



SLOPE REPAIR, STABILIZATION, ENVIRONMENTAL RESTORATION AND TRANSFER OF JURISDICTION OF CERTAIN NATIONAL PARK SERVICE PROPERTIES TO DC WATER

National Capital Park-East: Fort Stanton Park

FINDING OF NO SIGNIFICANT IMPACTS/DECISION DOCUMENT

The National Park Service (NPS), in conjunction with the District of Columbia Water and Sewer Authority (DC Water), proposes to repair, stabilize, and environmentally restore a failed slope embankment of approximately 0.43 acres on NPS property within Fort Stanton Park in Washington, D.C.'s southeast quadrant. As part of this proposal, the NPS will also transfer jurisdiction of the approximately 5.9 acres Fort Stanton Reservoir Compound to DC Water. This compound contains two reservoirs that are currently managed and maintained by DC Water. Reservoir No. 1 was constructed in 1932 and has a 3 million gallon capacity, and Reservoir No. 2 was constructed in 1943 and has a 10 million gallon capacity. The failed slope embankment area is located within the compound on the southeast slope of DC Water's Reservoir No. 2. The actions associated with the repair of the slope and the transfer of jurisdiction of NPS property to DC Water is needed to address the issues with the slope and to facilitate current repairs and future maintenance operations within the reservoir compound. As part of the transfer of jurisdiction, NPS has requested that the transfer to DC Water also include a small zone surrounding the reservoirs approximately 10 feet off the existing fence line and the access road leading to the reservoir compound for maintenance purposes. The two below ground reservoirs within the reservoir compound supply drinking water and fire protection to approximately 100,000 customers in the DC Water's Anacostia First High Service Area, which generally includes the area southeast of the Anacostia River and bounded by Eastern and Southern Avenues.

The NPS completed an environmental assessment (EA) that provides an analysis of the environmental consequences of the alternatives considered for this restoration and transfer of jurisdiction. This EA was prepared in accordance with National Environmental Policy Act of 1969, as amended (NEPA), its implementing regulations by the council on Environmental Impacts analysis and Decision-Making, and accompanying Handbook (DO-12). Compliance with Section 106 of the National Historic Preservation Act of 1966 has been in conjunction with this NEPA process.

SELECTED ALTERNATIVE

The NPS identified Alternative 2, the NPS preferred alternative (described on page 16 of the EA), as the Selected Alternative for implementation. The Selected Alternative calls for the transfer of jurisdiction of a portion of Fort Stanton Park, which includes the reservoir compound and area immediately adjacent to the compound (approximately 10 feet off the fence line and the access road to the compound area) from NPS to DC Water. In addition, the Selected Alternative also calls for the repair, stabilization, and environmental restoration of the embankment failure adjacent to Reservoir No. 2.

For the transfer of jurisdiction, the NPS will transfer a portion of Fort Stanton Park to DC Water. The transfer of jurisdiction will include all areas inside the existing perimeter fencing around the reservoirs, plus an additional 10 feet beyond the fence line. The reservoir compound contains two below ground reinforced concrete reservoirs. The access road will also become part of DC Water's jurisdiction, and DC Water will be responsible for the upkeep and maintenance of the access road. DC Water will maintain the access road and will share the use of the road with the public who utilize the DC Parks and Recreation ball fields located adjacent to the access road. The transfer will facilitate DC Water's operations and maintenance procedures such that normal maintenance and repair operations can be accomplished within the reservoir compound without contact or permits from the NPS. Pursuant to law, before this transfer can occur, it must be recommended by the National Capital Planning Commission (NCPC). Within the terms of the jurisdictional transfer, all NPS managerial responsibilities of the Project Area will be transferred to the District, and the property will no longer be a part of Fort Stanton Park. The transfer will also

necessitate amending the NPS' 2004 *Fort Circle Management Plan*. DC Water will continue the existing use of the reservoir facilities currently on the site.

