



FINDING OF NO SIGNIFICANT IMPACT Klingle Valley Trail Project

Rock Creek Park Washington, D.C.

The Federal Highway Administration (FHWA), in conjunction with the District Department of Transportation (DDOT) and in cooperation with the National Park Service (NPS), proposes to construct a multi-use trail facility on a deteriorated, barricaded section of Klingle Road, NW, between Cortland Place, NW, and Porter Street, NW. As part of this Klingle Valley Trail Project, FHWA and DDOT propose to implement stream stabilization/rehabilitation measures in Klingle Creek (adjacent to Klingle Road, NW), which is currently degraded from stormwater flows in order to improve the creek's functions and values as a riverine wetland and its ability to convey stormwater in a non-erosive manner. The stabilization/rehabilitation requires a NPS Special Use Permit, as Klingle Creek is located largely on land managed by the NPS. The National Park Service is also the authority responsible for issuing the Special Use Permit for any construction work necessary to connect the Klingle Valley Trail to the Rock Creek Park Multi-use Trail on the east end of the project near Porter Street, NW.

The FHWA and DDOT, in cooperation with NPS, prepared an Environmental Assessment (EA) for this project in accordance with the National Environmental Policy Act of 1969 (NEPA), the Council of Environmental Quality (CEQ) regulations (40 CFR 1500-1508), NPS Director's Order #12, and the FHWA's Environmental Impact and Related Procedures (23 CFR 771). The Draft EA was released for agency and public review and comment on June 4, 2010. DDOT sponsored a public hearing about the EA on June 23, 2010. Subsequently, a Final EA was prepared to address all agency and public comments. The Final EA was released on January 13, 2011.

The proposed action is to construct a multi-use trail facility, integrating context-sensitive design, to provide safe, non-motorized transportation and recreational opportunities in the District of Columbia (the District) for residents and visitors. The project is needed to address: 1) safety concerns posed by the 0.7-mile barricaded stretch of Klingle Road, NW, and the deterioration of related structures such as culverts and District Water and Sewer Authority (DC Water) underground infrastructure; 2) social demands as presented in the Park and Recreation Open Space District element in the *District Comprehensive Plan*; 3) recreational system linkage tying points west of Connecticut Avenue to the Rock Creek Park Multi-use Trail; 4) degraded habitat within Klingle Valley caused by infrastructure deficiencies and failures; and 5) requirements set forth in the District's Klingle Road Sustainable Development Act of 2008.

After consultation with DDOT/FHWA, and review of the EA and other supporting documentation, NPS, in accordance with 43 CFR 46.320, adopts the Final EA's analysis regarding the stabilization/rehabilitation of Klingle Creek, for which NPS will subsequently issue a Special Use Permit. The Permit will also allow DDOT/FHWA to undertake construction work necessary to connect the Klingle Valley Trail to the Rock Creek Park Multi-use Trail. DDOT/FHWA's Final EA fulfills the requirements of NEPA and its applicable regulations. For work proposed to occur on NPS-managed land, the Final EA satisfies the policies set forth in the NPS's Director's Order 12, *Conservation Planning, Environmental Impact Analysis and Decision-Making*, and its accompanying Handbook.

NPS SELECTED ALTERNATIVE

The Final EA presents several alternatives for trail construction, as well as options for the stabilization/restoration of Klingle Creek, accessing Rock Creek Park Multi-use Trail from Klingle Valley Trail, and trail lighting (see Section 2.2 of the Final EA).

The NPS accepts the FHWA/DDOT selected preferred trail construction alternative, Alternative 2, as presented in the Final EA. The selected alternative is a 10-foot wide multi-use trail with permeable paving. The trail, lined by two-foot shoulders on either side, will slope away from Klingle Creek toward a two-foot wide, one-foot deep drainage swale. This drainage swale will capture stormwater from the steep side slopes on the north side of Klingle Valley, using check dams to slow the flow. Under this alternative, existing impervious road surfaces will be removed.

The NPS also adopts the FHWA/DDOT selected preferred option for the stabilization/restoration of Klingle Creek, Option B – Full Stream Channel and Bank Stabilization, as presented in the Final EA. Under Option B, a total of 1,595 linear feet of stream channel will be restored. In areas not protected by bedrock, the channel will be reconstructed using step-pools to present a natural channel appearance, dissipate water energy, and protect stream banks. Bank stabilization techniques will be used in constricted areas. In wider areas, stream bank and adjacent hill slopes will be graded back at a 3:1 slope for improved stability. Any stream bank modifications, such as grading, will be tailored to minimize the loss of large trees that line the north and south banks. Bioengineering techniques and native plantings for ecological sensitive streambank stabilization will be incorporated where possible.

The NPS accepts the FHWA/DDOT selected preferred option for accessing the Rock Creek Park Multi-use Trail from the Klingle Valley Trail, Option C – Modified, as presented in the Final EA. This option combines Option B and C presented in the Draft EA. Under this option, a multi-use trail will be constructed within DDOT's right-of-way along the south side of Klingle Road, NW, and continue onto the ramp that leads to the overpass of Porter Street, NW. The multi-use trail will be constructed on the south side of the ramp and be separated by curb and gutter from the main travel lane until it terminates within DDOT's right-of-way shortly before connecting to the NPS-managed Rock Creek Park Multi-use Trail. The width of DDOT's multi-use trail will vary from six to eight feet to accommodate site constraints, and DDOT will erect a trailhead within its right-of-way at the east end of the project area, near the Rock Creek Park Multi-use Trail.

