



FINDING OF NO SIGNIFICANT IMPACT

METRO MEMORIAL PARK Rock Creek Park, National Capital Region, District of Columbia

August 2013

The District of Columbia (District) proposes to establish a permanent memorial honoring the victims of, and first responders to, the 2009 Metrorail Red Line crash. This collision, which occurred near the Fort Totten Metro Station, killed nine people and injured 80 more. In response to this event, the District has initiated planning for a memorial. As part of this planning process, the District identified two possible sites for the memorial. The sites are currently on property owned and administered by Rock Creek Park, an administrative unit of the National Park Service (NPS). To move forward with the District's proposal, NPS would have to transfer jurisdiction of the selected parcel to the District for the proposed memorial. After the transfer of jurisdiction is complete, the District would assume the responsibility of designing and constructing the memorial. The District will also be responsible for operating and maintaining the memorial. Consultation with the NPS will continue after the transfer of jurisdiction takes place to ensure that the design of the memorial falls within the agreed upon confines of the selected alternative.

As part of this planning effort, the NPS and the District completed an Environmental Assessment (EA) that provides an analysis of the environmental consequences of the alternatives considered for this transfer, which is the subject of this EA. This EA was prepared in accordance with National Environmental Policy Act of 1969, as amended (NEPA), its implementing regulations by the Council on Environmental Quality (CEQ) (40 CFR 1500-1508), and Director's Order 12, *Conservation Planning, Environmental Impact Analysis, and Decision-Making*, and accompanying Handbook (DO-12). In accordance with 36 CFR 800.8, compliance with the National Historic Preservation Act of 1966 (NHPA) (as amended) was completed in parallel with the NEPA process.

SELECTED ALTERNATIVE

As part of the EA process, the NPS identified Alternative 2: Garden-Adjacent Site, as its preferred alternative in the EA (see page 2-11) and has selected it for implementation. The selected alternative will transfer jurisdiction of approximately 10,000 square feet of land north of the intersection of New Hampshire and South Dakota Avenues to the District to establish and operate a memorial dedicated to the victims and first responders of the 2009 Metrorail Red Line crash. The selection of this alternative was informed by public scoping and coordination with the DC State Historic Preservation Officer (DC SHPO), the National Capital Planning Commission (NCPC), and the Commission of Fine Arts (CFA).

The memorial will consist of open space with a commemorative element and new landscape featuring native plants. The memorial will likely consist of a plaza area, landscape, and public artwork, including a signature piece of art by a local artist. The design elements will include: a memorial park with a serene setting consisting of a prominent marker at the entrance, public artwork, seating, a pedestrian walkway, solar lighting that does not disturb adjacent residences, incorporation of a commissioned poem, and the use of low-impact development measures. No additional amenities will be provided (i.e., no playground, restroom facilities, or additional parking).

OTHER ALTERNATIVES

The EA also analyzed the no action alternative, one other action alternative, and site locations that were considered but dismissed. The no action alternative would continue existing conditions, use, and management of the considered sites. All existing features would remain and the memorial site alternatives would continue to be managed and operated by the NPS. There would be no new

development or re-configuration of the sites. The no action alternative was not selected because it did not meet the purpose and need of the project to establish a permanent memorial honoring the victims of, and first responders to, the 2009 Metrorail Red Line crash.

Alternative 1 would include the establishment and operation of a memorial, as well as the transfer of jurisdiction of land from NPS to the District to facilitate the memorial's establishment. The location of the memorial in Alternative 1 would be on up to approximately 10,000 square feet of land east of the intersection of New Hampshire and South Dakota Avenues, NE. Like the selected alternative, the memorial under Alternative 1 would consist of open space with a commemorative element and new landscaping, and would have site elements similar to those described in the selected alternative. Alternative 1 was not selected because its use as a memorial would not be consistent with its designation as a Natural Resource Zone in the *Fort Circle Parks Final Management Plan*. In addition, Alternative 1 would disrupt existing recreational activities at the site.

Seven other memorial sites were considered but dismissed. These sites in Northeast Washington were initially identified during the site selection process and internal and public scoping, and included Takoma Recreation and Aquatics Center; 4th Street and Blair Road; Blair Road, Third and Whittier Streets; Missouri Avenue, 7th and Madison Streets; Kansas Avenue and 2nd and Longfellow Streets; New Hampshire, 1st and Ingraham Streets; and Reservation 425, located at the intersection of New Hampshire Avenue and Oglethorpe Street. These alternative sites were determined not to sufficiently meet the site selection criteria, to be unreasonable, or much less desirable than similar options included in the analysis. In addition, some sites conflicted with already-established park uses. Therefore, these sites were dismissed from further consideration.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

DO-12 requires the NPS to identify the environmentally preferable alternative in its EAs as well as in Environmental Impact Statements (EIS). The NPS looks to the Council on Environmental Quality's *NEPA's Forty Most Asked Questions*, which defines it as the alternative "that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources" (Q6a). The NPS has evaluated the impacts resulting from the different alternatives and has determined that the No Action Alternative best meets the conditions that will qualify as the environmentally preferable alternative.

The no action alternative would not impact biological or natural resources or cultural resources. It would not degrade the environment through disturbance of soils or removal of vegetation. Views and other elements of cultural resources would not be affected by the no action alternative; the existing cultural resources would continue to be managed similar to existing practices.

MITIGATION MEASURES

The NPS and the District both place a strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. After the land transfer, the property would no longer be owned by the NPS and would be the responsibility of the District. Consequently, the District's environmental standards would apply.

Once the jurisdiction of the site has been transferred from the NPS, The District will implement an appropriate level of monitoring to help ensure protective measures are being properly implemented and are achieving their intended result. The table on the following page describes the mitigation measures that will be implemented.