For the repair, stabilization, and environmental restoration of the embankment failure adjacent to Reservoir No. 2, the NPS will allow the incorporation of design fill/design soil, as the bottom layer of soil on top of the exposed soils within the embankment failure. The design fill is more compactable than top soil and less susceptible to water infiltration, making it a more stable soil. However, design fill is not ideal for vegetation growth. To allow for vegetative replacement in the area of the embankment failure, a layer of vegetative top soil will be placed on top of the design fill layer. The vegetative top soil is looser, more water permeable, and contains more organic compounds, making it ideal for plant growth. The design fill interface will be scarified in order to incorporate the top soil layer into the surface of the design fill layer. The final grade will match the existing grade above the embankment failure using the vegetative soil layer that will allow for growing native vegetation, including trees. Subsoil drains are provided at the top and bottom of the slope, as this slope currently collects some moisture. Besides those subsoil drains, no drainage management system will be required under this alternative. A temporary exclusion fence to deter non-NPS and/or non-DC Water personnel, or wildlife from entering the rehabilitation area will be installed around the planting site to assist in re-establishing vegetative growth.

OTHER ALTERNATIVES CONSIDERED

The EA prepared for this project also analyzed the no action alternative (Alternative 1). Under the no action alternative, there would be no transfer of jurisdiction and DC Water would have to continue to obtain permission and/or permits from the NPS to perform routine maintenance and repairs on the reservoirs. The NPS would continue to have maintenance responsibilities for controlling invasive species and repairing the access road (i.e., pot holes). And the slope repair, stabilization, and environmental restoration of the embankment failure would not be repaired or stabilized.

Two other alternatives were considered that looked at stabilizing the slope were considered but dismissed from further consideration based on their considerable adverse impacts to NPS resources and maintenance issues. These included a tiered retaining wall(s) with a drainage management system, and hard engineering fills. The tiered retaining walls would require the installation of either one or several very tall walls, or multiple shorter walls in multiple tiers. A drainage management system would have to be installed and would include drains at the toe of slope, at the bottom of each wall, and possibly other key intercept areas requiring further excavation and more infrastructures to remove potentially trapped stormwater. Hard Engineering Fills would include removing the loose embankment material and replace it with a stable material to ensure embankment stability while maintaining the existing slope.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The environmentally preferable alternative is defined by the Council on Environmental Quality as the alternative that would promote the national environmental policy as expressed in Section 101 of the NEPA. Simply put, the environmentally preferable alternative is the alternative that causes the least damage to the biological and physical environment and that also best protects, preserves, and enhances historic, cultural, and natural resources. After completing the environmental analysis, the NPS and DC Water identified Alternative 2, the NPS Selected Alternative, as the environmentally preferable alternative.

Alternative 2 provides for the repair, stabilization, and environmental restoration of a failed slope embankment. This would be consistent with the park's mandate for forest management and provide beneficial use to park visitors (scenic and aesthetics). The no action alternative would likely result in a scarred slope embankment that has potential of failing and causing natural resource degradation. In addition, this alternative addresses public health and safety as it assures that potable water and fire protection would be supplied to approximately 100,000 people living in the Anacostia First High Service Area. Therefore, the no action alternative would not meet the criteria for an environmentally preferable alternative.

MITIGATION MEASURES

The NPS and DC Water both place a strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. The NPS will ensure that the following protective measures are implemented as part of the Selected Alternative. The NPS will implement an appropriate level of monitoring throughout the construction process to ensure that protective measures are being properly executed and are achieving their intended results. Additionally, NPS will review the proposed mitigation in this EA document at the commencement of each phase of work to ensure that all project information is up to date and in compliance with the necessary regulations (i.e., soil erosion and sediment control).

Soils

- During the construction phase to repair, stabilize, and environmentally restore the slope, drainage will be diverted so that water is not directed down steep slopes, thus decreasing velocity and erosion potential.
- If necessary, temporary ditches will be used on site to prevent scouring and erosion.
- Culvert outlet protection (riprap aprons or basins) will be used to reduce water velocity and prevent scour erosion.
- All disturbed soil and vegetation will be replanted, to include native grasses, trees and shrubs.