DDOT's right-of-way ends before the Rock Creek Park Multi-use Trail begin, necessitating the disturbance of NPS-managed land to connect the trails. At the proposed connection point, Rock Creek Park Multi-use Trail is located approximately five feet from the planned eastern terminus of the Klingle Valley Trail. The environment between the trails at this location consists of dirt and grass, much of which is compacted due to use of the space as a connection between the Rock Creek Park Multi-use Trail and the ramp connected to Klingle Road, NW. Although impacts regarding the connection were not specifically described in the Final EA, connecting the trails will cause negligible impacts to soils and vegetation over an area of approximately 100 square feet, due to the replacement of dirt and grass with trail material.

Finally, NPS accepts the FHWA/DDOT selected preferred lighting Option B – Pole or Bollard Lighting. This selection is relevant to this FONSI, as fixtures installed along the Klingle Valley Trail will cast light onto NPS-managed land, possibly affecting wildlife. Under Selected Lighting Option B, low-impact pole lighting will be incorporated into the proposed multi-use trail design, and planners will consider using low/renewable energy features, such as solar cells or light-emitting diodes (LEDs). To limit hours of illumination, lighting along the proposed multi-use trail will be turned on during high trail usage times and turned off during other times. In addition, heights of the poles will be minimized, and down lighting using light shields or hoods will be used to direct light to the trail and prevent it from spreading to adjacent streams, woodlands, or night skies.

OTHER ALTERNATIVES CONSIDERED

In addition to evaluating the selected alternative and options, the Draft EA and Final EA considered the No Action Alternative (Alternative 1), two additional trail alternatives (Alternatives 3 and 4), and options for the restoration of Klingle Creek, access to Rock Creek Park Multi-use Trail, and trail lighting.

No Action Alternative: Under the No Action Alternative, the Klingle Valley Trail would not be built. Basic maintenance, such as the removal of hazardous trees and debris caused by the deterioration of the roadbed, would continue. In addition, fences that prohibit the public from entering the barricaded section

of Klingle Road, NW, would be maintained, and limited steps would be taken to ensure that sections with unsafe conditions were cordoned off (for example, through the use of jersey barriers and signage). Klingle Creek would not be improved to address stormwater damage, and replacement or repair of existing retaining walls and culverts would not occur. The No Action Alternative was not selected because it does not meet the purpose and need of the project.

Trail Alternatives: 12-Foot Multi-Use Trail (Permeable): DDOT/FHWA would install a 12-foot multi-use trail constructed using permeable material. The trail footprint would include two-foot shoulders and a three-foot clear zone on either side of the trail. A two-foot wide, one-foot deep flat-bottom drainage swale with check dams would run parallel to the north side of the trail to collect and convey stormwater. This alternative was not selected due to its comparatively large footprint and resulting increased impacts.

10-Foot Multi-Use Trail (Non-Permeable): DDOT/FHWA would install a 10-foot multi-use trail constructed using non-permeable materials. The trail footprint would include two-foot shoulders and a three-foot clear zone on either side of the trail. A two-foot wide, one-foot deep flat-bottom drainage swale with check dams would run parallel to the north side of the trail. This alternative was not selected because an impermeable trail would not be consistent with the Klingle Road Sustainable Development Act and would not best meet project objectives, including utilization of environmentally sensitive materials and practices.

Klingle Creek Restoration Options: Under Klingle Creek Restoration Option A – Stabilization of Priority Areas, selected areas of Klingle Creek would be stabilized to protect the trail and associated infrastructure, and 420 linear feet of Klingle Creek would be restored. This option was not chosen because Option B provides greater environmental benefits.

Access to Rock Creek Multi-use Trail Options: These options mostly involve work occurring within DDOT's rights-of-way on Klingle Road, NW, and the ramp running from Klingle Road, NW, to the overpass at Porter Street, NW. All of the options contemplate a connection between the Klingle Valley Trail and Rock Creek Park Multi-use Trail, and share the negligible impacts described in the NPS selected alternatives section, above.

Lighting Options: Lighting Option A would forgo lighting on the Klingle Valley Trail. While this option would be ideal for surrounding wildlife, it was not selected because it would unnecessarily hamper the enjoyment of the Park's resources by trail users and potentially affect user safety during low-light conditions.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

While the Environmentally Preferable Alternative is not identified in the DDOT/FHWA Draft and Final EAs, the NPS is required to identify this alternative in its NEPA documents. The NPS, in accordance with DOI and NPS policies and guidance and CEQ's *NEPA's Forty Most Asked Questions*, defines the Environmentally Preferable Option as the one that "causes the least damage to the biological and physical environment." It is the alternative "which best protects, preserves, and enhances historic, cultural and natural resources." After a thorough review of the Final EA with respect to impacts to NPS-managed land, the NPS identifies Klingle Creek Restoration Option B – Full Stream Channel and Bank Stabilization, along with Lighting Option A, to be the Environmentally Preferable Alternative. This alternative/option combination is environmentally preferable because it provides the greatest benefits to water resources by stabilizing and restoring the Klingle Creek stream channel and banks, and prevents interference with wildlife caused by trail lighting. Specifically regarding access to the Rock Creek Park Multi-use Trail, the Environmentally Preferable Alternative is the no action alternative, as any connection between this trail and the Klingle Valley Trail will cause minimal, but adverse impacts to natural resources.