Mitigation Measures of the Selected Alternative	
Resource Area	Mitigation Measures
Cultural Resources	Prior to any ground disturbance on the site, a phased archeological survey will be conducted within the subject parcel(s) by professionals meeting the <i>Secretary of the Interior's Standards</i> and following the District's 1998 <i>Guidelines for Archeological Investigations</i> , as amended. If National Register of Historic Places-eligible resources are identified and cannot be avoided, appropriate treatment will be determined in consultation with NPS and DC SHPO prior to starting any ground-disturbing activities.
	Archeological collections, field notes, photos, digital and/or electronic data, related records, and GIS data generated by the project will be curated according to NPS standards and the archeological consultants will prepare the collections and records for curation following NPS guidance. As described in the Section 106 determination of effect, a phased archeological survey will be conducted within the subject parcel(s) by professionals meeting the <i>Secretary of the Interior's Standards</i> and following the District's 1998 <i>Guidelines for Archeological Investigations</i> , as amended.
	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 SHPO, NPS, and/or the NPS Regional Archeologist will be coordinated to ensure that the protection of resources is addressed following the procedures for post-review discoveries found in the Advisory Council on Historic Preservation's Protection of Historic Properties (36 CFR 800.13). In the unlikely event that human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during construction, work would be halted immediately and consultation would be initiated with NPS and the DC SHPO. In addition, provisions outlined in the Native American Graves Protection and Repatriation Act (25 USC 3001) of 1990 would be followed.
	The District, in coordination with the NPS, will develop an interpretive feature for the memorial site to educate visitors about the Fort Circle Park System/Civil War Defenses of Washington. Such a feature could include development of a smartphone app for visitors in addition to or in lieu of a physical sign or other structure adjacent to the memorial.
	The NPS and the District will consult in accordance with 36 CFR 800.6 if the DC SHPO determines that an adverse effect will result from any aspect of the Metro Memorial Project or any future project proposed on the portion or portions of Reservation 497 for which jurisdiction has been transferred.
Transportation	The District will monitor adjacent streets regarding parking availability; if warranted, the District will establish time-restricted parking zones on selected streets.
	The District will inform neighborhood residents of memorial events that are expected to have a large attendance through the placement of temporary signage in high-visibility locations; notification through mailings, email, and/or list serves; and announcements at community meetings and/or church services.
	The District will include messages about public transit (such as Metrorail access, Metrobus schedules, nearby bicycle routes, etc.) in literature publicizing the memorial.
Soils and Water Resources	An erosion and sediment control plan, to be implemented during construction, will be developed and approved by the District, pursuant to District Law 2-23 and the District's Soil Erosion and Sediment Control Program (District of Columbia, 1988). The erosion and sediment control plan will outline Best Management Practices (BMPs) to be implemented during construction. It will also look to reduce erosion of exposed soils, which will slow the rate that water leaves the site and will capture eroded soils and concentrated nutrients before entering the downstream water flow. Post-construction, stormwater will be directed to stormwater utilities via drop-inlets and other stormwater conveyance structures.
	During construction, BMPs will be developed to protect against potential groundwater contamination. These BMPs will include the implementation of proper onsite refueling techniques, the proper storing and handling of hazardous materials, and developing notification and containment procedures in the event of a spill. These BMPs will also provide protection to the overall quality of surface waters and will help ensure that any spills that may occur are contained and cleaned up prior to entering any ground or surface waters through either overland flows or stormwater conveyance systems. Any groundwater or surface water entering construction trenches will be pumped out of the trench and containerized. The contained trench water will be hauled, treated, and disposed in conformance with NPDES permits issued through the District.
	In accordance with the Stormwater Guide Handbook and 21 D.C. Municipal District Regulations, stormwater discharge generated on a newly developed site must be equal or below pre-development peak discharge. Prior to construction, a stormwater management plan would be developed for the construction and operation of the townhomes. This plan would address the increase in impervious surfaces and subsequent increases in overland runoff by incorporating stormwater control designs into the project to manage the rate at which runoff leaves the Project Area.
Visitor Use and Experience	As described in the EA, in order to mitigate adverse impacts on visitor use and experience resulting from a change from recreation to commemorative use, the District will extend water lines to the Blair Road Community Garden as part of the proposed South Dakota Avenue streetscape improvements.

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, the NPS preferred alternative, can be implemented without significant adverse effects. As defined in 40 CFR §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 that require analysis in an EIS: Cultural resources, visitor use and experience, transportation will experience both beneficial and adverse impacts; however, no significant impacts were identified that will require analysis in an Environmental Impact Statement (EIS).

The EA provides a detailed analysis on cultural resources for three broad cultural resource categories present in properties listed on or eligible for the National Register of Historic Places (National Register): historic sites, archeology, and cultural landscapes. The cultural resources that may be impacted by the project are included in the Area of Potential Effect (APE). One historic site and one cultural landscape are within the APE and are described in Chapter 3 of the EA. Implementation of the selected alternative will disturb an area between 5,000 and 10,000 square feet with a maximum excavation depth of five feet. This activity has the potential to result in moderate adverse impacts on archeological resources due to the potential for prehistoric, and in particular, historic archeological resources related to 19th-century domestic sites as well as Civil War activities at the site. To avoid or minimize impacts, a phased archeological survey will be conducted within the subject parcel(s) by professionals meeting the *Secretary of the Interior's Standards* and following the District's 1998 *Guidelines for Archaeological Investigations*, as amended. If National Register-eligible resources are identified and cannot be avoided, appropriate treatment will be determined in consultation with NPS and the DC SHPO prior to the commencement of any ground-disturbing activities. In addition, any archaeological collections, field notes, photos, digital and/or electronic data, related records, and GIS data generated by the project will be curated according to NPS standards and the archeological consultants will prepare the collections and records for curation following NPS guidance.

There will be a long-term minor adverse impact on the Fort Circle Park System/Civil War Defenses of Washington due to the alteration of the park system by changing the recreational use of the site from multi-purpose recreation to a commemorative feature; however, the selected action will not cause any direct impacts to the Civil War forts or alter their settings. Implementation of the selected action will cause long-term minor adverse impacts on the Civil War Defenses of Washington cultural landscape due to the changes in circulation patterns and land use of the cultural landscape.

In regards to visitor experience, the selected alternative will create beneficial impacts for visitors wishing to pay tribute to the victims of the Metrorail crash. There will also be long-term moderate adverse impacts on visitors wanting to use the site for recreational activities due to the change in land use from recreational to commemorative use.

The selected alternative will have long-term minor impacts on vehicular traffic and parking demand in the project area. The number of additional vehicle trips generated by the memorial will be minimal in comparison to the volume of existing traffic on the road network in the vicinity of the memorial site. Parking demand generated by visitors to the memorial will be short-term in length and minimal on most days, therefore the on-street parking currently available is sufficient to handle the increased parking demand except on days commemorating significant anniversaries of the event. The impacts to public transportation due to implementation of the proposed alternative will be negligible as the relatively few visitors arriving via public transit can be accommodated on existing transit routes. There will be long-term negligible adverse impacts to pedestrian circulation where sidewalks do not currently exist if these portions of the roadway are used for parking, as well as a slight increase in the risk to bicycle and pedestrian safety due to additional bicycle and pedestrian traffic. There will also be indirect long-term beneficial impacts on pedestrian connections, circulation and safety due to the proposed streetscape improvements on South Dakota Avenue.

