



DEPARTMENT OF THE ARMY

OFFICE OF THE CHIEF OF ENGINEERS

WASHINGTON, D.C. 20314-1000

REPLY TO  
ATTENTION OF:

15 NOV 1994

CECW-PM (10-1-7a)

SUBJECT: Anacostia River and Tributaries, Maryland and District of Columbia

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on environmental restoration measures for the Anacostia River watershed in Montgomery and Prince George's Counties, Maryland, and the District of Columbia. It is accompanied by the report of the district and division engineers. These reports are in partial response to a resolution by the Committee on Public Works and Transportation of the United States House of Representatives dated 8 September 1988. The study resolution requested review of the reports on the Anacostia River and Tributaries, District of Columbia and Maryland, contained in House Document 202, 81st Congress, with a view to determining if further improvements in the Anacostia River basin for flood control, navigation, erosion, sedimentation, water quality, and other related water resources needs are advisable at this time.

2. The reporting officers considered the multiple opportunities to address water resources problems and, in particular, to restore fish and wildlife habitat throughout the Anacostia basin. They recommend thirteen separable, ecologically and geographically distinct projects for implementation, consisting of multiple improvements in each of the three independent political jurisdictions. Within the District of Columbia, two wetland sites are recommended for restoration. A stream restoration and a wetland construction proposal are recommended for Prince George's County. Within Montgomery County, four stream restoration sites and five stormwater wetland sites are recommended for retrofitting or new construction. Together, these separable projects will restore 80 acres of tidal and nontidal freshwater wetlands, 5 miles of piedmont stream, and 33 acres of bottomland hardwood forests. The restored areas will provide habitat for waterfowl, anadromous and resident fishes, and other significant wildlife resources. The identified measures will improve fish and wildlife habitat, reduce erosion and sedimentation, improve water quality and offer slight improvement for flood control. They will have no effect on navigation within the Anacostia River basin.

CECW-PM

SUBJECT: Anacostia River and Tributaries, Maryland and District of Columbia

3. The recommended plan provides fish and wildlife habitat improvements and the outputs of these project purposes cannot be expressed in monetary units. Project outputs are improvements to tidal and nontidal freshwater wetlands, streams, anadromous and resident fishes, waterfowl, and other significant wildlife resources. Total first cost of the recommended plan based on December 1993 price levels is \$16,329,000 (\$18,820,000 fully funded). Average annual costs are estimated at \$1,474,000. The recommended projects shall be subject to cost sharing, financing and other requirements of the Water Resources Development Act of 1986 (Public Law 99-662). Applying these cost-sharing policies, the estimated Federal first cost (75 percent of the total project cost) is \$12,247,000, and the estimated non-Federal cost (25 percent) is \$4,082,000. The non-Federal costs are divided among the three local sponsors as follows: \$2,003,000 for the District of Columbia, \$729,000 for Prince George's County, and \$1,350,000 for Montgomery County.

4. Washington level review indicates that the proposed plan for environmental restoration is technically sound and environmentally acceptable. The plan complies with applicable U.S. Army Corps of Engineers planning procedures and regulations. Also, the views of interested parties, including Federal, State, and local agencies have been considered.

5. Accordingly, I recommend that the proposed environmental restoration elements be constructed in accordance with the reporting officers' recommended plan, with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to the non-Federal sponsors agreeing to comply with all applicable Federal laws and policies and other requirements, including but not limited to:

a. Provide all lands, easements, and rights-of-way including suitable borrow and dredged or excavated material disposal areas, and perform or assure the performance of all relocations determined to be necessary for the construction, operation, and maintenance of the project.

b. Provide, or pay to the Federal Government the cost of, all retaining dikes, wasteweirs, bulkheads and embankments, including all monitoring features and stilling basins, that may be required at any dredged or excavated material disposal areas required for the construction, operation, and maintenance of the project.

c. Provide any additional amounts as are necessary to make their total contribution equal to 25 percent of total project costs assigned to restoration of fish and wildlife resources.

CECW-PM

SUBJECT: Anacostia River and Tributaries, Maryland and District of Columbia

d. For so long as the project remains authorized, operate, maintain, repair, replace, and rehabilitate the completed project, or functional portion of the project, at no cost to the Federal Government, in a manner compatible with the project's State laws and any specific directions prescribed by the Federal Government.

e. Grant the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the non-Federal sponsor owns or controls for access, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the project.

f. Hold and save the United States free from all damages arising from the construction, operation, maintenance, repair, replacement, and rehabilitation of the project and any project-related betterments, except for the damages due to fault or negligence of the United States or its contractors.

g. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project to the extent and in such detail as will properly reflect total project costs and in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 C.F.R Section 33.20.

h. Perform, or cause to be performed, any investigations for hazardous substances as are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601-9675, that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be necessary for the construction, operation, and maintenance of the project, except that the non-Federal sponsor shall not perform such investigations on lands, easements, or rights-of-way that the Federal Government determines to be subject to the navigation servitude without prior specific written direction by the Federal Government.

i. Assume complete financial responsibility, as between the Federal Government and the non-Federal sponsor, for all necessary cleanup and response costs of any CERCLA-regulated materials located in, on, or under lands, easements, or rights-of-way that the Federal Government determines necessary for the construction, operation and maintenance of the project.

CECW-PM

SUBJECT: Anacostia River and Tributaries, Maryland and District of Columbia

j. To the maximum extent practicable, operate, maintain, repair, replace, and rehabilitate the project in a manner that will not cause liability to arise under CERCLA.

k. Comply with applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way, required for the construction, operation, and maintenance of the project, including those necessary for the relocations, borrow materials, and dredged or excavated material disposal, and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act.

l. Comply with all applicable Federal and State laws and regulations, including, but not limited to, section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d), and the Department of Defense Directive 5500.11 issued pursuant thereto, as well as Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army."

m. Provide 25 percent of that portion of total historic preservation, mitigation, and data recovery costs attributable to restoration of fish and wildlife resources that are in excess of 1 percent of the total amount authorized to be appropriated for restoration of fish and wildlife resources.

6. The recommendation contained herein reflects information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program nor the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the Congress, the sponsors, the State of Maryland, the District of Columbia, interested Federal agencies, and other parties will be advised of any modifications and will be afforded an opportunity to comment further.

  
ARTHUR E. WILLIAMS  
Lieutenant General, USA  
Chief of Engineers