MITIGATION MEASURES

DDOT and the FHWA, in coordination with the NPS, have made environmental commitments in support of actions associated with the Klingle Valley Trail Project. These commitments, contained in the Final EA and the FONSI's issued by DDOT and FHWA, include measures to avoid potential impacts, measures

to reduce impacts, measures to mitigate impacts, and measures to enhance aspects of the project in order to produce an overall positive impact. The following mitigation measures will be implemented to mitigate or minimize adverse impacts of the selected alternative and options on NPS-managed land:

Water Resources

- The implementation of erosion and sediment control practices, such as the installation of silt fence, sediment trapping or filtering, and other best management practices (BMPs), will help to avoid temporary impacts to water quality during construction. Stormwater management plans will also be prepared and implemented onsite to address long-term runoff and pollutant discharge into the local watershed.

Geology, Soils, and Topography

- After construction is complete, the compaction and disturbance of soils within the project area will be remediated through soil stabilization methods and revegetation.
- The implementation of context-sensitive design principles and erosion and sedimentation BMPs will minimize erosion during restoration efforts in Klingle Creek.

Vegetation

- Measures will be implemented, to the extent practical, to avoid impacts to large trees. These measures may include the installation of tree protection fencing at the outer drip lines of trees to be saved, staging construction equipment to avoid damaging trees and their root systems, and avoiding equipment collisions with trees and other vegetation. Future design efforts will consider each specimen tree individually, using techniques such as imbricated riprap walls, minor relocations of the stream channel and/or multi-use trail, or building banks out from large trees in order to protect healthy specimen trees while simultaneously stabilizing the stream channel.
- Landscape plans will be developed in coordination with the NPS and DDOT's Urban Forestry Administration. These plans may include planting, grading, erosion control, and irrigation systems. Where possible, landscaping will be utilized to improve stormwater management features following the principles and objectives of Low Impact Development (LID). Areas replanted following construction will be monitored by the NPS and/or DDOT to ensure successful establishment of newly planted materials.

Historic Structures

- Existing historic stone walls and culvert features that are presently in disrepair will be reconstructed and/or rehabilitated. DDOT, NPS, and DC Historic Preservation Office (SHPO) will consult to stabilize and rehabilitate retaining walls and culvert features following *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (36 CFR 68). Approaches identified and agreed upon during consultation through the design phases will be included in the conditions of the Special Use Permit issued for construction.
- Relocation and/or rehabilitation of historic retaining walls and culverts will be evaluated on a case-by-case basis during the design process in coordination with the SHPO and NPS. This will entail assessments of the structural and historical integrity of the retaining walls and culvert features to determine the appropriate approach for maintaining the valley's historic integrity in accordance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (36 CFR 68).

Archeology

- Archeological sites have been identified within the project area. These sites will be avoided by DDOT/FHWA during project design and construction, in consultation with the SHPO, NPS staff, and/or the NPS Regional Archeologist. Consultation will be documented through written correspondence and will be on going through design development.
- If archeological resources are discovered on NPS property during construction, all work in the immediate vicinity of the discovery will be halted until the resources can be identified and

documented and an appropriate mitigation strategy developed. Consultation with the SHPO, NPS staff, and/or the NPS Regional Archeologist will be coordinated to ensure resources are protected. 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 will be followed.

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

The NPS has determined that the selected alternative and options can be implemented with no significant adverse effects. As defined in 40 CFR § 1508.27, significance is determined by examining the following criteria:

Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts that require analysis in an EIS: As described in the Final EA, several resources will experience beneficial and/or adverse impacts from the proposed actions. However, no significant impacts were identified that will require analysis in an EIS.

Water Resources (Water Quality, Hydrology, Wetlands, and Floodplains): Overall, the selected alternative and options will have long-term, beneficial impacts to water resources. The selected alternative will remove all impervious surfaces (1.92 acres) that currently exist along the barricaded portion of Klingle Road, NW. In its place, a trail will be constructed using permeable materials, reducing the amount of stormwater runoff that enters Klingle Creek and its terminus waterway, Rock Creek, and improving water quality. However, removal of existing roadway infrastructure could cause sedimentation, with short-term, minor, adverse impacts to water quality.

The restoration of Klingle Creek will improve water quality within the Rock Creek Watershed by slowing stormwater flows in a non-erosive manner, which will limit sedimentation and help filter pollutants through groundwater infiltration. During construction, the proposed project may introduce sediment into the stream, causing local, short-term minor adverse impacts. The restoration of Klingle Creek will also help control stormwater runoff by slowing flows within the creek, and allowing more stormwater to infiltrate into groundwater. The stabilization/restoration will not restore the natural hydrology of Klingle Creek and the amount of stormwater runoff entering the creek will not change. However, by enhancing the creek's ability to slow the flow, and allowing a larger percentage of the runoff to infiltrate the groundwater, the overall hydrology within the watershed will be enhanced, resulting in long-term beneficial impacts. During construction conducted along approximately 1,595 feet of stream channel, the diversion of water around construction will result in short-term, negligible, adverse impacts to hydrology.