Degree of effect on public health or safety: The selected alternative could result in impacts on both visitor and construction staff safety during construction activities at the site. Construction staging will be

conducted on the site. Temporary fencing or other barriers will be used to limit access to both the staging and construction areas during construction to mitigate risks to the public and staff.

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 wetlands, prime farmlands, wild and scenic rivers, ecologically critical areas, or significant historic or cultural resources occur within or adjacent to the site. The site is located outside of the 100- and 500-year floodplains. Therefore, none of these resources will be impacted by the actions associated with the selected alternative.

The NHPA Section 106 process was conducted concurrently and in coordination with the EA. This process led to a conditional assessment of *no adverse effect* on historic resources by the DC SHPO on June 17, 2013. The NPS and the District will continue to consult with the DC SHPO on the design for the memorial and any future proposed activities at the site.

Degree to which effects on the quality of the human environment are likely to be highly controversial: No highly controversial effects were identified, in terms of scientific uncertainties as a result of the transfer of jurisdiction or the establishment of the memorial, during the preparation of the EA or by the public during the public scoping and public comment periods.

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 were identified during the preparation of the EA or through the public scoping or public comment periods.

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 does not establish a precedent for future NPS actions with significant effects. It does not represent a decision in principle about a future consideration.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts: No significant cumulative impacts will occur as a result of the implementation of the selected alternative. Future actions and projects within the vicinity of the project area are described in the EA and include implementation of the *Fort Circle Parks Final Management Plan*, The Hampshires Development, and South Dakota Streetscape Improvements. These future actions and projects could affect cultural resources, visitor use and experience, and transportation. The selected action will not compound the effects of previous projects in this area.

The selected alternative has the potential to have moderate adverse impacts on archeological resources. Because the project sites are in close proximity and have similar histories, there could be moderate adverse cumulative impacts on archeological resources.

The selected alternative will have minor adverse impacts to the Fort Circle Park System/Civil War Defenses of Washington due to changes in recreational use. The South Dakota Avenue streetscape improvements would be consistent with streetscapes in the vicinity of the Fort Circle Park System/Civil War Defenses of Washington and would not alter any contributing features. The Hampshires development would not result in impacts to historic resources within the APE. When combined with these projects, the selected alternative will result in long-term minor adverse cumulative impacts to historic resources.

The selected alternative, through changes in circulation patterns and land use, will result in long-term minor adverse impacts on the Civil War Defenses of Washington cultural landscape. The South Dakota Avenue streetscape improvements will be consistent with streetscapes in the vicinity of the Civil War Defenses of Washington cultural landscape and would not alter any contributing features. The Hampshires development will not result in impacts on cultural landscapes within the APE. When combined with these projects, the selected alternative will result in long-term minor adverse cumulative impacts to cultural landscapes.

The impacts on visitor use and experience associated with the construction of new facilities in the vicinity of the project area, in conjunction with the impacts that will occur from implementation of the selected alternative, will result in long-term minor adverse cumulative impacts due to the change in recreational activities and learning about the site's role in the Civil War-era defense of Washington.

The selected alternative will have long-term minor adverse impacts on vehicular traffic and parking and long-term negligible adverse impacts on public transportation and bicycle and pedestrian circulation. The Hampshire development will generate new vehicular trips, but will not likely increase roadway congestion. The South Dakota Avenue streetscape improvements will have long-term beneficial impacts on vehicular parking and pedestrian connections, safety, and circulation by installing sidewalks and by formalizing the curbside. Taken together with the adjacent cumulative impact projects, the selected alternative will have long-term minor adverse cumulative impacts on transportation resources.

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: In the selected alternative, the memorial site is located within the Fort Circle Park System/Civil War Defenses of Washington historic site and the Civil War Defenses of Washington cultural landscape. The Section 106 process was used to define the APE and identify cultural resources within it. The Section 106 process analyzed the alternatives, determined effects of the selected alternative, and identified minimization and mitigation actions. The project will change the recreational use of the site within the Fort Circle Park System/Civil War Defenses of Washington from multi-purpose recreation to a commemorative feature. However, the remaining parklands will continue to connect the forts and remain a contiguous park system and the selected alternative will not cause any direct impacts to the Civil War forts or alter their settings.

The project will change circulation patterns exhibited by the Civil War Defenses of Washington cultural landscape and alter the site's recreational use. However, the remaining portion of the Civil War Defenses of Washington will continue to link the forts, and the use of the site as a memorial is not inconsistent with the overall educational, recreational, and special event uses of the Civil War Defenses of Washington cultural landscape or the area's designation as a Recreation Zone. The selected alternative will not alter the patterns of spatial organization, the response to the natural environment, topography, views and vistas, archeology, and structures that are contributing features of the Civil War Defenses of Washington cultural landscape.

Actions to comply with Section 106 of the NHPA occurred from February 15, 2015 to June 17, 2013 and resulted in a conditional finding of *No Adverse Effect* (attached); pending further consultation on the location and design of the proposed memorial with the DC SHPO and phased archeological survey work. If archeological resources are found, impacts to these will be mitigated by a program of archeological documentation and curation, as stipulated in the determination of no adverse effect. Documentation and curation of any archeological collections and records will be in accordance *Secretary of the Interior's Standards*, NPS curatorial requirements, and following the District's 1998 *Guidelines for Archaeological Investigations*, as amended along with further consultation with the DC SHPO.

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat: As described in the EA, the selected alternative is located in an urbanized area and the proposed activities will be located within a previously disturbed landscape. Therefore, no impacts to any state or federally listed species are expected from implementation of the selected alternative.

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 memorial will be consistent with all laws, regulations, and requirements.

PUBLIC INVOLVEMENT

Public involvement in this proposal included public scoping during the EA process and a public review of the EA. The public was invited to comment during initial public scoping, which occurred from February

14 to March 18, 2013. This process included a public scoping meeting, held on February 28, 2013. The public review of the EA occurred from June 27 to July 26, 2013.