Water Quality

- Prior to construction, NPS will apply for registration coverage under a general permit for discharges of stormwater from construction activities. Construction site stormwater permits are based on the U.S. Environmental Protection Agency's construction stormwater general permit and requires construction site operators to develop and implement a stormwater pollution prevention plan that uses best management practices for erosion and sediment control at the construction site.
- As part of the general permit, an erosion and sediment control plan consistent with local erosion and sediment control regulations and certification regulations will also be prepared.
- The placement of hay bales, temporary fill, or construction/modification of channels will be used to avoid impacts to downstream tributary streams.
- Silt fences and/or erosion control blankets will be used to minimize erosion from construction activities.
- Prior to construction, a hazardous material spill plan will be prepared identifying the response actions that would be taken in case of a spill. This plan would incorporate preventative measures to be implemented such as the placement of refueling facilities, storage and handling of hazardous materials, and notification procedures for a spill. It would ensure that waste oil, antifreeze, hydraulic fluid, and grease are not spilled or disposed of anywhere in the park.
- Adverse effects of potential fuel spills will be minimized through the following:
 - Oils and hazardous materials will be stored with secondary containment.
 - Construction staging will be located in areas away from surface water features.
 - Refueling activities will be located well away from surface water features.
 - Refueling and/or construction vehicle and equipment maintenance will be performed in designated areas with containment devices such as temporary earth berm around these areas.
 - Absorbent pads will always be available for clean up of any accidental spills.
 - As part of the transfer of jurisdiction, it is understood that all activities related to the operation of the reservoirs will remain the sole responsibility of DC Water.

Wetlands

- Construction limits will be clearly delineated to ensure that there is no encroachment upon downslope wetlands. Existing wetlands are approximately 150 feet downslope of the lower boundary of the failed slope embankment.
- Erosion controls (see above) will be implemented during construction to ensure no sediment-laden runoff would be transported into the wetlands from the site work.

Vegetation

- The cutting trees will be minimized whenever possible.
- Trimming and removing vegetation to accommodate construction equipment ingress and egress will be minimized as much as possible.
- Protective fencing will be placed around tree trunks in close proximity to construction activities to minimize potential adverse effects to the bark or other tree attributes resulting from collision.
- The removal of trees greater than 2 inches in diameter will be avoided during any construction work.
- All fill material imported to the site will be certified clean and free of exotic plants and seeds.
- The construction contractor will be required to power wash all construction vehicles and equipment prior to initial arrival at the park to remove seed and plant material.
- Disturbed areas (including staging areas) will be re-vegetated as soon as possible with a native seed mix to help prevent the spread of exotic invasive plant species.
- A monitoring protocol will be enacted to ensure no new or additional exotic invasive plant species are spread into the reservoir compound.
- DC Water will ensure that all protection measures are clearly stated in construction specifications and that workers are instructed to avoid conducting activities beyond the construction zone, as defined by the roadway and construction zone fencing.
- As part of the transfer of jurisdiction, DC Water will maintain the fence around the reservoir as well as 10 feet beyond the fence to control invasive species of vegetation.
- As part of the transfer of jurisdiction, DC Water will utilize wise, green management practices to maintain the cover of the reservoirs.

Wildlife

- The reservoir compound will be surveyed by an NPS biologist prior to the onset of construction for the presence of any non-highly mobile species (e.g., turtles) that may wander through during construction activities.
- The feeding of wildlife will be prohibited in the contract documents.
- The contractor shall ensure that all food is stored in enclosed portions of vehicles or in hard-sided containers.
- The contractor shall ensure that trash from meals is disposed of in closed site trash cans and dumpsters or completely removed from the work site.
- As part of the transfer of jurisdiction, DC Water will maintain a wildlife friendly environment which will promote continued wildlife habitation.

Threatened and Endangered Species

- Prior to initiating any of the proposed projects, qualified park staff will survey the area for transient federal or state-listed species. If a new listed species is found in the reservoir compound, NPS would again consult with the U.S. Fish and Wildlife Service (USFWS) to develop mitigation measures to ensure that no impacts to these species would occur.

Cultural Resources

- If during construction, archeological resources are discovered, all work in the immediate vicinity of the discovery would be halted until the resources can be identified and documented and an appropriate mitigation strategy developed. If necessary, consultation with the DC Historic Preservation Officer, NPS, and/or the NPS Regional Archeologist will be coordinated to ensure that the protection of resources are addressed. In the unlikely event that human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act (25 USC 3001) of 1990 would be followed.
- As part of the transfer of jurisdiction, DC Water will maintain the long view by preserving the viewshed of the reservoir area. No towers, including cell phone towers, will be constructed, nor will lighting be added to the DC Water jurisdiction area that will be visible from other areas of the park or visible from the air.