The selected alternative will improve the overall function and value of degraded riparian wetlands associated with Klingle Creek by stabilizing and restoring the creek and associated aquatic habitat and biodiversity, a local, long-term, beneficial impact. During construction conducted along approximately 1,595 feet of stream channel, the proposed project could cause local, short-term, minor, adverse impacts to overall wetland function and value.

With the exception of the area in the immediate vicinity of the Embassy of India property, Klingle Creek conveys volumes exceeding the 25-year flood. Klingle Creek Restoration Option B and the removal of existing roadway infrastructure and sediment under the selected alternative will help protect the floodplain at the Embassy of India property from erosion by dissipating the energy of stormwater and allowing floodwaters to move more slowly through the floodplain system, a long-term, beneficial impact. During construction, the diversion of water will result in short-term, minor, adverse impacts to overall floodplain function and value.

Geology, Soils, and Topography: Construction equipment will damage soils (for example, through disturbance and compaction), resulting in short-term, minor, adverse impacts. These impacts will be mitigated by soil stabilization methods and revegetating disturbed areas using NPS-approved native plant species. Klingle Creek stabilization/restoration will require soil grading and excavation, as banks will be widened in certain locations to accommodate pools and shifted in others to improve hydrology. This

modification in the soils and topography of the streams will result in short-term, minor, adverse impacts. Upon completion, the Klingle Creek stabilization/restoration will protect surrounding soils and topography, preventing erosion and sedimentation, resulting in long-term, beneficial impacts. As noted above, the impact to soils at the connection of the Klingle Creek Trail and Rock Creek Park Multi-use Trail is minimal.

Wildlife: The proposed project will result in local, minor, short-term, adverse impacts to wildlife and habitat due to construction disturbance and negligible, long-term, adverse impacts due to trail lighting. Most species that occupy the project site likely will return following construction. Klingle Creek Restoration Option B will reduce erosion and improve riparian habitat for amphibians and macroinvertebrates. Nevertheless, during construction, up to 24 large trees will be removed from NPS property, along the slopes of Klingle Creek, resulting in loss of habitat. After construction, trees and other vegetation lost will be replaced with NPS-approved native species, pursuant to the project planting plan.

Vegetation: Restoration Option B will reduce erosion and protect surrounding vegetation, a local, long-term, beneficial impact. However, construction activities will adversely impact vegetation (but no species of special concern), as up to 24 large trees will be removed from NPS land along the slopes of Klingle Creek, a local, long-term, moderate, adverse impact. After construction, trees and other vegetation lost will be replaced with NPS-approved native species, pursuant to the project planting plan. As noted above, the impact to vegetation at the connection of the Klingle Creek Trail and Rock Creek Park Multi-use Trail is minimal.

Cultural Resources (Archeology, Historic Structures and Districts, Cultural Landscapes): Overall, the selected alternative and Options will have long-term, beneficial impacts on cultural resources.

The restoration of Klingle Creek will involve ground-disturbing activities. Archeological testing has been conducted throughout the proposed project area at the sites of proposed ground disturbance, and localized areas of archeological resources were found. These areas will be avoided during project design and construction, and archeological monitoring will be provided by the DDOT via an archeologist who meets the *Secretary of Interior's Standards for Archeology*. Activities during project implementation will result in negligible to minor adverse impacts to archeology (no adverse effect under National Historic Preservation Act (NHPA) Section 106).

Implementation of the selected alternative could result in the relocation and/or rehabilitation of historic retaining walls and culvert features, causing short-term, minor adverse impacts. These actions will be evaluated on a case-by-case basis in coordination with the SHPO and NPS during the design process via written correspondence and other personal communication. For example, the existing structural integrity and location of the retaining walls and culvert features will be considered to determine the appropriate approach in accordance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties*. Approaches identified and agreed upon during consultation through the design phases will be included in the conditions of the Special Use Permit issued for construction.

Construction activities will have minor, short-term, adverse impacts on views into and within the project area. In addition to the selected alternative and options, which include restoration of Klingle Valley (for example, removal of roadway infrastructure, and stabilization/restoration of Klingle Creek), DDOT/FHWA will apply context-sensitive design elements that will enhance the aesthetics of the project area and cause the trail to blend with the surrounding natural environment, all minor, long-term, site-specific benefits (no adverse effect under NHPA Section 106).

Visitor Use, Experience/Transportation & Human Health and Safety: The proposed project will occur close to Rock Creek Park proper and the Rock Creek Park Multi-use Trail. While these resources will remain open during construction, their users will experience the noise and visual intrusions of a construction site, particularly along the east end of Klingle Road, NW, resulting in short-term, minor, adverse impacts. To ensure public safety, barricades and/or other control measures will be installed to keep the public out of the construction site. Once work is completed, the appearance of Klingle Creek will improve, erosion caused by stormwater will slow, and users of the Rock Creek Park Multi-use Trail

will have access to the Klingle Valley Trail, enhancing health and fitness opportunities within and around the Park. As a result, the proposed project will have a long-term, beneficial impact to visitor experience.