The public outreach for this EA was accomplished via mailing public scoping notices to cooperating agencies and stakeholders. The NPS mailed copies of the EA to federal and District offices, and to members of the public who requested copies; hard copies of the EA were made available for public review. The scoping notice and the EA were also posted on NPS's Planning, Environment, and Public Comment (PEPC) website. In addition, meetings took place with stakeholders through the coordinated Section 106 and NEPA processes. The NPS and the District consulted with the DC SHPO, the National Capital Planning Commission (NCPC), and the U.S. Commission of Fine Arts (CFA). This consultation is ongoing.

During the EA review process, the NPS heard from one federal agencies and eight individuals and organizations. NPS responses to these comments are attached. Although the NPS considered the comments it received, and those comments that resulted in changes or additions to the EA are contained in the errata section. Overall, however, the comments prompted no changes to the selected alternative or the impact analysis.

CONCLUSION

The NPS has selected Alternative 2 for implementation. The impacts that result from the selected alternative (Alternative 2) will not impair any park resources or values necessary to fulfill specific purposes identified in the park's enabling legislation. 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. Adverse environmental impacts that could occur are negligible to moderate in intensity. There are no significant impacts to cultural resources, visitor use and experience, or transportation. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the selected alternative will not violate any federal, state, or local environmental law.

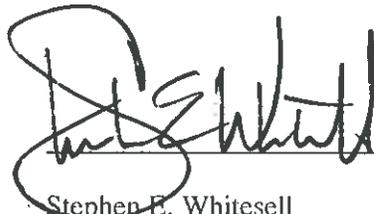
Based on the foregoing, it has been determined that an EIS is not required for this action and therefore will not be prepared. Based on the findings of the 2013 EA, this is a finding of no significant impact.

Recommended:

Tara D. Morrison
Superintendent
Rock Creek Park

August 16, 2013

Date

Approved:

Stephen E. Whitesell
Regional Director
National Capital Region

8.27.13

Date

NON- IMPAIRMENT DETERMINATION

NPS Management Policies 2006, Section 1.4.4 explains the prohibition on impairment of park resources and values: “While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.”

According to NPS *Management Policies, 2006*, Section 1.4.5, *What Constitutes Impairment of Park Resources and Values*, impairment is “an impact that, in the professional judgment of the responsible National Park Service Manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values.” It also states that “an impact to any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is

- necessary to fulfill specific purposes identified in the park’s establishing legislation;
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- identified in the park’s management plan or other relevant NPS planning documents as being of significance.

An impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated.”

Per section 1.4.6 of *Management Policies 2006*, park resources and values that may be impaired include:

- “The park’s scenery, natural and historic objects, and wildlife, and the processes and condition that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structure, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park’s role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.”

Section 1.4.7 of *Management Policies 2006* states, “[i]n making a determination of whether there would be an impairment, an NPS decision maker must use his or her professional judgment. This means that the decision-maker must consider any environmental assessments (EAs) or environmental impact statements (EISs) required by the National Environmental Policy Act of 1969 (NEPA); consultations required under Section 106 of the National Historic Preservation Act (NHPA); relevant scientific and scholarly studies; advice or insights offered by subject matter experts and others who have relevant knowledge or experience; and the results of civic engagement and public involvement activities relating to the decision.”

NPS Management Policies 2006 further defines “professional judgment” as “a decision or opinion that is shaped by study and analysis and full consideration of all the relevant facts, and that takes into account the decision maker’s education, training, and experience; advice or insights offered by subject matter experts and others who have relevant knowledge and experience; good science and scholarship; and, whenever appropriate, the results of civic engagement and public involvement activities relating to the decision.”

As described in the EA, implementation of the NPS preferred alternative will not result in impairment of 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.

This determination on impairment has been prepared for the preferred alternative described in Chapter 2 of this EA. An impairment determination is made for all resource impact topics analyzed for the preferred alternative. An impairment determination is not made for visitor use and experience or for park management and operations because impairment findings relate back to park resources and values. These impact areas are not generally considered to be park resources or values according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values.

The NPS has determined that implementation of the selected alternative will not result in impairment of park resources and values of the Civil War Defenses of Washington/Fort Circle Parks or Rock Creek Park, the National Park Service unit responsible for managing the preferred alternative site. In reaching this determination, the Metro Memorial Park EA was reviewed to reaffirm the park's purpose and significance, resource values, and resource management goals and desired future conditions. Based on a thorough analysis of the environmental impacts described in this EA, the public comments received, and the application of the provisions of *NPS Management Policies 2006*, the NPS concluded that the implementation of the preferred alternative will not result in impairment of any of the resources and values for which the park was established. Although the action alternative entails physical changes and would remove approximately 10,000 square feet of land out of Rock Creek Park jurisdiction, the preferred alternative would not substantially alter the project area's natural resources, would not alter historic fabric, and would be in keeping with NPS management policies and goals.

Cultural Resources

Archeology - There will be no impairment to archeological resources because of implementing the preferred alternative. The Potomac River Valley has a history of human occupation dating back at least 13,000 years. Due to the close proximity to an unnamed tributary to the east, there is a reasonable probability that prehistoric use of the area may be identified. During the Civil War, the U.S. Army planned and constructed 68 forts, including Fort Slocum near the preferred alternative site, which stretched over a 37-mile circle around the city. Because Civil War era trenches and other defenses were in place in the vicinity of the project area as well as encampments of soldiers assigned to the Defenses at Fort Slocum, the possibility of identifying features or recovering artifacts related to this period exists. Archeological resources at the site provide information about the history of the area, and are therefore necessary to the purpose and cultural integrity of the park.

The preferred alternative will involve excavation of approximately 5,000 to 10,000 square feet of land to a maximum depth of approximately five feet, which could result in moderate adverse impacts. At the current time, impacts to archeological resources cannot be fully evaluated because an archeological study at the site has not been completed, but will be completed prior to construction of the memorial. If archeological resources are encountered, archeological documentation and/or in-place preservation will occur, followed by publication of results to the scientific community and the public. All work will follow the "Guidelines for Archaeological Investigations in the District of Columbia" (1998, as amended), the "Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation" (1983), and Director's Order 28: Cultural Resource Management, resulting in *no adverse effect* under Section 106. Because such impacts to archeology could result in moderate adverse impacts, which, with mitigation, will have *no adverse effect* under Section 106, the selected alternative will not result in impairment of park resources.