Transportation and Traffic

- A safety plan will be developed prior to initiation of construction to ensure the safety of park visitors, workers, and park personnel.
- As part of the transfer of jurisdiction, DC Water will maintain the access road and will continue to share the use of the access road with the public, including DC Department of Parks and Recreation, to allow access to the ball fields located within the park.

Prior to the transfer, the NPS will enter into a Declaration of Covenants with DC Water that contains measures that are aimed to protect the resources found within the project area and the natural zone area that is located adjacent to the project area and Fort Stanton Park as a whole. There will likely be a reversion clause if the property is not used as a reservoir compound and/or the terms of the covenants are not satisfied. Such measures will likely include the following, while other requirements may be developed through the NCPC's review of the proposed actions:

- Maintenance of the fence line along the border of that Natural Zone and Projects Area to protect park resources, such as the forested areas, which delineates the limits of future construction, beyond the current slope repair, and ensures construction vehicles to not encroach on NPS property.
- Shared use of the access road with the DC Department of Parks and Recreation up to the fence line of the compound for purposes of gaining access to the adjacent sports playing fields.
- Regular monitoring of the Natural Zone area within the park by an NPS biologist during construction to ensure that construction activities are not impacting the trees and other park resources. If it is determined that any of these activities could cause adverse impacts to these resources, construction will be halted until mitigations are established to avoid or minimize adverse impacts to the greatest extent possible.
- Development of a stormwater management plan prior to any construction to ensure that no additional runoff is introduced into the Natural Zone. The stormwater control design will be directed to appropriate stormwater outfalls.
- Development of protocols to protect adjacent park streams from impacts of reservoir operations, including the prohibition of maintenance drainage into adjacent park streams.
- Application of fertilizers and pesticides to the restored slope will be done according to manufacturer guidelines using proper methods and correct quantities and only when weather conditions are suitable in order to ensure that only the targeted area is treated and that areas outside of the Project Area are not impacted.
- In addition, to help ensure the protection of the natural and cultural resources and the quality of the visitor experience both within the Project Area and on the adjacent NPS property, DC Water will

comply with all appropriate District regulations and covenant requirements and will monitor both to ensure that they are achieving their intended results. These include those for soil and water resources, and for cultural resources as described as mitigation in the EA. DC Water must also abide by other District requirements, such as those intended to protect what are defined as “Special Trees” in the District’s Urban Forest Preservation Act of 2002, to the extent that these types of trees are located within the transferred property. All trees removed during the construction of the slope repair and stabilization will be replaced with native tree species.

WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As documented in the EA, the NPS has determined that the Selected Alternative (Alternative 2) for a transfer of 5.9 acres of NPS land to DC Water for continued use as a drinking water reservoir compound can be implemented with no significant adverse effects. As defined in 40 CFR sec. 1508.27, significance is determined by examining the following criteria:

Impacts that may be both beneficial and adverse and which on balance may be beneficial, but that may still have significant adverse impacts which require analysis in an EIS: As described in the EA, several resource areas will experience both beneficial and adverse impacts from the proposed actions; however, on balance, no significant impacts were identified that would require analysis in an EIS.

Soils - Implementation of the Selected Alternative will result in short-term negligible to moderate adverse impacts to soils during construction activities. Long-term beneficial impacts to soils will occur as the soils become more stable and the planted vegetation matures.

Water Resources - Implementation of the Selected Alternative will result in short-term negligible to minor adverse construction impacts to stormwater. Beneficial impacts will occur when the embankment work is completed and the planted vegetation matures to provide stormwater attenuation and filtration for downslope environments. The transfer of jurisdiction will result in no adverse impacts to water resources and will provide beneficial impacts as DC Water will modify reservoir discharge protocols as a result of this action.

Water Quality - Implementation of the Selected Alternative will result in minor to moderate short-term adverse impacts to water quality, as soil erosion and sedimentation is expected to occur during construction activities. No long-term adverse impacts will occur to water quality and long-term beneficial impacts will occur as the planted vegetation matures, providing additional stormwater attenuation and filtration into downstream environments.