Park Operations and Management: During planning and implementation of the proposed project, Park operations will be impacted as Park staff provides input, oversight and compliance assistance, a Park-wide, short-term, minor, adverse impact. In addition, under an agreement with DDOT, the Park will assume maintenance responsibilities for Klingle Creek after an agreed-upon number of years, a Park-wide, long-term, minor, adverse impact.

The degree to which the proposed action affects public health or safety: The selected alternative and options will have an overall beneficial impact to health and safety. They will provide users of the Rock Creek Park Multi-use Trail legal and safe access to Klingle Valley, bring about the removal of old road infrastructure, and stabilize Klingle Creek's channel and banks, making Klingle Valley a safer place to recreate. In addition, the Selected Option for accessing the Rock Creek Park Multi-use Trail (Option C – Modified) will provide a long-term, local benefit due to the addition of clearly marked shared lanes and physical barriers separating motorized and non-motorized users on the ramp from Klingle Road, NW, to the Rock Creek Park Multi-use Trail.

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: 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, and none will be impacted by the actions associated with the selected alternative and options. However, wetlands, floodplains, and historic or cultural resources within or adjacent to the project area will be impacted.

This project involves the stabilization/restoration of Klingle Creek. The NPS considers Klingle Creek a riverine wetland that lost much of its wetland function due to uncontrolled stormwater flows caused by the proliferation of impervious surfaces and uncontrolled stormwater flows in the upper watershed. Temporary construction impacts to 1,595 linear feet of riverine wetland will occur, although they will be short-term and minor. Resulting improvements to riverine wetlands will be long-term and beneficial.

The NPS protects and preserves wetlands under Executive Order 11990, Director's Order #77-1, 2002, and NPS Procedural Manual #77-1: Wetland Protection, 2008. According to NPS DO #77-1: Wetland Protection, a statement of findings (SOF) is required when a proposed action is to occur within a wetland unless the action qualifies for an otherwise exemption. In October 2010, NPS Water Resources Division determined that the selected alternative qualifies for an exemption under Section 4.2.1(h) of DO 77-1 because the project is designed specifically for the purpose of *restoring* degraded (or completely lost) natural wetland, stream, riparian, or other aquatic habitats or ecological processes. Therefore, a SOF was not written.

According to the NPS, floodplains are “the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands and (including at a minimum), that area subject to temporary inundation by a regulatory flood” (DO 77-2). There is a section of the floodplain located within or adjacent to the project area, in the immediate vicinity of the Embassy of India property most vulnerable to floodplain inundation due to the existing stream morphology.

According to NPS DO #77-2: Floodplain Management, a statement of findings (SOF) is required when an action will have an adverse effect on a floodplain. The SOF provides reasoning as to why the proposed site was selected and why less flood-prone alternative sites were rejected. For the proposed project, a SOF is not required because impacts to floodplains will be beneficial, not adverse. In particular, under the selected alternative and options, roadway materials and other infrastructure debris will be removed. The removal of this material, as well as the removal of sediment in the 100-year floodplain, will increase floodplain storage capacity. Klingle Creek Restoration Option B will improve geomorphology through stabilization/restoration of the stream channel, resulting in reduced erosion and sedimentation. The improved geomorphology of Klingle Creek in combination with increased flood storage will result in long-term benefits to floodplains.

The selected alternative and options will have minor, adverse impacts to historic structures and cultural landscapes. This is due to construction activities that will diminish views into and within the project area. In addition, as part of Klingle Creek Restoration Option B, historic retaining walls and culvert features may be relocated and/or rehabilitated. An assessment of the structural and historical integrity of the retaining walls and culvert features to determine the appropriate approach in accordance with the Secretary of Interior's Guidelines for the Treatment of Historic Properties will be conducted in consultation with the SHPO and the NPS. Localized areas of archeological resources were found when archeological investigations were conducted within the proposed project area by the NPS, in coordination with the State Archeologist. These areas will be avoided during project design and construction, and archeological monitoring will occur during project implementation.

Further, the project is in close proximity to Rock Creek Park proper, the Connecticut Avenue Bridge over Klingle Valley, the Tregaron Estate, and other historic resources eligible for listing or currently listed in the National Register of Historic Properties. Rock Creek Park and the Tregaron Estate also are cultural landscapes. FHWA and DDOT submitted the Klingle Valley Trail Assessment of Effects Report to the SHPO for review and comment on May 21, 2010. In a letter dated June 18, 2010, the SHPO concurred that there will be "no adverse effects" to historic properties within the project area. As a result of the potential for archeological resources to be located in the project area, an archeological investigation of the Klingle Valley Trail project area was conducted in March 2011. Based on the investigation, two archeological sites were recorded within the project area and "avoidance of impacts is a preferred option." The SHPO concurred with the results and recommendations of the investigation on July 26, 2011. Additional recommendations included further investigation upon removal of the roadway that focuses on areas east and west of Connecticut Avenue, NW. DDOT will be required to continue consultation with the SHPO and the NPS on measures to avoid or mitigate potential adverse effects on these two, or yet undiscovered, sites as the design for the trail is developed. On March 1, 2012, the SHPO re-confirmed their concurrence with the recommendations of this study that known archeological resources will be avoided.