Historic Structures and Districts - There will be no impairment to any historic structures or districts because of implementing the preferred alternative. The preferred alternative site is located within the Civil War Defenses of Washington/Fort Circle Parks. The memorial will include a sculptural element, plaza area, and landscaping within the approximately 10,000 square foot site. Overall, the preferred alternative will result in minor adverse impacts (*no adverse effect* under Section 106) on the Civil War Defenses of Washington/Fort Circle Parks due to changes in the recreational use of the site from multi-purpose recreation to a commemorative feature. Such changes in recreational use will be consistent with the *Fort Circle Parks Final Management Plan*. Because

impacts on historic structures and districts will be minor, the preferred alternative will not result in impairment.

Cultural Landscapes - There will be no impairment to cultural landscapes because of implementing the preferred alternative. A 1996 Cultural Landscape Inventory for the Civil War Defenses of Washington documents the overall cultural landscape consisting of the fortifications, supporting defense works, and associated features that formed an integral unit for defending the city. These resources are fundamental to the purpose of the Fort Circle Parks, as NPS is charged with preserving and interpreting historical resources related to the Civil War Defenses of Washington. This cultural landscape represents a key element of the Fort Circle Parks' cultural integrity and the visitor experience.

The preferred alternative will establish a memorial within the Civil War Defenses of Washington. The preferred alternative will change the circulation patterns exhibited by the Civil War Defenses of Washington cultural landscape by removing from NPS jurisdiction a portion of land north of the intersection of New Hampshire and South Dakota Avenues that comprises the land connecting the forts and by subsequently establishing a memorial. However, the remaining portion of the Civil War Defenses of Washington will continue to link the forts. The preferred alternative will not alter the patterns of spatial organization, the response to the natural environment, topography, views and vistas, archeology, and structures that are contributing elements of the Civil War Defenses of Washington cultural landscape. Because such impacts to the cultural landscape will be minor, the preferred alternative will not result in impairment of park resources.

Soils: The preferred alternative will not result in an impairment of soils. The land comprising the memorial site alternatives is relatively flat, with an overall elevation of about 36 feet above mean sea level. While construction-related activities will temporarily increase the potential of erosion, the preparation and implementation of a sediment control plan will minimize the short-term impacts and there will be negligible long-term effects on soils on the site. Although the proposed memorial will result in soil disturbance and excavation, short-term adverse impacts will be minor and will not harm the long-term integrity of the soils in the project area. Therefore, the preferred alternative will not result in impairment of park resources.

Vegetation: The preferred alternative will not result in impairment to vegetation in the project area. Although the preferred alternative is comprised entirely of vegetated area, it is not identified as a Natural Resource Zone in the *Fort Circle Parks Final Management Plan*. The existing vegetation is an established mixture of turfgrass that is not native to the Washington D.C. area, edged by a mix of trees and dense vegetation (including invasive species). Construction of the memorial will permanently remove up to approximately 16 trees from the site, as well as a portion of the turfgrass. In the context of the Washington, D.C. region, the amount of vegetation that will be disturbed or removed through development of the site will be negligible. Invasive species will be removed from a portion of the site. Both alternatives will include plantings and trees as part of their respective landscape plans. Because short-term impacts on vegetation will be minor and adverse and long-term impacts will be negligible, the preferred alternative will not result in impairment of park resources.

Water Resources: The preferred alternative will not result in impairment of water resources. There are no permanent bodies of surface water at the site. Groundwater is expected to be approximately 8 to 50 feet below surface grade at the site. The site currently contains no impervious surfaces.

The preferred alternative will increase the amount of impervious surface at the site, which will increase the amount of stormwater on-site. Stormwater will be retained on site using Low Impact Development measures. Groundwater will not be encountered at the site due to the excavation depth of five feet, which is three feet above the highest expected level. Overall, the impacts on water resources will be negligible and the preferred alternative will not result in impairment of park resources.

ERRATA SHEET

This Errata Sheet contains clarifications for and corrections to the 2013 Metro Memorial Park EA. The following changes to not alter the analysis in the EA.

Page 10, Line ___: Replace “Under Alternative 2, open space currently used for multi-purpose recreation...”
With “Under Alternative 2, open space currently available for multi-purpose recreation...”

COMMENTS

Comment #	Commenter	Affiliation/Address	Comment	Response
1	Barbara Rudnick	U.S. Environmental Protection Agency, Region III 1660 Arch St. Philadelphia, PA 19103	Page 1-18- explains that an Environmental Justice Analysis was not necessary for this project. EPA suggests that the Environmental Justice analysis should be a component of this EA for a variety of reasons. Documentation is not provided to support the conclusion that the populations at risk will not be affected by the project. There will be construction activities, dust, traffic disruptions, concerns about parking, noise, use of the facility, the appearance of the facility, operations, economic impacts, and a number of other key discussion points that will need to be discussed in the communities impacted by the project. Environmental Justice is as much about the appropriate involvement of community partners in decision making, and assuring that the public is adequately and appropriately engaged, as it is about environmental impacts. It seems reasonable to assume that an assessment should be done to identify at risk populations, community risks, needs, concerns, benefits, and level of awareness so that the project can be conducted in a manner that is protective, appropriate, and beneficial to the community in close proximity to the project activities as well as to the public at large. There should be a carefully constructed Environmental Justice Assessment conducted to assure that the community is heard, involved, informed and protected in the most appropriate manner.	As stated on Page 1-18, the EA notes that although there are residential populations in the immediate vicinity of the site, the proposed action would not affect the area’s demographic composition. Efforts were taken to inform residents, including environmental justice communities, about the project and its potential impacts. Scoping notices were mailed to over 200 organizations and individuals, including residences within a three-block radius of the site, the neighborhood civic associations, houses of worship, and the local Advisory Neighborhood Commissioners. Notice of a public scoping meeting was included in the public scoping notice. Comments were received at the scoping meeting from individuals, as well as written communication from the local civic association. Furthermore, notice of availability of the EA was mailed to each valid address and was made publically available. Within the development of the EA, comments raised by the community were specifically addressed in the document. The concerns raised by the community are identified on Page 1-14, including potential impacts to parking and use of the facility, and informed the selection of the selected alternative.
2	Barbara Rudnick	U.S. Environmental Protection Agency, Region III 1660 Arch St. Philadelphia, PA 19103	Page 1-22 - Wetlands are dismissed as a topic of concern, however no information is presented to document that they are not present at these sites. The EA states that the sites are in an urban setting and there are no indicators for the presence of wetlands. It is not clear that this determination was made by qualified personnel. Additional information should be provided.	The project site is not identified as a known wetland in the U.S. Fish and Wildlife Service National Wetlands Inventory, available at http://www.fws.gov/wetlands/Wetlands-Mapper.html . Furthermore, NPS natural resource staff have performed site visits and did not find indicators of wetlands.
3	Barbara Rudnick	U.S. Environmental Protection Agency, Region III	Page 2-10 states that "Under Alternative 2, open space currently	Comment noted. Errata sheet changed "Under Alternative 2, open space

