongoing restoration efforts. Rock Creek Stream Valley Parks Units 2 and 3 will be impacted by construction during the recently-approved Phase weplan. As mentioned before, M-NCPPC is greatly important in protecting our park spaces, and such a large construction project will require significant investment into monitoring and mitigation planning. If we do not invest in these planning efforts, the impacts of the MLS project will do severe harm to Rock Creek.

### **Protecting the County's Investments**

In addition to increases in the operating budget, the capital budget includes a total of \$263 million across 8 projects for stormwater management, stream valley restoration, drainage system repairs, and flood mitigation. While these projects are excellent steps towards improving water systems in Montgomery County, it should be noted and stressed that monitoring and maintenance of restoration projects post-construction is absolutely critical to the overall success of the projects. Increases in the capital budget should have corresponding and commensurate increases for maintenance reflected in the operating budget. In the operating budget, the number of FTEs associated with DEP will increase in FY22 by 2.94, and by 3.71 for the Maryland-National Capital Park and Planning Commission. We are hopeful that these increases will contribute to dedicated and thorough maintenance of completed projects, and would like to note that Montgomery County's existing maintenance programs have proven successful.

This past year has demonstrated the importance of parks to the mental, physical and emotional well-being of Montgomery County residents. Parks provide a safe and healthy escape during difficult times, and it is more important than ever that the Parks Department has adequate staff and resources. We ask that the Department of Parks budget request for \$199M in FY22 be met in order to ensure proper care for Montgomery County's parks and restoration projects.

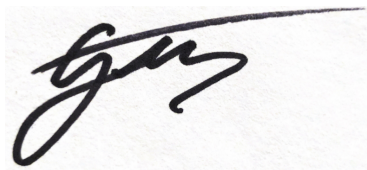
### **Finding Additional Funds to Protect Rock Creek**

One item that we would like to see changed in the budget and would ideally be a potential source of revenue is increasing the cost of stormwater waivers. Currently, the fees from stormwater waivers do not correspond appropriately to the volume of runoff generated from a developed property and are not nearly equal to the management and environmental protection costs of the stormwater impacts originating from those properties. Adjusting the pricing structure of these waivers to more accurately reflect the cost of the management required by the waived impacts would create much needed revenue for stormwater projects. Montgomery

County is becoming increasingly developed, and more funding needs to be made available for managing the impacts on our streams and other ecosystems brought by development. We are happy to see that green infrastructure programs such as Green Streets and Rainscapes are receiving more interest, and we urge you to maintain funding for these projects and increase these allocations in the years to come.

Managing stormwater is one of the most important acts of environmental stewardship in our communities. Our homes, offices, stores, and streets all have profound impacts on our streams and lakes. Ensuring that we devote the necessary resources to minimize preventable adverse impacts pays back tenfold by improving our ecosystems and quality of life, and makes Montgomery County a thriving and inviting place to live.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John Boland', with a long horizontal line extending from the top of the signature.

John Boland, Watershed Programs Manager