

**NATIONAL INSTITUTES OF HEALTH
STONEY CREEK STORMWATER MANAGEMENT POND**

Bethesda Campus
Montgomery County, Maryland

Submitted by the National Institutes of Health

Delegated Action of the Executive Director

December 31, 2008

Pursuant to delegations of authority adopted by the Commission on October 3, 1996 and 40 U.S.C. § 8722(b)(1), I approve the final site development plans for the construction of the Stoney Creek Stormwater Management Pond at the National Institutes of Health Bethesda Campus in Montgomery County, Maryland, as shown on NCPC Map File No. 3101.20(05.00)-41165.

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The National Institutes of Health (NIH), in cooperation with the Montgomery County Department of Environmental Protection (DEP), has submitted final site development plans for a stormwater management pond in the southeast quadrant of its Bethesda, Maryland campus. The project is an open pond feature designed to capture 204 acres of urban runoff draining from the Central Bethesda Business District (CBBD) and a small portion of the NIH campus. The proposed site is bordered at its eastern boundary by Woodmont Avenue and Maryland Route 355 (Rockville Pike) and along the northwest by NIH Buildings 38 and 38A (NIH Library of Medicine, Lister Hill Center). The limits of disturbance for the project encompass approximately six acres. The site is a strategic location for capturing pollutants and reducing storm flows in the upper watershed, which ultimately benefits the downstream conditions of the Rock Creek watershed.

The proposed facility will be designed and constructed to include many features for reducing impacts from urban runoff and creating an environmental asset for NIH and the community. Preliminary site development plans were approved by delegated action in May 2003 with the following conditions:

- Develop a *Natural Resource Inventory and Forest Stand Delineation (NRI/FSD) Plan*.
- Complete *A Joint Federal and State Application for the Alteration of Any Floodplain, Waterway, Tidal or Non-tidal Wetlands*.

- Demonstrate *NIH compliance with Presidential Executive Order 11988, "Floodplain Management."*

The applicant has provided documentation that all the above conditions have been met.

NCPC does not have independent responsibility under the National Historic Preservation Act, Section 106, because the project is in the environs outside of the District of Columbia. The proposed project is consistent with the Master Plan for the NIH Main Campus approved by the Commission in 2005. The DEP performed a Phase II archaeological evaluation of the site area of the planned facility. The Phase II document concluded that no additional archaeological assessment is required due to past disturbance from golf course construction, and utility line installations (sewer and electrical). The Maryland State Historic Preservation Office (Maryland Historical Trust) reviewed the Phase II archaeological assessment and concurred in a December 11, 2002 letter that no additional review would be required and that the project met the compliance requirements of Section 106 of the National Historic Preservation Act.

Pursuant to the regulations implementing the National Environmental Policy Act (NEPA), NIH determined that the project is a Categorical Exclusion. As a project in the environs, NCPC is advisory and does not have independent NEPA responsibility for the project.

Marcel C. Acosta
Executive Director