Comment #	Commenter	Affiliation/Address	Comment	Response
		III 1660 Arch St. Philadelphia, PA 19103	used for multi-purpose recreation would be replaced by open space with a commemorative element. Page 2-11 states that Alternative 2 would not alter multi-purpose recreation space and community gatherings that occur within the Fort Circle Park; currently, it is not used by the community for recreation due to its small size and vegetation. The information presented on these two pages represents conflicting circumstances. Clarification should be provided.	currently used for multi-purpose recreation ..." on Page 2-10 to "Under Alternative 2, open space currently available for multi-purpose recreation ..."
4	Barbara Rudnick	U.S. Environmental Protection Agency, Region III 1660 Arch St. Philadelphia, PA 19103	Page 2-12 states that if during construction archeological resources are discovered, all work would be halted and if necessary consultation with appropriate agencies would occur. We suggest that consultation be initiated prior to construction activities.	Consultation regarding archeological resources has occurred as part of the Section 106 process, as identified on Page 4-10, and is ongoing. This mitigation measure specifically identifies measures to be undertaken if archeological resources are discovered during construction.
5	Barbara Rudnick	U.S. Environmental Protection Agency, Region III 1660 Arch St. Philadelphia, PA 19103	Page 2-14 relates to alternatives considered but dismissed. A table describing why the alternatives were dismissed would be helpful.	Comment noted.
6	Barbara Rudnick	U.S. Environmental Protection Agency, Region III 1660 Arch St. Philadelphia, PA 19103	Page -23 states that DDOT intends to make streetscape improvements to South Dakota Avenue. The schedule for this effort as it relates to the proposed project should be provided. In addition, the project team should coordinate closely with transportation agencies throughout the planning, design, and construction processes.	The streetscape improvements to South Dakota Avenue are anticipated to take place at the time of memorial construction in order to minimize disruptions. The project team will coordinate with DDOT during construction in order to address work in public space, including sidewalks and roadways.
7	Barbara Rudnick	U.S. Environmental Protection Agency, Region III 1660 Arch St. Philadelphia, PA 19103	Page 4-32 states the hours that construction would occur at the memorial. The total duration of construction activities should also be provided.	Construction of the memorial is anticipated to take twelve months.
8	Unaffiliated Individual	Washington, DC 2008	No memorial.	Comment noted.
9	Unaffiliated Individual	Warrenton, VA 20186	Accidents unfortunately happen everyday [sic] in this country and around the world. That does not mean a monument needs to be erected every time a tragic death occurs. The National Park budget is already stretched to its [sic] limit. It would divert funds that could be better put to use at parks of national significance.	As discussed on Page 1-20, NPS would transfer jurisdiction of the selected memorial site to the District, which would then own and operate the site. As a result, this project would not divert funds from National Park Service operations.
10	Unaffiliated	Arlington, VA 22204	The metro accident that killed nine people was a tragic, tragic accident. It was not due to an act of terrorism, nor	Comment noted.

Comment #	Commenter	Affiliation/Address	Comment	Response
	Individual		due to a deranged or mentally ill person who went on a killing rampage. Equally, tragic accidents happen all over the country, many times a year. Accidents such as this do not merit a memorial.	
11	Chris Wilson	Washington, DC 20395	We do not have the money for a memorial to be erected unless it is completely funded from private money. It should be considered under a fraud, waste, and abuse or frivolous spending outlook. We are unable to pay our workers, but we have the money for this? Outrageous.	Comment noted. See response above to Comment 9.
12	Delores A. Bushong	2030 Hamilton St. NE, Washington, DC 20018	I am concerned that trees would be removed with both alternatives, 3 from the Alternative 1 site and 16 trees from the Alternative 2 site. Although I am not opposed to the memorial, I am opposed to the removal of canopy trees in DC. Mayor Gray endorses a 40% tree canopy goal. At this point in time, the canopy is only 36%. Based on my concern for maintaining as much tree canopy as possible, I would urge you to consider Alternative 1 site for the memorial, and that you replace the three trees that would need to be removed with three canopy trees. Perhaps they could be incorporated with the design. Certainly, I would be more interested in visiting a memorial that has some shade. In the event that Alternative 2 is selected, I would urge you to incorporate the same number of trees in the design that will have to be removed. Perhaps some could be planted in the site that is not chosen for the memorial. Tree canopies provide so many benefits for those of us who call DC home: they help with storm run-off (important to me as a kayaker who uses both the Potomac and Anacostia Rivers and the Chesapeake Bay, they provide natural air conditioning, they provide oxygen, and they provide a link to nature and natural beauty. As a city dweller, the link to the natural world is very important.	Comment noted. Page 1-20 states that "up to approximately 16 trees from the Alternative 2 site" would be removed during construction. Because the exact design of the memorial is as yet undetermined, the EA identifies the estimated maximum number of trees to be removed. Page 1-20 also states that trees would be included in the landscape plan as it develops.
13	Astrid Joehnk	3113 12 th Street NW Washington, DC 20017	Good afternoon, I am a ward 5 resident and am very interested to be involved in the process of finalizing a great plan for the Metro Memorial Site. I very much appreciate the effort to give those who would like to reflect on the terrible accident in 2009, and to offer a peaceful space for families and friends to gather and to remember their loved ones.	Comment noted. See response above to Comment 12.