Wetlands - Implementation of the Selected Alternative will result in negligible short-term adverse indirect impacts to wetlands during construction activities. No long-term adverse impacts are expected to occur after construction is completed, however, beneficial impacts will occur as the planted vegetation matures to provide a forested buffer to the downslope wetland habitats.

Vegetation - Implementation of the Selected Alternative will result in negligible to minor short-term impacts to vegetation during construction activities. Short-term and long-term beneficial impacts will occur to vegetation as the embankment stabilizes and the planted vegetation matures. The transfer of jurisdiction will result in beneficial impacts to vegetation since DC Water will be responsible for invasive plant species control within the reservoir compound.

Wildlife - Implementation of the Selected Alternative will result in negligible to minor short-term adverse impacts on wildlife during temporary construction activities. Potential long-term beneficial impacts will occur as the planted vegetation matures to provide more foraging and shelter habitats for wildlife.

Scenic Resources - Implementation of the Selected Alternative will result in short-term and long-term beneficial impacts to scenic resources as a result of planted vegetation along the slope embankment. There will be short-term minor adverse impacts during construction activities.

Degree of effect on public health or safety: Implementation of the Selected Alternative will result in short-term negligible to minor impacts to human health and safety during construction activities. Potential

short-term and long-term benefits will occur as the slope will be stabilized and overall water service is improved.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, wetlands, prime farmlands, wild and scenic rivers, or ecologically critical areas: As described in the EA, no prime farmlands, wild and scenic rivers, ecologically critical areas, sites sacred to American Indians, or other significant ethnographic resources occur within or adjacent to the Project Area. Wetlands are located to the east of the reservoir compound, approximately 150 feet downslope of the lower boundary of the failed slope embankment. As required by Director's Order 77-1, the NPS must avoid adverse impacts on wetlands to the extent practicable, must minimize any impacts that could not be avoided, and must compensate for any remaining unavoidable adverse impacts on wetlands. During construction, these wetlands may experience adverse impacts as a result of construction runoff. However, prior to construction, construction limits will be clearly delineated to ensure that there is no encroachment into these wetlands; erosion controls will be implemented during construction to ensure no sediment-laden runoff can be transported into the wetlands from the site work; and a stormwater management plan will be developed for the operation of the reservoir facilities. As a result of these mitigations, the overall adverse impacts to wetlands resulting from the Selected Alternative will be short-term and negligible. Over the long-term, beneficial impacts will occur as the planted vegetation matures to provide a forested buffer to the downslope wetland habitats. Based on the fact that the Selected Alternative avoids directly impacting wetlands, and the mitigations that will be enacted minimize any potential indirect adverse impacts to wetlands, a Wetland Statement of Findings was not needed for this project.

The Phase I Reconnaissance-Level Historical and Archaeological Survey report prepared for this project, dated May 11, 2010, presented the results of an archaeological survey and historical resource assessment conducted on the reservoir compound. Fort Stanton Reservoirs No. 1 and No. 2 were surveyed as part of this effort. Neither of the reservoirs were recommended as eligible for the National Register as a result of the survey. In addition, based on background research, topographic setting, previous construction, documented landslides, and on the ground observations, the Area of Potential Effects (APE) was considered to have a low probability for containing archeological resources. Because it was determined unlikely that any archaeological and historic properties are present in the APE, it was recommended that no further survey be required. The Phase I Historical and Archeological Survey did determine that two properties listed on the D.C. Inventory of Historic Sites and the National Register of Historic Places are located in the vicinity of the proposed slope stabilization project; they are Fort Stanton and Battery Ricketts. Neither of these Civil War Fort Sites will be impacted by the actions associated with the Selected Alternative.

Degree to which effects on the quality of the human environment are likely to be highly controversial: No highly controversial effects in terms of scientific uncertainties as a result of this transfer of jurisdiction were identified during the preparation of the EA or the public comment period.

Degree to which the action may establish a precedent for future actions with significant effects of represents a decision in principle about a future consideration: The Selected Alternative neither establishes a NPS precedent for future actions with significant effects nor represents a decision in principle about a future consideration.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts: Implementation of the Selected Alternative will have no significant cumulative impacts. As described on pages 31 through 32 of the EA, cumulative impacts were determined by combining the impacts of the NPS Selected Alternative with other past, present and reasonably foreseeable future actions. Due to the isolated nature of the project site, the fact that the site is mostly fenced and closed to the public, and the fact that there will be no long-term change in the use of the site, there are no known specific present or foreseeable future projects that could act cumulatively on this project. As a result, the cumulative impacts evaluation considered the overall general effects of localized urbanization around the Project Area. Areas identified as potential cumulative impacts are soils; water resources; water quality; wetlands; vegetation; wildlife; scenic resources; and health and human safety.