Degree to which effects on the quality of the human environment are likely to be highly controversial: No highly controversial effects on the quality of the human environment as a result of the selected alternative and options were identified during the preparation of the Final EA or by the public during the public comment period.

Degree to which the possible effects on the quality of the human environment are highly uncertain, or involve unique or unknown risks: No highly uncertain, unique, or unknown risks on the quality of the human environment were identified during preparation of the Final EA or the public review period.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration: The selected alternative and options do not establish a NPS precedent for future actions with significant effects or represent a decision in principle about a future consideration.

Whether the action is related to other actions with individually but cumulatively significant impacts: Implementing the selected alternative and options will have no significant, cumulative impacts. On NPS land, minor cumulative impacts will occur to soils, hydrology, wetlands, floodplains, vegetation, cultural resources, *visitor use, experience/transportation & human health and safety*, and Park operations and management.

Geology, Soils, and Topography: The rehabilitation of the Peirce Mill complex, development of housing units on the Tregaron Property, construction projects at the National Zoo, and trail/road paving projects in or adjacent to the Park will displace soils, a local, long-term, minor, adverse impact. In addition, the continued implementation of the Park's GMP will result in new development that could lead to grading and soil displacement, causing local, long-term, minor, adverse impacts. These projects, in combination with the selected alternative and options, will have short-term and long-term minor adverse cumulative impacts on soils. From a regional context, these impacts are negligible.

Water Quality/Hydrology/Wetlands: The overall urbanization of the watershed will continue to adversely impact the water quality and hydrology of streams within the region. These impacts, in combination with the beneficial impacts resulting from the selected alternative and options, which include the stabilization/restoration of Klingle Creek, will have long-term, moderate, adverse cumulative impacts on water quality, hydrology, and wetlands within the watershed. The beneficial contribution of the selected alternative and options will be negligible.

Floodplains: The rehabilitation of the Peirce Mill complex has had local, short-term and long-term, minor, adverse impacts on floodplains. This project, in combination with the selected alternative and options, will have long-term, minor, adverse cumulative impacts to floodplains within the watershed. The contribution of the selected alternative and options will be negligible.

Vegetation: The rehabilitation of the Peirce Mill complex, development of housing units on the Tregaron Property, and construction projects at the National Zoo will result in the loss of some grasses, shrubs, and trees, a local, long-term, minor, adverse impact. This impact, in combination with the impacts from the selected alternative and options will result in long-term, moderate, adverse cumulative impacts on vegetation. From a regional context, these impacts are negligible.

Historic Structures: Projects have occurred that have benefited historic structures within Rock Creek Park including the rehabilitation of Peirce Mill and the installation of a regenerative stormwater conveyance at Bingham Run, which halted erosion that threatened the Western Ridge Trail and Old Bingham Road. In addition, implementation of the Park's General Management Plan (GMP) will result in greater protection and interpretation of the Park's other historic structures. Such improvements, along with the selected alternative and options, will result in a long-term beneficial cumulative impact and will have local, minor, short-term adverse impacts. This project will cause no adverse effect under Section 106 of the NHPA.

Archeology: Due to funding and human resource constraints, some cultural resources within the region may deteriorate. However, archeological projects that have benefited within Rock Creek Park include the stabilization of the slope at the Quaker/Colored Union Benevolent Cemetery site. Such improvements, along with the selected alternative and options, will result in a net benefit to the cultural resources of Klingle Valley and Rock Creek Park. Design considerations of the selected alternative and options to avoid known archeological sites will result in a long-term beneficial cumulative impact and local, minor, short-term adverse impacts. This project will cause no adverse effect under Section 106 of the NHPA.

Cultural Landscapes: The transition of Klingle Valley Road into a multi-use trail will result in some changes to the characteristics of the cultural landscape, a local, long-term, minor, adverse impact. However, improvements to the current dilapidated condition and restoration of open access through the scenic valley with the selected alternative and options will result in a long-term beneficial cumulative impact. This project will cause no adverse effect under Section 106 of the NHPA.

Visitor Use, Experience/Transportation & Human Health and Safety: The Peirce Mill complex and trail/road paving projects in or adjacent to the Park have limited visitor access to Park resources and disrupted transportation flows, causing local, short-term, minor, adverse impacts. In addition, the continued implementation of the Park's GMP will result in new projects that affect visitor access, causing local, short-term, minor, adverse impacts. These projects, in combination with the selected alternative and options, will have short-term minor adverse cumulative impacts on visitor use, experience/transportation & human health and safety. From a regional context, these impacts are negligible.

Park Operations and Management: Demand for Park resources will escalate due to increased use of the Park by visitors. This demand will have a detectable but minor effect on Park operations and management. The impact, in combination with impacts associated with the selected alternative and options will result in long-term, minor, adverse impacts on Park operations and management. The contribution of the selected alternative and options will be negligible.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources: The selected alternative and options will not cause loss or destruction of significant scientific, cultural, or historic resources. Parts of the proposed project (Klinge Creek stabilization/restoration and connection between Klinge Valley Trail and Rock Creek Park Multi-use Trail) are within Rock Creek Park, a historic district listed in the National Register of Historic Properties, and a cultural landscape. The project is also within close proximity to other historic resources listed or eligible for listing. However, as explained above, the selected alternative and options will have minor adverse impacts on these resources and will mitigate these and other adverse effects.