Comment #	Commenter	Affiliation/Address	Comment	Response
			<p>I hope that the design of the memorial will keep environmental aspects in mind.</p> <p>1) The natural features of our parks are important. Spending time in green surroundings reduces stress levels, which will enhance the desired experience especially at a memorial site.</p> <p>2) I understand that the current proposal would mean the loss of at least 3 trees on Alternative site 1 and the loss of at least 16 trees on Alternative site 2. Any healthy tree that is cut down is a huge loss in my mind. DC parks are an important part of our green infrastructure, providing valuable ecosystem services by purifying our water and cleaning the air. Large and small parks also break up urban heat islands, reducing summer temperatures and air conditioning costs. Cooler temperatures under trees in the summer would allow visitors to stay at the memorial site longer.</p> <p>So preferably I would support a plan that does not cut down any trees, or even better, would add trees. I think it would be a wonderful idea to plant some beautiful large long living shade trees in honor of the victims.</p> <p>The very least I hope these three points can be considered:</p> <ul style="list-style-type: none"> • planting trees on both Alternative 1 and 2 sites (regardless of what site is selected for construction) • constructing the memorial on Alternative 1 site • planting trees on Alternative 1 site (if Alternative 2 site is selected) <p>With increasing numbers of residents in the District, demand for parks calls for creative design to take advantage of pocket parks, circles and privately-owned open space. These smaller spaces can also be designed to provide essential services, such as storm water management and cooling shade.</p> <p>I appreciate the opportunity to express my hopes and ideas regarding this memorial site.</p> <p>Best regards,</p> <p>Astrid Joehnk Brookland Resident Casey Trees Volunteer and Tree</p>	

Comment #	Commenter	Affiliation/Address	Comment	Response
14	John T. Salatti	The Casey Trees Foundation 131 U St. NW Washington, DC 20001	<p data-bbox="756 163 841 193">Advocate</p> <p data-bbox="756 193 1094 638">As a Ward 5 resident and a Citizen Forester for the Casey Trees Foundation, I cannot emphasize enough the need for the National Park Service (NPS) to avoid the loss of any trees at the two sites under consideration for the Metro Memorial Park. Although the need is great for a proper place to remember the people killed or hurt during this accident and the trauma experienced by so many in the DC area, the NPS should go to great lengths not to sacrifice even a small amount of the District's weakened tree canopy. I urge the NPS to consider three points regarding our tree canopy.</p> <p data-bbox="756 667 1094 1062">First, since 1950, the amount of tree canopy in the District has dropped by almost a third. Although that trend has slowed in the last decade through concerted efforts of the District's Urban Forestry Administration and other entities like Casey Trees, the tree loss is significant. Moreover, because the District has been one of the most economically dynamic cities in the nation for over a decade, booming development continues to decimate the tree canopy in ways that cannot be countered. Thus, the loss of even a handful of trees is critical.</p> <p data-bbox="756 1092 1094 1486">Second, the District of Columbia and Mayor Gray have set laudable goals for keeping the District green through its initiative Sustainable DC. One of those goals is to increase the tree canopy from its current 35% coverage to 40% (still well below 1950's level of 50%). But even with the Urban Forest Administration planting some 4,000 trees per year, we are only marginally increasing our current canopy levels. Therefore, in addition to planting new trees, we need to retain and maintain as much of the existing tree canopy as possible.</p> <p data-bbox="756 1516 1094 1785">Third, although the overall city tree canopy number is 35%, in Ward 5 where the Metro Memorial Park will be, the figure is an even more dismal 28%. So reaching the Sustainable DC goal of 40% tree canopy is going particularly hard in Ward 5. Once again, this means Ward 5 can ill afford to lose any trees even to create an important memorial.</p> <p data-bbox="756 1814 1094 1885">Given this information, I reiterate my request that the NPS avoid tree loss in the effort to build this memorial.</p>	Comment noted. See response above to Comment 12.

Comment #	Commenter	Affiliation/Address	Comment	Response
			<p>I also offer the NPS some ways it can minimize damage to the tree canopy at the sites:</p> <p>(1) Design a memorial that is harmonious with the existing treescape. That is, integrate the trees on the site chosen into the design. (2) Construct the memorial on Alternative 1 site (where fewer trees are at risk) (3) Plant trees on Alternative 1 site (if Alternative 2 site is selected) (4) Plant trees on both Alternative 1 and 2 sites (regardless of what site is selected for construction)</p> <p>And any trees that are planted should be larger, more mature trees as opposed to very small wisps of a tree.</p> <p>Thank you for considering my request and suggestions. I look forward to the NPS's final decision about the site for this memorial and about its design.</p> <p>Sincerely, John T. Salatti</p>	
14	Susan K. Claffey	Alliance to Preserve the Civil War Defenses of Washington 1140 Connecticut Ave. NW Suite 1210 Washington, DC 20036	<p>In Re: Metro Memorial Park EA Comments of the Alliance to Preserve the Civil War Defenses of Washington</p> <p>The Alliance to Preserve the Civil War Defenses of Washington (the Alliance) is a private, non-profit association of people interested in the Civil War and historic preservation. The Alliance was incorporated as a District of Columbia (DC) non-profit corporation on June 13, 2008 and received its IRS Sec. 501(c)(3) tax exempt status on May 30, 2009. Our primary goal is to work to promote the preservation of the DC Fort Circle Parks (the Civil War Defenses of Washington) and to advocate for their best interests.</p> <p>We thank you for the opportunity to comment on the Metro Memorial Environmental Assessment. The District of Columbia has proposed the creation of a permanent memorial to honor the victims of, and first responders to, the 2009 Metrorail Red Line crash and has identified two sites, located east and north of the intersection of South Dakota Avenue NE and New Hampshire Avenue NE, for its location. Both of the sites are located on lands that are part of the Civil War Defenses of Washington (CWDW) and owned on behalf of the citizens of the United States by the National Park Service (NPS) and administered by its administrative unit at Rock Creek Park. It is proposed that</p>	<p>In order to minimize and mitigate potential impacts on archaeological resources, a phased archaeological survey will be conducted within the subject parcel, as identified through the Section 106 process.</p> <p>As described on Page 2-14, the District-owned properties considered for the memorial location did not meet the criteria for potential memorial locations.</p> <p>The location of a memorial at the sites considered in this EA would not be inconsistent with the purpose of the connecting corridor, as stated in the 2004 Fort Circle Management Plan. The memorial would not disrupt the existing hiking or biking route within the park, as shown on Page 3-24.</p> <p>The NPS has evaluated the transfer of jurisdiction in response to a request from the District of Columbia and is not part of an ongoing effort to release "surplus properties" for development.</p> <p>Because this action is a transfer of jurisdiction rather than a transfer of ownership of the property, the transfer does not require Congressional approval. In addition, the District of Columbia has its own guidelines for establishing memorials that do not require Congressional approval.</p>