Soil - Implementation of the Selected Alternative will result in no cumulative impacts to soils since there are no present or planned future activities that will impact the soil on this slope embankment.

Water Resources - Implementation of the Selected Alternative will result in no adverse cumulative impacts and will possibly result in beneficial cumulative impacts to downslope environments as a result of reservoir discharge protocols modifications.

Water Quality - Implementation of the Selected Alternative will result in minor temporary adverse cumulative impacts to downstream water quality during construction activities. After construction activities are finished and the area is restored, beneficial cumulative impacts to downstream water quality will occur as the planted vegetation matures.

Wetland - Implementation of the Selected Alternative will result in no cumulative impacts to wetlands as the wetlands are located in a topographic area where present and future developments will not have any impacts along the slope embankment.

Vegetation - Implementation of the Selected Alternative for the slope stabilization will result in no cumulative impacts to vegetation as the slope vegetation is located in a topographic area where present and future developments will not have any impacts to vegetation along the slope embankment.

Wildlife - Implementation of the Selected Alternative for the slope stabilization will result no cumulative impacts as the wildlife habitat is located in a topographic area where present and future developments will not have any impacts to wildlife along the slope embankment.

Scenic Resources – Due to the fact that the outward appearance of the site will be relatively unchanged after construction has been completed, implementation of the Selected Alternative for the slope stabilization will result in no adverse or beneficial cumulative impacts.

Human Health and Safety - Implementation of the Selected Alternative for the slope stabilization will result in no noticeable cumulative impacts to human health and safety.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources: Based on the lack of cultural resources within the Project Area, the overall scope of the project, and the distance of historic resources from the Project Area, the EA and the Phase I Reconnaissance-Level Historical and Archaeological Survey both made the determination that the Selected Alternative will not adversely impact cultural resources within the Project Area, or those historic properties (Fort Stanton and Battery Ricketts) listed on both the DC Inventory of Historic Sites and the National Register of Historic Places, located near the Project Area. As a result, and in conjunction with Section 106 of the National Historic Preservation Act, the NPS made the determination that the Selected Alternative would result in “no adverse” effects to historic properties.

The NPS shared this determination of “no adverse” effect with the DC State Historic Preservation Office (DC SHPO). In a letter dated, March 10, 2011, the DC SHPO provided their concurrence with the NPS’s findings, stating that this project will have no adverse effect on historic properties, and that no further DC SHPO review or comment will be necessary (see attached concurrence letter), thus completing Section 106 requirements for this project.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat: The NPS contacted the USFWS in October 2009 requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened in the Fort Stanton Reservoir area. The USFWS responded in January 2010 stating that no proposed or federally listed endangered or threatened species are known to exist within the project impacts area.

Whether the action threatens a violation of federal, state, or local environmental protection law: The Selected Alternative violates no federal, state, or local environmental protection laws. The transfer of jurisdiction will be consistent with all laws, regulations, and requirements.

IMPAIRMENT OF PARK RESOURCES OR VALUES

The NPS has determined that implementation of the Selected Alternative will not constitute an impairment to the resources or values of Fort Stanton Park, Nation Capital Parks-East, or the surrounding area. This conclusion is based on a thorough analysis of the environmental impacts described in the EA, relevant studies, the review of public comments and consultation with other agencies, and the professional judgment of the decision-maker guided by the direction in NPS Management Policies (2006). As described in the EA, implementation of the Selected Alternative will not result in major, adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of National Capital Parks-East; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's *2004 Fort Circle Parks Management Plan* or other relevant NPS planning documents.