FHWA and DDOT staff met with the SHPO on September 3, 2009 to initiate consultation under NHPA Section 106. On January 19, 2010, FHWA consulted with the SHPO regarding the Area of Potential Effect and reviewed the preliminary Assessment of Effects prior to submittal. A final APE was agreed upon, and the SHPO formally concurred on January 20, 2010. Once the APE was established, FHWA and DDOT assessed potential effects on cultural resources and, on May 21, 2010, sent an Assessment of Effect report to the SHPO. In a letter dated June 18, 2010, the SHPO concurred that there will be “no adverse effects” to historic properties within the project area. However, the letter stated that the selected alternative and options will contain the following modifications to or conditions on the project to avoid potential adverse effects on historic resources within the APE:

- **Vegetation and Landscaping:** The proposed undertaking will include replanting of native tree species and vegetation following construction, in order to eliminate any potential impacts on the natural setting of Klinge Valley.
- **Rehabilitation of Retaining Walls and Culvert Features:** The proposed undertaking will include an assessment of the structural and historical integrity of the retaining walls and culvert features to determine the appropriate approach to maintain the valley’s historic integrity in accordance with *The Secretary of the Interior’s Standards for the Treatment of Historic Properties* (36 CFR 68).
- **Archeological Discovery:** Because of the potential for archeological resources to be located in the project area, the proposed undertaking will include a geoarcheological study of the Klinge Valley Trail project area, to be conducted prior to ground-disturbing activities.

The geoarcheological and archeological investigations were conducted in March 2011. Consultation with the SHPO, NPS, and DDOT continued throughout the archeology project. Based on the investigation and documented in a report published in February 2012, two archeological sites were recorded within the project area and “avoidance of impacts is a preferred option.” Additional recommendations included further investigation upon removal of the roadway that focuses on areas east and west of Connecticut Avenue, NW. This work will be conducted upon removal of the roadway infrastructure within DDOT’s right of way. Consultation with the SHPO, DDOT, and NPS, via written correspondence and other personal communication, will continue during the design and construction phases of this project. These areas will be avoided during project design. Approaches identified and agreed upon during consultation through the design phases will be included in the conditions of the Special Use Permit issued for construction. In addition, as determined by the SHPO and/or the NPS Regional Archeologist, an archeological monitor will be provided by the DDOT via an archeologist who meets the *Secretary of Interior’s Standards for Archeology* during construction.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat: In accordance with Section 7 of the Endangered Species Act, a coordination letter from the U.S. Fish and Wildlife Service, received January 21, 2010, determined that “except for the occasional transient individuals, no proposed federally listed endangered or threatened species are known to exist within the project impacts area.” No impacts to any state-listed or federally-listed species are anticipated (See attached).

Whether the action threatens a violation of federal, state, or local environmental protection law: No federal, state, or local environmental protection laws will be violated.

PUBLIC INVOLVEMENT

DDOT conducted three public meetings for the project. Two public meetings were held to solicit comments prior to the release of the Klingle Valley Trail Draft EA for public comment. In addition to public meetings, a project website was created that detailed history and current activities associated with the proposed Klingle Valley Trail Project. This website invited the public to provide comments via an electronic form or e-mail.

DDOT held a Public Scoping Meeting at the National Zoological Park Visitor's Center on October 7, 2009. The purpose of the meeting, conducted in an open house format, was to introduce the project and existing conditions to the community. It also offered the public an opportunity to provide comments on the Purpose and Need statement as well as general comments about the project. Seventy people signed in at the meeting.

DDOT held a second public meeting at the Mount Pleasant Public Library on December 16, 2009. The purpose of the meeting, conducted in an open house format, was to present trail design concepts under review by the project team. Twenty-one people signed in at this meeting.

Prior to release of the Draft EA, a notice of availability and notice of public hearing were distributed through a variety of outlets. Following release of the Draft EA in spring of 2010, DDOT held a Public Hearing on June 23, 2010 at the National Zoological Park Visitor's Center. The purpose of this public hearing was to give interested parties the opportunity to provide formal comments on the Draft EA and Section 106 Evaluation. Fifty-three people signed in at the meeting. Twenty-two people provided public testimony and four people provided private testimony. Additionally, formal comments were accepted through the project website. Copies of all public comments and responses to those comments are contained in Appendix D of the Final EA.