Comment #	Commenter	Affiliation/Address	Comment	Response
			<p>NPS transfer jurisdiction of the selected parcel to the District for the proposed memorial.</p> <p>This Environmental Assessment (EA) presents two action alternatives considering the pros and cons of the two proposed locations and a No Action Alternative. The action alternatives would place a plaza, landscape, and sculptural element on NPS property. Alternative 1 would place the memorial east of the intersection of South Dakota and New Hampshire Avenues, while Alternative 2 would place the memorial north of this intersection. No on-site parking would be provided under either of the action alternatives.</p> <p>The Alliance opposes the transfer of jurisdiction to the District of Columbia of either proposed location and supports the No Action alternative. Although the Alliance has no objection to the erection of a memorial to the crash victims, it does strongly oppose that memorial being erected on CWDW property. The Alliance is dismayed, but not surprised, that the NPS is in support of Alternative 2, one of the action alternatives. This stance by NPS is a continuance of its sad history of surrendering its responsibility to provide protection to the CWDW and the cultural resources under its care.</p> <p>Release of NPS jurisdiction over either of the parcels in question is just another injury in a series of NPS inflicted wounds to the CWDW-the forts and the properties and parcels acquired to connect them. For example, the NPS is currently attempting to transfer a parcel of its property at Fort Lincoln to the District for the development of townhouses. Several years ago, the NPS was remiss in its stewardship of and advocacy for Fort Stevens and allowed a height exception for a development at Emory Church, directly adjacent to Fort Stevens, to go unopposed. These are just the most recent examples of its lack of concern for the properties in its care.</p> <p>As noted in the EA, Civil War era trenches and other defenses were situated in the vicinity of both proposed properties as well as the camps of soldiers assigned to Fort Slocum. The strong possibility exists to identify features or recover artifacts related to the Civil War. That alone is</p>	

Comment #	Commenter	Affiliation/Address	Comment	Response
			<p>reason enough to oppose the memorial's location on the proposed parcels. As stated in the EA, the District has several of its own properties that could be used for the memorial or it could purchase a suitable site, if it truly believes that none of its existing properties are appropriate. Perhaps the District simply perceives it to be "free property for the taking" and the NPS is agreeable because it is a way to rid itself of the need to maintain the property.</p> <p>Additionally, any transfer of jurisdiction or property from NPS just adds to the decades long practice of transferring parts of the CWDW's "Connecting Corridor Zone." With NPS looking to offload "surplus properties," we anticipate that the Fort Lincoln and Fort Slocum transfers will become a torrent of divestitures of the green corridor connecting the forts. The purpose of the corridor, as stated in the 2004 Fort Circle Management Plan, is to allow a visitor to walk or bike along a well-maintained paved road, sidewalk, or designated trail that connect the circle of historic forts. The Alliance believes that situating the memorial on any of the connecting corridor properties potentially violates NPS's own management plan.</p> <p>Finally, a party was recently interested in erecting a statue of Abraham Lincoln at Fort Stevens. The party was advised by the NPS that it would take "an act of Congress" to get permission to install any such "memorial." The Alliance suggests that both the NPS and the District also need to seek an act of Congress for the Metro memorial.</p> <p>Respectfully Submitted, The Alliance to Preserve the Civil War Defenses of Washington By: Susan Claffey Its President Date: July 26, 2013</p>	

C. DETERMINATION OF EFFECT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
STATE HISTORIC PRESERVATION OFFICER



June 17, 2013

Ms. Tara D. Morrison, Superintendent
National Park Service
National Capital Region
Rock Creek Park
3545 Williamsburg Lane, NW
Washington, DC 20008-1207

RE: Metro Memorial Park; Reservation 497

Dear Ms. Morrison:

As you may recall, we wrote to you on March 28, 2013 to provide our initial comments regarding the potential effects that the above-referenced undertaking could have on historic properties. Since that time, we participated in a follow-up meeting to discuss the project in more detail with representatives from the National Park Service, other District agencies and the project consultant team. Based upon the results of that meeting, we are writing to provide additional comments in accordance with Section 106 of the National Historic Preservation Act and the National Environmental Policy Act.

Our initial letter was based upon the notion that the undertaking involved the transfer of a portion, or portions, of Reservation 497 to the District of Columbia so that a permanent memorial can be constructed to honor the victims of the 2009 MetroRail Red Line accident. However, we now understand that the undertaking will consist of a transfer of jurisdiction only, and that the underlying land will remain in federal ownership.

Although construction of the memorial will have effects on the National Register of Historic Places-listed Fort Circle Park System/Civil War Defenses of Washington and any archaeological resources that may be present, we do not anticipate that any such effects are likely to be "adverse." In particular, we no longer consider 36 CFR 800.5(2)(vii) to be applicable to this undertaking.

Therefore, we have determined that the transfer of jurisdiction and construction of the Metro Memorial will have "no adverse effect" on historic properties, provided that the following conditions are met:

1. The NPS and/or the responsible District agency will consult further with our office regarding the location and design of the proposed memorial and will incorporate our comments into the design to the maximum extent feasible;
2. Phased archaeological surveys will be conducted within the subject parcel(s) by professionals meeting the *Secretary of the Interior's Standards* and following the District's 1998 *Guidelines for Archaeological Investigations*, as amended. If National Register of Historic Places-eligible resources are identified and cannot be avoided, appropriate treatment will be determined in consultation with NPS and SHPO prior to starting any ground-disturbing activities.

1100 Jth Street, SW, Suite E650, Washington, DC 20024 Phone: 202-442-7600, Fax: 202-442-7637

Ms. Tara D. Morrison
Metro Memorial Park, Reservation 497
June 17, 2013
Page 2

3. Any archaeological collections, field notes, photos, digital and/or electronic data, related records, and GIS data generated by the project will be curated by the NPS and the archaeological consultants will prepare the collections and records for curation following NPS guidance.

4. The NPS will consult in accordance with 36 CFR 800.6 if the SHPO determines that an adverse effect will result from any aspect of the Metro Memorial Project, or any future project proposed on the portion or portions of Reservation 497 for which jurisdiction has been transferred.

If you should have any questions regarding the historic built environment, please contact me at andrew.lewis@dc.gov or 202-442-8841. Questions related to archaeological resources should be directed to Ruth Troccoli at ruth.troccoli@dc.gov or 202-442-8836. Otherwise, thank you for providing this opportunity to review and comment.

Sincerely,

C. Andrew Lewis
Senior Historic Preservation Specialist
State Historic Preservation Office

13-105

1100 Jth Street, SW, Suite E650, Washington, DC 20024 Phone: 202-442-7600, Fax: 202-442-7637