The Selected Alternative will result in short-term to long-term negligible to moderate adverse impacts on some of the park's resources (soils, water resources, water quality, wetlands, vegetation, wildlife, and scenic resources). These impacts are not key to the overall natural or cultural resources of the park, nor will these impacts hamper opportunities to enjoy the park. In fact, over the long-term, the stabilization and environmental restoration of the slope will benefit the park by improving and protecting the resources for which it was created. By stabilizing the slope and replanting the area in native vegetation, the Selected Alternative will provide long-term benefits to the natural and scenic resources found within the park, which, in turn, will then enhance the overall visitor use and experience and opportunities to enjoy these resources.

The transfer of jurisdiction will also not result in impairment to park resources or values. As a result of the transfer of jurisdiction, the area being transferred will no longer be a part of Fort Stanton Park and will require the NPS to revise the *2004 Fort Circle Parks Management Plan*. The area being transferred, however, already contains those reservoirs and associated infrastructure maintained and operated by DC Water, and is currently not accessible by the public. After the transfer of jurisdiction is complete, land use within the reservoir compound and the land immediately surrounding the compound will remain virtually unchanged and the site will remain closed to the public. The portion of Fort Stanton being jurisdictionally transferred is not necessary to fulfill specific purposes identified in the park's enabling legislation, does not contain key natural or cultural resources, and will not prohibit opportunities to enjoy the park.

PUBLIC INVOLVEMENT

Along with the release of notification to the public via DC Water's website in November 2009, the following agencies and public service organizations were consulted via U.S. Postal Service (USPS) mail with a request for input relating to the public scoping process: NCPC, U.S. Commission of Fine Arts, District Department of Transportation, DC Office of Planning, District Department of the Environment, DC Department of Consumer and Regulatory Affairs, Office of Councilmember Marion Barry, the Ward 8 Constituent Office, and the Anacostia Community Museum. Later, a presentation of the proposed project was made to the community on April 27, 2010 at the Smithsonian Anacostia Community Museum.

The DC Water and NPS met with representatives from the NCPC and the DC Department of Parks and Recreation to discuss future plans for Fort Stanton Park on May 11, 2010. None of the agencies felt that the project posed any potential conflicts in planned uses. It was decided that the access road will be included in the transfer of jurisdiction to DC Water, but that visitors will be able to use the road in order to gain access to the recreational fields adjacent to the reservoir compound.

The EA on this slope repair, stabilization, environmental restoration, and transfer of jurisdiction was made available for public review and comment on January 15, 2011. Its availability was announced via DC Water's website and NPS's PEPC website. Notice was sent via email and USPS to those who were on the original public scoping mailing list. During the 30day public comment period, the NPS received no responses from the public.

CONCLUSION

The NPS has selected Alternative 2, the transfer the reservoir compound within Fort Stanton Park from the NPS to DC Water for implementation. In addition, the Selected Alternative also calls for the repair, stabilization, and environmental restoration of the embankment failure adjacent to Reservoir No. 2. The transfer of jurisdiction can occur following NCPD's review and recommendation of the transfer. The impacts that will result from the Selected Alternative will not impair any park resources of values necessary to the NPS or to fulfill specific purposes identified in the *2004 Fort Circle Parks Management Plan*. Selection of this alternative hereby amends the *2004 Fort Circle Parks Management Plan*, effective with the date of the transfer, to reflect that the land use of the Project Area remains the same but the management of it is transferred from the NPS to DC Water and is no longer part of the park.

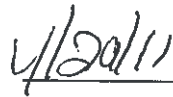
The Selected Alternative does not constitute an action that normally requires preparation of an EIS. The Selected Alternative will not have a significant effect on the human environment. Short-term negative environmental impacts that will occur are negligible to moderate in intensity, while long-term environmental impacts of the slope repair, stabilization, and environmental restoration will be beneficial to the Project Area. There are no significant impacts on soils, water resources, water quality, wetlands, vegetation, wildlife, scenic resource, or public health. The park's Natural Zones remain intact. The proposed actions will not cause highly uncertain or controversial impacts, unique or unknown risks, or significant cumulative effects. Implementation of the Selected Alternative will not violate any federal, state, or local environmental protection law.

The Selected Alternative does not constitute a major federal action that significantly affects the quality of the human environment. Based on the foregoing an EIS is not required for this action and thus will not be prepared. This is a finding of no significant impact.

Recommended:



Alex Romero
Superintendent,
National Capital Parks – East



Date

Approved:



Woody Smeek
Acting Regional Director
National Capital Region



Date