A summary of the comments received throughout the formal comment period follows:

- Of the comments received from citizens and organizations, the majority were in support of the construction of a multi-use trail facility within the 0.7 mile barricaded portion of Klingle Road, NW. Alternative 2 was the most commonly chosen build alternative.
- Many commenters identified restoring Klingle Creek as an important need. The Klingle Creek Restoration Option B was most commonly chosen creek restoration option.
- Of the Rock Creek Trail Options, Option B was favored by those providing comments. The main reason cited was separation from vehicular traffic, which Option A would not provide, while minimizing impacts to unpaved areas.
- In terms of lighting options, the majority of individuals favored Option A, the No Lighting Option. Several individuals stated they understood why lighting would be beneficial and suggested restricting lighting hours as a way of implementing Option B - Lighting Option. Most commenters preferred low-impact lighting, such as solar or LED.
- Some individuals opposed the project. They questioned the legal process associated with prohibiting motor vehicle traffic on Klingle Road, NW, and constructing a multi-use trail, raised concerns about access for utility maintenance and emergency services, and expressed uneasiness about increased traffic in surrounding areas, specifically in Mount Pleasant. They also raised as an issue the SHPO's approval of a one-acre subdivision on the Tregaron Property.

CONCLUSION

Taking into consideration the impacts described in the Final EA and related documentation, the NHPA Section 106 process, consultation with FHWA and DDOT; NPS and DOI laws, regulations and guidance, professional judgment of an interdisciplinary team, and agency and public comments, the NPS accepts Alternative 2 (the construction of a 10-foot wide multi-use trail along DDOT's Klingle Road right-of-way; full stream channel and bank stabilization and restoration of NPS administered Klingle Creek; actions associated with connecting the Rock Creek Park Multi-use Trail from the Klingle Valley Trail; and trail lighting) for implementation. The impacts that will result from the selected alternative will not impair any park resource or values necessary to the NPS. An impairment determination has been prepared and is attached. We conclude that no significant effects on the human environment will be caused by the selected alternative and options. The selected alternative does not constitute an action that normally requires preparation of an EIS. Short-term negative environmental impacts that will occur are negligible to moderate in intensity, while long-term environmental impacts of the stabilization and restoration of Klingle Creek will be beneficial to the Project Area. The proposed actions will not cause highly uncertain or controversial impacts, unique or unknown risks, or significant cumulative effects. Furthermore, the selected alternative and options 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:



Tara Morrison
Superintendent
Rock Creek Park

June 26, 2012

Date

Approved:



Deputy Stephen Whitesell
Regional Director
National Capital Region
National Park Service

7/16/12

Date

IMPAIRMENT OF PARK RESOURCES OR VALUES

Pursuant to the NPS Guidance for Non-Impairment Determinations and the NPS NEPA Process (NPS 2011), a non-impairment determination for the selected alternative is included here as an appendix to the Finding of No Significant Impact.

In addition to reviewing the list of criteria for significant impacts, the NPS has determined that implementing the selected alternative and options will not constitute an impairment of Park resources or values. This conclusion is based on a thorough analysis of the impacts described in the Final EA, agency and public comments received, and the professional judgment of the decision-makers in accordance with NPS *Management Policies 2006*. As described in the EA, implementation of the selected alternative and options will not result in impairment of Rock Creek Park resources or values whose conservation is (1) necessary to fulfill specific purposes identified in the Park's establishing legislation, (2) key to the natural or cultural integrity of the Park or to opportunities for enjoyment of the Park, or (3) identified in the Park's management plan or other relevant NPS planning documents as being of significance. The 2005 *Rock Creek Park and Rock Creek and Potomac Parkway Final General Management Plan* is the basic guidance document for the management of these units for the next 10 to 15 years. The purpose of the plan is to specify resource conditions and visitor experiences to be achieved in the Park and Parkway, and to provide the foundation for decision-making and preparation of more specific resource plans regarding the management of the Park and Parkway.

As explained below, while the selected alternative and options will result in adverse impacts to some of the Park's natural and cultural resources, none of these resources will be impaired, and impacts will be mitigated through requirements in the Final EA, FONSI, and the Special Use Permit.

Under the selected alternative and options, cultural resources will not be impaired. Although these resources are necessary to fulfill the purposes for which the Park was established, key to opportunities for enjoyment within the Park, and/or identified as significant resources in the Park's planning documents, the selected alternative and options do not constitute an impairment because they do not cause a major, adverse impact to these resources. Indeed, all adverse impacts of the selected alternative and options on the cultural resources in question are minor or less.

Under the selected alternative and options, natural resources such as soils, water quality, wetlands, floodplains, and wildlife will not be impaired. Although they are necessary to fulfill the purposes for which the Park was established, key to opportunities for enjoyment within the Park, and/or identified as significant resources in the Park's planning documents, the selected alternative and options do not constitute an impairment because they do not cause a major, adverse impact to these resources. All adverse impacts of the selected alternative and options on these resources are minor or less. In fact, over the long term, with the restoration of Klinge Creek and the overall improvement of stormwater runoff, impacts to these resources will be beneficial.

Under the selected alternative and options, vegetation will not be impaired. Although the proposed project will result in the removal of up to 24 large trees on NPS-managed land, stabilizing/restoring Klinge Creek will protect the remaining vegetation by controlling stormwater and reducing erosion. In addition, disturbed areas will be revegetated with native species. Although vegetation is necessary to fulfill the purposes for which the Park was established, key to opportunities for enjoyment within the Park, and/or identified as significant resources in the Park's planning documents, the selected alternative and options do not constitute an impairment because they do not cause a major, adverse impact to these resources. Adverse impacts of the selected alternative and options on vegetation are moderate or less.